



**Chancery Training Day
Wednesday, 11th March 2020**

Agenda:

- 1030: Coffee and Arrivals**
- 1100: Welcome and Notices**
- 1110: Preparing for Marriages I**
- 1150: BREAK**
- 1200: Preparing for Marriages II**
- 1230: Parochial Registers and Archives**
- 1300: Questions**
- 1315: LUNCH**
- 1400: Preparing for RCIA**
- 1430: END**

Session One: Preparing for Marriages

- **Paperwork basics:**

- The paperwork for marriage is to be done in the parish in which at least one of the parties resides. If the parties live separately they can choose to do the paperwork in either parish, not both (unless it is a one party application). Given that some (if not most) couples co-habit before marriage this means that independent of where the parties plan to marry, the paperwork needs to be done in the home parish.
- Problems arise when those not regularly practicing don't realise there is paperwork to be completed in the home parish and, if they are marrying outside the home parish/diocese, the cleric who is marrying them doesn't mention anything. Perhaps parishes will consider a biennial announcement/notice to remind couples and families of this.
- The Chancery Office will not process marriage papers sent in more than six months in advance of the wedding date. In the peak season it may not be possible to process papers sent in fewer than six to eight weeks before the wedding date. Please contact us in advance of sending in these papers.
 - Please note that this does not mean that parishes shouldn't start the paperwork more than six months before the wedding date. There have been situations where previous marriage could have been noticed and dealt with appropriately, but were not due to the timings.
- Whilst papers do sometimes need to be processed more quickly, please speak to the Chancery team before making any promises on how quickly the papers can be processed.
- Paperwork may be dealt with separately to the spiritual preparation for marriage.
- The responsibility for the spiritual preparation for marriage is shared between the cleric marrying the parties and their parish priest(s); therefore, the cleric preparing the paperwork should ensure that some spiritual preparation is to take place, he should check who is doing it, and what it might involve. A question for



the cleric preparing the paperwork for marriages abroad should always be who is doing the spiritual preparation.

- The Diocesan Marriage Preparation Policy recommends six instructions, please note that undertaking a FOCCUS course does not replace the marriage preparation.
- **Do not set a wedding date if there has been a previous marriage.**

- **Marriages in England and Wales:**

- If a (1) wedding (not a convalidation) is taking place in England or Wales and (2) no dispensation or permission is required from the Chancery the papers may be sent directly from parish to parish, without the involvement of the Chancery. However, should clergy wish they can send them into the Chancery for us to check.
- In all other cases (including convalidations) the relevant paperwork must be sent to the Chancery within the time period. The cleric sending the papers in should receive confirmation of receipt of the papers and then confirmation the papers have been processed. Please try not to contact the Chancery to chase up the papers unless the wedding is within four weeks and you have not received confirmation from us.
- You may wish to retain a copy of the paperwork before sending it on to us, in case any queries arise, as papers sometimes go astray.
- Once the papers have been processed they will be returned to the parish, to be kept securely in the parish or forwarded to the diocese of marriage.
- It is the responsibility of the cleric marrying the parties to ensure notification of the marriage is sent to the parish of baptism for the Catholic party/parties.
- It is the responsibility of the parties to see the local registrar and obtain the Superintendent Registrar's Certificate for Marriage (the 'blue forms'). Without these the parties will not be able to marry civilly. N.B. Civil procedure due to change.
- Please use the relevant correct (new) diocesan form(s) and include all paperwork. Do not send papers in to be processed until all the necessary documents are included, unless you speak to us beforehand.
- **Do not set a wedding date if there has been a previous marriage.**

- **Marriages taking place in Ireland:**

- Use the relevant diocesan form(s), including all necessary paperwork.
- Include a copy of the local Irish Registrar's receipt of notification to marry (the 'green form'). It is the responsibility of the couple to obtain this.
- When the papers have been processed we will: forward the marriage papers to the relevant diocese; write to the couple to inform them and give them the relevant reference numbers; send you an e-mail to confirm.
- Marriages in NI and Scotland are treated as 'foreign' marriages, with the exception that the couple will not be sent a copy of the documents. The couple will receive a confirmation letter that the papers have been sent



- **Do not set a wedding date if there has been a previous marriage.**

- **Marriages taking place abroad (excluding Ireland):**
 - Use the relevant diocesan form(s), include all necessary paperwork. If the couple are to be civilly wed shortly before the wedding abroad, we will process the papers **before** receiving a copy of the civil wedding certificate. Couples should take a copy of the marriage certificate with them.
 - **Include translations of documents not in English.** Please contact the Chancery if unsure, but checking the details on documents not in English adds lots of time and papers may be sent back to the parishes for translations to be included. The diocese where the wedding is to take place may require notarised/authenticated translations of certain documents, we may be unable to tell you if that is the case.
 - It may be helpful to ask the couple when they will meet the cleric marrying them, this will help to give you some idea of how much contact they will have. You might also ask the parties to ask the cleric if the Diocese of Marriage has any particular requirements (Sacrament of Confirmation/certificates/etc.).
 - When the papers have been processed we will: forward the papers to the relevant diocese; post an authenticated copy of the papers to the parties (in case of loss or delay); e-mail you to confirm.
 - **Do not set a wedding date if there has been a previous marriage.**

- **Permissions and Dispensations:**
 - Permission for Mixed Marriages (c. 1125):
 - This permission is required for liceity not validity.
 - Parish priests (incl. priests in charge), **not** assistant priests, may grant permissions for marriages between a baptised Catholic and a baptised non-Catholic **only if**:
 - the Catholic party (at least) resides within the territorial boundaries of the parish;
 - the permission is for mixed religion (c. 1125) alone, not alongside another permission/dispensation (such as convalidation);
 - the marriage is to take place in the parish itself.
 - The (new) supplementary application form is to be used on each occasion, which should be kept with the counterfoils.
 - The top copy should be filed with the marriage papers.
 - **We advise that parish priests apply to the Chancery for these permissions.** When the Chancery grants such permissions a dispensation from disparity of cult is ordinarily also issued *ad cautelam*. This means that if for some reason the non-Catholic party did not receive a valid baptism the marriage is still valid. As a dispensation from disparity of cult is required for validity (c. 1086).



- **You must apply to the Chancellor if the permission is being sought alongside a convalidation, dispensation from canonical form, or if the marriage is taking place outside the parish.**
- This permission will ordinarily be given if the cleric applying supports the application, the promise is made and understood by the Catholic party, and understood and not objected to by the non-Catholic party. **No wedding date** is to be set if the non-Catholic party objects to the promise of the Catholic party.
- The priest preparing the couple should ensure the non-Catholic party understands and accepts the essential elements of marriage (exclusivity, permanence and openness to children).
- *Ec. Dir. 159: Because of problems concerning Eucharistic sharing which may arise from the presence of non-Catholic witnesses and guests, a mixed marriage celebrated according to the Catholic form ordinarily takes place outside the Eucharistic liturgy. For a just cause, however, the diocesan Bishop may permit the celebration of the Eucharist.*
- **Do not set a wedding date if there has been a previous marriage.**
- Dispensation from Disparity of Cult (c. 1086):
 - Also known as ‘Disparity of Worship’.
 - Permission required for validity.
 - This is for a baptised Catholic to marry a non-baptised person.
 - This permission will ordinarily be given if the cleric applying supports the application, the promise is made and understood by the Catholic party, and understood and not objected to by the non-Catholic party. **No wedding date** is to be set if the non-Catholic party objects to the promise of the Catholic party.
 - The priest preparing the couple should ensure the non-Catholic party understands and accepts the essential elements of marriage (exclusivity, permanence and openness to children).
 - It should also be explained to the parties that the marriage will not be sacramental (c. 1055).
 - **Do not set a wedding date if there has been a previous marriage.**
- Dispensation from Canonical Form (c. 1127.2)
 - Required for validity.
 - This dispensation is not possible for two Catholics.
 - For parties to marry without a Catholic rite required by c. 1108 (not to be confused with marrying in a Catholic rite outside a Catholic Church).
 - “Grave reasons” are required by universal law, the Bishops’ Conference has stated such reasons include:
 - the spiritual well-being of the parties, especially if the non-Catholic party is attached to the familial faith;
 - the tranquillity and peace of their personal or family relationships;



- a special relationship that the non-Catholic party has to a minister or non-Catholic place of worship.
- If the proposed marriage is to take place outside of the Diocese the local Ordinary will be consulted.
- It is necessary, for validity, that there be some public rite (c. 1127.2).
- It is not permitted to have two religious celebrations of the same marriage, “for the purpose of giving or renewing matrimonial consent” (1127.3), nor is it permitted to have a service in which a Catholic and non-Catholic minister together ask for consent (1127.3).
- Such dispensation will ordinarily be given if the reasons above are fulfilled, if the applying cleric supports the application, and (if taking place outside the Diocese) the local Ordinary does not object.
- Dispensation will not ordinarily be given for a non-Christian rite, unless the situation is truly exceptional. It may be suggested to have a civil wedding followed by a convalidation.
- **Please contact the Chancery before setting a date if any concerns arise.**
- **Do not set a wedding date if there has been a previous marriage.**
- Convalidation (cc. 1156-1159):
 - What we commonly refer to as ‘convalidations’ are ordinarily marriages involving a Catholic which took place without canonical form (c. 1108) and the required dispensation (c. 1127.2). This could include wedding in a Register Office, a ceremony in a non-Catholic rite, or a Traditional/Tribal/Customary wedding.
 - At the moment there are two different forms. To request permission for a convalidation alongside a permission or dispensation use the Supplementary Application Form, to request for a convalidation between two Catholics use the ‘Simple Convalidation’ form.
 - A copy of the wedding certificate must be included.
 - **Do not set a wedding date if either party was married before the marriage they wish to convalidate.**
- *Sanatio in radice* (cc. 1161-1165):
 - An act making a marriage valid, which was originally invalid due to a diriment impediment or lack of canonical form, without a renewal/new consent.
 - Generally used in situations where a convalidation is not possible because one party refuses or is unable to renew consent (*de nudo*). A party may be unable to give consent if he resolutely and absolutely believes the marriage was valid from the beginning.
 - Can also be used in situations where a diriment impediment, such as disparity of cult, was not dispensed and can be dispensed by the local Ordinary. For grave reasons the marriage may be validated without the knowledge of the parties (c. 1164). This may apply in a situation where



(through no fault of the couple) faculties were not given or requested, or where a dispensation required *ad validitatem* was not requested.

- The applying cleric should attest that it is probable that the parties intend to persevere in conjugal life (c. 1161.1).
- **This may not be given if either party is not free to marry (divorced and remarried, for instance).**
- For consanguinity and *cohabitation fraterna* see Chancery Procedures handbook.
- **Previous Marriages**
 - See presentation.
 - **It should be noted that all marriages are presumed valid, and canonical form only applies to Catholics** (and the Eastern Orthodox, in a sense). Other baptised non-Catholics and the unbaptised may marry in any manner which manifests consent, whether religious/secular/tribal/traditional or anything else.
 - **Do not think or say that the Catholic Church only recognises marriages in a Church.**

Session Two: Parochial Registers and Archives

- In addition to the notes circulated by Fr Stewart Foster (which will also be uploaded to the Chancery resources page) we would like to highlight the following.
- The following are to be kept according to canon law:
 - Registers of Baptism, Confirmation, Marriage and Death (Can. 535 §1; 895)
 - Register of the Reception of Converts (*Briefing 85*, p. 114; cf. c. 535¹)
 - Register of Burials in a Parish Cemetery (*Briefing 85*, p. 114; cf. c. 535²)
 - Registers of Foundation Masses and other obligations (Can. 1307 §2)
 - Parish account books (Can. 1284 §7)
 - Registers of Catechumens (Can. 788 §1)
 - Title deeds, insurance policies and other papers relating to temporal goods (Can. 1284 §9)
 - Papers relating to Marriage Preparation (Can. 1066-1070)
- I will only here deal with the baptismal register, for other registers please contact us or Fr Stewart directly.
- What is to be entered in the baptismal register (c. 877.1):
 - It is the responsibility of the parish priest “carefully and without delay” to ensure that the correct details are entered into the register. The responsibility remains with the parish priest even if the baptism is performed by a priest associated with an ethnic chaplaincy. The process whereby priests connected to ethnic (or other) chaplaincies regularly baptise children and only notify the parish a couple of times a year is not permitted, as it can cause errors in the baptismal register.
 - The CIC states the following are to be recorded:
 - Name of baptised;

¹ Required by the CBCEW.

² Required by CBCEW.



- Minister of the sacrament;
 - Parents of baptised³;
 - Sponsor(s)⁴;
 - Witness⁵;
 - Place and date of baptism;
 - Date and place of birth.
- The following **must** be added to the baptismal record:
- Ascription to another (that is non-Latin) ritual church (CCEO c. 296.2);
 - Change of rite (c. 535.2)
 - Confirmation (c. 535.2);
 - Marriage (incl. convalidation) (c. 535.2);
 - Legitimate dissolution of marriage (Petrine privilege);
 - Annulment and vetita (c. 1685);
 - Public profession of permanent vows (c. 535.2);
 - Reception of sacred orders (c. 535.2).
- Adoption (c. 110, 877.3)⁶:
- If the baptism occurs after adoption only the names of the adopted parents (not natural parents) are to be recorded. No mention of adoption is to be made in the entry or marginal notes.
 - If the baptism occurred before adoption, a new baptismal entry is made (with marginal notes in each) with the names of the adopted parents listed, any baptismal certificates are to be made from the new entry with no mention of the marginal note or adoption.⁷
 - Adoptive parents include **all** legal adoptions (incl. same-sex adopted parents), but excludes any arrangement that is not legal adoption (guardianship, foster care, informal family arrangements). In these latter situations mention **may** be made in the marginal notes; however, this may not be prudent if the arrangement is temporary and likely to cause later upset.
- Unwed parents (c. 877.2):
- Where the parents are unwed **no mention is to be made of this in the register**, nor to the illegitimacy of the child; however, there are specific guidelines regarding who is to be recorded in the register.

³ Please see footnote below on unwed parents.

⁴ Please ensure the sponsor(s) fulfil the requirements of canons 873-874. *Ec. Dir.* n. 98b allows an Eastern Orthodox person to act as a sponsor, alongside a Catholic sponsor, for a just cause and if they are suitable.

⁵ Please ensure the witness is a baptised Christian (c. 874), please also note that the permission for a witness is in the singular, so only one may be admitted.

⁶ See also Statutes of the Second Synod of Brentwood (1955), n. 54. Hereafter, *SSB*.

⁷ This is Diocesan policy.



- The mother is to be recorded if:
 - Publicly known;
 - Or she requests in writing;
 - Or she requests verbally before two witnesses.
- The father is to be recorded if:
 - Proved by public document (e.g. birth certificate);
 - Or by request/declaration in front of the parish priest and two witnesses.
- If these requirements are not met the relevant entry is to be left blank; the phrase *Pater ignotus* (father unknown) is not to be used.⁸
- It should be noted that these requirements exist for good reasons, even given the different requirements for mothers and fathers. These reasons include the fact that in some countries Catholic ecclesiastical records have a similar (or sometimes higher) legal status than civil records, and that it is imperative the Church's records are accurate.
- The most likely situation to arise is if the mother lists a man's name on the baptismal paperwork as 'father' without his knowledge and permission. If this is done and the alleged father later objects, the parish priest could be open to a charge of defamation.
- Is your parish paperwork sufficient to deal with this situation, if it arises?
- Where an adult is baptised marginal notation is to be made of the confirmation, and marital status if married (and any annulment/dissolution).
- If the baptism is performed conditionally (c. 869.2) this should also be noted.
- Emergency baptisms are to be entered as normal (though perhaps without sponsors) and a marginal note can be made. The baptism is to be recorded in the territorial parish in which it was performed, even if the minister is associated with another parish. Parish priests with hospitals in their parish may wish to remind colleagues of this.
- You will notice the CIC does not require the sex of the baptised to be recorded⁹, where this is done no change is to be made to the original entry in the register even should a request be made following 'gender reassignment' surgery or process. Please contact the chancery if any such request is made.¹⁰
- Marginal notations can also be made for things such as a change of name by deed poll; however, this is at the prudent discretion of the parish priest (and space available).
- It should hopefully go without saying, but **the baptisms of adults** (and, indeed, all baptisms) **are to be recorded in the Register of Baptisms not the Register of Receptions.**

⁸ See *SSB* n. 53.1, "names are to be entered in such a way that all occasion of loss of good repute will be avoided".

⁹ Though this may be assumed, as in a Latin entry it would be known by the gender of the terms used.

¹⁰ Reference is made to a 2000 document from the CDF sent *sub secretum* to Diocesan bishops.



- **In no circumstance is an original entry to be changed. If a mistake is noticed in the register, make a new entry and then enter a marginal note referring to the new (correct) entry.**
- Who can have access:
 - The data subject or their legal guardian(s);
 - Legitimate parties, such as Diocesan tribunals and chanceries.
- Fr Stewart Foster (Diocesan Archivist) also added that where parishes are linked but still canonically separate the registers must remain in the appropriate parish. There have been occasions of parochial registers being moved by one parish priest on his own initiative, and being lost.
- **Suggestion:** go through your parish paperwork for baptism and check that the necessary information is being recorded. Contact me if you want any assistance with this.

Session Three: Preparing for RCIA

- **Baptismal Status**
 - Those who believe they have been baptised in a non-Catholic ecclesial community should ask for a baptismal certificate from the place of baptism. The certificate does not have to be recent (unlike for marriage).
 - Eastern Orthodox and Oriental Orthodox are almost always baptised, chrismated and given First Holy Communion in the same rite. Further, as they have valid orders their Confirmations are valid.
 - Canon 869: Two types of doubt may arise (1) a doubt of fact and (2) a doubt of validity.
 - A **doubt of fact** occurs when it is unclear as to whether there has ever been a ceremony that purported to be baptism. This may happen if there has been mention of ‘godparents’, but there is no record of baptism, or simply where the person always believed him or herself to have been baptised. In the absence of full proof (through a certificate) canon 876 allows baptism to be proved (as long as there is no conflict of interest) by “one unexceptionable witness” or the sworn testimony of the person, if they were an adult at the time of their baptism. Details such as photographs can be helpful, but unless details such as the denomination of the minister and the form used were also proved this may lead to a doubt of validity.
 - It may arise that the putative baptism can be demonstrated, but not who the minister was, nor what precisely happened. That may, therefore, lead to a doubt of validity.
 - A **doubt of validity** occurs when there is certainty that a putative baptism took place, but there is doubt over whether an essential element was missing or incorrect. These elements are: matter, form, and intention (of the minister and/or the recipient).
 - There must be a serious reason for the doubt.



- The reference to ‘non-Catholic ecclesial communities’ in c. 869.3 seems to exclude Orthodox Churches. This is confirmed in *Ec. Dir.* 99a.
- There is no general recognition in universal law for the recognition of the baptisms of any other group (that is apart from the Orthodox). In 1949 the Holy Office declared that, ‘in adjudicating matrimonial cases, baptism given by the Disciples of Christ, the Presbyterians, the Congregationalists, the Baptists, the Methodists...is to be presumed valid, unless the contrary is proved in a particular case’. A lot, however, has changed in these groups since 1949.
- In 1991 the CDF declared the baptisms of the Christengemeinschaft of Rudolf Steiner invalid (AAS 83 (1991) 422) and in 1992 the baptisms of the ‘New Church’ of Emmanuel Swedenborg (Swedenborgians) (AAS 85 (1993) 179). In 2001 the CDF also declared the baptism of Mormons (‘The Church of Jesus Christ of Latter-Day Saints’) to be invalid¹¹.
- Invalid: Jehovah’s Witnesses (invalid formula); Salvation Army (no baptism); Quakers (no baptism); Christian Scientists (no baptism).
- Doubtful validity: Pentecostal Churches, as they often baptise in Jesus’ name only and some are Unitarians.
- In 2008 the CDF declared that those baptised in the name of the “Creator, sustainer and vivifier” were invalid, and were to be baptised again in *forma absoluta* not conditionally.
- **In short:** do not presume that any baptism is valid unless there is evidence that it was given with the proper Trinitarian formula. Mention of: dedication, naming, blessing or consecration, is not evidence of baptism in any way. If there is any doubt **contact the Chancery.**
 - The Appendix to the *Rite of Christian Initiation of Adults* states that conditional baptisms are to be private and the local Ordinary is to determine in an individual case what rites are to be included or excluded (cf. c. 869.3; *Ec. Dir.* 99d).
 - There is no parallel canon in the Eastern Code on conditional baptisms.
 - At the baptism the minister is to explain the reasons why a conditional baptism is being given.
- **Previous Marriages:**
 - Canon 1060 states that marriage enjoys the favour of the law, this means that a marriage is presumed by law to be valid until the contrary is proven through an

¹¹http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20010605_battesimo_mormoni_en.html



annulment. This applies to all marriages, including those between non-Catholics and the non-baptised.

- **Simple Divorce**, in and of itself, is not a bar to baptism or reception into the Church. If a person is divorced and their (former) spouse is still alive it should be explained to them that in the eyes of the Church they are still married and they have moral obligations to the (former) spouse and any offspring. Some delicate enquiry into the reasons for the breakdown of the marriage would seem prudent as if the marriage broke down from the fault of the party who wishes to become Catholic that may be a matter for confession and repentance. The law encourages that, where the parties separate and the reason for the separation ceases, conjugal life is to be restored, and that the innocent spouse may “laudably readmit the other spouse”¹². Furthermore, it must be explained that they are not free to re-marry in the Catholic Church without some further investigation, the result of which cannot be guaranteed.
- **Divorce and remarriage**. In any case where a person has been divorced and has subsequently remarried (and the previous spouse is still alive the party/no annulment), the party **must** be told there will need to be some sort of process to determine if the person is/was free to marry and therefore marry/remain married. In order to avoid anger and disappointment this must be done at the beginning of the process of instruction in the Faith.
- **It is not permitted for a person who is divorced and remarried (DAR) to be baptised or received into the Catholic Church¹³, nor is it permitted for a baptised Catholic who is divorced and remarried to receive the Sacrament of Confirmation¹⁴.**
 - An unbaptised DAR may be admitted to the catechumenate, but not the Rite of Election (RCIA Appendix I);
 - The reason is analogous to that stated by Pope Saint John Paul II in *Familiaris Consortio*, “They are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and His Church which is signified and effected by the Eucharist. Besides this, there is another special pastoral reason: if these people were admitted to the Eucharist, the faithful would be led into error and confusion regarding the Church's teaching about the indissolubility of marriage.” (FC 83)
- **Therefore, it is imperative that the marital status of catechumens and candidates be ascertained at the beginning of the RCIA course or period of instruction.**

¹² C. 1153.2 and c. 1155, this is in the section on the ‘Separation of Spouses’ which is a specific canonical act not generally used. Therefore, it may not strictly apply, as a matter of law, to other situations.)

¹³ This is stated explicitly in a private reply of the CDF to the Bishop of Honolulu: Congregation for the Doctrine of the Faith, private reply, July 11, 1983: *CLD* 10:139.

¹⁴ Introduction to the *Ordo Confirmationis*, n. 12 states that the candidate for the Sacrament must be in a state of grace, and that for adults the principles for the admission of catechumens are to be observed; cf. c. 889.2.



- *Pastoral point: who leads your RCLA or instruction, do they know what to ask, how to interpret the answer, and who to report it to?*
- **Other obstacles to full communion:**
 - **Freemasons:**
 - The explicit prohibition on the membership by Catholics of Masonic Lodges in the 1917 CIC was not repeated in the 1983 CIC. Though canon 1364.1 establishes the delict of heresy, schism and apostasy and 1374 establishes the delict of joining, promoting, or directing an organisation that “plots” (*machinatur*) against the Church.
 - Two declarations of the SCDF in 1981¹⁵ and 1983¹⁶ (just before the 1983 CIC came into force) clarify that, “the Church’s negative judgment in regard to Masonic association remains unchanged since their principles have always been considered irreconcilable with the doctrine of the Church and therefore membership in them remains forbidden.” It further clarifies that it is not within the competence of local ecclesiastical authorities to determine whether this provision applies to any specific Masonic Lodge (or not), in such a way as to derogate from this and allow membership.
 - **Membership of political parties or organisations:**
 - There is no other general prohibition in force against Catholics being members or supporters of other organisations (except perhaps the Communist Party). The canonical bar to becoming Catholic would only seem to apply if an organisation plotted against the Church (c. 1374) or promoted heresy, schism or apostasy (c. 1364.1).
 - However, it would be prudent to ask candidates and catechumens to examine their membership and/or support of any political party or organisation. If the party/organisation advocates policies that are contrary to the natural law and/or teaching of the Church, this may present an obstacle to becoming a Catholic.
 - Similarly, it might be prudent to raise the question of the support of charities that fund the use of artificial contraceptives and abortions at home or abroad, and promote ideologies contrary to the Gospel and teaching of the Church.
- Other matters:
 - No special faculty or permission is required to complete the Sacraments of Initiation for a baptised Catholic who lapsed unless they formally defected from the Catholic Church or joined another religion.

¹⁵ *AAS* 73 1981 pp. 240-241

¹⁶ 26 Nov 1983:

http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19831126_dclaration-masonic_en.html



- Formal defection from the Catholic Church was possible from 1983-2010 and was usually done by sending a letter to the local Ordinary.
- Joining another religion or a denomination of Christianity could be done by a public act of initiation into the group, like being ‘confirmed’ in the Church of England. It would not include a Catholic who went to Anglican services and even participated in the ‘Communion’ Rites.
- Other adult baptised Catholics.
 - No faculty is needed to admit adults who have not completed initiation into the Church to the Sacraments of Confession or First Holy Communion;
 - They may not be validly confirmed without a faculty given by the Bishop or VG.
- Minors.
 - For baptised children under the age of reason there is no ceremony, nor is there any requirement for this to be entered into a register. Prudence would suggest that the fact of their baptism be entered into the register of First Holy Communion (if you keep one, it is not required by law) and in the Register of Confirmation.
 - For children aged 7-14 no special faculty is needed, but you use the rite in Part II of the RCIA.



BRENTWOOD DIOCESAN ARCHIVES

PARISH ARCHIVES: SOME GUIDELINES FOR PARISH PRIESTS AND PARISH SECRETARIES

A. WHAT ARE PARISH ARCHIVES?

Parish Priests and Priests-in-Charge are responsible for the archives of their parishes. According to Canon Law, **'in each parish there is to be an archive, in which the parochial books are to be kept, together with episcopal letters and other documents which it may be necessary or useful to preserve'** (Can. 535 §4). The Code explicitly mentions that the following are to be kept:

- ¶ Registers of Baptism, Confirmation, Marriage and Death (Can. 535 §1; 895)
- ¶ Registers of Foundation Masses and other obligations (Can. 1307 §2)
- ¶ Parish account books (Can. 1284 §7)
- ¶ Registers of Catechumens (Can. 788 §1)
- ¶ Title deeds, insurance policies and other papers relating to temporal goods (Can. 1284 §9)
- ¶ Papers relating to Marriage Preparation (Can. 1066-1070)

Many parishes will also have collections of other records e.g. notice books, newsletters, architectural plans and drawings, photographs, postcards, videos & DVDs, orders of service, newspaper cuttings, correspondence, school records, invoices, documents relating to parish groups or Catholic societies and sodalities, as well as various artefacts. In some cases such collections will be quite extensive.

The Diocesan Archives are always ready to receive archival material from parishes, especially when there may be a danger that particularly significant items could be lost or destroyed (which, of course, should not happen). However, as a rule, parish material should remain in the parishes. In some dioceses (e.g. Nottingham) the non-current sacramental registers from every parish are collected and stored in the central archive. In the Diocese of Brentwood such registers are kept in the parishes (ideally in a locked and fireproof metal cupboard or safe) *and should never be alienated except to the Diocesan Archives* (i.e. not to any civil body such as the Essex Record Office or the equivalent in the London Boroughs). The Brentwood Diocesan Archives are fortunate in that there is in most cases a fairly complete and extensive file for each parish and indeed school, but this should not act as an excuse for parishes to neglect their own archival responsibilities. Thus when, for example, a parish history is being written, both the diocesan and parish archive should be consulted and, as well as some necessary duplication, each should provide complementary information.

B. TO WHOM DO THE PARISH ARCHIVES BELONG?



In Civil Law parish archives are the property of the Brentwood Roman Catholic Diocesan Trustee (BRCDT). Thus they do not belong to the Parish Priest/Priest-in-Charge, nor to a religious congregation in the case of parishes administered by regulars (although of course the congregation *does* own material that relates to itself as opposed to the parish). *In Canon Law*, where a parish is recognised as a juridical 'person' with the right to own and administer property, the parish archives form part of the cultural and historic patrimony of the particular parish. The Parish Priest/Priest-in-Charge is the *custodian* of the archive (*not the owner*) and *is responsible for its safekeeping and for the preservation of the patrimony of the parish*. This, of course, extends not only to archival material but to the parish buildings (church, presbytery, hall and any other property owned by the parish) and to the *contents* of the church (especially to what is kept in the sacristy) and other buildings.

C. HOW SHOULD THE PARISH ARCHIVES BE CARED FOR?

Most priests working in a parish have very limited time and resources to care for the parish archives. However, most parishes employ a secretary (hence the importance of giving a copy of this document to her) and one or two (e.g. Wanstead) have appointed an official Parish Archivist. The parish archives should be kept in a clean, secure and well-ventilated space that is not vulnerable to damp, mould, flooding, extreme heat, excessive light etc. (see section A above with regard to the housing of sacramental registers). *Archives should not be kept in cellars, lofts, boiler houses or garages*. As a rule, if the environment is unsuitable for people or for use as an office, then it is probably ill-suited as a store for archives.

I give below some guidelines with regard to the retention, preservation and conservation of archival material in parishes:

- ¶ Avoid the use of biro pens when completing sacramental registers as the ink is unstable and fades over time. Registrar's black ink is advisable or even ordinary fountain pen ink.
- ¶ Do not cover sacramental registers with brown paper or sticky-back plastic, both of which are highly acidic and which will rot the covers over time.
- ¶ Avoid the use of sellotape in repairing registers and other documents because this will not endure and will eventually leave a sticky residue which is harmful to the document. Special archival tape can be purchased for this purpose. For further advice contact the Diocesan Archivist.
- ¶ If at all possible, take loose pages in registers to a bookbinder for repair. The Diocesan Archivist can advise on this as well.
- ¶ Keep all items *unfolded* because folds in paper serve to weaken its consistency and thus its durability.
- ¶ Documents should be kept *flat* wherever possible: box files (and preferably archival standard ones that are acid-free) are best used for storage as opposed to upright ring-binders. The use of such binders places stress on the paper owing to its vertical alignment and will eventually serve to weaken its consistency and durability.
- ¶ Before storing documents paper clips, staples and other metal fasteners liable to rust should be carefully removed. Plastic or brass fasteners are preferable and these can be left *in situ*.
- ¶ Do not use rubber bands because they rot over time and leave damaging marks on paper. To tie up bundles of documents use archival tape.



¶ Do not use plastic wallets for archival storage purposes because they can react with paper and ink and cause documents to stick together.

¶ Avoid the use of scrapbooks and photograph albums where items are permanently glued or laminated.

D. RECORDING FOR POSTERITY

In addition to preserving the records of the past, priests also have the duty to preserve the records of the present day for posterity. This does not have to entail great effort: ensure that the parish secretary files newsletters in paper as well as electronic form; keep parish magazines, orders of service and special publications. It is also useful to depute someone to keep an eye on the local and Catholic press and also the internet for any items that pertain to the parish and to take cuttings from newspapers and print out relevant items from the web. *The parish website* should also have a page giving a summary of the history of the parish (the Diocesan Archivist is happy to assist with this) and a facility for viewers to submit their own items, recollections etc. Moreover, the worldwide nature of the net means that contributions may well be received from former parishioners all over the world. Scrapbooks and photograph albums of parish life (but not using permanent fixings such as glue) are also important to maintain, and someone in the parish may be asked to take responsibility for this. If a parish history has not been written (or if an existing history is very much out of date) contact the Diocesan Archivist. The Brentwood Diocesan Archives, together with the parish's own archive, will furnish most of the materials required for someone to address such a task. Although the Diocesan Archivist cannot write histories of every parish, he is ready to advise, guide and assist those given the task of so doing. *Do not* attempt to compile such a history *without* contacting the Diocesan Archivist (and this applies equally to schools and religious houses). Golden Jubilees, Centenaries etc. are ideal times to consider the commissioning of such historical publications. Again, the Diocesan Archivist can advise with regard to suitably qualified researchers/writers if none is forthcoming in a particular parish (although this may involve the payment of a fee/honorarium).

E. WHAT SHOULD BE KEPT?

The Diocesan Archivist will offer guidance with regard to how long particular records should be kept and when, if necessary, such items can be taken into safekeeping at Brentwood itself. The following guidelines should be of help:

¶ Never dispose of any of the documents specifically mentioned in the Code of Canon Law unless instructed to do so by the Diocesan Chancellor/Archivist.

¶ Sacramental registers should be kept *in situ* in the parish, but exceptions to this rule may on occasion be possible via consultation with the Diocesan Archivist.

¶ Other registers (e.g. Foundation Masses, Mass Intentions) may be deposited with the Diocesan Archivist if they are no longer current.



¶ Audited accounts, Gift Aid documents etc. should be kept in the parish for *seven years*. Any historic account books or financial papers may be deposited with the Diocesan Archivist.

¶ Deeds are mostly kept in the special safe administered by the Property Office at Cathedral House. However, copies of these items, together with the originals or copies of insurance policies, should be carefully retained by the parish, as should proof of ownership of temporal goods. A current inventory of *parish* property should be kept. Visitation returns will require an inventory of property owned by the priest himself.

¶ Marriage documents should also be carefully preserved and, as with sacramental registers, are ideally kept in lockable, fire-proof metal cupboards or safes. They are to be kept in perpetuity.

¶ Other documents of a legal, financial or policy-making nature should be kept *for at least seven years* and thereafter reviewed. A review list should be kept. After seven years even if the paper documents are disposed of, electronic scanning and storage is strongly recommended (you may be grateful that you did this if, for example, such a scanned and stored document later proves useful in a financial or legal dispute). Moreover, copies of files of scanned documents should also be sent electronically to the Diocesan Archives.

¶ Orders of Service, newsletters, parish magazines, photographs etc. should be kept and likewise general correspondence should be retained (or at least a representative sample thereof). One needs to think what future generations will find of value and/or interest.

¶ It is useful for the Parish Priest/Priest-in-Charge or secretary to look through the current parish files every two or three years at, for example, a quieter period of the year (e.g. after Christmas or Easter or during August) and to identify items which should be archived and those which can be destroyed (with the proviso of scanning mentioned above). The Diocesan Archivist is happy to offer guidance in this regard.

F. CLOSURE RULES FOR PUBLIC ACCESS TO SACRAMENTAL RECORDS

The Bishops Conference of England and Wales, after consultation with the Catholic Archives Society and the Association of Diocesan Archivists, has recently issued a directive that sacramental registers should be closed for 120 years before general (especially genealogical) searches can be made by members of the public. This has not been welcomed by genealogical societies (Catholic or secular), and although some diocesan archivists (including your own) favoured a slightly shorter closure period of 100 years, it is important to emphasise that Catholic sacramental and other archival records *are not public property in the same way that those of the Established Church are*. What this means is that according to Canon Law, the *subject* of a sacramental entry (e.g. the person baptised or married or, in the case of a minor the parent or guardian) has a *right* to the information contained in the register. Likewise, for other canonical purposes information may be requested by legitimate parties (e.g. the Chancery or Tribunal). *However, sacramental registers within the 120-year closure period should not be handed over willy-nilly to enquirers*. Although it will involve extra work for the priest or more likely the secretary, genealogical enquiries should be answered wherever possible provided that names and approximate dates are supplied. Moreover, it is not unreasonable for a search fee to be charged (e.g. £20) *for purely genealogical enquiries*. The issue of sacramental details to subjects of the entries

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themselves or in the case of minors a parent or guardian is, of course, done *gratis*, although even here it is not unreasonable to request the cost of postage by means of a stamp addressed envelope or at least a stamp. There is a *great degree of prudence* required when using material that relates to information about individuals and generally speaking those individuals should be dead before such information becomes public. In particular, great care is required in the case of registers of baptism (on account of parentage, illegitimacy etc.) and likewise in the case of marriage (especially where convalidations, sanations etc. have been entered in the general marriage register and not in a separate book). While it is permissible for completed *civil* marriage registers to be returned to the Register Office, *sacramental registers should always be retained by the parish* (or by the Diocesan Archives if necessary). It has been the case that public record offices do not understand the sensitivity of Catholic marriage registers especially and have sometimes placed such items on open deposit. No personal information about the living should be revealed to a third party (except in the legitimate cases already mentioned); and even when someone is known to have died there is still a need for discretion in providing information about that person if it is likely that damage or distress will entail in terms of the deceased person's reputation. Within the Diocesan Archives itself there is a general *thirty-year closure rule* on access to all material *unless it was intended to be public* (e.g. pastoral letters, parish newsletters, magazines etc.). However, records of a more sensitive nature will have a longer closure period, e.g. the files of deceased clergy for 100 years after the death of the subject (except for *bona fide* academic research and this with the *explicit permission of the Bishop*). That is why the **Deceased Clergy** book was published in 2013, comprising as it does biographies of all such priests and deacons who died in the active ministry, using factual and sometimes anecdotal information, thus obviating the need for the original files to be consulted by researchers.

G. THE BRENTWOOD DIOCESAN ARCHIVES

The Diocesan Archives are located in a purpose-built facility opened in 2005 within the Cathedral Parish Hall building adjacent to Brentwood Cathedral and a short distance from the Curial Offices in Cathedral House. The Archivist has been in his role for nearly twenty years and was formerly Editor of the **Catholic Archives**, the journal of the Catholic Archives Society, and sometime Co-ordinator of the Association of Diocesan Archivists, as well as a Council member of the Catholic Archives Society and the Catholic Record Society. He works, under the Chancellor, and through him is directly responsible to the Bishop and Vicar General. The Archives are open to *bona fide* researchers by arrangement and contact should be made by telephone (01277 265238), e-mail (archives@dioceseofbrentwood.org) or letter (The Diocesan Archivist, Brentwood Diocesan Archives, Cathedral House, Ingrave Road, Brentwood, Essex CM15 8AT). Enquiries will be answered within a reasonable period of time and visitors to the Diocesan Archives can usually be accommodated within a week or so of their initial request. Again, it is important to emphasise the importance of making contact with the Diocesan Archivist if the publication of a parish, school or convent history is being planned.

H. OTHER USEFUL CONTACTS

¶ **The Catholic Archives Society** (www.catholicarchivessociety.org): the Hon. Secretary is Mrs Sarah Maspero (e-mail secretary@catholicarchivessociety.org). Anyone interested in Catholic archives is welcome to join the C.A.S. and as well as publishing an annual journal and holding a yearly conference, the Society runs training days and issues archival advice leaflets and other publications which have a direct relevance to the care and administration of parish archives.

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¶ **The Diocesan Chancery** (at the Cathedral House address; tel. 01277 265283; fax 01277 265273; e-mail tribunal@dioceseofbrentwood.org): the Chancellor (Mgr. Gordon Read), assisted by the Secretary (Mrs Karen Avery) and Assistant Secretary (Miss Michaela Pearce) will be happy to offer advice with regard to any canonical matters, especially the retention of marriage documents.

¶ **Archive Suppliers:** Preservation Equipment (www.preservationequipment.com); Conservation by Design (www.conservation-by-design.co.uk); Secol (www.secol.co.uk).

Father Stewart Foster, Archivist, Diocese of Brentwood (February 2020: with grateful acknowledgement to the Westminster Diocesan Archives and the Catholic Archives Society).



Proposed changes to the Registration of Marriages

'The Times' this morning (10th August) carried a story about changes to the registration of marriages and possible fines of £1000 for couples who fail to comply. The purpose of this note is to allay any fears that may arise.

Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019

This was enacted on 26th March 2019 and came into effect two months later. However, the legislation is only a skeleton giving the Secretary of State power lasting three years to enact detailed regulations. This means that there is **no change** unless and until such new regulations are enacted and authorised persons can expect to be given due notice by the GRO before they take effect.

Summary

About five years ago the government proposed a number of changes not only concerning the registration of marriage but also the licensing of celebrants rather than places for marriage. This law concerns only the process of registration. The main feature is that the use of paper registration will cease and be replaced by a system of electronic registration. Notice will be given as at present but a single document issued by the Registration District of the place of marriage will replace the current separate blue forms for each party. This single **Marriage Schedule** must be produced by the couple at the wedding and will be signed by them. The onus is then on **the couple** to take this to the local Registrar for it to be entered on an electronic register. The legislation provides for the setting of a time frame but does not say what this is and also for a fine if the couple fail to comply.

There will also be transitional arrangements to clarify what happens about existing paper records. The Act does not specify any changes about the actual celebration of marriage so I presume that an authorised person will still need to witness the marriage and sign the schedule. However, once this comes into effect there will no longer be a need to make entries in a civil register, issue a civil marriage certificate or complete quarterly returns.

The full text of the provisions with regard to marriage follow:

1 Marriage registration

(1) The Secretary of State may, by regulations, amend the Marriage Act 1949 ("the 1949 Act") to provide for a system whereby details relating to marriages in England and Wales are recorded in documents used as part of the procedure for marriage, and entered into and held in a central register which is accessible in electronic form.

(2) The regulations may, in particular—

(a) provide that a Part 3 marriage may be solemnized on the authority of a single document (a "marriage schedule") issued by the superintendent registrar for the district in which the marriage is to be solemnized (instead of on the authority of two certificates of a superintendent registrar);

(b) provide that a member of the clergy who is to solemnize a marriage authorised by ecclesiastical preliminaries must, before doing so, issue a



document to enable the marriage to be registered (a “marriage document”) or ensure that a marriage document is issued;

(c) make provision in relation to the signing of a marriage schedule or marriage document following the solemnization of the marriage;

(d) make provision in relation to the delivery of a signed marriage schedule or signed marriage document to a registrar;

(e) require the Registrar General to maintain a register of marriages in England and Wales, which is accessible in electronic form (“the marriage register”);

(f) make provision in relation to the entering in the marriage register of the particulars set out in a signed marriage schedule or signed marriage document;

(g) remove existing provision in relation to the registration of marriages which is not to form part of the system provided for under this section.

(3) Where provision made by virtue of subsection [\(2\)\(d\)](#) gives power to a registrar to require a person to attend personally at the office of a superintendent registrar for the purpose of delivering a signed marriage schedule or signed marriage document, the regulations may provide that a person who fails to comply with such a requirement—

(a) commits an offence, and

(b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) The regulations may give the Registrar General power to make regulations under section 74(1) of the 1949 Act—

(a) prescribing the form or content of a marriage schedule, marriage document or any other document specified in the regulations;

(b) making provision in relation to corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized;

(c) making provision in relation to the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register;

(d) making provision in relation to corrections to entries in the marriage register or a pre-commencement marriage register book;



(e)making provision in relation to the keeping of pre-commencement marriage register books;

(f)making provision in relation to the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England or the Church in Wales in the church or chapel.

(5)For the purposes of subsection (4), provision in relation to the keeping of a book, document or other record includes, in particular, provision about—

(a)who is to be responsible for keeping the book, document or other record and how it is to be stored;

(b)the circumstances in which the book, document or other record must or may be annotated;

(c)the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar.

(6)No regulations may be made by the Secretary of State under this section after a period of three years beginning with the day on which regulations are first so made.

(7)In this section—

- “ecclesiastical preliminaries” means the methods of authorisation described in section 5(1)(a), (b) or (c) of the 1949 Act;
- “marriage document”, “marriage register” and “marriage schedule” have the meanings given by subsection (2)(b), (e) and (a) respectively;
- “member of the clergy” means a clerk in Holy Orders of the Church of England or a clerk in Holy Orders of the Church in Wales;
- “Part 3 marriage” means a marriage falling within section 26(1), 26A(1) or 26B(2), (4) or (6) of the 1949 Act;
- “pre-commencement marriage register book” means any marriage register book in which the particulars of a marriage have been entered under that Act;
- “registrar” means a registrar of marriages;
- “Registrar General” means the Registrar General for England and Wales;
- “superintendent registrar” means a superintendent registrar of births, deaths and marriages.

Mgr Gordon Read

Chancellor



10th August 2019

DIOCESE OF BRENTWOOD
CHANCERY OFFICE

Chancery Training Day
Wednesday, 11th March 2020

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