

The Ecclesiastical Province of Canada



Constitution and Canons

September, 2009

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Legislative Acts Regarding the Province of Canada

19-20 Victoria, Chapter 141

An Act to Enable the Members of the United Church of England and Ireland in Canada to Meet in Synod.

Reserved for the signification of Her Majesty's pleasure, 19th June, 1856

The Royal Assent given by Her Majesty in Council on the 6th May, 1857; and Proclamation thereof made by His Excellency Sir Edmund Walker Head, Baronet, Governor General in the Canada Gazette of the 28th May, 1857.

Whereas doubts exist whether the members of the United Church of England and Ireland in this Province have the power of regulating the affairs of their Church, in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. The Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, may meet in their several Dioceses, which are now, or may be hereafter constituted in this Province, and in such manner and by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs and interests of the Church in matters relating to and affecting only the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges or interests of other religious communities, or of any person or persons not being a member or members of the said United Church of England and Ireland; Provided always that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

- II. The Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, may meet in general Assembly within this Province, by such Representatives as shall be determined and declared by them in their several Dioceses; and in such general Assembly frame a Constitution and regulations for the general management and good government of the said Church in this Province; Provided always, that nothing in this Act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine or penalty upon any person, other than his suspension or removal from an office in the said church or exclusion from the meetings or proceedings of the Diocesan or General Synods; And provided also, nothing in the said constitutions or regulations, or any of them, shall be contrary to any Law or Statute now or hereafter in force in this Province.

An Act to explain and amend the Act, intituled, “An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod.”

(Assented to August 16, 1858)

Whereas doubts exist whether in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty’s Reign, intituled, “An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod,” sufficient provision is made for the representation of the Laity of the United Church of England and Ireland in the Synods by the said Act authorized to be held, and it is expedient that such doubts should be removed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case), may be elected at the annual Easter meetings in each parish, mission, or cure within the Diocese, or in cases where there may be more than one congregation in any parish, mission, or cure, then, in each such congregation, or at meetings to be specially called for the purpose by each Clergyman having a separate cure of souls; and all laymen within such parish, mission or cure, or belonging to such congregation of the full age of twenty-one years, who shall declare themselves, in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other religious denomination, shall have the right of voting at such election. Each delegate shall receive from the Chairman of the meeting a certificate of his election, which he shall produce when called upon so to do, at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit; Provided always, that no business shall be transacted by the Synod of any Diocese unless at least one-fourth of the Clergy of such Diocese shall be present, and at least one-fourth of the Congregations within the same be represented by at least one delegate.

- II. All proceedings heretofore had in any Diocese under the aforesaid Act which have been conformable to the provisions of this Act shall be held to be valid, as if the same had taken place after the passing of this Act.

An act to Extend the Operation of the Act of the Legislature of the Late Province of Canada 19 and 20 Victoria, Chapter 141, Concerning the Synod of the Church of England in Canada, to the Province of Nova Scotia.

(Assented to 12th May, 1870)

Whereas, an Act was passed by the Legislature of the late Province of Canada, in the nineteenth and twentieth years of Her Majesty's Reign, intituled "An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod;" and whereas the Diocesan Synod of Nova Scotia have petitioned for an Act to empower the Provincial Synod of Canada to admit the representatives of the Diocese in the Province of Nova Scotia, and it is expedient to grant the prayer of their petition, and to enable the members of the said United Church throughout the Province of Nova Scotia, if they shall see fit, to assimilate their laws and practice, and to manage their affairs, under a uniform system; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: -

1. The Synod of the United Church of England and Ireland now constituted, or which shall hereafter be constituted in conformity with the provisions of the said Act, in the Province of Nova Scotia, may adopt said Act, and with the consent of the Synod of the Church of England in Canada, may unite with the members of the said Church in the Provinces of Ontario and Quebec in General Assembly, by their representatives, as fully and in the same manner, to all intents and purposes, as if they had been included in the Province of Canada at the time of the passing of the aforesaid Act;

Provided always, that nothing herein contained shall be held to authorise any interference with the right of nomination to parishes or other rights secured to the parishioners by the Revised Statutes of Nova Scotia, chapter forty-nine, relating to the Church of England in Nova Scotia;

Provided further, that nothing herein contained shall be held to extend to or affect any parishes, clergymen or congregations of the Church of England in Nova Scotia, who have not given or who may not hereafter give adherence to the said Diocesan Synod of Nova Scotia

2. Nothing herein contained shall be construed in any way directly or indirectly to confer any spiritual jurisdiction or ecclesiastical rights whatsoever, upon the Synod of Nova Scotia or their successors

An Act to Extend to the Province of New Brunswick, the Operation of the Act of the Legislature of the Late Province of Canada, Concerning the Synod of the Church of England, in Canada.

(Assented to 14th April, 1871.)

Whereas an Act was passed by the Legislature of the late Province of Canada, in the Session thereof held in the nineteenth and twentieth years of Her Majesty's reign, chaptered 141, intituled, "An Act to enable the Members of the United Church of England and Ireland, in Canada, to meet in Synod;" And whereas, application has been made for an Act to empower the Provincial Synod of Canada to admit the Representatives of the Diocese of Fredericton, in the Province of New Brunswick, and it is expedient to comply with the same and to enable the Members of the Church of England, throughout the Province of New Brunswick, if they shall see fit, to assimilate their laws and practice to those, and to manage their affairs under a system uniform with that already in force and operation elsewhere in Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.

1. The Synod of the Church of England, now constituted or which shall hereafter be constituted in conformity with the provisions of the said Act, in the Diocese of Fredericton and Province of New Brunswick, may adopt the said Act, and, with the consent of the Synod of the United Church of England and Ireland, in Canada, may unite with the Members of the said Church in other Provinces of the Dominion of Canada, in General Assembly, by their Representatives, as fully and in the same manner, to all intents and purposes, as if they had been included in the Province of Canada at the time of the passing of the aforesaid Act; Provided always, that nothing herein contained shall be held to authorize any interference with the right of presentation to Rectories secured to the Parishioners by Act of Assembly of the Province of New Brunswick, made and passed in the thirty-second year of the reign of Her present Majesty, intituled, "An Act relating to presentations to Rectories of the Church of England in the Province of New Brunswick" or any interference whatever with the property whether real or personal, which may now, or which may hereafter belong to the several and respective Parishes or Church Corporations in the said Diocese, or other rights secured to such Parishioners by the Revised Statutes of New Brunswick, Title XXVII, chapter 107 "Of the Church of England," or by any Acts of Assembly of the Province of New Brunswick regulating the sale and disposal of Church Glebe Lands of the Church of England in the said Province.

Extract from the Letters Patent of Her Majesty, under the Great Seal, Appointing the Lord Bishop of Montreal and his Successors in that See, Metropolitans of the Church of England in Canada.

VICTORIA, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN, DEFENDER OF THE FAITH;

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

... And whereas the numbers, both of Bishops, and Clergy, and Laity, of the United Church of England and Ireland, in our Province of Canada, have of late years greatly increased, and are increasing:

And whereas there are four separate Sees, Dioceses and Bishoprics duly erected and constituted in the said Province - that is to say the Bishopric of Quebec, the Bishopric of Toronto, the Bishopric of Montreal, and the Bishopric of Huron - whereof one is the said Diocese and Bishopric of Montreal:

And whereas we have been graciously pleased to give our royal assent (which was duly proclaimed in Canada on the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and fifty-seven) to an Act passed as aforesaid in the session of the Provincial Parliament of Canada, holden in the nineteenth and twentieth years of our reign, entitled "An Act to enable the members of the United Church of England and Ireland in Canada to meet in Synod:"

... in which (amongst other things) provision is made for the meeting of the Bishops, Clergy and Laity, of the said United Church of England and Ireland, in their several Dioceses, for certain purposes therein mentioned, and also for the meeting of the Bishops, Clergy, and Laity, members of the said United Church of England and Ireland, of the said Province, in General Assembly, within the said Province by such representatives as shall be determined and declared by them, and for their framing in such General Assembly a constitution and regulations for the general management and good government of the said Church in the said Province, as by the said Act, reference being thereto had, will more fully appear:

And whereas we have received three several petitions from the Bishops, Clergy and Laity, in Synod assembled, of the several Dioceses of Quebec, Montreal and Toronto, praying that in order to enable the Bishops, Clergy, and Laity of the said Church in Canada to have the full benefit of the provisions of the said Act, we will be graciously pleased, to take such measures, or cause such measures to be taken, as may be necessary in order to appoint one of the Bishops of the said Church in the said Province to be the Metropolitan, that so the necessary powers may be vested in him for holding and presiding over the said General Assembly of the Church in the said Province:

And whereas we, having fully considered the premises, are graciously pleased to comply with the prayer of the said Petitions in this behalf, and, in accordance therewith, to appoint the Lord Bishop of Montreal and his successors to be Metropolitan Bishop and Metropolitan Bishops in and over the said Province, subject as to the succession to the proviso hereinafter mentioned:

Now, therefore, we will and ordain that the Right Reverend Father in God, Francis Fulford, Doctor in Divinity, now LORD BISHOP OF MONTREAL, and his successors, the Bishops thereof for the

time being, shall be and be deemed and taken to be Metropolitan Bishop in our said Province, of Canada; subject, nevertheless, as to the succession to the Metropolitan See, to such rules, regulations and canons as shall and may be made in respect thereof by the Bishops, Clergy and Laity, members of the United Church of England and Ireland of the said Province in their General Assemblies, under the said recited act, and to the general superintendence and revision of the Archbishop of Canterbury for the time being, and subordinate to the Archiepiscopal See of the Province of Canterbury.

And we will and ordain that the said Bishops of Quebec, Toronto and Huron, and the Bishops of any other Sees that may hereafter be created in Canada respectively, shall be suffragan Bishops to the said Lord Bishop of Montreal and his successors:

And we will and grant to the said Lord Bishop of Montreal, and his successors, full power and authority, as Metropolitan of Canada, to perform all functions peculiar and appropriate to the office of Metropolitan, within the limits of the said Sees of Quebec, Toronto and Huron, and any other Sees that may hereafter be erected in Canada, and to exercise Metropolitan Jurisdiction over the Bishops of the said Sees and their successors, and over all Archdeacons, Dignitaries, and all other Chaplains, Ministers, Priests and Deacons in Holy Orders, of the United Church of England and Ireland, within the limits of the said Dioceses:

And we do by these presents give and grant unto the said Lord Bishop of Montreal and his successors, full power and authority to visit once in five years, or oftener if occasion shall require, as well the said several Bishops and their successors, as all Archdeacons and Dignitaries, and all other Chaplains, Ministers, Priests and Deacons in Holy Orders, of the United Church of England and Ireland, resident in the said Dioceses, for correcting and supplying the defects of the said Bishops and their successors with all and all manner of visitorial jurisdiction, power and coercion:

And we do hereby authorise and empower the said Lord Bishop of Montreal, and his successors, to inhibit, during any such visitation of the said Dioceses, the exercise of all or of such part or parts of the ordinary jurisdiction of the said Bishops or their successors, as to him, the said Lord Bishop of Montreal, or his successors, shall seem expedient; and during the time of such visitation to exercise by himself or themselves, or his or their commissaries, such powers, functions and jurisdictions in and over the said Dioceses, as the Bishops thereof might have exercised if they had not been inhibited from exercising the same:

And we do further ordain and declare, that if any person against whom a sentence, judgment or decree shall be pronounced by the said Bishops, or their successors, or their commissary or commissaries, shall conceive himself to be aggrieved by such sentence, judgment or decree, it shall be lawful for such person to appeal to the said Lord Bishop of Montreal, or his successors, provided such appeal be entered within fifteen days after such sentence, judgment or decree shall have been pronounced:

And we do give and grant to the said Lord Bishop of Montreal, and his successors, full power and authority finally to decide and determine the said appeals:

And we do further will and ordain that in case any proceedings should be instituted against any of the said Bishops of Quebec, Toronto and Huron, or any other Diocese that may hereafter be erected, (when placed under the said Metropolitan See of Montreal) such proceedings shall originate and

be carried on before the Lord Bishop of Montreal for the time being, whom we hereby authorize and direct to take cognizance of the same:

And we do further will and declare, that it shall be lawful for the said Lord Bishop of Montreal, as such Metropolitan, and for his successors from time to time, at their discretion, until and unless otherwise provided by the General Assembly and General Assemblies in the said Province of Canada; and in all other matters and for all other intents and purposes whatsoever, save and except as is hereinbefore expressed, we do hereby confirm, and declare valid and subsisting the hereinbefore partly recited Letters Patent, dated the eighteenth day of July, in the year of our Lord one thousand eight hundred and fifty, and in the fourteenth year of our reign:

And we do further will and declare, that the said several powers and authorities, hereby conferred on the said Lord Bishop of Montreal, and his successors, are subject to the rules, regulations and canons, that the said General Assembly may, from time to time, make in respect thereof, under and by virtue of the said recited Act:

And, lastly, to the intent that all things aforesaid may be firmly holden and done, we will and grant to the aforesaid Francis Fulford, Doctor in Divinity, that he shall have our Letters Patent, under our Great Seal of Our United Kingdom, duly made and sealed:

IN WITNESS WHEREOF we have caused these our Letters to be made patent.

Witness ourself at Westminster, the twelfth day of February, in the twenty-fifth year of our reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY

Declaration of Principles
(Adopted at the First Session 1861.)

We, the Bishops of the United Church of England and Ireland within the Province of Canada, together with the Delegates from the Clergy and Laity of the Diocesan Synods, now assembled in the First Provincial Synod under Royal and constitutional authority, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Province, desire to express our most humble and hearty thanks to Almighty God, that it has pleased Him in His Providence to set over us a Metropolitan, and thus enable us, as in the ancient days, to assemble as one body, under the direction of His Holy Spirit, whose aid we now invoke, and in the name of His only begotten Son, for the consolidation and advancement of His Kingdom in this Province.

Before entering on the business for which we are at present assembled, we desire publicly to declare the principles upon which we propose to proceed.

We desire The Church in this Province to continue, as it has been, an integral portion of the United Church of England and Ireland.

As members of that Church, we recognize the true Canon of Holy Scriptures as set forth by that Church, on the testimony of the Primitive Catholic Church, to be the rule and standard of Faith; we acknowledge the Book of Common Prayer and Sacraments, together with the Thirty-nine Articles of Religion, to be a true and faithful declaration of the doctrines contained in Holy Scripture; we maintain the Form of Church government by Bishops, Priests and Deacons as Scriptural and Apostolical; and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of government, and to transmit them to our posterity.

In particular, we maintain the ancient doctrine of our Church, that the Queen is rightfully possessed of the chief government and supremacy over all persons within her dominions, whether ecclesiastical or civil, as set forth in the 37th of the Articles of Religion; and we desire that such supremacy should continue unimpaired.

It is our earnest desire and determination to confine our deliberations to matters of discipline, to the temporalities of the Church, and to such regulations of order, or modes of operation as may tend to her efficiency or extension; and we desire no control or authority over any but those who are or shall be members of the same Church.

We conceive that the following, or such like objects, may fitly come under our consideration, and lead to action on our part:

1. To form a Constitution for this Synod, and to regulate the time and place of the meetings, and the order and manner of its proceedings.
2. To provide for the proper exercise of Ecclesiastical Discipline, in regard to both Clergy and Laity, by modifying and enacting Canons, and by establishing and ordering a Court of Appeal.
3. To provide, with consent of the Crown (when needed), fit regulations for the appointment of Bishops, Priests and Deacons, in accordance with the Canons of the Universal Church.

4. To provide, with the consent of the Crown, for the division of the Province into new Dioceses, as occasion may require.
5. To procure from the Colonial Legislature any Laws or modifications of laws which the circumstances of the Church may require.
6. To promote the further consolidation and united action of the whole of the Dioceses of British North America.

Proceeding upon these principles, which, as we humbly thank God, were, under His good guidance, first among the Colonial Churches, publicly set forth amongst ourselves, and have been sustained by the acceptance of our brethren through a large part of the Colonial Dominions of our beloved Queen, we firmly rely and depend upon His continued blessing and guidance; and we humbly pray that He, who is the God of unity and peace, may ever be with us, and so chasten our affections, purify our motives, and guide our judgment, that we may be enabled to contribute to the efficiency, concord and stability of the Church in this land.

The names of those who have held the office of the Metropolitan of the Ecclesiastical Province of Canada through the years are listed on the Metropolitan Staff as follows:

1860-1868	Francis Fulford	Montreal
1869-1878	Ashton Oxenden	Montreal
1879-1892	John Medley	Fredericton
1893-1901	John T Lewis	Ontario
1901-1906	William B Bond	Montreal
1907-1909	Arthur Sweatman	Toronto
1909-1914	Charles Hamilton	Ottawa
1915-1934	Clarendon L Worrell	Nova Scotia
1935-1938	John A Richardson	Fredericton
1938-1943	John Hackenley	Nova Scotia
1944-1960	Philip Carrington	Quebec
1960-1962	John Dixon	Montreal
1963-1971	Henry O'Neil	Fredericton
1972-1975	William Davis	Nova Scotia
1975-1980	Robert Seaborn	Newfoundland
1980-1989	Harold Nutter	Fredericton
1989-1990	Reginald Hollis	Montreal
1990-1997	Stewart Payne	Western Newfoundland
1997-2002	Arthur Peters	Nova Scotia and Prince Edward Island
2002-2004	Andrew S Hutchison	Montreal
2004-2009	A Bruce Stavert	Quebec
2009-	Claude W Miller	Fredericton

The Constitution of the Provincial Synod of Canada

1. Purpose

The rights, responsibilities and prerogatives of the Synod of the Province of Canada 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:
 - (i) faith, witness, ministry and liturgical worship;
 - (ii) the political, economic, educational and social dimensions of the Ecclesiastical Province; both those common to the whole and those of a more local nature;
 - (iii) 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 fulfil 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:
 - (i) the election of the Metropolitan and the definition of the duties, responsibilities and authority of the Metropolitan;
 - (ii) 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;
 - (iii) matters referred to it by the General Synod, the diocesan synods in the province and the House of Bishops of the province;
 - (iv) 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;
 - (v) with the consent of the General Synod and of any diocese affected, the adjustment of the boundaries of the province;

- (vi) 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;
- (vii) the Constitution of the Provincial Court of Appeal, with original and appellate jurisdiction, including the procedure therein and enforcement of its decrees and judgments;
- (viii) the ecclesiastical discipline and trial of bishops;
- (ix) the regulation of the ministrations of the clergy and others; including the oaths and subscriptions of clergy;
- (x) the administration of any fund or trust established in respect of the province or the Synod;
- (xi) the confirmation of the election, consecration, and resignation of bishops;
- (xii) the relations of the church to the civil authorities and to public education within the Province;
- (xiii) 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;
- (xiv) 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, or discharging the functions of the episcopate as Coadjutor, Suffragan, or Assistant Bishop 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) Four clerical and four lay members from each diocese elected by the diocesan synods according to such rules as they adopt;

- (c) One youth 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
 - (d) 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
- (a) in every third year, or
 - (b) at the request of
 - (i) any two bishops,
 - (ii) the Bishop and one-half of each of the clerical and lay members from a diocese, or
 - (iii) 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
 - (a) the Metropolitan,
 - (b) the Prolocutor,
 - (c) the Deputy Prolocutor,
 - (d) two Secretaries,
 - (e) the Treasurer,
 - (f) the Chancellor, and
 - (g) 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 at two successive sessions of the Synod is not eligible for re-election to the same office.
- 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, may appoint a Chancellor who
- (a) need not be a member of Synod before being appointed,
 - (b) shall be a judge of a court of record or a member of the bar of at least ten years standing in a civil province within the Ecclesiastical Province, and
 - (c) shall hold office at the pleasure of the Metropolitan.
- 5(11) The Chancellor shall act as legal advisor to the Metropolitan, the Synod and the Council and shall assist the Assessors during sessions of the Synod.
- 5(12) 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(13) 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(14) 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(15) The Assessors shall act as legal advisors to the chairman on the constitution and rules of order, procedure and debates of the Synod.
- 5(16) The Secretaries shall:
- (a) keep regular accounts of all proceedings;
 - (b) 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;
 - (c) 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;

- (d) 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
- (e) forward to the Registrar of the General Synod a certificate of every consecration or installation of a Bishop or Metropolitan within the Province.

5(17) The Treasurer shall:

- (a) receive and disburse all monies of the Synod, under the authority of the Synod or Provincial Council;
- (b) perform such other duties as may be prescribed by Canon or resolution of the Synod; and
- (c) present to each meeting of the Synod an audited financial statement.

5(18) The signing officers of the Synod are any two of the Treasurer, the Metropolitan and the Prolocutor.

5(19) 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:

- (a) the enactment of additions or amendments to the Constitution, the Canons, or the Rules of Order;
- (b) the consideration of changes in the Declaration of Principles of General Synod or of Canons of General Synod dealing with doctrine, worship or discipline;
- (c) 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
- (d) 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,
- (b) the Prolocutor,
- (c) the Deputy Prolocutor,
- (d) the Secretaries,
- (e) the Treasurer,
- (f) the Chancellor,
- (g) one clerical member and one lay member from each diocese, and
- (h) three members elected by the Synod from among the youth members of the Synod.

6(4) The clerical and lay members of the Provincial Council and substitutes therefor 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

- (a) at the conclusion of each meeting of the Synod,
- (b) at such times and places as it determines,
- (c) when summoned by the Metropolitan, or
- (d) 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:
- (a) 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;
 - (b) honoraria, expenses and presentations authorized by the Synod or the Provincial Council;
 - (c) the fees of auditors, solicitors and legal counsel when necessary in the opinion of Synod or the Provincial Council;
 - (d) the general administrative expenses of the Synod and the Provincial Council; and
 - (e) 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
- (a) 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
 - (b) 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.

Rules of Order

RULES OF ORDER AND PROCEDURE

Definitions

- 1(1) In these Rules:
 - (a) “Chair” means the person presiding at a meeting of the Synod;
 - (b) “member” means a member of the Synod.
- 1(2) These Rules shall apply to all meetings of the Synod and, *mutatis mutandis*, to all meetings of the Provincial Council or committees of the Council or Synod.

The Chair

- 2(1) The Chair is responsible for preserving order and decorum at meetings of the Synod by:
 - (a) recognizing members who wish to speak and determining the order of speakers
 - (b) inviting the mover of a motion to present the opening and closing arguments on the question,
 - (c) facilitating discussion and enabling the members to hear and listen to each other,
 - (d) ensuring that all voices are heard and that none dominate,
 - (e) ruling, when necessary, that speeches be limited to the time limits specified in section 4(8),
 - (f) ruling whether proposed procedural motions or amendments to motions are in order, and
 - (g) putting the question to a vote when all views have been sufficiently expressed.
- 2(2) The Chair may request the advice of the Chancellor or the Assessors on questions of order and shall rule on such questions stating the applicable rule or practice without argument or debate.
- 2(3) Any member may appeal the Chair’s ruling on a question of order and the Synod shall decide the appeal without debate.

Sessional Committees

3. (a) The Synod may appoint Committees during the session as required.
 - (b) Such committees shall consist of at least two clerical and two lay delegates representing at least four dioceses in the Province; and any matter having any relation to the work of such committee, may, upon its coming before the Synod, be referred without debate to the proper committee for consideration and report.

(c) Each diocesan delegation shall appoint one of its members to the Nominating Committee; such Committee to be convened by the Prolocutor, and to elect a chair as its first order of business.

Order and Decorum

4(1) Members are responsible for assisting debate by:

- (a) identifying themselves and addressing all remarks to the Chair,
- (b) confining their remarks strictly to the motion being considered,
- (c) stating their positions clearly, succinctly and without repetition, and
- (d) maintaining an impersonal tone and avoiding personal comments.

4(2) A member wishing to speak shall rise and address the Chair.

4(3) When two or more members rise at the same time, the Chair shall determine the order in which they shall speak.

4(4) A member called to order while speaking shall sit down, unless permitted by the Chair to explain.

4(5) A member, if not interrupting a speaker, may at any time request that the motion being debated be read for clarification of the debate.

4(6) Subject to subsections (7) and (8) no member shall speak more than once on the same question.

4(7) A member who makes a motion may speak a second time to close the debate on the motion.

4(8) Except with the consent of the Synod, the mover of a motion may not speak for more than ten minutes, or any other speaker more than five minutes.

4(9) An address by the Metropolitan is in order at any time.

Courtesies of the Synod

5 The Chair may invite a person who is not a member of the Synod to sit with the Synod or to address the Synod but that person shall not participate in debate or vote.

Reports of Committees

6 Reports of any diocese, committee or other body required to report to the Synod shall be in writing and signed by the chair of the diocese, committee or other body.

Notices of Motion

- 7(1) Members may give notices of motion to the Secretaries of the Synod by sending the same to the Secretaries of the Synod not less than six weeks before a regular meeting of the Synod.
- 7(2) The Secretaries shall cause notices of motion given pursuant to subsection (1) to be printed in the notice of the meeting in the order in which they were given or received.
- 7(3) Members may give notices of motion during a meeting of the Synod at times appointed by the Agenda Committee.
- 7(4) Motions of which notices are given pursuant to subsection (1) shall be considered in priority to motions of which notices are given pursuant to subsection (3).

Motions

- 8(1) No motion or amendment is before the Synod unless it is seconded and in writing.
- 8(2) No original motion, except a procedural motion, shall be received without notice unless permitted by the Synod.
- 8(3) No motion that would result in a new expenditure may be considered unless it identifies a proposed source of funding or is qualified as being subject to available funding.
- 8(4) When a motion has been read by the Chair it cannot be withdrawn without the consent of the Synod.
- 8(5) When a motion is being considered, no other motion shall be received except
 - (a) to adjourn,
 - (b) to lay it on the table,
 - (c) to consider it clause by clause,
 - (d) to postpone it until a certain time,
 - (e) to postpone it indefinitely,
 - (f) to refer it,
 - (g) to amend it, or
 - (h) that the debate be closed,and such motions have precedence in the order named, following a motion to put the question.
- 8(6) No more than one amendment to a proposed amendment of a motion is in order at one time.

- 8(7) Motions to adjourn, to adjourn the debate, or to lay a motion on the table shall be decided without debate.
- 8(8) With respect to a motion to close debate:
- a) When a motion or an amending motion has been made and seconded any member who has not spoken on the motion or amendment may move that the debate be closed and a vote taken on the motion or the amendment.
 - b) The Chair shall not accept a motion that the debate be closed if in the opinion of the Chair the motion that the debate be closed is an abuse of the rules or would deny members of the Synod of an adequate opportunity for discussion.
 - c) When the Chair accepts a motion that the debate be closed that motion, when seconded, shall be decided without debate.
 - d) A motion that the debate be closed, to be carried, requires a two-thirds majority of all of the members of the Synod voting together.
 - e) When a motion that the debate be closed is carried the chair shall immediately call the question on the motion or amendment before the Synod. When a motion that the debate be closed is lost, discussion shall continue on the motion or amendment before the Synod.
- 8(9) Debate on a motion to refer shall be restricted to questions whether to refer and to whom.
- 8(10) When amendments to a motion are proposed, the amendments and the original motion shall be put in the reverse order to that in which they were made.
- 8(11) When the Chair declares that a question is being put no further debate shall be allowed and no member shall rise.

Voting

- 9(1) When required by any three members of Synod, or upon any motion to amend the Constitution or to adopt, amend, suspend or repeal a Canon, the vote of Synod upon any question may be taken by orders voting separately. In that case, a majority of each order shall be necessary to an affirmative vote. When a vote by orders is required, the question shall be put first to the order of the mover.
- 9(2) In voting, those who vote in the affirmative shall so signify first, and then those who vote in the negative.
- 9(3) If there is an equality of votes, either of the Synod voting collectively or in the votes of either the clergy, lay members or Bishops taken separately, the Chair shall declare the question to have been decided in the negative.
- 9(4) A question once determined shall not again be drawn into discussion at the same meeting of

the Synod without the unanimous consent of Synod.

Suspension of the Rules of Order

- 10 A motion to suspend a Rule of Order and Procedure shall take precedence over all other motions, shall be decided without debate, and to be carried requires the affirmative votes of two-thirds of the members present.

Unprovided Cases

- 11 When a question of order is not covered by these Rules, the Chair may refer to Kerr and King's *Procedures for Meetings and Organizations* for guidance.

The Canons of the Provincial Synod of Canada

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 the diocesan bishop senior by consecration shall summon the Provincial Council to meet as an electoral college within six months of the vacancy occurring. If it is known that the office of Metropolitan is to become vacant at a future date, the diocesan bishop senior by consecration may summon the Provincial Council to meet as an electoral college not more than six months before the date of vacancy to elect the Metropolitan's successor.
- 1(2) The Prolocutor shall preside at the election of the Metropolitan.
- 1(3) The Provincial Council 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 for the purpose of electing a bishop;

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

"suffragan bishop" means a bishop who is 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
- (a) has not attained 30 years of age,
 - (b) is not a priest or bishop of the Anglican Church of Canada or of a church in full communion therewith,
 - (c) is deficient in learning, training or experience,
 - (d) has either directly or indirectly secured or attempted to secure the office by improper means,
 - (e) is guilty of crime or immorality, or
 - (f) 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 is 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,
- (a) 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
 - (b) 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
- (a) bishops shall be elected or appointed in accordance with rules adopted by the diocesan synod, and
- (b) 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) a vacancy occurs in the office of diocesan bishop,
- (b) the diocesan bishop has submitted a resignation to the Metropolitan and less than six months remains until the effective date of the resignation, or
- (c) the diocesan bishop has attained the age of 69 years and six months.

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

- (a) the diocesan synod, by resolution, concurs in the opinion of the diocesan bishop, and
- (b) 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

- (a) there is no coadjutor bishop,
- (b) there is no suffragan bishop, and
- (c) 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

- (a) fix a day, time and place for the electoral synod and direct the convening authority to give notice of the electoral synod,
- (b) elect or appoint the diocesan members of the Search Committee, and
- (c) appoint a Secretary of the Search 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 called pursuant to subsection 9(3), the convening authority shall include in the notice of the electoral synod

(a) the name and address of the Secretary of the Search Committee, and

(b) 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 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

(a) 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,

(b) 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

(c) 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 at an electoral synod called pursuant to subsection 9(3), the Search Committee shall

(a) 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 desirable in the person who will fill the position;

(b) 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;

(c) determine which of the persons proposed pursuant to clause (b) in the opinion of the Committee meet

(i) the canonical requirements for election, and

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

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

(e) determine the names of other persons who in the opinion of the Committee meet

(i) the canonical requirements for election, and

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

(f) 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;

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

- (h) obtain from proposers, from persons to be nominated, or otherwise the information required for communication to the members of the electoral synod;
- (i) prepare appropriate information about each person to be nominated for communication to the members of the electoral synod in such a manner that
 - (i) as a minimum there is a brief curriculum vitae for each person to be nominated,
 - (ii) the information is communicated in a standard format and reproduced in uniform quality, and
 - (iii) the identity of the person or persons who proposed any person for nomination under this section or section 15 is not communicated to the members of the electoral synod; and
- (j) 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

- (a) 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
- (b) in consultation with the diocesan bishop determine the names of at least ten persons who in the opinion of the Committee meet
 - (i) the canonical requirements for election, and
 - (ii) 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 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

- (a) obtain from the nominees, or otherwise, the information required for communication to the members of the electoral synod, and
- (b) prepare appropriate information about each nominee for communication to the

members of the electoral synod in such a manner that

- (i) as a minimum there is a brief curriculum vitae for each nominee, and
- (ii) the information is communicated in a standard format and reproduced in 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) 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),
- (b) a copy of the information prepared pursuant to clause 12(1)(i) or 13(2)(b),
- (c) 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
- (d) 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 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

- (a) written notice of their intention to nominate,
- (b) the intended nominee's written consent to nomination, and
- (c) 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

- (a) 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,
- (b) if further nominations are made, suspend the meeting until the curricula vitae of those nominees are distributed to the members of the synod,
- (c) read the names of all nominees in alphabetical order by surname, and
- (d) 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 shall vote by secret ballot, the orders of clergy and laity voting separately.

(4) The president of the electoral synod shall appoint a committee of 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

- (a) any nominee who did not receive any votes, and
- (b) 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

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

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

(c) 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

(d) 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 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

(a) declare the elected person to be the bishop-elect, and

(b) 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

(a) announce to the members of the electoral synod

(i) that the elected person has not consented to the election, and

(ii) that if the elected person does not consent to the election within seven days after

the adjournment, the electoral synod will be reconvened on a date which is at least 30 days after the day on which the electoral synod adjourns; and

(b) adjourn the electoral synod.

(3) Where 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

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

(b) 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

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

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

(c) 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

- (a) declares it to be in force, and
- (b) repeals all diocesan Canons inconsistent herewith.

(2) The synod of a diocese in which this Part is in force may adopt a Canon

- (a) declaring that this Part is not in force, and
- (b) 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

- (a) that the quorum of the electoral synod consists of a percentage or fraction of the members of each order greater than a simple majority;
- (b) that a percentage or fraction of the votes of the members of each order present and voting

smaller than two thirds, but not less than a simple majority, is required for an election;

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

(d) 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 licence 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

- (a) 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;
- (b) 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;
- (c) (i) (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;

(ii) (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;
- (d) (i) (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 _____.

(ii) (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) On a case stated under subsection 3(4) 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
 - (a) the Provincial Synod,
 - (b) the Provincial Council, or
 - (c) 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
 - (a) three bishops of the Province, or
 - (b) 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
 - (a) exercise the initial jurisdiction conferred upon the Metropolitan by section 2 of Canon XVIII, or
 - (b) 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
 - (a) be advised by assessors, and
 - (b) 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