



The Catholic Archdiocese of
Canberra and Goulburn

THE CLOSURE OF CHURCHES c.1222

BACKGROUND AND PROCESSES

Background

Ancient canon law provided a strict principle according to which, once a church had been dedicated to divine worship, it could no longer be assigned to any other human use (cf. VI *Regulae iuris* 51). The CIC 1917 introduced a mitigation of this principle, granting local ordinaries the faculty to assign the church to non-sordid profane uses, on the condition that the Church was no longer suitable for dedication to divine worship, and its restoration was not possible (c.1187).

The 1983 Code has significantly broadened the competence of diocesan bishops in this matter (c.1222). A letter from the Congregation for Clergy in 2013 Prot.No 20131348 provided guidelines for the implementation of the law and jurisprudence associated with the whole matter.

Principles

The key principles for the closing of a Church, oratory, chapel etc (consecrated or blessed) are as follows:

1. It is clear both in law and tradition that a sacred edifice which has been given over perpetually for divine worship should retain that sacred character if at all possible.
2. The law (c.1222) permits the closure of a Church in one of two circumstances:
 - a) The Church cannot be used in any way for worship e.g due to damage
 - b) Other grave reasons suggest that a particular Church no longer be used for worship
3. Only the diocesan Bishop or his equivalent in law (cc.1222 §2, 368, 515 §2) can issue the decree to close a Church.
4. Even if the Church is not used for worship, until the process has taken place the Church is not closed.
5. The Bishop must hear from those persons whose rights could be injured before making a decision (c.50).

6. The following are NOT considered grave reasons in themselves to constitute a grave cause for closing a Church (Prot.No 20131348), though in combination they may do so.

- a) A general plan of the diocese to reduce the number of parishes;
- b) The Church is no longer needed;
- c) The parish has been suppressed;
- d) The number of parishioners has decreased;
- e) The closure will not harm the good of souls;
- f) A desire to promote the unity of the parish;
- g) Some potential future cause that has not happened.

The Process – Archdiocese of Canberra and Goulburn

The Parish Phase

1.Parish Priest writes Letter:

The Parish Priest must write a letter to the Archbishop applying to have a Church closed. The letter should include the basic details about the Church, the grave reason for the closure and a summary of arguments for and against the closure.

A full application must be made for each and every Church to be closed.

2. The Arguments:

In more complex cases a separate document should be prepared outlining the arguments for and against the closure. This should be attached to the letter written by the Parish Priest.

3. The Pastoral Council:

The chair of the Parish Pastoral Council should write and sign a letter to the Parish Priest on behalf of the PPC stating the view of the Council about the proposed closure (c.50).

4. The Finance Council:

The chair of the Parish Finance Council should write and sign a letter to the Parish Priest on behalf of the PFC stating the view of the Council about the proposed closure (c.50).

In parishes where the Pastoral Council and the Finance Council is the same group one letter may be submitted for both councils indicating this fact.

If there is unanimity of opinion among members about the closure, the chairperson(s) of the Pastoral and Finance Councils may simply endorse the letter written by the Parish Priest.

5. Other Parties:

Other parties whose rights could be affected by the closure (c.50) should also be invited to write to the Parish Priest making known their views about the proposed closure. Such parties may include: Donors, parishioners, school council etc.

All efforts to seek the views of those who may be affected by the closure need to be carefully documented as well as any response.

6. A comprehensive history of the relevant Church building is to be provided

7. A statement regarding the financial situation of the Parish in which the Church is located along with details of any efforts to source funding is to be provided.

8. Submission:

The Parish Priest has the task of collecting all the documentation mentioned above and forwarding all of it to the Archbishop no less than one month before a meeting of the Council of Priests.

Archdiocesan Phase

1. Before making a decision, for validity, the Archbishop must convoke and consult the Council of Priests (cc.127, 166).

2. All the documentation received from a Parish Priest with any information provided by the Chancery is distributed to all the members of Council of Priests prior to the meeting.

3. At the meeting of the Council of Priests the Archbishop conducts a genuine consultation among the members concerning each and every application to close a Church. The consultation should consider the relevant arguments for and against the closure.

4. In addition the Archbishop must obtain the consent of those who claim lawful rights to the edifice, if there are any such persons (cc.1222 §2, 127).

5. The Archbishop must also verify that the good of souls will suffer no harm (c.1222 §2).

The Decision Phase

1. The Archbishop, after hearing the Council of Priests, must give his decision by means of a written decree. The decree will provide in summary form the grave cause(s) for the decision (c.51).

2. The decree is to be lawfully communicated to the Parish Priest without delay.

3. The Parish Priest must publish the decision to the faithful. This must be done in the parish bulletin and may also be done by any other means of mass media.

4. When the decision is published it must also be stated that any party has ten working days to submit an appeal against the decision (c.1734 §2). Any appeal must be lodged with the Parish Priest who will forward it to the Archbishop.

5. If there is no appeal or after the unsuccessful conclusion of an appeal the Church is closed and de-consecrated if appropriate.

