

# **The Anglican Church of Canada    L'Église Anglicane du Canada**

## **The Ecclesiastical Province of Canada**

### **Constitution and Canons as amended by the Provincial Synod 2012**

#### **Constitution**

##### **1. Purpose**

The Rights, Responsibilities and Prerogatives of this Provincial Synod shall include the following, namely:

A. The providing of occasions for fellowship and of a forum for the consideration of topics of particular concern within the Province, including:

faith, witness, ministry and liturgical worship;

the political, economic, educational and social dimensions of the Ecclesiastical Province; both those common to the whole and those of a more local nature;

the relationship of the Church to governments in all matters affecting the quality of life and of community within the Ecclesiastical Province.

In order better to fulfill the above functions, Provincial Synod shall call upon speakers and scholars to inform them in seminar and worship on these matters.

B. The planning and promotion of teamwork among bishops, clergy and laity within the Province.

C. The exercise of canonical and legislative authority and jurisdiction in all matters affecting the general interests and well-being of the Church within the Province in the following matters:

the election of the Metropolitan and the definition of the duties, responsibilities and authority of the Metropolitan;

the constitution and organization of the Synod, including the regulation of the time and place of its meetings, the order and conduct of its proceedings, and the appointment, functions and duties of its officers, Provincial Council and committees for the proper conduct of its affairs;

matters referred to it by the General Synod, the diocesan synods in the province and the House of Bishops of the province;

the ordering and directing of matters liturgical, and in particular, the authorization of special forms of prayers, services and ceremonies for which no provision has been made under the authority of the General Synod or the House of Bishops of the Anglican Church of Canada;

with the consent of the General Synod and of any diocese affected, the adjustment of the boundaries of the province;

with the consent of the General Synod and of the dioceses affected, the division of the province into dioceses, the establishment of missionary dioceses within the province, the division of existing dioceses and the adjustment or rearrangement of diocesan boundaries;

the Constitution of the Provincial Court of Appeal, with original and appellate jurisdiction, including the procedure therein and enforcement of its decrees and judgments;

the ecclesiastical discipline and trial of bishops;

the regulation of the ministrations of the clergy and others; including the oaths and subscriptions of clergy;

the administration of any fund or trust established in respect of the province or the Synod;

the confirmation of the election, consecration, and resignation of bishops;

the relations of the church to the civil authorities and to public education within the Province;

the formation and constitution of provincial branches of organizations and societies established by the General Synod for the promotion of the work of General Synod;

the consideration, promotion and advancement of any object or matter for the general advantage of the Church in Canada or in the province, referred to the Synod by the General Synod.

D. The supervision of the programme of the Advisory Council for Postulants for Ordination within the province.

2. In order to effect the rights, responsibilities and prerogatives of the Synod of the Province of Canada as hereinbefore set forth it is provided as follows.

### **3. Membership**

3(1) The Provincial Synod consists of:

(a) The Bishops of the Anglican Church of Canada holding Sees in the Ecclesiastical Province of Canada which comprises the Dioceses of Nova Scotia and Prince Edward Island, Quebec, Fredericton, Montreal, Eastern Newfoundland and Labrador, Central Newfoundland, and Western Newfoundland;

(b) A Coadjutor, Suffragan or Assistant Bishop may attend, participate fully and vote as of right.

(c) Two clerical and two lay members from each diocese elected or appointed by the diocesan synods according to such rules as they adopt;

(d) One lay member, appointed by each Diocesan Synod according to such rules as they adopt, such person being between the age of sixteen and twenty-five years; and

(e) the Officers of Synod.

3(2) Each diocesan synod shall provide for the election or appointment of substitute clerical and lay members to represent the diocese in the Provincial Synod.

3(3) The election or appointment of the clerical and lay members shall be certified under the hand and seal of the Bishop of the diocese or, in the absence of the Bishop, by the secretaries of the diocesan synod, and such certificate is conclusive.

3(4) The secretaries of the Diocesan Synods shall forward the certificates to the secretaries of the Provincial Synod who shall send a copy thereof to the Prolocutor.

3(5) If any member is unable to attend a meeting of the Provincial Synod the Bishop, or in the absence of the Bishop the secretaries of the diocesan synod, shall certify that fact and the name of the substitute who is authorized under the rules adopted by the diocesan synod to fill the place of the member and such certificate is conclusive whether presented before or during the meeting of synod.

3(6) A certificate respecting a lay member or substitute shall certify that the member or substitute is a communicant member of the Anglican Church of Canada.

#### **4. Meetings**

4(1) The Synod shall meet

in every third year, or

at the request of any two bishops, or

the Bishop and one-half of each of the clerical and lay members from a diocese, or

the Provincial Council.

4(2) The Metropolitan in consultation with the Prolocutor shall decide the time and place of each meeting.

4(3) The Metropolitan is the President of the Synod.

4(4) In the absence of the Metropolitan, or at the Metropolitan's request, the Prolocutor or Deputy Prolocutor shall preside.

4(5) A quorum of the Synod consists of a majority of the diocesan bishops, one-third of the clerical members and one-third of the lay members.

4(6) Each meeting of the Synod and the business of each day shall begin with prayer for divine guidance and blessing.

4(7) The Metropolitan, in consultation with the Bishop of the host diocese, shall have charge of the arrangements for worship during meetings of the Synod.

## 5. Officers

5(1) The officers of the Synod are

the Metropolitan,

the Prolocutor,

the Deputy Prolocutor,

two Secretaries,

the Treasurer,

the Chancellor or in his or her absence, the Vice-Chancellor, and

two Assessors.

5(2) At each triennial meeting of the Synod the members present shall by majority vote elect the Prolocutor, the Deputy Prolocutor and the two Secretaries from among the clerical and lay members of the Synod and shall elect the Treasurer who may, but need not, be a member of the Synod before being elected.

5(3) A person who has been elected to the office of Prolocutor, Deputy Prolocutor or Secretary

a) shall not be re-elected to such office unless she or he has been re-elected or re-appointed to be a member of Synod by her or his Diocesan Synod;

b) shall not serve more than two successive terms in any such office; and

c) is not eligible for election to any other office unless that person has been re-elected or re-appointed to be a member of Synod by her or his Diocesan Synod.

*Note 5(3) This article comes into force at the Provincial Synod held next after the 2012 Synod.*

5(4) If the Prolocutor is of the order of clergy, the Deputy Prolocutor shall be elected from the order of laity, and if the Prolocutor is of the order of laity, the Deputy Prolocutor shall be elected from the order of clergy.

5(5) One Secretary shall be elected from each of the orders of clergy and laity.

5(6) The Prolocutor, Deputy Prolocutor, Secretaries and Treasurer shall remain in office until immediately prior to the prorogation of the meeting of the Synod at which their successors are elected.

5(7) If a vacancy occurs in the office of Prolocutor, the Deputy Prolocutor shall perform the duties of the office until the Prolocutor elected at the next meeting of the Synod takes office.

5(8) If a vacancy occurs in the office of Deputy Prolocutor, the Provincial Council shall elect a Deputy Prolocutor who shall perform the duties of the office until the Deputy Prolocutor elected at the next meeting of the Synod takes office.

5(9) If a vacancy occurs in the office of either Secretary the Provincial Council shall elect a Secretary from the same order as the person whose office has become vacant and that person shall perform the duties of the office until the Secretaries elected at the next meeting of the Synod take office.

5(10) The Metropolitan, in consultation with the Prolocutor, shall appoint a Chancellor and a Vice-Chancellor, each of whom

(a) shall be a communicant member of the Church;

(b) shall be either a lawyer of at least ten years' standing, or a judge of a court of record;

(c) need not be a member of the Synod before being appointed; and

(d) shall hold office at the pleasure of the Metropolitan.

5(11) The Chancellor shall advise and assist the Metropolitan, the Synod and the Council, and shall assist the Assessors during the sessions of the Synod.

5(12) The Vice-Chancellor shall

(a) assist the Chancellor, and shall act in case of the absence or incapacity of the Chancellor, or when the office of Chancellor is vacant; and

(b) attend and vote as of right at a meeting of the Synod, the Council or the Executive only in the absence of the Chancellor.

5(13) If a vacancy occurs in the office of Treasurer the Metropolitan, in consultation with the Prolocutor, shall appoint a Treasurer who need not be a member of the Synod and who shall perform the duties of the office until the treasurer elected at the next meeting of the Synod takes office.

5(14) The Metropolitan, in consultation with the Prolocutor and the Deputy Prolocutor, shall appoint two Assessors from among any lawyers or judges who are members of the Synod.

5(15) If there are not two lawyers or judges among the members, one or both Assessors may be appointed from among the Chancellors and Vice-Chancellors of the dioceses in the Province.

5(16) The Assessors shall act as legal advisors to the chairman on the constitution and rules of order, procedure and debates of the Synod.

5(17) The Secretaries shall:

keep regular accounts of all proceedings;

preserve memorials and other documents under the direction of the President and Prolocutor, attest all public acts of the Synod, and deliver over all records and documents to their successors;

file with the archivist appointed by the Synod two or more copies of the printed Journal of each meeting with a statement attached to each mentioning the number of pages and certifying the same to be a true copy of the original minutes and proceedings, of which it is the printed copy, signed by the Prolocutor and Secretaries;

furnish without fee certified copies of each Synod Journal and send the same to the proper officer of the General Synod, and of each Ecclesiastical Province, for preservation among their records; and

forward to the Registrar of the General Synod a certificate of every consecration or installation of a Bishop or Metropolitan within the Province.

5(18) The Treasurer shall:

receive and disburse all monies of the Synod, under the authority of the Synod or Provincial Council;

perform such other duties as may be prescribed by Canon or resolution of the Synod; and

present to each meeting of the Synod an audited financial statement.

5(19) The signing officers of the Synod are any two of the Treasurer, the Metropolitan and the Prolocutor.

5(20) Auditors shall be appointed at each triennial session of the Synod.

## **6. The Provincial Council**

6(1) The Provincial Council shall, between meetings of the Synod, carry on the work of the Synod and shall exercise the authority and jurisdiction of the Synod in all matters except:

the enactment of additions or amendments to the Constitution, the Canons, or the Rules of Order;

the consideration of changes in the Declaration of Principles of General Synod or of Canons of General Synod dealing with doctrine, worship or discipline;

the adjustment of the boundaries of the province, the creation, division and rearrangement of provinces, the division of the province into dioceses, the establishment of missionary dioceses, the division of existing dioceses and the adjustment or rearrangement of diocesan boundaries; and

any question relating to the jurisdiction of Provincial Synod or its Declaration of Principles.

6(2) The Synod may delegate to the Provincial Council authority to act in respect of any specific matter falling within the subjects enumerated in paragraphs 6(1)(b),(c) and (d)

6(3) The Provincial Council consists of:

(a) the Bishops, as set out in section 3;

(b) the Prolocutor,

(c) the Deputy Prolocutor,

(d) the Secretaries,

(e) the Treasurer,

(f) the Chancellor or, in the absence of the Chancellor, the Vice-Chancellor,

(g) one member elected by the Synod from among the clergy and lay members of each Diocese, provided that there be not fewer than three clergy and not fewer than three lay persons elected; *[see note at end of the Constitution for the schedule A of which diocese elects from which House]* and

(h) two lay members elected at the Synod from among and by those members being between the age of sixteen and twenty-five years.

6(4) The clerical and lay members of the Provincial Council and substitutes therefore shall be elected by the synod from among members nominated by the clerical and lay members from the respective dioceses.

6(5) If both a member of the Provincial Council and the substitute for that member vacate their positions the Bishop of their diocese shall appoint a member of the Provincial Council from among the members of the same order who represented the diocese at the previous meeting of the Synod.

6(6) The Provincial Council shall meet

at the conclusion of each meeting of the Synod,

at such times and places as it determines,

when summoned by the Metropolitan, or

on the written request of two clerical and two lay members of the Council.

6(7) The Metropolitan is the Chairman of the Provincial Council.

6(8) In the absence of the Metropolitan, or at the Metropolitan's request, the Prolocutor or Deputy Prolocutor shall preside.

6(9) Fifteen members of the Provincial Council constitute a quorum if seventy-five per cent of the dioceses are represented.

## **7. Finances**

7(1) The expenses of the Synod shall be provided for by an annual assessment on the dioceses in the province.

7(2) The Provincial Council shall determine the basis on which the assessment shall be made and the amounts thereof.

7(3) Each diocese shall pay the amount of its annual assessment to the Treasurer who shall credit it to the Provincial Synod Expense Account.

7(4) The Treasurer shall pay out of the Provincial Synod Expense Account:

the cost of printing and distributing convening circulars, reports, minutes and journals of the Synod and other printed materials required for the Synod, the Provincial Council or the House of Bishops;

honoraria, expenses and presentations authorized by the Synod or the Provincial Council;

the fees of auditors, solicitors and legal counsel when necessary in the opinion of Synod or the Provincial Council;

the general administrative expenses of the Synod and the Provincial Council; and

other amounts authorized by the Synod or the Provincial Council.

## **8. Canons and Amendments**

8(1) A Canon may be enacted, amended or repealed and the Constitution may be amended

by a two-thirds majority of each order if notice of the proposed enactment, amendment or repeal has been sent to the members of the Synod at least three weeks before the meeting of Synod, or

by a majority of each order at two successive meetings of the Synod.

8(2) Notwithstanding subsection (1), a Canon or an amendment to the Constitution or a Canon proposed for the purpose of conforming the legislation of the Synod to the legislation of the General Synod may be adopted by a majority of each order at one meeting of the Synod if notice thereof has been sent to the members of the Synod at least three weeks before the meeting.



*Note to section 6 (3) (g) That in 2012 the following Dioceses shall elect clerical members of Provincial Council:*

*Eastern Newfoundland & Labrador, Western Newfoundland, Fredericton and Quebec.*

*The following Dioceses shall elect lay members to the Council: Central Newfoundland, Nova Scotia & Prince Edward Island, and Montreal.*

*At the next Synod of the Province the dioceses shall elect from the other house to the Council. In the interest of insuring that the members between the ages of 16 -25 years have representations, that age group shall caucus and elect two members.*

***Appendix A Schedule of Elections***

*Chart showing election for the next 4 synods*

***2012, 2018***

***Clerical Members***

*Dioceses of:*

*Eastern Newfoundland & Labrador*

*Western Newfoundland*

*Fredericton*

*Quebec*

***Lay Members***

*Dioceses of:*

*Central Newfoundland*

*Nova Scotia & Prince Edward Island*

*Montreal*

***2015, 2021***

***Clerical Members***

*Dioceses of:*

*Central Newfoundland*

*Nova Scotia & Prince Edward Island*

*Montreal*

***Lay Members***

*Dioceses of:*

*Eastern Newfoundland & Labrador*

*Western Newfoundland*

*Fredericton*

*Quebec*

## **Canon 1 The Ecclesiastical Province of Canada and its Dioceses**

1. The Ecclesiastical Province of Canada consists of the Dioceses of Nova Scotia and Prince Edward Island, Quebec, Fredericton, Montreal, Eastern Newfoundland and Labrador, Central Newfoundland, and Western Newfoundland.
2. The Provincial Synod may, with the consent of the General Synod and of the synods of the dioceses affected and after ensuring that appropriate financial and other arrangements are made, divide any diocese or adjust or rearrange the boundaries between dioceses.

## **Canon 2 The Election, Office and Work of the Metropolitan Bishop**

1(1) When the Office of Metropolitan becomes vacant or will become vacant on a fixed future date, the Prolocutor shall

(a) if the vacancy occurs or will occur more than six months before the next regular meeting of the Provincial Synod, supervise the election of a Metropolitan by electronic means; or

(b) if the vacancy occurs or will occur less than six months before the next regular meeting of the Provincial Synod or during a regular meeting, convene the election of a Metropolitan during such meeting.

1(2) The Prolocutor shall preside at the election of the Metropolitan.

1(3) The Provincial Synod shall elect the Metropolitan from among the diocesan bishops of the province.

1(4) The Election shall be by secret ballot taken by orders and the voting shall continue by consecutive ballots until a bishop receives a majority of those present and voting in each order.

2(1) The See of the bishop who holds the office of Metropolitan is the Metropolitan See.

2(2) The Metropolitan shall bear the title of Archbishop of the diocese of which the Metropolitan is Bishop and Metropolitan of the Ecclesiastical Province of Canada.

3(1) The Metropolitan shall preside over the House of Bishops, the Provincial Synod and the Provincial Council and shall arrange for the consecration of bishops elected in the province.

3(2) The Metropolitan has a pastoral relationship to the whole ecclesiastical province and, in particular, shall give pastoral care to the bishops of the province.

4. A diocesan synod, by a two-thirds majority of the orders of clergy and laity, may request the Metropolitan, after consultation with the House of Bishops, to assume visitatorial powers.

5. When the Metropolitan is incapacitated or when the office is vacant, the diocesan bishop senior by consecration shall have all the rights, duties, powers, privileges and prerogatives of the Metropolitan.

6(1) The office of Metropolitan is vacated when the Metropolitan ceases to be a diocesan bishop or his or her resignation as Metropolitan is accepted.

6(2) The Metropolitan may resign the office by submitting a written resignation to the diocesan bishop senior by consecration but such resignation does not take effect until it is accepted by the House of Bishops of the province.

6(3) The title of the Metropolitan shall continue to be "Archbishop" after he or she ceases to hold office.

## **Canon 3 The Election, Appointment, Consecration and Resignation of Bishops**

### **Part I - General**

#### **Interpretation**

1. In this Canon

"assistant bishop" means a bishop who is already consecrated and who is appointed to assist a diocesan bishop but who does not have a right of succession;

"coadjutor bishop" means a bishop who is elected or appointed to assist a diocesan bishop and who has the right to succeed the diocesan bishop when the diocesan bishop ceases to hold the office of diocesan bishop;

"diocesan bishop" means the bishop who has jurisdiction and pre-eminence in a diocese;

"electoral synod" means a meeting of a diocesan synod called to elect a bishop;

"Metropolitan" means the Metropolitan of the Ecclesiastical Province of Canada;

"suffragan bishop" means a bishop elected or appointed to assist a diocesan bishop but who does not have a right of succession.

#### **Canonical Requirements**

2. Any priest or bishop of The Anglican Church of Canada or of a church in full communion therewith who is at least 30 years of age may be elected or appointed as a bishop.

#### **Financial Provision**

3. The Metropolitan shall ensure that there is sufficient financial provision for the support of a bishop before a bishop is elected or appointed.

#### **Confirmation of Elections**

4.(1) If the Metropolitan is not the President of an electoral synod at which a bishop is elected, the President and Secretaries of the synod shall, within seven days after the election, certify the election to the Metropolitan.

(2) When a bishop is elected the Metropolitan shall forthwith notify the other bishops of the province.

(3) Each bishop shall, within seven days after being notified of the election, inform the Metropolitan that he or she concurs with, or objects to, the election.

(4) A bishop may object to an election on the ground that the person elected either

has not attained 30 years of age,

is not a priest or bishop of the Anglican Church of Canada or of a church in full communion therewith,

is deficient in learning, training or experience,

has either directly or indirectly secured or attempted to secure the office by improper means,

is guilty of crime or immorality, or

teaches or holds, or within the previous five years has taught or held, anything contrary to the doctrine or discipline of the Anglican Church of Canada.

(5) The House of Bishops of the Ecclesiastical Province of Canada shall consider and determine any objection to an election and the decision of the House of Bishops is final.

### Consecrations

5.(1) When the election of a bishop has been confirmed, unless the person elected is already a bishop the Metropolitan shall, with the assistance of at least two other bishops, consecrate the bishop-elect.

(2) Before a bishop-elect is consecrated,

the Metropolitan shall cause a duly attested certificate of election to be read during the service of consecration and shall declare that there is no constitutional or canonical impediment to the consecration, and

the bishop-elect shall make and subscribe an oath of due obedience to the Metropolitan and such other oaths, declarations or promises as are required by Canon.

(3) The Metropolitan may consecrate a bishop-elect who has been elected to fill an impending vacancy in the office of diocesan bishop before the vacancy occurs and a bishop-elect so consecrated shall become the diocesan bishop immediately on the occurrence of the vacancy.

### Retirements and Resignations

6.(1) Subject to any applicable secular law, a bishop ceases to hold office when he or she attains the age of 70 years.

(2) A bishop may resign before attaining the age of 70 years by submitting a resignation to the Metropolitan and the House of Bishops.

(3) A bishop who is the Metropolitan may resign before attaining the age of 70 years by submitting a resignation to the diocesan bishop in the province senior by consecration and the House of Bishops.

### Diocesan Procedures

7. In a diocese in which Part II of this Canon is not in force bishops shall be elected or appointed in accordance with rules adopted by the diocesan synod, and the diocesan synod may request the House of Bishops to appoint a diocesan bishop, a coadjutor bishop or a suffragan bishop.

## **Part II - Optional Uniform Procedures**

### **Interpretation**

8. In this Part

"convening authority" means the person or body that may call a special meeting of the diocesan synod;

"Council" means the body, by whatever name it is designated, constituted by the diocesan synod to exercise the powers of the diocesan synod between meetings of that synod and, where an executive committee of the Council has been constituted and has been given the powers of the Council, includes that executive committee;

"Search Committee" means a Search Committee elected or appointed pursuant to section 9.

### **Calling an Electoral Synod**

9.(1) In a diocese where there is no coadjutor bishop an electoral synod shall be called to elect a diocesan bishop when

a vacancy occurs in the office of diocesan bishop,

the diocesan bishop has submitted a resignation to the Metropolitan and less than six months remains until the effective date of the resignation, or

the diocesan bishop has attained the age of 69 years and six months.

(2) An electoral synod shall be called to elect a coadjutor or a suffragan bishop when

the diocesan bishop informs the diocesan synod that in his or her opinion the diocese requires a coadjutor bishop, or a suffragan bishop, and

the diocesan synod, by resolution, concurs in the opinion of the diocesan bishop, and

the Metropolitan determines that there is sufficient financial provision for the support of a coadjutor bishop, or a suffragan bishop.

(3) An electoral synod shall be called to elect a coadjutor bishop or a suffragan bishop where

there is no coadjutor bishop,

there is no suffragan bishop, and

the Council determines that the diocesan bishop, for any cause, is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity.

(4) Where the Council determines that the diocesan bishop is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity, the Council shall decide whether the electoral synod should elect a coadjutor bishop or a suffragan bishop.

(5) Where the convening authority is not the Metropolitan, the convening authority shall consult with the Metropolitan and, where the convening authority is not the Council, the convening authority shall consult with the Council with respect to fixing the time and place for the electoral synod.

(6) After such consultation has taken place the Council shall

fix a day, time and place for the electoral synod and direct the convening authority to give notice of the electoral synod,

elect or appoint the diocesan members of the Search Committee,

appoint the Secretary of the Committee who may, but need not, be a member of the Committee.

(7) The date of the electoral synod shall not be earlier than 16 weeks after the day on which the Council elects or appoints the diocesan members of the Search Committee.

(8) The Council may request the Metropolitan to appoint members of the Provincial Synod to the Search Committee.

(9) The convening authority shall, when the Council has elected or appointed the diocesan members of the Committee, send to each member of the diocesan synod, written notice of the day, time, place and purpose of the electoral synod.

(10) When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected at an electoral synod pursuant to subsection 9(3) the convening authority shall include in the notice of the electoral synod

the name and address of the Secretary of the Search Committee, and

a statement that any member of the synod may, not later than eight weeks before the date of the meeting, submit in writing to the Secretary of the Search Committee the name or names of any person or persons proposed by the member for the position to be filled.

(11) When the Council is deliberating on any matter with respect to the calling of an electoral synod, the formation of the Search Committee, or the reports of the Search Committee, the Diocesan Bishop shall relinquish the chair if the bishop is in the chair at the time of the meeting.

### **Notice to the House of Bishops**

10. When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 9(3), the convening authority shall inform the members of the House of Bishops of the Ecclesiastical Province of Canada of the name and the address of the Secretary of the Search Committee, that the Search Committee has been appointed, and that any member of the House may, not later than eight weeks before the date of the electoral synod, submit in writing to the Secretary of the Committee the name or names of any person or persons proposed by the member for the position to be filled.

## **The Search Committee**

11.(1) The Search Committee shall consist of

at least three clerical members of the diocesan synod and at least three lay members of the diocesan synod elected or appointed by the Council,

when requested by either the Council or the Search Committee, a bishop, a priest and a layperson appointed by the Metropolitan from among the members of the Provincial Synod from other dioceses, and

the diocesan bishop, if the electoral synod is called to elect a suffragan bishop pursuant to subsection 9(2).

(2) The convening authority or a person designated by the convening authority shall convene the first meeting of the Search Committee.

(3) The Search Committee shall, at its first meeting, elect a Chair and determine its procedures and may, if the Council has not done so, request the Metropolitan to appoint members of the Provincial Synod to the Committee.

## **Duties of Search Committee**

12.(1) When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected pursuant to subsection 9(3), the Search Committee shall

prepare for the approval of the Council, a written description of the general qualifications and requirements for the position to be filled and any specific qualities that the Search Committee considers to be desirable in the person who will fill the position;

receive in writing from members of the diocesan synod and from members of the House of Bishops of the Province the names of any persons proposed by them as nominees for election together with information as to the clerical position or office, address and telephone number of each person so proposed and a statement that the person has consented to be proposed;

determine which of the persons proposed pursuant to clause (b) in the opinion of the Committee meet the canonical requirements for election, and

the qualifications, requirements and qualities determined pursuant to clause (a);

inform the proposer of any person proposed whom the Committee does not intend to nominate for election, of that fact;

determine the names of other persons who in the opinion of the Committee meet the canonical requirements for election, and

the qualifications, requirements and qualities determined pursuant to clause (a);



enquire of the persons identified pursuant to clauses (c) and (e) whether they consent to being nominated for election, and obtain from those who do consent written confirmation of such consent;

prepare a list, arranged alphabetically by surname, of the persons identified pursuant to clauses (c) and (e) who have consented to being nominated;

obtain from proposers, from persons to be nominated, or otherwise the information required for communication to the members of the electoral synod;

prepare appropriate information about each person to be nominated for communication to the members of the electoral synod in such a manner that as a minimum there is a brief curriculum vitae for each person to be nominated,

the information is communicated in a standard format and reproduced in a uniform quality, and the identity of the person or persons who proposed any person for nomination under this section or under section 15 is not communicated to the members of the electoral synod; and

present its report to the electoral synod and nominate the persons listed pursuant to clause (g).

(2) When a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 9(2) the Search Committee shall

prepare for the approval of the diocesan bishop a written description of the general qualifications and requirements for the position to be filled and any specific qualities that the Search Committee considers desirable in the person who will fill the position; and

in consultation with the diocesan bishop determine the names of at least ten persons who in the opinion of the Search Committee meet the canonical requirements for election, and

the qualifications, requirements and qualities determined pursuant to clause (a).

### **Nominations by Diocesan Bishop**

13.(1) When a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 9(2), the diocesan bishop shall nominate six or more of the persons whose names have been determined pursuant to clause 12(2)(b) and who have consented in writing to being nominated.

(2) When a suffragan bishop is to be elected at an an electoral synod called pursuant to subsection 9(2), the diocesan bishop shall inform the Search Committee of the names of the nominees and the Search Committee shall

obtain from the nominees, or otherwise, the information required for communication to the members of the electoral synod; and

prepare appropriate information about each nominee for communication to the members of the electoral synod in such a manner that as a minimum there is a brief curriculum vitae for each nominee, and

the information is communicated in a standard format and reproduced in a uniform quality.

### **Notice of Nominations**

14. At least two weeks before the electoral synod the convening authority shall send to each member of the synod

a list of the persons nominated by the Search Committee pursuant to clause 12(1)(j) or by the diocesan bishop pursuant to subsection 13(1),

a copy of the information prepared pursuant to clause 12(1)(i) or 13(2)(b),

where the election is of a diocesan bishop or a coadjutor bishop or of a suffragan bishop pursuant to subsection 9(3), a description of the procedure for further nominations pursuant to section 15, and

a description of the procedures to be followed at the electoral synod.

### **Further Nominations**

15. At an electoral synod where a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected pursuant to subsection 9(3), any two members of the synod may nominate any person who meets the canonical requirements for election for election and who has consented in writing to be nominated if, at least 72 hours before the commencement of the electoral synod, such members have provided to the Secretary of the Search Committee

written notice of their intention to nominate,

the intended nominee's written consent to nomination, and

a brief curriculum vitae of the intended nominee in a form prescribed by the Council or approved by the Search Committee.

### **Quorum**

16. (1) Subject to any canon enacted under section 27, a quorum of the electoral synod consists of a majority of the clerical members of the synod and a majority of the lay members of the synod.

(2) If a quorum is not present at the time appointed for the opening of the synod, the members present may adjourn from time to time until a quorum is obtained and it is not necessary that any further summons be sent to the members of the synod.

### **President**

17. (1) The Metropolitan or a bishop designated by the Metropolitan shall be the president of the electoral synod.

(2) If the Metropolitan or the designated bishop is unable to preside the members of the electoral synod shall elect a president from among the lay members of the synod.

## **Celebration of Holy Communion**

18. On the day appointed for the meeting of the electoral synod the members of the synod shall gather for a celebration of the Holy Communion.

## **Election Procedures**

19. (1) When the electoral synod convenes, following the celebration of Holy Communion, the president shall

unless the electoral synod has been called to elect a suffragan bishop pursuant to subsection 9(2), permit further nominations to be made pursuant to section 15,

if further nominations are made, suspend the meeting until the curricula vitae of those nominees are distributed to the members of the synod,

read the names of all nominees in alphabetical order by surname, and

introduce the nominees who are present.

(2) A nominee may withdraw his or her name from the balloting at any time.

(3) The members of the electoral synod vote by secret ballot, the orders of clergy and laity voting separately.

(4) The president of the electoral synod shall appoint a committee of the clerical and lay members of the synod to separately collect and count the ballots cast by the clerical and lay members of the synod.

(5) After each ballot the president shall announce the number of clerical and lay votes cast for each nominee and shall declare removed from the balloting the name of

any nominee who did not receive any votes, and

the one nominee, if any, who received the fewest votes in both orders simultaneously, unless only two nominees remain.

(6) Subject to subsection (7), balloting shall continue until a nominee is elected or until only two nominees remain.

(7) Subject to any diocesan canon enacted under section 27, balloting shall continue until a nominee receives the votes of two thirds of the members of the order of clergy present and voting and two thirds of the votes of the members of the order of laity present and voting.

(8) When fewer than three names remain in the balloting, if an election does not occur after three further ballots, the electoral synod may

by a majority of each order decide to continue balloting on the same name or names,

by a majority of each order decide to adjourn and direct the summoning of another electoral synod within six months,

by a majority of either order decide to open the meeting to re-nomination of any of those nominees who have earlier withdrawn their names or whose names have earlier been removed from the balloting, or

by the same number of votes in each order as is required for an election, request the House of Bishops of the Ecclesiastical Province of Canada to appoint a bishop,

but, if the electoral synod has been called to elect a suffragan bishop pursuant to subsection 9(2), no such decision or request shall be made without the concurrence of the diocesan bishop.

(9) If at any time only one name remains in the balloting the members of the electoral synod shall mark their ballots "in favour" or "not in favour" of the nominee whose name remains.

### **Procedure When Election Occurs**

20.(1) When there is an election the President shall

declare the elected person to be the bishop-elect, and

inform the bishop-elect of the election and request that person's consent to the election and to the formal submission of his or her name to the Metropolitan, and, where such consent is given order that the ballots be destroyed.

(2) If within a reasonable time, as determined by the President, the person elected is not available or able to consent to the election or does not consent to the election, the President shall

announce to the members of the electoral synod that the elected person has not consented to the election, and

that if the elected person does not consent to the election within seven days after the adjournment, the electoral synod shall be reconvened on a date which is at least thirty days after the day on which the electoral synod adjourns; and

adjourn the electoral synod.

(3) When an electoral synod is adjourned pursuant to subsection (2) and the person elected does not consent to the election within seven days after the day on which the meeting is adjourned, the president of the electoral synod shall reconvene the synod by giving each member of the synod notice stating that

the elected person has not consented to the election within seven days after the electoral synod was adjourned, and

the electoral synod is to be reconvened on such date and at such time and place as is set out in the notice.

(4) A notice given pursuant to subsection (3) shall be given a reasonable time, as determined by the president, before the synod reconvenes.

(5) At an electoral synod that is reconvened pursuant to subsection (3), the members shall resume voting from the point at which it ceased but the name of the person who was elected and who did not consent shall be removed from the list of nominees.

#### Validity of Election or Appointment

21.(1) When the elected person has consented to the election, unless the president is the Metropolitan, the president shall forthwith notify the Metropolitan of the election.

(2) Any question as to the validity of the process followed in electing or appointing a bishop shall be submitted to the Metropolitan before the consecration, or, in the case of a bishop already consecrated before the installation, of the person elected or appointed and the decision of the Metropolitan is final.

#### Appointment of an Assistant Bishop

22. The diocesan bishop may appoint a bishop of the Anglican Church of Canada or of a church in full communion therewith to be an assistant bishop for a term of not more than five years at any time after

the diocesan bishop informs the diocesan synod that in his or her opinion the diocese requires an assistant bishop,

the diocesan synod, by resolution, concurs in the opinion of the diocesan bishop, and

the Metropolitan determines that there is sufficient financial provision for the support of an assistant bishop.

#### **Forms and Regulations**

23. The Council may prescribe forms for use under this Canon and may make such regulations, not inconsistent with this Canon, as are necessary to facilitate the orderly conduct of an electoral synod.

#### **Coadjutor Bishop's Right of Succession**

24. A coadjutor bishop, when consecrated, has the right to succession to the office of diocesan bishop and succeeds to that office immediately it becomes vacant.

#### **Duties of Coadjutor, Suffragan and Assistant Bishops**

25. A coadjutor bishop, suffragan bishop or assistant bishop shall perform such duties and exercise such episcopal functions as the diocesan bishop assigns and, if the diocesan bishop is mentally incapacitated to a degree that he or she is not able to fully perform episcopal duties and functions, shall perform such episcopal duties and exercise such episcopal functions as the diocesan bishop could, but for the incapacity, perform and exercise.

#### **When in Force in a Diocese**

26.(1) This Part shall come into force in a diocese when the diocesan synod adopts a Canon that declares it to be in force, and repeals all diocesan Canons inconsistent herewith.

(2) The synod of a diocese in which this Part is in force may adopt a Canon declaring that this Part is not in force, and prescribing rules and procedures for the election or appointment of bishops in the diocese.

### **Diocesan Modifications**

27. The synod of a diocese in which this Part is in force may, by canon, prescribe

that the quorum of the electoral synod consists of a percentage or fraction of the members of each order greater than a simple majority;

that a percentage or fraction of the votes of the members of each order greater present and voting smaller than two-thirds, but not less than a simple majority is required for an election;

that the diocesan bishop shall hold office for a fixed term and the circumstances in which such term shall be extended;

that the term of office of a suffragan bishop shall expire at a time related to the occurrence of a vacancy in the office of diocesan bishop.

## Canon 4 The Licensing of Clergy

1. The Bishop of a diocese shall issue a license to every ordained person fully employed in the Diocese.
2. The Bishop may give permission to an ordained person not fully employed by the Church to officiate or assist in a parish.
- 3(1) A priest or deacon who wishes to temporarily leave the active ministry of the Church shall request a leave of absence from the Bishop.
- 3(2) The Bishop may renew a leave of absence in accordance with any guidelines approved by the House of Bishops of the Anglican Church of Canada.
- 3(3) Deacons and Priests at their ordinations and Bishops at their consecrations, and on such other occasions as the diocese requires it, and the Metropolitan at his or her installation, shall take and subscribe the following declaration:

I, N, do solemnly declare that I profess the faith set forth in the Scriptures and in the Catholic Creeds and affirm my allegiance to the doctrine of the Anglican Church of Canada as set forth by the Book of Common Prayer and in the Ordinal;

in public prayer and in the administration of the Sacraments I will use the form of the Book of Common Prayer and none other except so far as shall be ordered by lawful authority;

(to be declared by priests, deacons and suffragan, coadjutor and assistant bishops) I will pay true and canonical obedience to the Bishop of \_\_\_\_\_ and to his/her successors, in all legal and honest demands;

(to be declared by diocesan bishops) I will pay true and canonical obedience to the Metropolitan of Canada and to his/her successors, in all legal and honest demands;

(to be declared by all but the Metropolitan) I will pay true and canonical obedience to the Canons which have been or are from time to time passed by the General Synod, the Provincial Synod and the Synod of the Diocese of \_\_\_\_\_.

(to be declared by the Metropolitan) I will pay true and canonical obedience to the Canons which have been or are from time to time passed by the General Synod and the Provincial Synod.

## **Canon 5 Discipline and the Court of Appeal**

### **1. Definitions**

In this Canon,

"Canon XVIII" means Canon XVIII of the General Synod of the church;

"church" means The Anglican Church of Canada;

"Court" means The Court of Appeal for the Ecclesiastical Province of Canada;

"member of the clergy" means a priest licensed in a diocese in the Province;

"member of the laity" means a communicant lay member of the church residing in the Province;

"Metropolitan" means the Metropolitan of the Province, or, if the office of Metropolitan is vacant or if the Metropolitan is or has been involved or has an interest in a matter, the diocesan bishop senior by consecration who is not and has not been involved and who has no interest in the matter.

### **2. Constitution of the Court**

(1) There shall be a court called The Court of Appeal for the Ecclesiastical Province of Canada.

(2) The Court shall be composed of five members.

(3) On the trial of a bishop, or on the review of a decision of the Metropolitan or a diocesan bishop convicting a bishop of an offence or imposing a penalty for an offence, three members shall be bishops holding episcopal office in the church, one shall be a member of the clergy, and one shall be a member of the laity.

(4) On an appeal from the trial of a priest or a deacon, or from the review by a diocesan court of the decision of the diocesan bishop convicting a priest or a deacon of an offence or imposing a penalty for an offence, one member shall be a bishop holding episcopal office in the church, three shall be members of the clergy, and one shall be a member of the laity.

(5) On an appeal from the trial of a lay person, or from the review by a diocesan court of the decision of the diocesan bishop convicting a lay person of an offence or imposing a penalty for an offence, one member shall be a bishop holding episcopal office in the church, one shall be a member of the clergy, and three shall be members of the laity.

(6) In any other case one member shall be a bishop holding episcopal office in the church, two shall be members of the clergy and two shall be members of the laity.



(7) The Provincial Council shall, subsequent to each triennial meeting of the Provincial Synod, determine the names of two members of the clergy and two members of the laity from each diocese who shall be eligible for appointment to the Court.

(8) The persons whose names are determined under subsection (7) shall continue to be eligible for appointment to the Court until the Provincial Council determines the names of persons to replace them.

(9) When a case is to be heard by the Court the Metropolitan shall appoint the members of the Court from among the bishops holding episcopal office in the church and the members of the clergy and laity determined under subsection (7).

(10) The Metropolitan may appoint himself or herself to the Court.

(11) No one who is or has been involved, or who has an interest, in the case to come before the Court shall be a member of the Court.

(12) The Metropolitan, if a member of the Court, and otherwise the bishop among the members of the Court who is senior by consecration, shall be the President of the Court.

(13) If, for any reason, a vacancy occurs among the members of the Court before the hearing commences the vacancy shall be filled in the same way. If a vacancy occurs after a hearing has commenced the remaining members of the Court may continue the hearing and give judgment or may direct that a new Court be appointed and the hearing be recommenced.

### **3. Jurisdiction**

(1) The Court has the jurisdiction conferred on it by section 5 of Canon XVIII with respect to the discipline of bishops.

(2) The Court has the jurisdiction conferred on it by section 3 of Canon XVIII to review a decision of the Metropolitan or of a diocesan bishop convicting a bishop of an offence or imposing a penalty for an offence.

(3) The Court has jurisdiction to hear and determine an appeal from any judgment or order of a diocesan court or the president thereof.

(4) The Court has jurisdiction upon a case stated by

the Provincial Synod,

the Provincial Council, or

the House of Bishops of the Province,

to determine the validity or interpretation of any provision of the Constitution of the Provincial Synod or of a diocesan synod or of any Canon of the Provincial Synod or of a diocesan synod.

### **4. Charges Against Diocesan Bishops**

(1) A charge alleging that a diocesan bishop has committed an offence as defined in section 7 of Canon XVIII may be filed with the Metropolitan by

three bishops of the Province, or

three priests licensed in, and three lay delegates to the synod of, the bishop's diocese.

(2) A diocesan bishop who has been accused by any person of committing an offence, but against whom no charge has been filed, may, together with two other bishops of the Province, file with the Metropolitan a request that the accusation be investigated whereupon a charge alleging that the diocesan bishop has committed an offence shall be deemed to have been filed.

(3) If the diocesan bishop against whom a charge is filed or is deemed to have been filed does not waive the appointment of a Committee of Inquiry the Metropolitan shall appoint three persons as a Committee of Inquiry to determine whether there is sufficient evidence to warrant a trial of the charge.

(4) If the Committee of Inquiry determines that a trial is not warranted, the Metropolitan shall dismiss the charge.

(5) Subject to subsection (6), if the bishop waives the appointment of a Committee of Inquiry or if the Committee of Inquiry determines that a trial is warranted the Metropolitan may

exercise the initial jurisdiction conferred upon the Metropolitan by section 2 of Canon XVIII, or

refer to the Court the determination of whether an ecclesiastical offence has been committed or the determination of a penalty.

(6) Where the diocesan bishop against whom a charge is filed or is deemed to have been filed is the Metropolitan, if the Metropolitan waives the appointment of a Committee of Inquiry or if the Committee of Inquiry determines that a trial is warranted the diocesan bishop with whom the charge or request was filed shall refer to the Court the determination of whether an ecclesiastical offence has been committed or the determination of a penalty.

(7) When exercising initial jurisdiction, the Metropolitan shall

be advised by assessors, and

follow the same rules and procedures as would be followed by the Court including the principles and general procedures prescribed by Part 5 of Canon XVIII.

## **5. Review of Exercise of Initial Jurisdiction**

A bishop who has been convicted of an offence by the Metropolitan or a diocesan bishop in the exercise of initial jurisdiction, or the Executive Council of the diocese in which the convicted bishop holds office or resides, may invoke the jurisdiction of the Court to review the conviction or the penalty imposed by filing with the Metropolitan within 30 days of the conviction or imposition of penalty a written request for such review.

## **6. Appeals**

- (1) Any party to a proceeding before a diocesan court may appeal.
- (2) An appellant shall give written notice of appeal from a judgment or order of a diocesan court or of the president thereof within 30 days from the date such judgment or order is pronounced. The notice shall be given to such persons and in such manner as are prescribed by the rules of the Court.
- (3) The Court may, on motion, dismiss an appeal that is frivolous or vexatious or otherwise an obvious abuse of the process of the Court.

## **7. Sittings**

The Court may sit in any diocese in the Province at such time and place as the President of the Court directs.

## **8. Assessors**

- (1) The Court, or the Metropolitan in the exercise of initial jurisdiction, shall be advised by at least two assessors.
- (2) The Chancellor of the Provincial Synod shall be one of the assessors unless he or she is or has been involved, or has an interest, in the case.
- (3) The other assessors shall be chancellors or vice-chancellors of dioceses in the Province.
- (4) The Metropolitan shall appoint the assessors.
- (5) If an assessor for any reason is unable to act or to attend a sitting of the Court or a trial by the Metropolitan, the President of the Court or the Metropolitan may appoint a substitute assessor.
- (6) No one who is or has been involved, or has an interest, in the case shall be appointed as an assessor.
- (7) The assessors shall advise the Court or the Metropolitan on matters of law and procedure.

## **9. Judgment**

- (1) The Court shall hear and dispose of a matter within one year from the date on which the Metropolitan appoints the members of the Court.
- (2) Before delivering judgment on an issue involving a question of doctrine the Court shall refer the question to the bishops mentioned in paragraph 1(1)(a) of the Constitution of the Provincial Synod and shall consider the opinions of the bishops who reply within two months after the question is referred to them.
- (3) Subject to any right of appeal conferred by the Canons of the General Synod, the judgment of the Court is final and conclusive in respect of all matters in question in the proceeding.

## **10. Rules**

(1) The Provincial Council may make rules with respect to the appointment and duties of officers of the Court, the practice and procedure of the Court including the procedure for the hearing of interlocutory matters, and all other matters necessary to give effect to the provisions of this Canon.

(2) Until such rules have been made the Rules of The Supreme Court of Appeal for The Anglican Church of Canada shall be followed to the extent that they are applicable.

## **Canon 6 Canons of the General Synod**

1. The Provincial Synod accepts all enactments of the General Synod and particularly accepts the application of the following Canons to the Ecclesiastical Province of Canada:

Canon XII Continuing Education Plan

Canon XIII Deaconesses

Canon XIV The Book of Common Prayer

Canon XVII The Licensing of Clergy

Canon XVIII Discipline

Canon XIX Relinquishment and Abandonment of the Ministry

Canon XX The Supreme Court of Appeal

Canon XXI Of Marriage in the Church