Overseas and Other Clergy (Ministry and Ordination) Measure 1967

1967 No. 3

1 Permission for overseas clergymen to officiate.

(1) If any overseas clergyman desires to officiate as priest or deacon in the province of Canterbury or York, he may apply to the Archbishop of the province in which he desires to officiate for written permission to do so.

(2) The Archbishop may, on any such application, grant the permission either without limitation of time or, if he thinks fit, for a limited period specified in the permission, and thereupon, subject to any such limitation of period, the overseas clergyman shall possess all such rights and advantages and be subject to all such duties and liabilities as he would have possessed and been subject to if he had been ordained by the bishop of a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure).

(3) Where a permission is granted for a limited period, a further permission, either temporary or permanent, may be granted by the Archbishop of the same province.

(4) Any permission **[**[F1]or any instrument under subsection (5A) revoking a permission**]** granted under this section shall be registered in the registry of the province.

(5) An application for a permission under this section shall be made on a form approved by the Archbishops of Canterbury and York.

[[F2](5A) The Archbishop of the same province may, if he considers that there is any cause which appears to him to be good and reasonable, revoke, in writing, a permission granted to an overseas clergyman under this section, unless—

(a) the clergyman is a freehold incumbent or, at that time, holds office under Common Tenure, or

(b) the matter which constitutes a good and reasonable cause is a matter for which a censure of deprivation under section 49(1)(a) of the Ecclesiastical Jurisdiction Measure 1963 or a penalty under section 24(1)(a), (c) or (d) of the Clergy Discipline Measure 2003 or a penalty of removal from office or

prohibition for life under section 30 or 31 of that Measure could be, but has not been, imposed.**]**

(6) It shall be an offence against the laws ecclesiastical, for which proceedings may be taken under **[**[F3]the Clergy Discipline Measure 2003**]** for any overseas clergyman to officiate as priest or deacon in the province of Canterbury or York otherwise than in accordance with a permission granted under this section, and for any clergyman knowingly to allow such an offence to be committed in any church in his charge.

(7) Nothing in this section shall prevent an overseas clergyman who is a deacon from being ordained priest by the bishop of a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure), and the last foregoing subsection shall not apply in any such case.

Textual Amendments

F1 Words in s. 1(4) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), **ss. 8(2)(a)**, 21(2); S.I. 2014/1369, art. 2

F2 S. 1(5A) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), **ss. 8(2)(b)**, 21(2); S.I. 2014/1369, art. 2

F3 Words in s. 1(6) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 3 para. 7(a)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

Modifications etc. (not altering text)

C1 S. 1(2) excluded by Church of England (Ecumenical Relations) Measure 1988 (No. 3, SIF 21:1), **s. 4**

[[F4]1A General permission to overseas clergymen to officiate

(1) Without prejudice to section 1 of this Measure, the Archbishop of either province may, by an instrument in writing, grant, in accordance with the following provisions of this section, a general permission to overseas clergymen to officiate as priest or deacon in that province.

(2) A permission granted under this section shall specify—

(a) the class or description of overseas clergymen to which it relates,

(b) the functions, or class or description of functions, which any clergyman may exercise in accordance with the permission, and

(c) the duration of the permission.

(3) A permission granted under this section may be for an indefinite period or for such period as is specified in the permission and, where it is granted for a limited period, may be extended by a further permission, either for an indefinite or for a limited period.

(4) A clergyman may not, in accordance with any permission granted under this section, solemnize or publish the banns of a marriage.

(5) The Archbishop of either province may, at any time, amend or revoke a permission granted by him under this section by a further instrument in writing.

(6) No overseas clergyman may hold office under Common Tenure, unless he has a permission to officiate under section 1 of this Measure.

(7) Subject to subsections (4) and (6) of this section, a clergyman who officiates under a permission granted under this section shall, when exercising any function to which the permission relates,—

(a) be in the same position as if he had been granted permission to officiate under section 1 of this Measure, and

(b) for the duration of the permission, possess the same rights and advantages, and be subject to all such duties and liabilities, as he would have possessed and been subject to if he had been ordained by a bishop in a diocese in the province of Canterbury or York (otherwise than under section 5 of this Measure).

(8) Section 1(4) of this Measure shall apply to a permission granted under this section or an instrument amending or revoking such a permission as it applies to a permission granted or any instrument revoking a permission under that section and the reference in section 1(6) to a permission granted under that section shall include a reference to a permission granted under this section.**]**

Textual Amendments

F4 S. 1A added (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), **ss. 8(3)**, 21(2); S.I. 2014/1369, art. 2

2 Dispensing with oath of allegiance on admission of overseas clergymen.

Where any overseas clergyman to whom permission has been granted under section 1 of this Measure is not a citizen of the United Kingdom and Colonies, and he is to be admitted to a benefice or other office to which section 5 of the [M1]Clerical Subscription Act 1865 applies, the bishop by whom he is to be admitted may dispense with the taking of the oath of allegiance.

Marginal Citations

M1 1865 c. 122.

3 Application to clergymen episcopally ordained in other Churches.

The foregoing provisions of this Measure shall apply to any person who has been episcopally ordained priest or deacon in a Church not in Communion with the Church of England whose Orders are recognised and accepted by the Church of England and desires to officiate as priest or deacon in the province of Canterbury or York, in like manner as they apply to an overseas clergyman.

4 Performance of episcopal functions by overseas bishops.

(1) An overseas bishop or a bishop consecrated in a Church not in Communion with the Church of England whose Orders are recognised and accepted by the Church of England may, on the request and by the commission in writing of the bishop of a diocese in the province of Canterbury or York, and with the consent and licence in writing of the Archbishop of the province, ordain persons and perform other episcopal functions in that diocese.

(2) For the purpose of this Measure any person ordained priest or deacon by a bishop acting on such request and by such commission as aforesaid shall be deemed to have been ordained by the bishop making the request and issuing the commission and not by the bishop acting as aforesaid.

(3) If any overseas bishop performs any episcopal functions in a diocese in the province of Canterbury or York, otherwise than in accordance with this section, he shall be guilty of an offence against the laws ecclesiastical for which proceedings may be taken under **[**[F5]the Clergy Discipline Measure 2003**]**.

Textual Amendments

F5 Words in s. 4(3) substituted (1.9.2018) by Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (No. 3), s. 99(2), **Sch. 3 para. 7(b)** (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

5 Ordination of clergymen for ministry overseas.

(1) Any bishop of a diocese in the province of Canterbury or York, on receiving a request from the bishop of an overseas diocese that he should ordain as priest or deacon a person named in the request, with a view to his exercising his ministry in the overseas diocese, may ordain that person in pursuance of that request and shall endorse on his Letters of Orders that he has been ordained under this section in pursuance of the request of the overseas bishop concerned.

(2) Where any person who is to be ordained under this section is not a citizen of the United Kingdom and Colonies, the bishop who is to ordain him may dispense with the taking of the oath of allegiance.

(3) Where it is desired that a person ordained under this section should exercise his ministry for a limited period in the province of Canterbury or York before proceeding overseas, the power of the Archbishop to grant a temporary permission under section 1 of this Measure shall be applicable.

6 Interpretation.

(1) In this Measure, unless the context otherwise requires—

"admission" includes institution and induction, collation, licence and any other process by which a person becomes the incumbent of a benefice or the holder of any other ecclesiastical preferment and "admit" shall be construed accordingly;

"Archbishop" and "bishop" include the commissary of the Archbishop or bishop and also include, if the see of Canterbury or York is vacant, the other Archbishop and his commissary or, if any other see is vacant, the Archbishop of the province and his commissary;

"overseas bishop" means a bishop of the Church of England or a Church in Communion with the Church of England having a diocese or office elsewhere than in the province of Canterbury, the province of York, Ireland, Wales or Scotland, and "overseas diocese" means the diocese of an overseas bishop;

"overseas clergyman" means a clergyman who has been ordained priest or deacon by an overseas bishop or under section 5 of this Measure.

(2) If any question arises whether, for the purposes of this Measure, a Church is in Communion with the Church of England or whether the Orders of any Church are recognised and accepted by the Church of England, it shall be determined by the Archbishops of Canterbury and York, whose decision shall be conclusive.

7 Repeal and transitional provisions.

(1) The [M2] Ordination of Aliens Act 1784, the [M3] Ordinations for Colonies Act 1819, the [M4] Colonial Bishops Act 1852, the [M5] Colonial Clergy Act 1874, exept section 12 thereof (which enables Archbishops,in consecrating bishops who are to exercise episcopal functions overseas to dispense with the oath of due obedience), and section 7 of the [M6]Clergy (Ordination and Miscellaneous Provisions) Measure 1964, are hereby repealed.

(2) An ordination under either of the two first-mentioned Acts shall be deemed for the purposes of this Measure to be an ordination under section 5 of this Measure.

(3) A request or commission under the [M7]Colonial Bishops Act 1852 shall be deemed for the purpose of this Measure to have been made or issued under section 4 of this Measure.

(4) A written permission granted under section 3 of the [M8]Colonial Clergy Act 1874 which is in force at the commencement of this Measure shall continue in force for the remainder of the period for which it was granted and shall be deemed for the purpose of this Measure to be a temporary permission granted under section 1 of this Measure, and a licence granted under section 5 of the said Act shall continue in force and be deemed to be permanent permission granted under the said section 1.

Modifications etc. (not altering text)

C2 The text of s. 7(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C3 In s. 7(1) the "two first mentioned Acts" are Ordination of Aliens Act 1784 (c. 35) and Ordinations for Colonies Act 1819 (c. 60)

Marginal Citations

M2 1784 c. 35.
M3 1819 c. 60.
M4 1852 c. 52.
M5 1874 c. 77
M6 1964 No. 6
M7 1852 c. 52.
M8 1874 c. 77.

8 Short title.

This Measure may be cited as the Overseas and Other Clergy (Ministry and Ordination) Measure 1967.

Changes to legislation:
There are currently no known outstanding effects for the Overseas and Other Clergy (Ministry and Ordination) Measure 1967.