

DIOCESAN ADMINISTRATOR¹

1. When The See Becomes Vacant

The see becomes vacant upon the retirement, resignation, transfer or death of the diocesan bishop (canon 416). When the Bishop retires he is usually appointed Apostolic Administrator by the Holy See, the appointment being effective on the date of the public announcement of his retirement. In such cases there is no need for any action by the consultors.

a. Transfer

When a Bishop is transferred to another see, the see he had held previously falls vacant not on the date of the announcement of his transfer, but on the date he takes canonical possession of his new diocese (canon 418, § 1). When a Bishop is transferred he acts as diocesan administrator until the time when he takes possession of the new see. The consultors are to meet and elect a new administrator within eight days of the date of the Bishop's taking possession of the new diocese (canon 421).

As diocesan administrator, the outgoing Bishop has the power and is bound by the obligations of the diocesan administrator. In fact he enjoys the same powers as a residential Bishop, subject to the provisions of the Code for administrators. For instance, he may not make any innovations nor may he do things that would prejudice his successor.

b. Death

When a Bishop dies the consultors are to meet within eight days of the date of notification of death and elect an administrator. In the meantime, the diocese is governed by the auxiliary Bishop (or senior auxiliary if there are more than one) or by the College of Consultors. If there is an auxiliary, he is to convoke the elective meeting. If there is no auxiliary the election is convoked or called by the chancellor. The Code does not address itself to this point directly, but simply states that the consultors are to convene (canon 421).

c. Election

¹ Presented by (Msgr.) Roch Pagé, J.C.D. from a document of the Apostolic Nunciature in the United States, September 1987.

The election is to proceed according the norms of canons 165-178. Eligible for election is any priest, religious or secular, who is at least 35 years of age etc. (canon 425). The one elected **need not be a** member of the college of consultors. The Holy See is to be informed of the election of the administrator immediately. A document, called the *acta* is to be drawn up attesting to the election and signed by the consultors. This document is sent to the Apostolic Nunciature for transmission to the Holy See.

d. Offices and bodies.

When the see falls vacant by any reason, the Vicar general and episcopal vicars cease to exist. The presbyteral senate is dissolved and the synod, if one has been convoked, is suspended

2. The Powers, Duties and Obligations of the Administrator

The administrator, even if he is a priest, has the powers and obligations of a diocesan Bishop except in cases where the law explicitly restricts him or when the nature of the case itself reserved the action to the diocesan Bishop (canon 427, § 1). The power of governance is attached to the office of administrator (canon 131, § 1). When the Code uses the term "Ordinary" and "diocesan Bishop" these are equated with the administrator, all things being equal (canon 134). Consequently, references to the powers and duties of ordinaries and diocesan Bishops apply to administrators, subject to the restrictions and other provisions of the canons on administrators.

3. Obligations

a. *Missa pro populo*

The administrator must celebrate the "*Missa pro populo*" on Sundays and Holy Days of Obligation. According to the common law, he may delegate this obligation to someone else.

b. Residence

He must reside in the diocese during his administration.

c. Innovations²

² The notion of « innovation » is not always easy to determine. The *favorabilia* for the diocese should also be taken into account. For example, if an offer is made to buy a church during the vacancy of the see while some churches were already sold in the diocese this is not an innovation as such. It would be quite different

He can make no innovations nor do anything that would prejudice the rights of the Bishop.

4. What The Administrator May Do

a. Confirmation

The administrator has faculties by law to administer confirmation (canon 883, 1°). Also, he may delegate other priests to administer confirmation (canon 884).

b. Eucharist

He may allow a priest to binate or trinate according to law and need (canon 905, § 2). He may allow a priest to celebrate the Eucharist in a place other than a Church (canon 933).

c. Penance

He may permit general absolution when he adjudges that the required conditions in canon 961, § 1, are present (canon 961). He has power to grant the faculties to hear confessions to priests who are incardinated in the diocese or who are in the diocese temporarily (canon 969, § 1).

d. Orders

The administrator may admit men to the ministries of acolyte or lector or he may delegate someone else to do so. The Apostolic Administrator may grant dimissorial letters for ordination to the diaconate or priesthood without the consent of the consultors. The diocesan administrator may grant dimissorial letters with the consent of the consultors (canon 1018, § 1, 2°).

The Administrator may dispense from irregularities and impediments to orders which are not reserved to the Holy See (canon 1047, § 4). Likewise he may dispense from non-reserved irregularities to exercise orders already received.

The irregularities and impediments to orders which he may dispense are: incapacity due to mental illness; heresy, schism or apostasy if occult; self-mutilation; simulation of an act of orders; holding an administrative office that requires an accounting.

e. Marriage

The Administrator can grant permission for the marriages of special cases listed in canon 1071, § 1.

if it would be the first one. In any case, see 4. g.

He can grant dispensation from the diriment impediments which are not reserved to the Holy See.

He can dispense from all ecclesiastical impediments except those reserved when there is a case of danger of death.

He can dispense from canonical form according to the norm of canon 1127, § 2.

He can grant permission for a mixed marriage (mixed religion) according to the norms of canon 1125.

He can grant permission for marriages by proxy (canon 1071) and for secret marriages (canon 1130).

He can grant a *sanatio in radice* for marriages which are invalid due to defect of form or due to an impediment which is undispensed or has ceased according to canon 1165.

f. Other Acts of Worship

The Administrator may grant permission for the funerals of un-baptized children and baptized non-Catholics (canon 1183) and he may decide in cases of doubt over whether or not funeral rites are to be denied (canon 1184).

He may dispense from private vows (canon 1196).

He may bless sacred places and even church but he may not consecrate altars or churches (canon 1211).

Because the decision results in a permanent situation, the Administrator may not give permission to erect church, chapels or shrine nor may he approve statutes of shrines.

g. Temporal Goods

The administrator may administer ecclesiastical goods according to the norms of law. He must follow the norms laid down by the episcopal conference for acts of extraordinary administration.

Depending on the nature of the case and the amount of money involved, an Administrator may grant permission for an economic administrator to go beyond the limits of ordinary administration in individual cases (canon 1281, § 1).

The Administrator may issue the customary opinion for petitions for an indult of alienation submitted by religious within the diocese.

He may issue permission for the acceptance of pious foundations according to the norms of law (canon 1304). Also, he may reduce, direct or change the intentions of the faithful in pious causes when this power has been given to the ordinary by the donor (canon 1310).

The Administrator may reduce Mass obligation but only according to the limits of canon 1308, §§ 2-4.

h. Sanctions

The Administrator may remit penalties according to the norms of canon 1355 and 1356.

i. Procedures

When necessity demands, the Administrator can appoint judges, auditors and defenders of the bond but this should be done on a temporary basis. He should not appoint *officiales* or *vice-officiales* since these are permanent appointments.

He can entrust special cases to tribunals of three or five Judges (canon 1425, § 2). If permitted by particular law, he may entrust cases to a single judge (canon 1425, § 4).

He can grant permission for spouses to approach the civil courts for a separation according to canon 1692, 2.

He can accept a petition for the dispensation of a marriage which is ratified but not consummated and he may and constitute the instruction of the process.

He can issue the declaration that death is presumed according to the norms of canon 1707.

The Administrator may act and issue pertinent decrees in matters involving a penal process when it appears prudent to do so and when undue delay would cause possible harm (canons 1717-1728).

5. What the Administrator Cannot Do

a. Cannot Incardinate or Excardinate

The Administrator cannot incardinate or excardinate priests unless the see has been vacant for a year (canon 272).

b. Cannot Consecrate the Sacred Chrism

He cannot consecrate the sacred chrism on Holy Thursday (unless he is a Bishop).

c. Cannot Appoint Vicars General or Episcopal Vicars

The Administrator cannot appoint vicars general or episcopal vicars.

d. Priest's Senate

He cannot constitute the priests' senate.

e. Cannot Alter or Suppress Parishes

He cannot establish, alter or suppress parishes (canon 515).

f. Entrust a Diocesan Parish

He cannot entrust a diocesan parish to a religious community (canon 520).

g. Appointment of Pastors

The Administrator may appoint pastors only if they have been already lawfully presented for the parish or if the see has been vacant for more than a year (canon 525). The Administrator may however appoint assistant pastors and parish administrators when there is a need.

h. Consecrated Life

He should not issue a decree establishing an institution of consecrated life. Also, he should not issue consent for the establishment of religious houses in the diocese. With regard to institutes of diocesan right within the diocese or members of such institutes residing in the diocese, the Administrator may fulfill the duties of the ordinary with regard to dispensations, permissions etc. if these are not forbidden by law or contrary to the general norms for diocesan administrators.