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On this page, you will find a link to the latest published edition of the Legal Opinions Concerning the Church of England, the more recent Opinions not included in the published edition, and also formal guidance issued by the Legal Office of the National Church Institutions.

## Legal Opinions

The Legal Advisory Commission of the General Synod of the Church of England exists to give advice on non-contentious legal matters of general interest to the Church which are referred to it by the Synod or one of its Houses, by any of the National Church Institutions (NCI's), by the Church's legal officers (diocesan registrars and chancellors) and by other officers such as archdeacons and diocesan secretaries. From time to time the Commission's advice has been published in consolidated form as the *Legal Opinions concerning the Church of England*, which have established themselves as authoritative in the various areas of ecclesiastical law they cover.

A comprehensively revised and updated ninth edition of the *Legal Opinions* was published by Church House Publishing in 2020 and is available for purchase on their website. You can also view a web version using the link below:

- Access [\*Legal Opinions concerning the Church of England\*](#) (2020)

Subjects of new or significantly revised Opinions include:

- The clergy and confidentiality
- Appointment of non-stipendiary ministers as incumbents
- Consecration of sites for 'green' burials
- Ownership of tombstones and monuments in churchyards
- Disturbances during services in cathedrals
- Legal responsibilities of PCC members

New and revised Opinions issued by the Legal Advisory Commission since the preparation of the 2020 edition are available for download from the links below as follows:

- [Treatment of human remains discovered during churchyard works](#) (October 2023)
- [Church Buildings: Telecommunications Apparatus](#) (October 2023)
- [Cathedrals: the role of churchwardens in parish church cathedrals](#) (March 2023)
- [Non-stipendiary incumbents](#) (January 2019)
- [Delegation of Archdeacons' functions](#) (January 2019)
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Weddings & Funerals - Additional Charges (February 2019)

- Parish Church - Right to Enter (February 2019)
- Collections at funerals and memorial services (June 2019)
- Burial of a portion of a deceased's body or ashes (June 2019)

## Other guidance

[Sale of land by Diocesan Boards of Finance and Parochial Church Councils to further the Church's social mission](#)

[Duty to have 'due regard' - House of Bishops safeguarding guidance](#)

[Making a Complaint about a Chancellor: Procedure](#)

[Crematorium funerals and the payment to, and receipt of fees by, the clergy](#)

[Legal changes to the procedure for publishing banns of marriage](#)

[Immigration Act - Marriage Guidance](#)

[Hours for the solemnization of marriages in the Church of England - the effect of the repeal of section 4 of the Marriage Act 1949](#)

[The exercise of the Crown's \*sede vacante\* patronage](#)

Section 2 of the Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure 2010 and the whole of the Crown Benefices (Parish Representatives) Measure 2010 came into force on 1st January 2011. The former made changes to the way in which the Crown's *sede vacante* patronage (i.e. the patronage which normally belongs to the bishop but which passes to the Crown during a vacancy in see) is exercised. The latter provides for PCCs of Crown benefices to appoint parish representatives whose approval must be sought before the Crown may present a priest for institution. Guidance on the operation of those provisions can be found [here](#).

[Chancel repair liability](#)

Neither the Legal Office nor the Church Commissioners is a central authority for the purposes of establishing chancel repair liability. Answers to some frequently asked questions are available [here](#), and further information in the form of a National Archives Information leaflet is available [here](#). See also the Legal Advisory Commission's Opinion on enforcement of chancel repair liability by PCCs [above](#).

**[Overseas \("Archbishop's"\) Permissions to Officiate \(OPTO\)](#)**

Clergy of Churches in communion with the Church of England, or of Churches whose Orders the Church of England accepts and recognises, require permission from the relevant Archbishop before they are able to officiate in the Church of England in accordance with the [Overseas and](#)

[Other Clergy \(Ministry and Ordination\) Measure 1967](#) .

**[Applying for the Archbishop's Permission to Officiate \(OPTO\)](#)**

Initial enquiries should be made to the office of the diocesan bishop of the diocese in which the applicant wishes to officiate. The diocesan

bishop's office will provide the applicant with a form to complete. The following documents are required for an application to be successful:

- Proof of ordination as a bishop (if applicable), priest, (and/or) deacon. This proof usually takes the form of copies of the applicant's letters of orders. If these are lost, the applicant should contact the bishop who ordained the applicant and request that they send an email with a photograph of the entry in the bishop's register to the office of the diocesan bishop (in the Church of England) or a screenshot of the electronic spreadsheet of the ordaining bishop's register: evidencing the date, and place of ordination. If this cannot be found, advice from the Provincial Registrar should be sought;
- Proof of legal right to remain in the country;
- Proof of having complied with the Church of England's safeguarding training requirements;
- Proof of a positive recommendation from a Candidates' Panel in the case of an applicant from another Church;
- Proof that the diocesan bishop is content to allow the applicant to officiate in his / her diocese and grant PTO (diocesan permission to officiate); and
- A completed application form signed by both the diocesan bishop and the applicant.

A member of staff in the diocesan bishop's office will then contact the relevant Provincial Registry who must review the application before sending it to the relevant Archbishop for approval.

- **Canterbury OPTO requests** - should be sent by the Church of England diocesan bishop's staff, to [OPTO@churchofengland.org](mailto:OPTO@churchofengland.org) with all the applicant's supporting documentation attached (preferably in PDF format).
- **York OPTO requests** should be sent to the [York Provincial Registry](#).

#### General Synod

The 'Parliament' of the Church of England. The General Synod usually meets twice a year to debate and discuss matters of interest and to consider and approve amendments to Church legislation.

#### National Church Institutions

The collective name for the 7 administrative bodies that work together to support the mission and ministries of the Church.

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