Mission of the Church

the sanctifying office

the governing office

the teaching office

ruling the Church

administration

jurisprudence = exercise of judicial power

administration done by an authority with administrative power (e.g., local ordinary)

administration done by someone without administrative power (e.g., parish priest)

administration by issuing general documents

administration in individual cases

general exsecutory decrees (cc. 31-33)

instructions (c. 34)

administrative acts (cc. 35-93)

decrees (cc. 48-58)

Precepts (c. 49)

other decrees

administrative acts which presuppose a petition (cc. 59-93)

permissions (c. 59 § 2)

rescripts (cc. 59-93)

oral favors (c. 59 § 2)

privileges (cc. 76-84)

dispensations (cc. 85-93)

granting of favors

other rescripts
Mission of the Church

sanctifying office

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legislation

jurisprudence (= exercise of judicial power)
teaching office
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administration done by an authority with administrative power (e.g., local ordinary)

administration done by someone without administrative power (e.g., parish priest)
## Executive authorities

<table>
<thead>
<tr>
<th></th>
<th>Offices which entail different kinds of power of governance, including executive (administrative) power</th>
<th>Offices which entail only executive (administrative) power</th>
</tr>
</thead>
<tbody>
<tr>
<td>universal Church</td>
<td>• Pope • College of Bishops</td>
<td>• Dicasteries of the Roman Curia</td>
</tr>
<tr>
<td>intermediate level</td>
<td>• Particular Council • Conference of Bishops (for certain topics)</td>
<td></td>
</tr>
<tr>
<td>diocese</td>
<td>• Diocesan Bishop (or equivalent)</td>
<td>• General vicar • Episcopal vicar</td>
</tr>
<tr>
<td>religious institutes</td>
<td></td>
<td>• certain major superiors</td>
</tr>
</tbody>
</table>
administration

administration done by an authority with administrative power (e.g., local ordinary)

administration done by someone without administrative power (e.g. parish priest)

administration by issuing general documents

administration in individual cases
administration

with administrative power

administration by issuing general documents

- general exsecutory decrees (cc. 31-33)
- instructions (c. 34)

without administrative power

administration in individual cases

- administrative acts (cc. 35-93)
- administrative actions which do not aim at an juridical effect
<table>
<thead>
<tr>
<th></th>
<th>decree</th>
<th>rescripts and similar (c. 59 § 2) administrative acts</th>
</tr>
</thead>
<tbody>
<tr>
<td>definition</td>
<td>c. 48</td>
<td>c. 59</td>
</tr>
<tr>
<td>presupposes a petition?</td>
<td>no</td>
<td>yes (cf. c. 63!)</td>
</tr>
<tr>
<td>content</td>
<td>decision or provision</td>
<td>favor or permission</td>
</tr>
<tr>
<td>moment of juridical effect</td>
<td>when made known to the person (c. 54 § 1)</td>
<td>when issued (c. 62)</td>
</tr>
<tr>
<td>Person</td>
<td>Power to grant dispensations</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td>Legislator</td>
<td>his <strong>own</strong> laws</td>
<td></td>
</tr>
<tr>
<td>Diocesan Bishop</td>
<td>all laws, unless reserved to the Apostolic See (c. 87 § 1)</td>
<td></td>
</tr>
<tr>
<td>Local Ordinary</td>
<td><strong>Diocesan Laws</strong> (c. 88) and <strong>Impediments for marriage</strong> (c. 1078)</td>
<td></td>
</tr>
<tr>
<td>every Ordinary</td>
<td>in <strong>urgent cases</strong> (c. 87 § 2) and in cases of <strong>doubt of facts</strong> (c. 14)</td>
<td></td>
</tr>
<tr>
<td>Parish priest</td>
<td><strong>some few laws</strong>, e.g. fasting (cc. 1196, 1°, 1203, 1245, 1079-1080)</td>
<td></td>
</tr>
<tr>
<td>any priest / deacon</td>
<td>in some urgent cases from impediments for marriage (cc. 1079-1080)</td>
<td></td>
</tr>
</tbody>
</table>
Steps in the procedure of issuing an administrative act

• Preparation
  – e. g. gathering information; hearing those who will be affected

• Decision on the content

• in most cases: **signing the document**

• if necessary, subsequent **review** by a superior authority, e. g. approval

• **Make it known to the addressee**

• **Beginning of binding force**
Administrative procedures for some special administrative acts

In the CIC:
- procedure for dissolution of a non-consummated marriage (cc. 1697-1706)
- procedure for Declaration of death of a spouse (c. 1707)
- procedure to impose a penalty in an administrative way (cc. 1717-1720)
- recourse against administrative acts (cc. 1732-1739)
- procedures for removal or transfer of parish priests (cc. 1740-1752).

Outside the CIC:
- procedure for canonization of Saints
- doctrinal examination by the Congr. for Doctrine of Faith
- procedure for dissolution of a non-sacramental marriage in favor of the faith
- procedure for laicization
- and others
<table>
<thead>
<tr>
<th>Who issued the administrative act?</th>
<th>Reaction</th>
<th>within ...</th>
<th>Nature of reaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>someone below the diocesan bishop</td>
<td>recourse to the diocesan bishop</td>
<td>15 days</td>
<td>Administrative recourse</td>
</tr>
<tr>
<td>diocesan bishop, Conference of Bishops</td>
<td>request for revocation</td>
<td>10 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>recourse to the Apostolic See</td>
<td>15 days</td>
<td></td>
</tr>
<tr>
<td>dicastary of the Roman Curia</td>
<td>request for revocation</td>
<td>10 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Action at the Apostolic Signatura</td>
<td>60 days</td>
<td>Judicial action</td>
</tr>
</tbody>
</table>