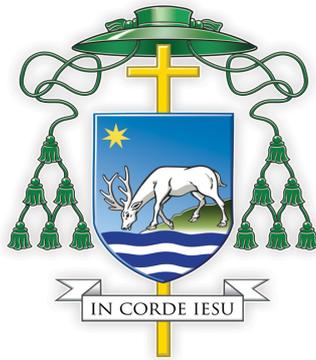


DIOCESE OF PORTSMOUTH



FOREWORD

Mindful of the Diocese's responsibility to ensure that people, buildings and money are treated carefully and with respect and that the matters dealt with fulfil the requirements of both civil and canon law, our Diocesan Operating Procedures, issued in May 2010, have been supplemented by the procedures in respect of the following:

- i) The relegation to profane use and/or permanent closure of churches and the alienation of former sacred edifices
- ii) The erection, suppression or alteration of parishes

The Diocesan Operating Procedures are not 'guidelines' or in any way optional. They have the status of particular law for this diocese and therefore must be adhered to.

I would like to thank all those who have been involved in the preparation of these procedures and commend them to the clergy and people of the Diocese of Portsmouth.

In Corde Iesu

+ Philip

Bishop of Portsmouth
18th June 2014

Diocesan procedure on
THE RELEGATION TO PROFANE USE AND/OR PERMANENT CLOSURE OF
CHURCHES
AND
THE ALIENATION OF FORMER SACRED EDIFICES

In principle a sacred edifice is set aside perpetually for divine worship. A *grave cause* is therefore required for its relegation to profane use (canon 1222§2). Permanent closure is equivalent to relegation to profane use. The following procedure therefore must be followed to close a Church permanently, even if no other use is currently envisaged. Unless this is followed, a Church must remain open (e.g. for private prayer). A separate canonical procedure is required for the alienation (including disposal) of former sacred buildings.

1. The relegation to profane use of churches (including permanent closure)

1.1 The Parish Priest, having heard the views of the faithful entrusted to his pastoral care (and the Parish Pastoral Council, if there is one), petitions the Bishop for permission permanently to close the Church. In this petition he states the grave causes, which require this church building to be relegated to profane use. The following do not in themselves constitute grave cause (but they may do so in combination):

- i. A general plan of the diocese to reduce the number of parishes;
- ii. The church is no longer needed;
- iii. The parish has been suppressed;
- iv. The number of parishioners has decreased;
- v. The closure will not harm the good of souls;
- vi. A desire to promote the unity of the parish;
- vii. Some potential future cause that has not happened yet.

1.2 The Bishop asks for the view of the Financial Secretary in his canonical role as *Oeconomus* of the Diocese (canon 494§3) and in his civil role as Secretary to the Trustees.

1.3 The Bishop then considers the petition (including the supporting evidence that the consultation in step 1.1 has taken place) in the light of canon 1222§2 which reads:

Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby.

The eventual disposal of the property by way of alienation is not properly part of this decision. A separate procedure, outlined in Section 2 below, needs to be undertaken for that.

- 1.4 The Bishop informs the Diocesan Trustees of the petition and asks for their initial view, both as Trustees and as his Diocesan Finance Council (DFC). It is likely that the Trustees/DFC will make comments regarding the eventual disposal at this point but that is, again, not proper to this procedure.
- 1.5 The Bishop sends the request for closure to the Council of Priests. It is likely that the Council of Priests will make comments regarding the eventual disposal at this point but that is, again, not proper to this procedure.
- 1.6 Having heard the opinion of the Trustees and the Council of Priests, and in the light of canon 1222§2, the Bishop makes his decision. The grave causes, which motivate his decision, must be specific to the individual Church under consideration. The decision is communicated to the Trustees, who are then invited to make a decision binding the trust, which owns the property.
- 1.7 The Bishop issues a decree confirming his decision and this is communicated to the Parish Priest. The decree will mention at least in summary form the grave causes for the decision.

2. The “alienation” of former sacred buildings

In no circumstances can a church be alienated for use inconsistent with its inherent dignity as a former church. Moreover, the proposed alienation must not be a source of potential scandal for the faithful. Demolition of the edifice is to be preferred to the risk of scandal.

- 2.1 Having received the decree in step 1.7 above, the Parish Priest may consider the alienation of the property (usually by disposal). He should hear his Pastoral Council, if there is one, and must hear his Finance Committee. He must involve the Secretary to the Trustees/Financial Secretary in this process in order that both the canonical and civil formalities are properly considered. If the building falls under the authority of the Historic Churches Committee, or is in a conservation area or an area of outstanding natural beauty/site of special scientific interest, there will be specific statutory bodies to be consulted at this point.
- 2.2 The Parish Priest petitions the Bishop for permission to dispose of the building or otherwise to alienate it. In the latter situation, he specifies the way in which it is to be alienated.
- 2.3 If the expected disposal proceeds exceed the lower limit set by the Bishops’ Conference (2013: currently £650,000), the Bishop must hear the Council of Priests and must obtain the consent of the Diocesan Finance Council. If the value of the property to be alienated exceeds the higher limit set by the

Bishops' Conference (2013: currently £6.5 million), the Bishop must obtain the consent of the Holy See for the proposed transaction.

- 2.4 Having obtained the necessary counsel and consents outlined above, the Trustees resolve to dispose of the property, subject to the restraints regarding full-value (c.f. s119 of the Charities Act 2011).
- 2.5 The Bishop issues a decree confirming his decision to alienate the property.
- 2.6 Prior to alienation, all sacred objects, relics, sacred furnishings, stained-glass windows, bells, confessionals, altar etc. are to be removed for use in other sacred edifices or to be stored. Altars can never be turned over to profane use. Therefore, if they cannot be removed, they are to be destroyed (cf. canons 1212 & 1238).

Diocesan procedure for THE ERECTION, SUPPRESSION OR ALTERATION OF PARISHES

INTRODUCTION

A parish is a certain community of the Christian faithful stably constituted in a diocese, whose pastoral care is entrusted to a parish priest under the authority of the diocesan bishop (Canon 515 §1). Since a parish is a juridical person, it is *ipso iure* perpetual by its nature (Canon 120). It is only for the diocesan bishop to erect, suppress or notably alter a parish and he may not do so unless he has heard the Council of Priests (Canon 515 §2). For a parish to be notably altered a **just cause** is needed; the decision should not be arbitrary. The diocesan bishop is obliged to observe canon law and be attentive to the provisions of civil law in as far as they pertain to the erection, suppression or notable alteration of a parish.

JUST CAUSE

The principal motivation for notably altering a parish is **a concern for the salvation of souls**. In these matters the diocesan bishop may act on his own authority (*Christus Dominus* 32). Every possible effort should be made to ensure that parishes, where, because of too great a population or too large a territory or for any cause whatsoever, apostolic activity can be exercised only with difficulty or less effectively, should be suitably divided as the circumstances require. And likewise parishes, which are too small, should be united as conditions and circumstances demand (*Ecclesiae Sanctae* I, 21 (I)).

THE CONSULTATION PROCESS

The diocesan bishop must seek out the necessary information and, insofar as possible, hear those whose rights could be injured (Canon 50). He must for validity consult the Council of Priests before he erects, suppresses or notably alters a parish and he must ensure the Council has first received all relevant information regarding the parish. For the sake of prudence it is of the utmost importance to involve the affected parishes in some way or another in the process. He must lawfully convoke the Council (Canons 127 & 166). The consultation must be genuine and should consider relevant arguments both for and against the proposed modification. He also remains free to consult other groups and individuals.

THE DECISION

If the diocesan bishop decides to erect, suppress or notably alter a parish and has heard the Council of Priests, he must issue a decree in writing. Notice of the decision should be communicated without delay via the *Ad Clerum* (in summary form) and to whomever is the Parish Priest (Canon 532) or Priest in Charge (Canons 540-541), in the temporary absence of a Parish Priest. The decree is to set out clearly:

- i) The decision taken

- ii) At least in summary form the just cause(s) for the decision (Canon 51), including the alternatives considered and a summary of why these were not sufficient;
- iii) The criteria for membership in all the parishes affected; and
- iv) The disposition of the temporal goods.

The decree is effective from the moment of execution (Canon 54 §1).

Recourse against the decision is governed by the provisions of Canons 1732-1739.