

**Authority and Responsibilities of an Apostolic Administrator in a diocese
in a time of “sede vacante” (“the seat being vacant”)
December 4, 2019**

It was announced today that His Holiness, Pope Francis, has accepted the request for early retirement of Bishop Richard J. Malone as Bishop of Buffalo. During this time, the Pope has appointed Bishop Edward B. Scharfenberger of the Roman Catholic Diocese of Albany to serve as Apostolic Administrator. The Diocese of Buffalo is now in a time of “sede vacante,” as the seat of the diocese is vacant until a new bishop is appointed and installed.

A number of changes are in effect during this time:

- For example, offices that exercise general or specific authority granted directly by the diocesan bishop cease since their authority derives from the diocesan bishop, such as the Vicars General and Vicars Forane
- However, some offices remain during the vacant see: chancellor, judicial vicar and financial officer. These offices are necessary for the ordinary operation of the diocese and so remain in place and assist the Apostolic Administrator in his work
- While the judicial vicar’s authority is granted by the diocesan bishop, it does not cease during the vacant see so the process of justice within the diocese can continue without interruption

What is an Apostolic Administrator?

An apostolic administrator is a bishop who is appointed by the Pope to see to the good order and administration of a diocese that is awaiting the appointment of a permanent bishop. In addition to his usual pastoral responsibilities as bishop, the apostolic administrator has the authority to make the necessary decisions for the daily operations of the diocese. Major decisions and initiatives are deferred to the new bishop unless an urgent situation requires action. The apostolic administrator is charged with deciding what issues need to be addressed during this interim period and what issues need to wait for the attention of the new bishop. The role of the apostolic administrator ends when the new bishop is installed.

In general, the Apostolic Administrator is subject to the same obligations and possesses the same powers as a diocesan bishop. However, there are certain limitations on the power of the administrator that hinge upon his status.

Under the code of canon law, an interim apostolic or diocesan administrator must be appointed to oversee the affairs of the diocese when the diocese becomes vacant. A diocese becomes vacant whenever the diocesan bishop dies, retires, resigns, or is transferred from or deprived of his see by the Roman Pontiff. The vacancy of the see becomes effective at the time that written notice of acceptance is received by the diocesan bishop.

Canon law itself denies the administrator the power to perform certain actions that are permitted to the diocesan bishop. For example, Church law allows the administrator to issue letters authorizing the ordination of diocesan priests or deacons but states he can only do so with the consent of the College of Consultors of the diocese.

There are certain functions that the administrator may perform only after the diocesan see has been impeded or stood vacant for more than one year. For example, the administrator may grant incardination or excommunication to priests and deacons only if the diocese has been vacant for a year. The

administrator can name priests as administrators of parishes but cannot name them pastors unless the diocese has been without a diocesan bishop for at least one year.

Finally, Church law prohibits the administrator from taking actions which may prejudice the rights of the diocese or its bishop. This would include suppression of parishes and relegation of churches to profane use.

Apart from such limitations, the administrator enjoys powers and has obligations equivalent to those of a diocesan bishop in all respects. For example, with regard to selling of ecclesiastical property, the administrator needs to obtain the consent of both the college of consultors and the diocesan finance council when the value of the property to be alienated falls within the minimum and maximum amounts set by the episcopal conference.

In general, the Apostolic Administrator maintains the necessary day to day functioning of a diocese but does not make any structural changes that would truly be innovations in the particular diocese.

“Sede vacante”: Canon law DETAILS

The guiding principle behind this part of the law is that during the vacant see the ordinary operations of the diocese are to continue for the good of souls.

- An Apostolic Administrator is bound by the obligations and possesses the power of a diocesan bishop, excluding those matters which are excepted by their nature or by the law itself (Canon 427, 1)
- One of the powers excluded by the law is the power to make diocesan law
- An example of a power that the Apostolic Administrator may exercise is the calling of candidates for ordination to the diaconate and the presbyterate, but only after the College of Consultors has given its consent. This is possible because the calling of candidates to holy orders and their subsequent ordination are part of the ordinary operations of a diocese
- The Apostolic Administrator may appoint pastors but only if the see has been vacant for a year. The office of pastor is understood to be a stable office. Since the administrator is not to make any innovations, the conferral of a stable office should not happen except in the situation noted here
- If a pastorate becomes vacant before that year time frame has occurred, the Apostolic Administrator may appoint a priest as the parochial administrator since this is not a stable office. Similarly, he may appoint priests as parochial vicars because that is not a stable office.

“Sede vacante”: Liturgical CHANGES

- The phrase “for N. our Bishop” is completely omitted from the Eucharistic Prayer at all Masses in the diocese until a new bishop is ordained or installed in the Diocese of Buffalo
- Special intercessions during the Universal Prayer are provided for all parishes to pray during this time of “sede vacante”
- Mass for the Election of a Bishop should be celebrated praying for the Holy Spirit to guide the process of the selection of the next Bishop of Buffalo