

Issuing of Decrees

Where the exercise of the authority of a Bishop or impacts on the rights of a cleric, it will take the form of a decree.

The Code of Canon Law includes detailed provisions concerning the form and content of decrees and the process by which they might lawfully be issued. The following is a summary of the relevant principles:

- 1 Before validly exercising any executive power, the Diocesan Bishop must satisfy himself that there are canonical grounds for him to do so (can 50).
- 2 Prior to issuing a decree the Diocesan Bishop should consult those whose rights are likely to be adversely affected.
- 3 The decree must clearly express:
 - i. The conduct required on the part of the cleric in order to achieve compliance.
 - ii. The grounds upon which the decree has been issued.
 - iii. The right of the cleric to administrative recourse and the manner of seeking it, with particular mention of the established time limits.
 - iv. The consequences of non-compliance (for the provisions regulating the terms of the decree see can 51)
- 4 The decree takes effect when communicated to the person to whom it is directed (can 54). Thereafter a decree will remain in force until revoked by further decree of the same or superior authority.

If a decree is likely to affect adversely the canonical rights of the cleric (see canonical procedures regarding the transfer or removal of Parish Priests), prior to issuing the decree, the Diocesan Bishop shall:

- i. Provide written notice to the cleric likely to be adversely affected of the basis for issuing the decree, including proofs if there are any, the terms of the proposed decree and advising the parties of the right to be heard.
- ii. Invite the cleric to attend a meeting to be arranged at a mutually convenient time and advise them of their right to be accompanied.
- iii. In advance of this meeting, if he opposes the issuing of the decree, the cleric shall set out in writing his grounds of opposition and provide any evidence relied upon in support.
- iv. At the meeting provide the parties with the opportunity to challenge and/or rebut any material relied upon by the Diocesan Bishop.

- v. The content of this meeting shall be formally minuted and circulated for agreement between the parties within a reasonable time following its conclusion (which should not normally exceed the period of 14 days).
- vi. Within 30 days of this meeting, the Diocesan Bishop shall communicate his decision (together with the reasons for it) to the cleric affected.

Source: “The Power of Governance of the Diocesan Bishop” in Catholic Bishops’ Conference of England and Wales’ Directory on the Canonical Status of the Clergy (Catholic Truth Society, 2009:8, pp. 35)

Care and support statutory guidance (DOH, 2016)