PAGELLA OF FACULTIES FOR PRIESTS AND DEACONS

These faculties apply only to those priests and deacons who meet the following criteria: They are either incardinated in the Diocese of Toledo or have received a ministerial assignment with the diocese under the authorization of the Bishop of Toledo. Other priests and deacons within the diocese may receive the faculties granted by the Bishop of Toledo, or a portion of them, only by specific grant from the Bishop of Toledo or his delegate. The faculties granted by the Bishop of Toledo may be restricted or withdrawn in specific instances, or in general, at the discretion of the Bishop of Toledo. All faculties are to be exercised in accord with universal law and particular law.

It should be noted that some faculties are provided by the law itself, especially by virtue of office, e.g., the office of pastor. Other faculties are delegated by the bishop. Some faculties are delegated to all priests in the diocese, while others are delegated specifically to pastors and/or parochial vicars (associate pastors). Please note these distinctions. The faculties below do not include all the faculties provided by the law itself. The faculties below do include all those faculties that have been granted (“delegated”) by the Bishop of Toledo. Certain faculties granted by the law itself are included below for the sake of clarity and understanding.

I. FACULTIES FOR PRIESTS

Preaching

A. By the law itself, all priests possess the faculty of preaching everywhere, with at least the presumed consent of the pastor of the church, unless this faculty has been restricted or removed by the competent ordinary or unless particular law requires express permission. This universal faculty is hereby sustained for all priests in the Diocese of Toledo. (Canon 764)

Baptism

B. Permission is granted to all priests in the diocese to baptize an adult (in this matter one who has completed at least the fourteenth year) without previously referring the matter to the bishop and to administer Confirmation immediately in accord with canon 883, 2º. (Canon 863)

Confirmation

By the law itself, a priest has the faculty to confirm in these situations:

C. As regards those who are in danger of death, the pastor or any other priest has the faculty to confirm (c. 883, 3º). Note that in danger of death, those below the age of reason should not only be baptized but also confirmed. (Canons 867, §2, 889, §2, 891)
D. **To baptize and confirm** persons who are no longer infants (age 7 or higher) whom the priest judges suitable for Catholic baptism. (Canon 883, 2º)

    *Common example: RCIA Catechumen.*

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E. **To admit into full communion** with the Catholic Church and **to confirm** previously baptized persons who are no longer infants whom the priest judges suitable for admission to the Catholic Church. (Canon 883, §2)

    *Common example: RCIA Candidate.*

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F. **To readmit into full communion** with the Catholic Church and **to confirm** persons beyond infancy who were baptized Catholic but not confirmed and who later left the Catholic Church by a public act (by joining another Christian church or another religion, or by publicly renouncing the Catholic faith), whom the priest judges suitable for readmission to the Catholic Church (c. 883, 2º, Pontifical Commission for the Interpretation of the Decrees of Vatican II, reply, April 25, 1975).

    *Common example: A person is baptized Catholic as an infant but is never confirmed. Later on, as an adult, the person leaves the Catholic Church and joins another religion. This person now desires to return to the Catholic Church and to be confirmed.*

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G. **To readmit into full communion** with the Catholic Church and **to confirm** persons beyond infancy who were baptized Catholic and “who without fault have been instructed in a non-Catholic religion or adhered to a non-Catholic religion” (c. 883, 2º, Pontifical Commission for the Interpretation of the Decrees of Vatican II, reply, December 21, 1979).

    *Common example: A person is baptized Catholic as an infant and never confirmed. While still a minor, the person’s parents decide that the entire family will leave the Catholic Church and become Lutherans. Later on, the person wants to return to the Catholic Church and be confirmed.*

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H. **By general delegation** of the Bishop of Toledo, priests hereby have the faculty to confirm in the following situation:

**To confirm at the Easter Vigil an adult baptized Catholic who never left the Catholic Church and who has never been confirmed. (Canon 884, §1)**

I. **When is an individual mandate (delegation) required?**

*Priests do not have the faculty by law to confirm a baptized but never confirmed Catholic who simply has not been active in the practice of the faith and who did not become a member of another church and now desires to be confirmed and be actively involved in the Church’s life. By the bishop’s general delegation, priests have been given this faculty for use only at the Easter Vigil (see immediately above). For all other cases, the individual delegation (“a mandate”) of the Diocesan Bishop is needed (c. 884, §1).*

- Priests can seek such delegation in writing from the Chancery, giving reasons why the delegation is sought, the name of the priest to be delegated, the name of the candidate, and the intended date and place of the ceremony.

- If you need to request the faculty to confirm, please do so in ample time to receive it. Also, if you have more than one parish, please include the name of the parish where the Confirmation will take place.

### Eucharist

J. Permission is granted to priests, for a just cause, to celebrate the Eucharist twice on weekdays, and, if pastoral necessity requires it, three times on Sundays and Holy Days of Obligation. (Canon 905, §2)

K. Permission is granted for a priest who is ill or elderly, if it is difficult for him to stand, to celebrate the Eucharist publicly while seated. (Canon 930, §1)

L. The faculty is given to all priests in the diocese to dispense, in individual cases and for a just cause, from the one hour Eucharistic fast. (Canons 87, §1, 137, §1, 919, §1)

### Penance

M. **Hearing confessions anywhere.** The habitual faculty to hear confessions is granted to all priests in the diocese whenever this faculty is not given by the law itself (canon 969). The local ordinary can revoke this habitual faculty for individual priests for a grave cause (canon 974). By virtue of canon 967, §2, priests who have the habitual faculty to hear confessions either by office or by grant of the ordinary of the place of
incardination or domicile can exercise that faculty everywhere (world-wide) unless a particular local ordinary has revoked it for his territory (canon 974, §§2-3).

N. **Remission of censures.** The faculty is granted to all priests in the diocese having the faculty of hearing confessions to remit in the internal forum the *latae sententiae* penalty of excommunication for abortion (c. 1398), apostasy, heresy, or schism (c. 1364, §1), provided the penalty has not been declared (canons 1355, §2, 1357, and 1358). This faculty may be used for anyone in the diocese when hearing confessions, but when outside the diocese, the priest may use this faculty only for those who are residents of the Diocese of Toledo by domicile or quasi-domicile.

**Marriage**

O. **Pastors.** By virtue of their office and within the confines of their territory, pastors have the faculty to assist at the marriages of not only their own subjects, but also those who are not their subjects, provided that one of them is of the Latin rite. (Canon 1109)

P. **Parochial Vicars.** The faculty is granted to parochial vicars (associate pastors) to assist at marriages within the boundaries of the parish to which they are assigned (canon 1111, §1). In virtue of canon 137, §3, the delegated parochial vicar can subdelegate this faculty in individual cases.

Q. **Mixed Marriages.** The faculty is granted to all priests to permit the marriage of two baptized persons, one of whom was baptized into the Catholic Church or received into it after baptism and who has not departed from the Catholic Church by a formal act, and the other of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. This permission is not to be given unless the conditions mentioned in canon 1125 are fulfilled. (Canon 1124)

**Christian Burial**

R. **Children Not Baptized.** The faculty is given to all pastors and parochial vicars to allow ecclesiastical funeral rites for children whom the parents intended to baptize but who died before baptism. (Canon 1183, §2)

S. **Baptized Non-Catholics.** The faculty is given to all pastors and parochial vicars to allow ecclesiastical funeral rites for baptized persons who belong to a non-Catholic Church or ecclesial community, provided that this is not clearly contrary to the wishes of the deceased and provided that their own minister is not available. (Canon 1183, §3)

T. **Cremated Remains.** Permission is granted to pastors and parochial vicars to celebrate, without recourse to the diocesan bishop, ecclesiastical funeral rites, including Mass, in the presence of the cremated remains of the body of a deceased person. (Indult, Congregation for Divine Worship and the Discipline of the
Sacraments, Prot. No. 1589/96/L) with due respect for canon 1184. (Order of Christian Funerals, 426)

Miscellaneous

Days of Obligation/Days of Penance

U. The faculty is given to all priests, in individual cases and for a just cause, to dispense persons from the obligation of observing a Sunday or Holy Day or days of penance, or to commute the obligation into other pious works. This faculty can be exercised on behalf of persons who belong to the diocese or who are visiting within the diocese. Pastors have this faculty by the law itself. This faculty is hereby delegated to all priests. (Canons 87, 1245, 1249-1253)

Private Vows/Promissory Oaths.

V. The faculty is granted to all priests to dispense from private vows made by a person belonging to the diocese or a visitor within the diocese, provided no injury is done to the acquired rights of others. Pastors have this faculty by the law itself. (Canon 1196)

W. The faculty is granted to all priests to commute to a lesser good the work that has been promised by a private vow made by a person belonging to the diocese and also by a visitor with the territory of the diocese. Pastors have this faculty by the law itself. (Canon 1197)

X. The faculty is granted to all priests to suspend, dispense, or commute a promissory oath. This faculty may not be exercised if the dispensation from the oath would tend to prejudice those who refuse to remit its obligation. Pastors have this faculty by the law itself. (Canon 1203)

II. SPECIAL FACULTIES FOR DEANS

The Bishop of Toledo grants general delegation (c. 137, §1) to all vicars forane (deans, cf. cc. 553-555) in the diocese for the following situations:

A. In an emergency situation, the Dean has the faculty to grant a dispensation for the impediment of disparity of worship (c. 1086, §1). The priest or deacon requesting the dispensation is to be instructed to send the paperwork to the Chancery immediately and inform the Chancery that such a dispensation had been granted verbally. Dispensations from canonical form (c. 1108, §1) may NOT be granted by the dean.
B. In an emergency situation and in the absence of the pastor, the dean has the faculty to grant delegation for the celebration of a marriage in a parish church within his deanery (c. 1111, §1).

C. In an emergency situation, the dean may extend the faculties of the diocese to a visiting priest only after the priest has presented a recently dated Certificate of Aptitude from his diocesan bishop or religious superior. This certificate must be forwarded to the Chancery within a week.

III. FACULTIES FOR PARISH CHAPLAINS

A. In addition to the faculties they already enjoy by law or by grant, priests who serve as parish chaplains are hereby delegated the same faculties granted herein to parochial vicars for use in their assigned parishes. For example, this means that parish chaplains have general delegation to assist at marriages in their assigned parish.

IV. FACULTIES FOR THE RECTOR OF THE CATHEDRAL

A. The rector of Our Lady, Queen of the Most Holy Rosary Cathedral is canonically a pastor and enjoys all the faculties granted by law as well as those delegated herein to pastors.

V. FACULTIES FOR DEACONS

The vast majority of the faculties that deacons enjoy are given by the law itself by virtue of their ordination to the diaconate. In addition, there are certain faculties granted to deacons by the diocesan bishop (“delegation.”) The faculties granted by the diocesan bishop may be restricted or withdrawn in specific instances, or in general, at the discretion of the Bishop of Toledo (c. 381, §1). All faculties are to be exercised in accord with universal and particular law and with the terms of the deacon’s individual parish agreement.

By the law itself, deacons have the following faculties: (Note: This is not an exhaustive list, but are the most important ones, included here for clarity and understanding.)

A. To assist in the ministry of the Word to the People of God in communion with the bishop and his priests (c. 757), and in cooperation with the pastor (c. 519).

B. To preach everywhere, unless this faculty has been restricted or removed by the competent ordinary or unless express permission is required by particular law. This faculty should always be exercised with at least the presumed consent of the rector or pastor of the church. (Canon 764)
C. To preside at the Liturgy of the Hours. (General Instruction of the Liturgy of the Hours, 254)

D. To proclaim the gospel at Mass; to give the homily at Mass, at the discretion of the priest celebrant. (GIRM, 175, 171c)

E. To baptize in accord with the norms of law. (Canon 861, §1)

F. To assist at the celebration of the Eucharist according to the rubrics and prescriptions of the General Instruction of the Roman Missal and of other liturgical law.

G. To distribute Holy Communion outside Mass, to administer Viaticum, or to lead the faithful in Eucharistic worship outside Mass according to the approved rites for “Holy Communion and Worship of the Eucharist outside Mass.” This includes presiding at benediction and giving the blessing with the reserved Eucharist. (Canons 910, §1, 943)

H. To impart only those blessings which have been expressly committed to them by law (Canon 1169, §3)

I. To administer the sacramentals of the Church in the prescribed form. (See Book of Blessings, 1989).

J. Christian Burial. When a priest is unavailable, to preside at funeral rites—the vigil, funeral liturgy outside Mass, and committal. (Order of Christian Funerals, 14).

By grant of the Bishop of Toledo, deacons who are incardinated in the Diocese of Toledo or who have a ministerial assignment authorized by the Bishop of Toledo are hereby delegated the following faculties:

K. Marriage. For deacons assigned to a parish, to assist at marriages in the parish to which he is assigned, with the permission of the pastor, or in another parish with the delegation of that pastor. (Canon 1111, §1)

L. Mixed Marriages. For deacons assigned to a parish, to permit in the parish to which he is assigned the marriage between two baptized persons, one of who was baptized into the Catholic Church or received into it and who has not departed from the Church by a formal act, and the other of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. This permission is not to be given unless the conditions specified in canon 1125 are fulfilled. (Canon 1124)

M. Cremated Remains. When a priest is unavailable, to celebrate the funeral liturgy outside Mass in the presence of the cremated remains of a deceased person, with due respect for canon 1184, §1, 2º, that those who choose the cremation of their bodies for reasons contrary to the Christian faith must be deprived of ecclesiastical funerals.
(See also canon 1176, §3.) Doubtful cases are to be referred to the Chancery. (Order of Christian Funerals, 426)

VI. GLOSSARY OF TERMS

**Adult** - a person who is at least eighteen years of age (c. 97, §1); for the canons on baptism, one who is seven years old and has the use of reason (c. 852, §1).

**Apostolic See** – in the Code, this term, along with “Holy See,” applies not only to the Roman Pontiff but also to the Secretariat of State, the Council for the Public Affairs of the Church, and other institutions of the Roman Curia, unless the nature of the matter or the context of the words makes the contrary evident.

**Censure** – an ecclesiastical penalty which has as its purpose the reconciliation of the offender with the community; for this reason, these penalties are sometimes called *medicinal* penalties; censures deprive the offender of various ecclesiastical goods, such as the sacraments or church offices, until they cease the offending behavior and are restored to full ecclesial communion; such censures include excommunication, interdict, and suspension. Note: for a listing of those not subject to penalties see canon 1323.

**Delegation** – the act of empowering someone to act for one in the exercise of one’s office; there are two kinds: general, which is granted for any number of cases of the same kind, and special, which is given for a particular act.

**Dispense** – the relaxation of ecclesiastical law in a particular case by one who is competent to do so, provided there is a just and reasonable cause.

**External forum** – public and juridical; this means that an action or one’s status is recognized and has effect in the public life and order of the Church.

**Faculty** – a necessary element for the exercise of power; when authoritatively conferred upon someone in holy orders, enables that person to exercise power.

**Formal act (of departure from the Catholic Church)** – in general, to leave the Catholic Church by a *formal act*, it is required that the act of leaving be a public fact (it is verifiable in the external forum), and involve a formal withdrawal from the Catholic Church; merely ceasing to practice the Catholic faith or attending religious services in another religion or ecclesial communion do not necessarily establish a formal departure from the Catholic Church; in certain instances it may be difficult to determine whether this *formal act* has taken place; when there is any doubt, contact the Chancery or Tribunal offices.

**Habitual faculty** – a faculty which is not limited to a period of time or a certain number of cases.
impediment – a condition or fact considered by the law to be an obstacle to certain actions; diriment impediments make an action invalid as well as illegal.

infant – in canon law, an infant is a person who has not yet completed seven years of age (c. 97, §2).

internal forum – pertains to the forum of conscience, as in the Sacrament of Reconciliation.

irregularity – a perpetual impediment to the exercise of holy orders (see impediment).

juridic – pertaining to the law.

latae sententiae – a sentence already passed; a penalty inflicted by the law itself immediately upon commission of the offense; that is, it is imposed automatically by the law as soon as the offense is committed, as opposed to a penalty which is imposed by a judge or superior (ferendae sententiae).

licit – legitimate, lawful; if something is done illicitly it is against the law, however, it may still have effect in law (see valid).

Missa pro populo – the Mass which is to be offered on Sundays and other holy days of obligation for the people who are entrusted to the care of a pastor.

oath – the invocation of the divine name as witness to the truth; a promissory oath is one whereby the person solemnly undertakes to do something or provide some service.

office – any function constituted in a stable manner by divine or ecclesiastical law to be exercised for a spiritual purpose (e.g., the office of pastor).

Ordinary – one who has the power of governance attached to an office by the law itself: those listed in the Code as “ordinaries” include: the Roman Pontiff, diocesan bishops, vicars, and for their own members, major superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right. by local ordinary, it is understood to include all those ordinaries except the major superiors mentioned above (cf. canon 134). In the Diocese of Toledo only the diocesan bishop, the vicar general, and the episcopal vicar are local ordinaries.

particular law – law established for a local church by a competent legislator (e.g., the diocesan bishop); this law would apply only to the local church for whom it was created. This would include norms and policies issued by the bishop for the diocese.
permission – generally, authorization to legitimately perform some act.

valid – having effect in law; if something is invalid, it means that it is without effect.

vow – a deliberate and free promise made to God concerning a possible and better good which must be fulfilled by reason of the virtue of religion; it is public if it is “received in the name of the Church” and specifically, by a superior determined by law for doing so; otherwise, it is private.

VII. APPENDIX

Latae sententiae penalties established by law and not reserved to the Apostolic See include the following censures:

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absolution from censures
The form of absolution is not to be changed when a priest, in keeping with the provisions of law, absolves a properly disposed penitent within the sacramental forum from a censure *latae sententiae*. It is enough that the confessor intend to absolve also from censures. Before absolving from sins, however, the confessor may absolve from the censure, using the formula which is given below:

By the power granted to me,
I absolve you
from the bond of excommunication (or suspension or interdict).
In the name of the Father, and of the Son, +
and of the Holy Spirit.

The penitent answers: Amen.