

THE DIOCESE OF  
CENTRAL NEWFOUNDLAND  
  
CONSTITUTION

*(REVISED AND APPROVED AT OUR DIOCESAN SYNOD SEPTEMBER 1998)*

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## **DIOCESAN SYNOD OF CENTRAL NEWFOUNDLAND**

WHEREAS: The Diocesan Synod of Newfoundland was incorporated the Fifth Day of August, A.D. 1875, under "The Companies' Incorporation Act of 1873."

AND WHEREAS: At the Biennial Session of the Synod of The Diocese of Newfoundland held at St. John's in November 1973, a decision was made that the Anglican Diocese of Newfoundland be restructured into three dioceses;

AND WHEREAS: At the Session of the Synod of the Ecclesiastical Province of Canada held at St. John's, Newfoundland for restructuring into three dioceses was approved;

AND WHEREAS: At the Session of the General Synod of the Anglican Church of Canada held in Quebec City in June 1975, consent was given to the Diocese of Newfoundland to restructure into three dioceses each with its own Bishop and Synod;

AND WHEREAS: The Lieutenant Governor and House of Assembly in Legislative Session have passed the Act cited as 'The Restructuring of the Diocese of Newfoundland Act, 1975' establishing the Diocese of Central Newfoundland comprised of all that territory bounded on the East by a straight line drawn from Swift Current River in Placentia Bay to Highway 1, just west of Goobies, thence to Deep Bight in the North-West Arm of Trinity Bay and extending Eastward through Random Sound, and on the West by a straight line drawn from Rencontre West to Hind's Lake and thence to Middle Arm in Green Bay and along the North Side of Green Bay, and containing the following parishes:-Badger's Quay, Bay D'Espoir, Bay L'Argent, Belleoram, Bonavista, Botwood, Brooklyn, Grand Bank, Grand Falls, Harbour Breton, Hermitage, Indian Bay, King's Cove, Lewisporte, Salvage, Smith's Sound, Trinity-Trinity East, Buchans, Burin, Catalina, Gambo, Gander, Gander Bay, Fogo Island, and Twillingate, declare this to be **'THE DIOCESAN SYNOD OF CENTRAL NEWFOUNDLAND'**.

We, the Bishop, Clergy and Lay Representatives assembled at Grand Falls, Newfoundland on November 18 - 20, 1977, declare the following to be Principles, Constitution and Rules of the Diocese of Central Newfoundland.

**ALTERATION TO BOUNDARIES OF THE DIOCESE PURSUANT TO SECTION  
10 OF THE RESTRUCTURING ACT**

WHEREAS the Lieutenant Governor and House of Assembly in Legislative Session passed the Act cited as 'The Restructuring of the Diocese of Newfoundland Act, 1975' establishing the Diocese of Central Newfoundland;

AND WHEREAS at the meeting of the Synod of the Diocese of Central Newfoundland held at Bay D'Espoir in September 1998, the following boundary changes were approved under Section 10 of 'AN ACT TO PROVIDE FOR THE RESTRUCTURING OF THE ANGLICAN DIOCESE OF NEWFOUNDLAND'; that the Diocese of Central Newfoundland would be comprised of all that territory bounded on the East by a straight line drawn from Swift Current River in Placentia Bay to Highway 1, just west of Goobies, thence to Deep Bight in the North West Arm of Trinity Bay and extending Eastward through Random Sound, and on the West by a straight line drawn from Rencontre West to Hind's Lake and then to Cull's Island in Notre Dame Bay and along the North Side of Notre Dame Bay, and containing the following parishes:- Badger's Quay/Pool's Island, Greenspond/Newtown/Pound Cove, Bay D'Espoir, Bay L'Argent, Belleoram, Bonavista, Botwood, Brooklyn, Grand Bank, Fortune/Lamaline, Grand Falls, Windsor/Bishop's Falls, Harbour Breton, Hermitage, Indian Bay, King's Cove, Lewisporte, Salvage, Smith's Sound, Trinity, Port Rexton, Buchans, Burin, Marystown, Catalina, Gambo, Gander, Gander Bay, Fogo Island East, Fogo Island West and Twillingate, declare this to be **'THE DIOCESAN SYNOD OF CENTRAL NEWFOUNDLAND'**.

## PRINCIPLES, CONSTITUTION AND RULES

### ***DECLARATION OF PRINCIPLES***

In the Name of the Father, and of the Son, and of the Holy Spirit. Amen.

WE, the Bishop, Clergy and Lay Members of the Diocese of Central Newfoundland, within the Anglican Church of Canada, now assembled in the First Annual Session of the Synod of the said Diocese hereby make the following solemn Declaration:

We declare this Church to be, and desire that it should continue, in full communion with member Churches of the Anglican Communion throughout the world, as an integral portion of the one Body of Christ composed of Churches which, united under the One Divine Head and in the fellowship of the One Holy Catholic and Apostolic Church, hold the One Faith revealed in Holy Scripture, and defined in the Creeds as maintained by the undivided primitive Church in the undisputed Ecumenical Councils; receive the same Canonical Scriptures of the Old and New Testaments, as containing all things necessary to salvation; teach the same Word of God; partake of the same Divinely ordained Sacraments, through the Ministry of the same Apostolic Orders, and worship One God and Father through the same Lord Jesus Christ, by the same Holy and Divine Spirit who is given to them that believe to guide them into all truth.

And we are determined by the help of God to hold and maintain the Doctrine, Sacraments, and Discipline of Christ as the Lord hath commanded in His Holy Word, and as the Anglican Church, hath received and set forth the same in 'The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the use of the Anglican Church of Canada; together with Psalter or Psalms of David pointed as they are to be sung or said in Churches; and the Form and Manner of Making, Ordaining and Consecrating of Bishops, Priests and Deacons; and in the Thirty Nine Articles of Religion; and to transmit the same unimpaired to our posterity; provided that nothing herein contained shall prevent the Synod from accepting any alteration of or alternative to the above named Formularies as may, from time to time, be authorized by the General Synod of the Anglican Church of Canada; and provided also that it shall be lawful for the Bishop, from time to time, to authorize and direct to be used any special form of prayer and thanksgiving the Bishop shall deem appropriate.

We desire to retain the proper Constitutional relationship to the Provincial Synod of the Ecclesiastical Province of Canada and to the General Synod of the Anglican Church of Canada.

## ***DEFINITIONS***

In the Constitution and Canons of the Diocese of Central Newfoundland, unless the context otherwise requires, or unless for the purposes of any article or Canon a special interpretation is given:

*Associate/Assistant Priest or any other designated clerical title approved by the Bishop*, means a cleric appointed and licensed by the Bishop to assist the Incumbent in the ministry of the parish.

*Bishop* means the Bishop of Central Newfoundland.

*Church* means the Anglican Church of Canada.

*Church Warden* means the person elected or appointed pursuant to Section 8 of Chapter 10.

*Cleric* means a person ordained to, or received into the exercise of, the office of Bishop, Priest or Deacon in the Anglican Church of Canada.

*Commissary* means a person appointed by the Bishop to administer the temporal affairs of the Diocese during the absence or incapacity of the Bishop.

*Communicant* means a baptized person who regularly receives the Sacrament of Holy Communion in the Anglican Church of Canada.

*Congregation* means an organized ecclesiastical unit consisting of a number of baptized people who are members of or in communion with the Anglican Church of Canada and is recognized by the Parish Council, the Executive Committee and the Bishop as a congregation.

*Curate* means a cleric appointed and licensed by the Bishop to assist the Incumbent in the ministry of the parish.

*Deanery* means a group of parishes within the Diocese whose boundaries are defined by the Bishop in consultation with the Regional Deans and approved by the Diocesan Executive.

*Deanery Chapter* means the clergy licensed by the Bishop, and other persons licensed by the Bishop and employed by the Church within the Deanery.

*Diocese* means the Diocese of Central Newfoundland.

*Executive Committee* means the Executive Committee of the Diocese of Central Newfoundland.

*Ex officio member* means a person who is a member of a council, committee, or group by virtue of the office that person holds; such member to have the same powers, including the power to vote, as any other member of the council, committee, or group.

*Incumbent* means the cleric or other licensed person appointed by the Bishop to have charge of a parish, including one appointed Rector, Priest-in-Charge, Deacon-in-Charge, or other designation approved by the Bishop.

*License* means the written permission of the Bishop to a person to execute a particular office or ministry in the Diocese.

*Parish* means an organized ecclesiastical unit consisting of a number of baptized people who are members of or in communion with the Anglican Church of Canada, and is recognized by the Bishop and the Executive Committee as a parish. It may be comprised of one or more congregations.

*Provincial Synod* means the Synod of the Ecclesiastical Province of Canada.

*Real Property* means lands and buildings which are legally owned by the Diocesan Synod of Central Newfoundland.

*Synod* means the Synod of the Diocese of Central Newfoundland.

# **CONSTITUTION AND RULES**

## **CHAPTER I**

### **SESSIONS OF THE SYNOD OF THE DIOCESE OF CENTRAL NEWFOUNDLAND**

- 1.1 Sessions of Synod consisting of the Bishops, Clergy and Laity of this Diocese, shall be held in a manner hereafter provided for, for the ordering of the affairs of the Church.
- .2 The Synod shall meet annually, the first being calculated from January 1, 1976.
- .3 The time and place to be announced by the Bishop after consultation with the Executive Committee.
- .4 The Bishop, or in the case of the Bishop being absent, the Commissary, or if there be no Commissary, any four members of the Executive Committee, shall, upon a requisition signed by nine Clergy and nine lay members, summons a special session of the Synod; the object of such session being stated in the requisition.

### **SYNOD MEMBERSHIP**

Membership of the Synod shall consist of:

#### **CLERICAL MEMBERS**

- 2.1 Every Cleric licensed by the Bishop and having signed the Declaration of Assent; the same shall be eligible to serve on committees and election to Provincial and General Synods.
- .2 Retired clergy licensed by the Bishop at the time of retirement are entitled to speak at sessions of the Synod, but not to introduce or vote on any measures, or be eligible for election to any office of the Synod or to the Provincial or General Synods.
- .3 Every other person licensed by the Bishop and employed by the Church in the Diocese.

#### **LAY MEMBERS**

- .4 There shall be two lay members from each Parish elected at every second annual meeting of the Parish or at any meeting of the congregation where there is one congregation in the Parish, and by the Parish Council where there is more than one congregation in the Parish; who shall be members of the Anglican Church of Canada and of the Parish from which they are chosen, and contributing to the work of the Church; and such lay members shall be eligible to serve on committees and election to Provincial and General Synods.
- .5 Each Parish shall elect two alternate lay members with the same qualifications as

outlined in Section 2.4 of this Chapter, and each alternate shall, in the order of their election, take the place of the regular members if they are unable to attend the Synod. Such alternate lay member shall be deemed the elected lay member for the balance of the term and shall be eligible for election to serve on committees and election to Provincial and General Synods.

- .6 If between elections a vacancy occurs among the lay members of a Parish and that vacancy cannot be filled from among the alternate lay members, another alternate lay member shall be elected by the Vestry or by the Parish Council as the case may be.
- .7 No lay member of Synod shall be elected by more than one Parish.
- .8 No person shall be entitled to vote in the election of lay members of Synod for more than one Parish.
- .9 Every person elected as a lay member shall, before acting as such in the Synod, sign the following declaration:

I....., elected as lay member for the Parish of ..... do hereby solemnly declare that I am duly qualified to act as such under the rules of Synod.

Dated the ..... day of ....., 19....

Signature:.....

- .10 The Chair of the Parish meeting shall send to Synod Office, on forms provided by that Office, the names of the lay members and alternates elected, at least two months prior to convening of the session of Synod for which such lay members have been elected.
- .11 Lay members elected under this Section shall hold office until the election of their successors. The neglect or failure of any Parish to return lay members shall not prevent the Synod from proceeding to business.

### **YOUTH MEMBERS**

- .12 (a) There shall be two youth members from each Deanery in the Diocese, elected or appointed every second year, who shall be age 16 to 21 years at the time of election or appointment, and a member of the Anglican Church of Canada and of a Parish in the Deanery.
- (b) It shall be the responsibility of the Deanery Chapter to make provision for the election or appointment of the youth member.
- (c) Each Deanery Chapter shall elect or appoint two alternate youth members with the same qualifications as outlined in Section 2.12 (a) of this Chapter, and each alternate shall take the place of the regular member if unable to attend the

Synod, and such alternate shall continue to be a member of Synod and eligible for election to committees of Synod and election to Provincial and General Synods.

### ***EX-OFFICIO MEMBERS***

- .13 Ex-Officio Members shall include the following:
- a. The Chancellor of the Diocese
  - b. The Honorary Treasurer
  - c. The Diocesan President of the A.C.W.
  - d. The Executive Officer
  - e. The Diocesan President of the Layreader's Association
  - f. The Programme Officer
  - g. Other Diocesan Officers as may from time to time be appointed at Sessions of Synod.

### ***GUESTS***

- .14 Those to whom the courtesies of the Synod are extended, are entitled to speak at sessions of the Synod, but not to introduce or vote on any measures, or be eligible for election to any office of the Synod or to the Provincial or General Synods.
- .15 Persons not being members of Synod may be present at the meeting of Synod, subject however, to the direction of the Chair, who may require them to withdraw upon the request of any three members of the Synod.

### ***RULES GOVERNING PROCEEDINGS***

- 3.1 At least one month's notice shall be given of each session of Synod to the Clergy and lay members by some person authorized by the Bishop or Executive Committee.
- 4.1 The Bishop shall be Chair of Synod and a quorum for its meetings shall be not less than one third of the voting members of each Order of Synod.
- .2 In case of absence or incapacity of the Bishop, the Commissary shall preside, and in the absence of the Commissary the Synod shall elect from among those present, a priest to preside and the same shall vote as one of the Clergy.
- 5.1 The normal voting procedure shall be the Order of Clergy and the Order of Laity voting together.
- .2 At the request of two Clergy and two lay members, the voting shall be by Orders voting separately in which case a majority of both Orders shall be necessary to an affirmative vote; if the proposition meets with a negative vote in one order it will not be carried.

- .3 The Acts and Resolutions of Synod shall require the consent of the Bishop before becoming valid.
- .4 Should the Bishop fail to give consent to any resolution, two consecutive sessions of Synod by a two thirds majority vote in both Orders shall override the Bishop's dissenting vote.

### ***NOTICES OF MOTION***

- 6.1 A Notice of Motion for the enactment, amendment or repeal of any Chapter, Rule or Regulation shall be in writing, signed by the proposer and seconder, and shall set out in full the matter, if any, to be enacted, amended or repealed, and shall be in the form in which it is to be presented and shall be delivered to the Synod Office for the consideration of the next Executive Committee meeting, and shall be printed on the Convening Circular as a Notice of Motion of the proposer.
- .2 Any Notice of Motion received in Synod Office after the Executive Committee meeting which approves the Convening Circular, shall be placed on the agenda of Synod but the business mentioned in the Convening Circular shall have precedence.
- .3 The Executive Committee may, with or without alteration, recommend the adoption of any motion of which it has received notice.
- .4 A motion to enact, amend or repeal any Chapter, Rule or Regulation shall become effective upon:
  - (a) Having being recommended by the Executive Committee; and
  - (b) Receiving the approval of the majority of the members of Synod present and voting; and
  - (c) Receiving the Assent of the Bishop.
- .5 A motion to enact, amend or repeal any Chapter, Rule or Regulation which has not been recommended for adoption by the Executive Committee shall become effective upon:
  - (a) Receiving approval of not less than two-thirds of the members of Synod present and voting at two consecutive regular sessions of Synod; and
  - (b) Receiving the Assent of the Bishop following the second approval.
- .6 (a) No motion shall be considered by Synod unless notice thereof shall have been given on some day preceding such consideration except a motion by the Bishop, a motion in course, a motion by a committee or a motion in the Convening Circular; except that

(b) with the consent of the majority of Synod present and voting, the requirement that notice of motion be given, shall be waived.

.7 Notices of Motion which will increase or decrease expenditures by the Diocese shall be submitted to the Executive Committee before being considered by Synod.

### **OFFICERS OF SYNOD**

At the first meeting of each Synod there shall be:

7.1 A clerical secretary, an assistant clerical secretary, a lay secretary and an assistant lay secretary elected from among their number by the members of Synod at each meeting of Synod. They shall keep regular minutes of all the proceedings of the Synod Session and, following the meeting of Synod, assist Synod Office in preparing the Minutes for publication in the Synod Journal.

### **MINUTES**

.2 Confirmation of the Minutes of the proceedings of the last Synod, the same having been read and certified by a committee consisting of the Chair, Honorary Secretaries and the Chancellor.

### **AUDITORS**

8. A firm of auditors shall be appointed, who shall inspect the accounts annually and report thereon to the Synod at its next session. Should the appointed firm be unwilling or unable to act, the Executive Committee shall appoint another firm of auditors.

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### **GENERAL RULES**

9. At any Session of Synod when a Chair, other than the Bishop shall preside, on account of the Bishop being absent from the Diocese, the Acts of Synod so constituted requiring immediate execution shall come into force, and all Acts not requiring immediate execution shall also come into force, but subject to the disallowance of the Bishop, to be communicated to the Executive Committee within six months from the closing of the Session.

10. The Synod shall from time to time, make Rules and Regulations for the purchase, sale and exchange, or other disposition of property, and for the custody and management of property belonging to or held in trust for the Synod, or to which it shall be entitled; and for the government of all persons holding office under or receiving emolument from the Synod; and shall determine the conditions upon which every Bishop, Cleric, Trustee, Layreader, Church Warden or other Office bearer, whether clerical or lay, shall enter upon the use and occupation of any church, rectory or glebe, or other property of any description, owned by or held on Trust for the Synod, or to which it shall be entitled; and upon what conditions all such persons shall receive their appointments,

respectively.

11. The Synod shall have power to determine and make regulations for the determining of all stipends, dues, fees and other emoluments payable to any person out of the property and funds of the Synod; and shall also, from time to time, make rules for the appointment of Clerical members and the election of members to the Synod, their number and qualification, the period of their service, and the filling of vacancies in their number; for the meetings of the Synod, for making provisions for the expenses thereof, the officers of the Synod, the mode of their appointment, the mode of investigating any complaints made against any person who shall have subscribed to the Constitution and Rules of Synod, and shall generally carry into complete operation the objects of the said Synod. *(The rules currently in effect are contained in Appendix A).*
12. Every Sitting of the Synod on any one day shall be deemed a separate meeting.

## CHAPTER 2

### ***RULES FOR THE CONDUCT OF BUSINESS***

#### ***ORDER OF PROCEEDINGS***

1. The business of each Session of the Synod shall be conducted in the following manner:
  - .1 Prayer for the Divine Guidance and Blessing according to a form authorized by the Bishop.
  - .2 Calling and marking the Rolls of members.
  - .3 Election of Officers.
  - .4 Appointing Committees.
  - .5 Presenting Reports of Committees.
  - .6 Presenting, reading and referring Memorials and Petitions.
  - .7 Giving notice, in writing, of Motions and Questions.
  - .8 Taking up unfinished business.
  - .9 Consideration of motions in order of precedence to be determined by the Executive Committee, provided that motions of which notice has been given in the Convening Circular shall take precedence of all other business on the last day of the session.
  - .10 Rules for the conduct of the proceedings of the Synod may be suspended on a two-thirds vote of each order and with the Bishop's assent.

#### ***PRESERVATION OF ORDER***

2. No member shall continue standing after the Chair is taken.
3. Any member about to speak shall rise and address the Chair.
4. No motion shall be considered as before the Synod unless seconded, and reduced to writing, and it may not then be withdrawn without the consent of the Synod.
5. No member shall speak on the same question more than twice, nor more than five minutes at one time, without permission of the Chair; but an address from the Chair shall be in order at any time.
6. When a question is under consideration, no other motion shall be received unless to

adjourn or to postpone, commit or amend it; and motions for any of these purposes shall have precedence in the order here named.

7. Motion to adjourn or to lay on the table shall be decided without debate.
8. A motion, of which notice has been given by a member; may be taken up by any other member as if that person had given the notice.
9. Each member shall have the right to require, once, at any period of the debate, that a question in discussion be read for their information.
10. A member called to order while speaking shall sit down; unless permitted to explain.
11. All questions of order shall be decided by the Chair.
12. An amendment shall be disposed of before the original question or motion is put to the Synod.
13. When an amendment is under consideration, no new amendment shall be received until the former has been disposed of; but a substitute for the whole matter may be moved with the permission of the Synod. No amendment to an amendment, nor an amendment to such substitute, shall be in order. If the substitute be negative, then the original motion and the amendment to it shall be before the Synod as if the substitute has never existed.
14. When the Synod is about to rise, every member shall remain seated until the Chair is vacated.

### **VOTING**

15. Where any question is being put from the Chair, the members shall continue in their seats and be silent; all members present shall be required to vote on every question unless having at first signified to the Chair acceptable reasons for abstaining; and when a motion is put no member shall retire until such motion is disposed of.
16. In voting, if a division be called for, those who vote in the affirmative shall first rise, and then those who vote in the negative; provided always that such voting shall be by ballot on the requisition of three clergy or of three lay members.
17. A question once determined shall not again be drawn into discussion in the same session, without the sanction of the Synod.
18. No protest or dissent shall be entered on the Minutes; but at the request of a member, the number of affirmative and negative votes shall be recorded, with the names, if required.

## **COMMITTEES**

19. When the Synod resolves itself into a Committee of the Whole, the Chair of the Synod, or such other person as the Bishop may name, shall be Chair of such Committee; and when the Synod resumes, the report of such Committee shall be made to the Chair of the Synod by one of the Secretaries.
20. The proposer of a Select Committee shall submit a list of persons to be appointed, subject to amendment by the Synod.
21. The report of a Select Committee shall be in writing, signed by the Committee or a majority thereof, and shall be received in course; and if it recommends anything for the action of the Synod, it shall be accompanied by a resolution.
22. The Chair of a Select Committee, or some member deputed by the Chair, shall explain to the Synod the bearing of any portion of the report, if requested by any member of the Synod.

## CHAPTER 3

### **EXECUTIVE COMMITTEE**

1. There shall be an Executive Standing Committee of the Synod which shall consist of the following:
  - .1 Ex-Officio Members: The Bishop, The Bishop's Commissary, Chancellor, Honorary Treasurer, Executive Officer, the Regional Deans, Members of Joint Committee, Diocesan President of the A.C.W., Programme Officer, Representative on Council of General Synod and other Diocesan Officers which may be appointed.
  - .2 The Bishop may appoint up to three lay members of the Diocese.
  - .3 One clerical member nominated from each Deanery of the Diocese and elected by Synod.
  - .4 Two lay members nominated from each Deanery in the Diocese and elected by Synod.
  - .5 The Bishop shall be the Chair of the Executive Committee. At its first meeting, the Executive shall from the membership elect a Vice-Chair.
  - .6 Ten members shall constitute a quorum.
  - .7 A member of the Executive Committee who fails to attend three consecutive regular meetings without just cause, may be deemed to have relinquished membership and may be replaced in accordance with Section 1.8 of this Chapter.
  - .8 The Executive Committee shall fill any vacancy which occurs in its elected membership between sessions of Synod provided that the intent of Section 1.3 and Section 1.4 of this Chapter is fulfilled
  - .9 Meetings of the Executive Committee may be convened at any time, either:
    - (a) By the Chair or other person for the time being entitled to preside, or;
    - (b) By any four members of the Committee provided due notice of such meeting, with its purpose, be given at least one week previously.
  - .10 At every second Annual Session of Synod the Executive Committee shall be elected.

### **EXECUTIVE COMMITTEE DUTIES**

2. The Synod by its Standing Executive Committee may accept and hold, sell, exchange, let, manage, or otherwise, dispose of, real and personal property, for the religious, charitable, educational, and other objects thereof, and subject to the provisions of the

Restructuring of the Diocese of Newfoundland Act, 1975; and the Executive Committee may, by the Bishop, or in his absence, the Bishop's Commissary, execute any deeds and other documents on behalf of the Synod, and use its Corporate Seal.

3. For the efficient management of the business of the Executive Committee and the general oversight and supervision of the operation of the Synod Office, the Executive Committee shall have power to develop job specifications and to appoint, and at their pleasure remove, such Synod Office staff as it deems necessary.
4. Subject to the instructions of Synod, the Executive Committee shall have the control, management and administration of funds and assets entrusted to the Synod, and of all properties vested in the Synod.
5. The Executive Committee shall issue a Convening Circular stating the time and place of holding the Session of Synod; the business to be done and the order in which it shall be discussed. The Convening Circular shall be forwarded to each member one month before the session of the Synod. The business mentioned in the Convening Circular shall have precedence over all other business.
6. The Executive Committee shall submit biennially to Synod a report of their proceedings for the previous two years; and shall, also biennially, publish the state of the funds of the Synod, and the Investments and Securities of the same, which accounts and statements, examined, approved, and signed by the Auditors as correct, and shall submit the same to the Synod.
- 7.1 The Executive Committee may frame by-laws for its own guidance, but such by-laws shall be subject to revision by the Synod.
- .2 The Executive Committee may appoint sub-committees and delegate to them specific duties and responsibilities. Such sub-committees shall report in writing to the Executive Committee as requested.
8. The Bishop and Executive Committee shall have power to define, fix or alter boundaries of any Parish.

## CHAPTER 4

### ***DECLARATION OF ASSENT***

1. No Bishop, Cleric, Trustee, Layreader or other person shall be admitted to any Church, Rectory, Glebe, Land, or Office, under the Synod, or receive any profit or emolument from any property held under the same, until he/she shall have signed a special declaration to the following effect:

I, ....., do declare that I do consent to be bound by the Constitution, Laws and Regulations, which are now in force and which from time to time be made by the Diocesan Synod of Central Newfoundland; and in consideration of appointment now or hereafter to be held by me from the Synod, I hereby undertake immediately to resign and vacate any such appointment, together with all the rights and emoluments, lands and tenements appertaining thereto, in case final judgement requiring such resignation shall at any time be passed upon me, after due examination by the tribunal appointed, or to be appointed, by the Synod for the determination of such matters.

The above Chapter is subject to the Provisions of the Constitution and Canons of the Ecclesiastical Province of Canada.

## CHAPTER 5

### ***ELECTION OF A BISHOP***

#### ***CALLING THE ELECTORAL SYNOD***

1. When the See is vacant the Commissary, or if there is no Commissary, or if the Commissary is absent or unable or unwilling to act, a Priest appointed by the Executive Committee shall;
  - (a) Within two weeks of the state of vacancy being brought to their notice by the Executive Committee, summon the Synod to meet either in regular or Special Session, in not less than one or more than six months from the date of such summons for the purpose of electing or providing for the election of a successor to the See.
  - (b) Invite the Metropolitan or other Bishop of the Ecclesiastical Province to preside at the Electoral Synod.

#### ***VACANCY OF THE SEE***

2. During the vacancy of the See, no business shall be transacted by the Synod except meetings or organizing itself, calling the rolls, electing Officers and members of the Executive Committee, and electing a Bishop or making provision for filling the See.

#### ***QUORUM FOR AN ELECTORAL SYNOD***

- 3.1 A quorum for an Electoral Synod shall be half of the Clergy and lay members of synod respectively.
- .2 If the required number of Clergy and lay members be not present, there shall be an adjournment to any day within one week, and so on, from time to time, until the required quorum be obtained.

#### ***VOTING PROCEDURE***

- 4.1 On the first ballot Clerical and lay members of Synod shall be entitled to vote for eligible persons and any such eligible person shall be deemed to have been nominated for purposes of all subsequent ballots unless and until eliminated in accordance with voting procedures.
- .2 Where possible, following the first ballot, a brief standardized biographical sketch of those nominated shall be distributed to Members of the Synod.
- .3 Successive ballots shall be held until one nominee receives a majority of not less than two-thirds of each Order respectively present.

- .4 After each ballot, if a Bishop is not elected, any nominees receiving no votes and the nominee receiving the lowest number of Clerical and lay votes in total shall be dropped from each succeeding ballot.
- .5 If, after such balloting has reduced the number of nominees to two, and in the next ballot neither shall obtain the required majority, the members of Synod shall on the next ballot be entitled to vote for any eligible person and all such eligible persons shall be deemed to have been nominated for purposes of all subsequent ballots unless and until eliminated in accordance with voting procedures.
5. This Chapter is subject to the provisions of the Constitution, Canons and Rules of Order of The Ecclesiastical Province of Canada respecting election of a Bishop.

## CHAPTER 6

### ***ELECTION OF A COADJUTOR, SUFFRAGAN OR ASSISTANT BISHOP***

1. When the Synod shall consider it desirable, a Coadjutor Bishop, a Suffragan or an Assistant Bishop may be elected for the Diocese by the Synod, in the same manner as provided for the election of the Bishop in the case of a vacancy in the See, as nearly as can be observed; and such Coadjutor Bishop shall immediately succeed as Bishop of the Diocese on death, resignation, or deprivation of the Incumbent of the See.

## CHAPTER 7

### ***THE CHANCELLOR OF THE DIOCESE***

1. The Bishop may appoint a Chancellor of the Diocese who shall hold office during the Bishop's pleasure.
2. The Chancellor of the Diocese shall be a member of the Anglican Church of Canada and either an active or former Barrister-at-Law.
3. The Chancellor shall be an ex-officio member of Synod and ineligible to be elected to represent any parish as a Member.
4. It shall be the duty of the Chancellor to advise the Bishop on all legal matters pertaining to the Diocese submitted to the Chancellor by the Bishop.

## CHAPTER 8

### ***APPOINTMENT OF CLERGY***

1. When a vacancy occurs in the Incumbency of a parish, subject to the provision of Chapter 15 entitled 'Canon on Joint Committee', and specifically Section 8 of the said Chapter, the appointment shall rest with the Bishop. Any cleric may notify the Bishop of his/her interest in the vacancy but under no circumstances should the cleric make any representation to the parish. Whenever practical, the appointment shall take effect as from September 1st.
2. Subject to the provisions of Chapter 15 entitled 'Canon on Joint Committee' specifically Section 8 of the said Chapter, on the vacancy of any parish within the diocese, the congregation or congregations comprised within its boundaries through the Parish Council may decide to follow one of three methods, namely:-
  - .1 Nominate one or more (not exceeding three) clergy to the Bishop. For the purpose of assisting the Parish Council in nominating, the Bishop shall furnish the Parish Council with a list of clergy including those who have applied. The Parish Council may nominate from this list of clergy or other eligible clergy; or
  - .2 Appoint a committee to consult with the Bishop; or
  - .3 Request the Bishop to make an appointment.
3. If more than one clergy is nominated under the provisions of Section 2.1 of this Chapter, the Bishop shall (in the absence of any canonical reason to the contrary) appoint and induct one of them to the vacant incumbency. If, under the provisions of Section 2.1 of this Chapter, the Bishop is unable to appoint from the nominees, then the method outlined in Section 2.2 or Section 2.3 of this Chapter shall be followed. While the appointment is in abeyance, temporary appointment may be made by the Bishop.
4. If the method outlined in Section 2.2 of this Chapter is followed, the Bishop and the committee, duly appointed under the provisions of Section 2.2 of this Chapter (consisting of not less than three nor more than five members of the Parish Council) shall consult and agree on the nomination of an Incumbent to the vacant parish.
5. If within three months of the date of the vacancy becoming effective, either the parish fails to nominate or the consultants and the Bishop fail to agree on a nomination, then the Bishop shall nominate and appoint to the said parish.
6. Where a vacancy in the Incumbency of a parish exists, an inquiry may be made concerning the ability of that parish to meet its financial obligations.
7. In the event of a parish failing, through causes which are in the opinion of the Executive Committee outside its control, to provide the Incumbent with a stipend equal to the

approved minimum for the time being paid to the clergy of similar standing in the Diocese, the Executive Committee may, on the recommendation of the Bishop, make a grant-in-aid to the Incumbent from any fund which may lawfully be drawn upon for such purpose provided that, in no event, the grant be such as to give the Incumbent a total stipend greater than the approved minimum for the time being paid to clergy of similar standing in the Diocese.

8. A parish, which is for the time being in default in complying with the provisions of Section 7 of this Chapter, shall forfeit its right to nominate a clergy to the Bishop in the event of a vacancy; but its status will not be changed by reason only of such non-compliance.
9. In the event of a parish becoming vacant during the absence of the Bishop from the Diocese, the Coadjutor Bishop, Suffragan or Assistant Bishop, if there be one, may make a temporary or provisional appointment to the vacancy. If none of the above is available, the Bishop's Commissary may so appoint.
10. When a parish requires a Curate/Associate/Assistant the position shall be advertised in all three Dioceses in Newfoundland and Labrador in accordance with Chapter 15, Section 8A, and the appointment will be made by the Bishop in consultation with the Incumbent

## CHAPTER 9

### ***REGIONAL DEANERIES***

1. The Parishes of the Diocese shall be grouped into Regional Deaneries, the boundaries of which shall be defined by the Bishop in consultation with the Regional Deans and approved by the Executive Committee.

### ***DEANERY CHAPTER***

2. The clergy licensed by the Bishop, and other persons licensed by the Bishop and employed by the Church within the Deanery shall constitute the Deanery Chapter, of which the Regional Dean shall be Convenor and Chair.
3. The duties of the Deanery Chapter shall be:
  - .1 To foster communication among the members of the Chapter.
  - .2 To be a forum where members of the Chapter will be able to share their concerns and support one another in their personal, spiritual, and professional growth.
  - .3 To be a forum where members will be able to discuss national and diocesan programmes.
  - .4 To share parish concerns and programmes.
4. Each Deanery Chapter shall elect a Secretary/Treasurer.
5. The members of the Deanery Chapter shall, to the best of their ability, co-operate with the Regional Dean in carrying out the duties of the Regional Dean, and work together for the overall benefit of the Church in the Deanery.

### ***REGIONAL DEAN***

6. The Bishop shall appoint, after consultation with the Clergy of the Deanery, a Regional Dean who shall hold office for three years and may be reappointed.
7. The Regional Deans shall be ex-officio members of the Diocesan Executive.
8. The duties of the Regional Dean shall be:
  - .1 To provide under the authority of the Bishop, for the administration of the Holy Communion in such parishes within the Deanery as have no Priest.
  - .2 To perform such other duties as may be assigned by the Bishop.

- .3 To make, to the Bishop and the other Regional Deans, a report in writing of each meeting of the Chapter.
- .4 To inform the Bishop of any aspects of church life within the Deanery which needs to be brought to the Bishop's attention.
- .5 To convene meetings of the Deanery Chapter at least three times per year.
- .6 To convene meetings of the Deanery Council.
- .7 To assist clerics new to the Diocese who are residing in the Deanery.

### ***DEANERY COUNCIL***

9. Each Deanery of the Diocese shall have a Deanery Council consisting of:
  - .1 The members of the Deanery Chapter.
  - .2 Lay representatives from each Parish within the Deanery, elected or appointed in accordance with the by-laws of the Deanery Council. Included in the representatives from each Parish shall be the lay members of the Synod, at least one officer of the Parish Council or, where there is no Parish Council, one Church Warden.
10. The Deanery Council shall make by-laws, which shall be subject to the approval of the Bishop, providing for the efficient functioning of the Deanery Council, including:
  - .1 The representation of each Parish on the Deanery Council.
  - .2 The officers of the Deanery Council and their tenure.

### ***DUTIES OF THE DEANERY COUNCIL***

11. The duties of the Deanery Council shall be:
  - .1 To assist the Bishop in the pastoral care of the Deanery.
  - .2 To identify and express the concerns, needs, and desires of the parishes in the Deanery.
  - .3 To foster communication among the parishes of the Deanery.
  - .4 To implement national and diocesan programmes at the Deanery level.

- .5 To provide a forum for the discussion of matters to be dealt with at meetings of the Synod.
- .6 To deal with such matters as may be referred to the Deanery Council by the Diocesan Executive.

## CHAPTER 10

### ***CHURCH WARDENS, VESTRIES AND PARISH COUNCILS***

#### ***ANNUAL MEETINGS***

1. A meeting of each congregation, called the Annual Congregational Meeting, shall be held prior to March 15th of each year. Notice of the date and time of such Annual Congregational Meeting shall be given by or on behalf of the Incumbent during Divine Service on a Sunday at least one week prior to such meeting.
2. The purpose of the Annual Congregational Meeting shall be to:
  - (a) Receive reports of the work of the Church in that congregation during the previous year.
  - (b) Receive audited reports of the finances of the Church in that congregation for the previous year.
  - (c) Select Church Wardens and other congregational officials for the ensuing year.
  - (d) Make plans for the future direction and work of the Church in that congregation.
  - (e) Transact other business for the good of the Church.

#### ***SPECIAL CONGREGATIONAL MEETINGS***

3. A special meeting of the congregation may be summoned at any time by the Incumbent or by the Church Wardens, or upon requisition to the Incumbent, or to the Church Wardens in the Incumbent's absence, signed by any five members of the congregation entitled to vote, stating the purpose for which such meeting is desired. Notice of the date and time of such meeting shall be given during Divine Service on a Sunday at least one week prior to such meeting.

#### ***THOSE ELIGIBLE TO VOTE***

4. Every baptized person who is at least sixteen years of age, is a member of or in communion with the Anglican Church of Canada, and for at least three months prior to such meeting, has been identifiably involved with the congregation in regular worship, fellowship, and stewardship to that congregation, shall be qualified to vote at meetings of the congregation.

## **QUALIFICATIONS FOR CHURCH WARDENS**

5. Every baptized person who is at least nineteen years of age, is a member of or in communion with the Anglican Church of Canada, a communicant where possible, and for at least three months prior to the Annual Congregational Meeting has been identifiably involved with the congregation in regular worship, fellowship, and stewardship to the congregation, shall be eligible for election to the office of Church Warden.

## **QUALIFICATIONS FOR ELECTION TO VESTRY AND PARISH COUNCILS**

6. Every baptized person who is at least sixteen years of age, is a member of or in communion with the Anglican Church of Canada, a communicant where possible, and for at least three months prior to such meeting has been identifiably involved with the congregation in regular worship, fellowship, and stewardship to that congregation, shall be qualified to be elected at meetings of the congregation.

## **CHURCH WARDENS**

7. Where practicable there shall be two Church Wardens for every congregation.
8. At the Annual Congregational Meeting one Church Warden may be appointed by the Incumbent, and the other shall be elected by a majority of those present and entitled to vote. In the event that the Incumbent is unable or unwilling to appoint a Church Warden, or in the event that there is no Incumbent, both of the Church Wardens shall be elected by those present and entitled to vote. In the event that the members of the congregation present are unable or unwilling to elect a Church Warden, the Incumbent shall appoint both of the Church Wardens.
9. Notification of the selection of Church Wardens, with their names, shall be given to Synod Office by the person who chairs the Annual Congregational Meeting.

## **TERM OF OFFICE**

10. (a) The Church Wardens shall hold their respective offices until the Annual Congregational Meeting subsequent to their selection, or until the selection of their successors.
- (b) A Church Warden in office for three consecutive years may be elected to the Vestry; however, at the expiry of the term of that elected membership, they are not eligible for appointment or election to any other position on Vestry, ex-officio or elective, until one year shall have elapsed. Small congregations may be exempted from this requirement by the Officers of the Diocesan Executive Committee.
- (c) In the case of the death, resignation, refusal or neglect to serve, or transfer from

the congregation of any Church Warden, the office of Church Warden shall be deemed to be vacant, and the Incumbent shall appoint or the Vestry shall elect, as the case may be, a person to fill the vacancy. A Church Warden selected under this section shall serve until the subsequent Annual Meeting of the congregation, and such service shall not be counted towards the three year maximum consecutive service permitted under Section 10 (b) of this Chapter.

- (d) Every Church Warden shall sign in the Minute Book of the congregation a declaration in the following form;

I, ....., do declare that I consent to be bound by the provisions of the Act of the Synod relating to Church Wardens and Vestries, and by the Constitution and Laws of Synod, as far as the same relate to Church Wardens.  
Signature:.....

### ***DUTIES OF CHURCH WARDENS***

- 11. The Church Wardens shall have equal status and responsibility in the congregation in which they serve. In the exercise of their general responsibilities they shall act jointly. They shall act in consultation with the Incumbent and the Vestry of the congregation in the advancement of the Kingdom of God in that congregation. They shall exercise leadership, and with the Incumbent act as the executive officers of the Vestry of the congregation in the supervision of all matters relating to that congregation; and they shall have general responsibility for all matters relating to the congregation that are not expressly the responsibility of the Bishop or the Incumbent. Without limiting the generality of the foregoing, the Church Wardens shall:
  - (a) Give leadership in the congregation by regular worship, example and stewardship.
  - (b) Provide at the expense of the congregation all things needed for the worship of Almighty God in the congregation, including appropriate furnishings, vesture, books, and, where there is no Parish Council, registers for the recording of baptisms, confirmations, marriages, burials and other church records.
  - (c) Cause order to be preserved during services of worship.
  - (d) Share with the Incumbent responsibility for ensuring that the Church is not used for any improper or profane purpose.
  - (e) Where there is no Parish Council, in consultation with the Regional Dean or the Bishop, make arrangements to provide services of worship and pastoral care as required when there is no Incumbent, or if the Incumbent is absent or incapacitated.
  - (f) Co-operate with the Incumbent in the initiation, conduct, and development of

Church work within the congregation.

- (g) Use their respective best efforts to carry out all lawful resolutions adopted at meetings of the Synod, the congregation, and the Vestry.
- (h) Bring to the attention of the Incumbent any matter pertaining to the congregation they consider requires the Incumbent's attention.
- (I) Make jointly with the Incumbent on behalf of the congregation all contracts which have been approved by a meeting of the congregation or by the Vestry.
- (j) Report their Incumbent to the Bishop, or, if there is no Bishop, to the Bishop's Commissary, if the Incumbent is irregular in the performance of duty, immoral in behaviour, or unsound in doctrine.
- (k) Exercise leadership in raising the revenue necessary for the operations of the Church, including the payment of all salaries and benefits.
- (l) Be responsible for the safe custody and accurate recording of all money received in the congregation for the work of the Church.
- (m) Be jointly responsible with the Incumbent for the proper disposition of all money received in the congregation for the work of the Church, subject to the approval of the Vestry.
- (n) Where there is no Parish Council, cause the stipend and benefits of the Incumbent and any Curates/Associates/Assistants to be paid punctually, such stipends and benefits being the first charge upon the funds of the parish.
- (o) Where there is a Parish Council, cause the congregation's assessment to be paid to the Parish Council, such assessment being the first charge upon the funds of the congregation.
- (p) Where there is no Parish Council, cause the parish's assessment to the Diocese to be paid in accordance with diocesan policy, such assessments being the second charge upon the funds of the parish.
- (q) Cause all salaries and accounts which are the responsibility of the congregation to be paid, such payment having first been authorized and approved by the Vestry where necessary.
- (r) Give an account, duly audited, at the Annual Congregational Meeting of all money received and disbursed in the congregation for the work of the Church in the preceding year.
- (s) Where there is no Parish Council, send to the Synod Office annually, no later

than April 15th, Financial Returns for the preceding year.

- (t) On retiring from office give a correct account of all financial transactions of the congregation for which they had been responsible, and deliver up to their successors the property of the Church which had been in their possession.
- (u) Keep the Church and other buildings of the congregation, and, where there is no Parish Council, the rectory and other parochial buildings, in good state of repair and cleanliness, and insured in accordance with diocesan policy.
- (v) In the absence of a duly constituted Cemetery Committee, see that every cemetery pertaining to the congregation is decently fenced and well ordered.
- (w) Where there is no Parish Council, take charge of the rectory and other church property during a vacancy in the position of Incumbent.
- (x) See that the grounds of the Church and Parish Hall, and, where there is no Parish Council, the grounds of all parochial buildings, are properly cared for and kept in good condition.

### ***THE VESTRY***

#### ***MEMBERSHIP***

- 12. In every congregation there shall be a Vestry, which shall consist of members of the congregation as follows:
  - .1 Ex-officio members: the Incumbent, the Curates/Associates/Assistants, persons licensed by the Bishop and employed by the parish, the Church Wardens, the Treasurer, the Secretary, and, where there is only one congregation in the parish, the lay members representing the Parish in Synod.
  - .2 Elected members: Up to twelve members shall be elected at the Annual Congregational Meeting in accordance with the provisions of Section 6 of this Chapter.
  - .3 A quorum for a meeting of the Vestry shall consist of one third of its members.

#### ***TERM OF OFFICE***

- 13.1 Elected members of the Vestry, including the representatives of congregational organizations, if any, may serve in that capacity for three consecutive years; following which, if they are not appointed or elected to one of the positions of ex-officio membership, they must retire and shall be ineligible to serve as a Vestry member until one year shall have elapsed. Small congregations may be exempted from this requirement by the Officers of the Diocesan Executive Committee.

- .2 Elected members, at the expiry of their three year terms, may be appointed or elected to one of the ex-officio memberships; however, at the expiry of the term of that ex-officio membership they are not eligible for appointment or election to any other position on Vestry, ex-officio or elective, until one year shall have elapsed. Small congregations may be exempted from this requirement by the Officers of the Diocesan Executive Committee.
- .3 In the case of the death, resignation, refusal or neglect to serve, or transfer from the congregation, of any elected Vestry member, the other members of the Vestry may appoint a qualified member of the congregation to fill the vacancy until the annual congregational meeting. Such service shall not be counted towards the three year maximum service provided for in Section 13 of this Chapter.
- .4 Congregations may provide for staggered terms, but in no case shall an individual member of the Vestry serve more than three years without retiring in accordance with the provisions of this Section.

### ***DUTIES OF VESTRIES***

14. It shall be the duty of the Vestry:
  - .1 To advise and assist the Incumbent and Church Wardens in the management of the affairs of the Church in that congregation, and in such other matters as may be referred to it.
  - .2 To consider any proposal which may be put forward for the development or improvement of the work of the Church in that congregation, and by resolution to declare its opinion on such proposal.
  - .3 To propose a budget for the congregation for the forthcoming financial year, to take steps to secure money to meet such budget, and to give prior approval to major expenditures.
  - .4 To assist the Church Wardens in providing for the safe custody and accurate recording of all monies received for the work of the Church.
  - .5 To scrutinize all expenditures and accounts pertaining to the congregation.
  - .6 To appoint auditors to audit the financial records of the congregation at the end of the year.
  - .7 To consider all proposals for the erection, alteration or repair of the Church and Parish Hall, and, where there is no Parish Council, of other parochial property, or of Church or other furniture or furnishings pertaining to the congregation.
  - .8 To engage, where necessary, a Church Secretary, Verger, Sexton, Caretaker, and

other staff and, where applicable, fix their remuneration.

- .9 To appoint a Nominating Committee to propose names for the various elective positions for the Annual Congregational Meeting.
- .10 To foster greater co-operation and use of resources among congregations in the parish.

### ***VESTRY MEETINGS***

15. The Vestry shall meet at least twice a year. The meeting shall be called by the Incumbent. A meeting shall be called at the written request of at least five members of the Vestry.
16. The Church Wardens shall, with the consent of the Incumbent, have authority at any time to call a meeting of the Vestry. In the absence of the Incumbent, or if the Incumbency is vacant, the wardens in consultation with the Curate/Associate/Assistant, if there be one, shall have authority to call a Vestry meeting.

### ***CONGREGATIONAL TREASURER***

17. Each congregation shall have a Treasurer, who may be appointed by the Vestry at its first meeting following the Annual Congregational Meeting, or elected at the Annual Congregational Meeting.
18. The Treasurer shall be appointed or elected annually.
19. The Treasurer shall be responsible to the Vestry through the Church Wardens.
20. In the case of the death, resignation, refusal or neglect to serve, incompetence, or transfer from the congregation of the Treasurer, the Vestry shall appoint a qualified member of the congregation to fill the vacancy.

### ***DUTIES OF TREASURER***

21. It shall be the duty of the Treasurer:
  - .1 To keep proper account of all money belonging to the congregation.
  - .2 To report regularly, in writing, to the Incumbent, Church Wardens, and Vestry on the financial affairs of the Congregation.
  - .3 To provide information and advice for the preparation of the budget of the congregation, and the budget of the Parish Council, where there is a Parish Council.
  - .4 To ensure that the congregation's assessment to the Parish Council is remitted

promptly, such assessment being the first charge on the congregation's funds.

- .5 To ensure that all money contributed for special purposes are duly applied to such purposes, and, where applicable, remitted promptly.
- .6 To perform such other duties as may be prescribed by the Vestry from time to time.
- .7 To deliver to their successors in Office all finances and records of which they have had charge.

### ***THE SECRETARY OF THE VESTRY***

22. Each Vestry shall, at the first meeting following the Annual Congregational Meeting, appoint a Secretary.
23. The Secretary shall be appointed for a one year term, and may be re-appointed. After serving three consecutive one year terms, the member at the expiry of his/her three year term, may be appointed or elected to one of the ex-officio memberships, however, at the expiry of the term of that ex-officio membership the member is not eligible for appointment or election to any other position on Vestry, ex-officio or elective, until one year shall have elapsed. Small congregations may be exempted from this requirement by the Officers of the Diocesan Executive Committee.
24. In the case of the death, resignation, refusal or neglect to serve, incompetence, or transfer from the congregation of the Secretary, the Vestry shall appoint a qualified member of the congregation to fill the vacancy.

### ***DUTIES OF SECRETARY***

25. It shall be the duty of the Secretary:
  - .1 To keep minutes of all meetings of the Vestry and of the Congregation.
  - .2 To keep a record of the terms of office of all Vestry members whose terms of office are subject to specific tenure.
  - .3 To perform such other duties as may be prescribed by the Vestry from time to time.

### ***PARISH COUNCILS***

#### ***MEMBERSHIP***

26. Where there is more than one congregation in a Parish there shall be a Parish Council which shall consist of members of the Parish as follows:

- .1 Ex-officio members: the Incumbent, the Curates/Associates/Assistants, persons licensed by the Bishop and employed in the Parish, the Church Wardens of each congregation in the Parish, and the Parish's lay members to Synod.
- .2 Elected members representing each of the congregations in the parish, elected at the Annual Congregational Meeting of each congregation. The number of representatives of each congregation shall be in accordance with a formula to be agreed upon by the Parish Council and the Vestry of each congregation.
- .3 A quorum for a meeting of the Parish Council shall consist of one third of its members.

### ***TERM OF OFFICE***

- 27.1 Ex-officio members at the expiry of their three year term, may be elected to the Parish Council; however, at the expiry of the term of that elected membership, they are not eligible for appointment or election to any other position on Parish Council, ex-officio or elective, until one year shall have elapsed. Small congregations may be exempted from this requirement by the Officers of the Diocesan Executive Committee.
- .2 Elected members, at the expiry of their three year term, may be appointed or elected to one of the ex-officio memberships; however, at the expiry of the term of that ex-officio membership they are not eligible for appointment or election to any other position on Parish Council, ex-officio or elective, until one year shall have elapsed. Small congregations may be exempted from this requirement by the Officers of the Diocesan Executive Committee.

### ***PARISH COUNCIL MEETINGS***

28. The Parish Council shall meet at least three times per year.
29. Meetings of the Parish Council may be called by the Incumbent, or, in the absence of the Incumbent, by the Curate/Associate/Assistant, if any, or, in the absence of such Curate/Associate/Assistant, or during a vacancy in the position of Incumbent, by two officers of the Parish Council, giving at least three days' notice specifying the time and place of the meeting. A meeting shall be called at the written request of at least five members of the Parish Council.

### ***PARISH COUNCIL DUTIES***

30. It shall be the duty of the Parish Council:
  - .1 To co-operate with the Incumbent in the initiation, conduct, and development of Church work and ministry both within and outside the Parish.

- .2 To provide, at the expense of the Parish, registers for the recording of baptisms, confirmations, marriages, burials and other church records within the parish.
- .3 To make arrangements to provide services of worship and pastoral care as required when there is no Incumbent, or if the Incumbent is absent or incapacitated.
- .4 To pay the stipend and benefits of the Incumbent and any Curates/Associates/Assistants punctually, such stipends and benefits being the first charge upon the funds of the Parish.
- .5 To pay punctually the Parish's assessment to the Diocese in accordance with Diocesan policy, such assessments being the second charge upon the funds of the Parish.
- .6 To pay all salaries and accounts which are the responsibility of the Parish.
- .7 To appoint auditors to audit the financial records of the Parish Council at the end of the year.
- .8 To elect lay members to Synod on behalf of the whole Parish.
- .9 To keep the Rectory and other parochial buildings which are not the responsibility of individual congregations, in a good state of repair and cleanliness, and insured in accordance with Diocesan policy.
- .10 To see that the grounds of any parochial property which is not the responsibility of individual congregations are properly cared for and kept in good condition.
- .11 To take charge of the Rectory, and other parochial property which is not the responsibility of individual congregations, during a vacancy in the Incumbency.
- .12 To propose a budget for the Parish Council for the forthcoming financial year, to take steps to secure money to meet such budget, and to give prior approval to major expenditures.

### ***PARISH COUNCIL TREASURER***

31. Every Parish Council, at its first meeting following the Annual Congregational Meetings, shall appoint or elect a Treasurer who shall be responsible to the Incumbent and the Parish Council.
32. The Treasurer shall be appointed or elected annually.
33. In the case of death, resignation, refusal or neglect to serve, incompetence, or transfer from the Parish of the treasurer, the Parish Council shall appoint a qualified member of the Parish to fill the vacancy.

### ***DUTIES OF PARISH COUNCIL TREASURER***

34. It shall be the duty of the Parish Council Treasurer:
- .1 To assist in all financial matters concerning the Parish Council.
  - .2 To keep proper accounts of all money belonging to the Parish Council.
  - .3 To ensure that all money contributed for special purposes are duly applied to such purposes; and, where applicable, remitted promptly.
  - .4 To report regularly, in writing, to the Incumbent and the Parish Council on the financial affairs of the Parish.
  - .5 To provide information and advice for the preparation of the budget of the parish.
  - .6 In consultation with the Incumbent to send to Synod Office annually, not later than April 15th of each year, the Financial Returns for the preceding year.
  - .7 To deliver to their successors in office all finances and records of the Parish of which they have had charge.

### ***PARISH COUNCIL SECRETARY***

35. Every Parish Council, at its first meeting following the Annual Congregational Meetings, shall appoint or elect a Secretary.
36. The Secretary shall be appointed for a one year term, and may be re-appointed. After serving three consecutive one year terms, the member at the expiry of his/her three year term, may be appointed or elected to one of the ex-officio memberships, however, at the expiry of the term of that ex-officio membership the member is not eligible for appointment or election to any other position on Parish Council, ex-officio or elective, until one year shall have elapsed. Small congregations may be exempted from this requirement by the Officers of the Diocesan Executive Committee.
37. In the case of the death, resignation, refusal or neglect to serve, incompetence, or transfer from the Parish of the Secretary, the Parish Council shall appoint a qualified member of the Parish to fill the vacancy.

### ***DUTIES OF THE PARISH COUNCIL SECRETARY***

38. It shall be the duty of the Parish Council Secretary:
- .1 To keep minutes of all meetings of the Parish Council.

- .2 To perform such other duties as may be prescribed by the Parish Council from time to time.

#### ***PROVISION FOR ALTERNATE CHAIRPERSON***

39. All meetings of the Congregation, Vestry and Parish Council, held in conformity with this Chapter shall be presided over by the Incumbent, by the Curate/Associate/Assistant, by one of the Church Wardens, or, in the case of the Parish Council, by one of the officers of the Parish Council.

#### ***PROVISION FOR ELECTED CO-CHAIRPERSONS***

40. If the Incumbent so elects (which election shall be solely within the discretion of the Incumbent) the members present at a Congregational Meeting or meeting of the Vestry and/or Parish Council as the case may be, may elect one of their number to be a Co-chairperson, and in the case of the Vestry and/or Parish Council that member shall continue to serve as Co-chairperson until the first meeting of the Vestry and/or Parish Council following the Annual Congregational Meeting or Meetings, or following the appointment of a new Incumbent; at which time, should the new Incumbent so elect, a new Co-chairperson may be elected.

#### ***CHAIRING OF MEETINGS***

41. All meetings of the Congregation, Vestry and Parish Council held in conformity with this Chapter shall be presided over by the Incumbent or Co-chairperson, or in the absence of the Incumbent or Co-chairperson by the Curate/Associate/Assistant, or if there should be no Curate/Associate/Assistant, by one of the Church Wardens, or in the case of the Parish Council by one of the Officers of the Parish Council.

## CHAPTER 11

### ***TRIAL OF CHARGES AGAINST CLERGY***

#### ***THE COMMISSION***

1. Whenever the Bishop, or in the Bishop's absence, the Bishop's Commissary, of his own motion, or upon the requisition of five communicants of the church, may determine to institute proceedings against any Clerk in Holy Orders who may be charged with any offence against the doctrine or orders of the Church, as set forth in the Fundamental Principles of the Synod, or concerning whom there may exist scandal or evil report, he/she shall issue a Commission under his/her hand and seal directed to five Priests, of not less than five years standing; and the Commissioners appointed, or any three of them, shall inquire into the truth of the charges alleged against the party accused, as set forth in their commission, notice of the time and place of such enquiry; having been given by the Bishop or the Bishop's Commissary, or the Chair of the Commission, to the party accused, and to the party (if any) on whose application or complaint the Commission may have been issued, not less than thirty days before the time appointed for such commencement of the enquiry. And in the course of such enquiry the Commissioners shall receive and sign all such evidence as may be tendered to them, whether for or against the party accused. And the said Commissioners shall report in writing under the hands of at least three of them, whether in the opinion of a majority of those present, there be or be not sufficient prima facie ground for further proceedings, which report shall be accompanied by the evidence on which it is founded.
2. Upon the report by the Commissioners that there is a prima facie ground for further proceedings, the Bishop, or the Bishop's Commissary, with the written consent of the party accused, may thereupon pronounce judgement. If the party accused, shall not so consent, then a trial upon the said charge shall take place before the Bishop or the Bishop's Commissary and assessors, which assessors shall be appointed and which trial shall be conducted as hereinafter provided.

#### ***ASSESSORS***

3. Notice of the Bishop's or Bishop's Commissary's intention to proceed with the said trial shall be served upon the party accused, together with a copy of or statement of the charge or charges to be preferred. The accused shall, at the same time, be furnished with the names of proposed assessors nominated by the Bishop or the Bishop's Commissary, which shall be in cases of error in doctrine only, the names of nine Priests qualified as aforesaid, and nine lay members of the Synod. The accused shall, in case of error in doctrine only, select three of the said Priests, and in other cases, three of the Priests and three of the lay, and shall notify his/her selection to the Bishop or Bishop's Commissary within fourteen days after service upon him/her of the said notice and list of names and the persons so selected by the accused shall be the assessors for the trial in the case.

4. If the accused shall refuse or neglect to make and notify such selection, then, at the expiration of twenty one days from the date of service of the notice as aforesaid, the Bishop or the Bishop's Commissary may select the assessors in manner aforesaid.
5. Instead of the mode provided by the foregoing sections for the selection of assessors for the trial, the accused may, at his/her option, require that the assessors be selected in the manner following, from a panel or panels to be drawn as hereinafter provided, in which case he/she shall, within fourteen days from the receipt of the notice provided by the Section 3 of this Chapter, give a written notice to that effect to the Bishop or the Bishop's Commissary.
6. A panel of nine Priests, qualified as aforesaid, in cases where the charge is one of error in doctrine only, and in other cases a panel of nine Priests, qualified as aforesaid and a panel of nine lay members shall be drawn by a Secretary of the Synod from the boxes containing respectively the names of all qualified Priests and the lay members of the Synod.
7. The accused or his/her agent appointed by writing, shall be entitled to strike off three, and the Secretary of the Synod, or other person deputed by the Bishop or the Bishop's Commissary, shall strike off three others from the panel or from each panel, as the case may be, and those remaining shall be the assessors to try the case.
8. If the name of the requisitioner bringing the charge, or of any advocate for either side be drawn, such name shall be omitted from the panel.
9. The accidental or erroneous placing in, or omission of any names from the boxes, shall not invalidate the drawing.
10. Upon the election of assessors by either of the modes above provided, the Bishop or the Bishop's Commissary shall notify the accused of the time and place appointed for the trial which shall not be less than twenty one days after the service of such notice.
11. If the number of the assessors should from any circumstances be so reduced that the trial cannot be carried out, another nomination and selection, or drawing, and striking of assessors shall take place.

### ***THE TRIAL***

12. At the trial there shall be at least two of the clerical and two of the lay assessors, or in question of doctrine at least two of the three priests present, with the Bishop or the Bishop's Commissary, who shall preside. And the course of proceedings shall be in all respects, as far as practicable, in conformity with the ordinary practice of Courts of Justice. And if, after full investigation and examination, the truth of the charge shall be proved to the satisfaction of the Bishop or the Bishop's Commissary, and a majority of the assessors adjudicating, or in questions of doctrine, of the Bishop or the Bishop's Commissary and two of the clerical assessors, sentence shall then be pronounced by

the Bishop or the Bishop's Commissary, and if the sentence is less than absolute deprivation or forfeiture of license or employment, it may be directed by the Bishop, that in case of contumacy or disobedience the accused may be deprived of his/her license or employment either conditionally, temporarily, or permanently.

13. If the accused does not appear at the time and place appointed for the trial after notice thereof having been served upon him, the cause may nevertheless be heard and determined as if he/she were present, unless there shall appear to be sufficient cause for deferring proceedings to another day.

### ***PROCEDURES***

14. Advocates shall be allowed on both sides at the pleasure of the parties, provided they are licensed Clergy of this Diocese, or lay communicants of the Anglican Church of Canada.
15. Nothing herein contained shall prevent the Bishop or the Bishop's Commissary from suspending a clergy person with pay, housing allowance and applicable benefits, until the determination of any charge preferred against him/her under this Chapter.
16. It shall be sufficient for the assessors adjudicating upon any enquiry to have been made acquainted with the evidence taken by those present of the assessors, or obtained under a commission or other means of examination by the authority of the Bishop or the Bishop's Commissary, and a majority of the assessors as aforesaid, and to which the accused shall have had the opportunity of being a party.
17. Service of all notices, and other matters upon the party accused, shall be personal, except in cases where it shall be made to appear that he/she is willfully absenting himself/herself or evading service, in which case it shall be sufficient to leave the notice or other matter at his/her last known place of abode within the Diocese.
18. The administrator of the Diocese, when there is one, as provided by the Constitution and Rules of the Synod, may institute or continue proceedings, and otherwise take the place of the Bishop or the Bishop's Commissary under this Chapter, when the question shall not be one of error in doctrine.

### ***RIGHT OF APPEAL***

19. The decision of the Court and the sentence imposed, if any, shall be subject to appeal to the Court of the Metropolitan of the Ecclesiastical Province of Canada, or to the Supreme Court of Appeal of the Anglican Church of Canada, in accordance with the Canons of the Provincial and General Synods constituting the said Court.

## CHAPTER 12

### **QUEEN'S COLLEGE**

- 1, The Executive Committee of the Diocesan Synod of Central Newfoundland shall nominate two clergy and two lay having the qualifications required by the Statutes of Queen's College to be members of the Corporation of Queen's College and shall nominate their successors as vacancies occur. The term of office of nominated members shall be two years but such members shall be eligible for re-nomination.
2. Property and funds of and pertaining to Queen's College held by the Diocesan Synod of Central Newfoundland shall be conveyed, assigned, transferred and paid to Queen's College.
3. Property and funds held by the Diocesan Synod of Central Newfoundland upon trust or settlement for Queen's College shall be held and dealt with in accordance with the terms and conditions of such trust or settlement.
4. A report of the financial conditions and affairs of Queen's College shall be presented to each Annual Session of the Diocesan Synod by the Provost, or if he/she is unable to attend, by his/her appointee

## CHAPTER 13

### ***FINANCIAL AFFAIRS***

1. All lands, monies, and other property granted and collected and that shall hereafter be granted and collected for church purposes generally in the diocese, except as is hereafter provided, shall vest in and be placed under the control of the Synod, to be disposed of and managed under and pursuant to such Rules and Regulations as the Synod shall from time to time appoint; provided always that if any land, money or property shall be given or granted to and accepted by the Synod for a special purpose to be designated in writing at the time such gift or grant, such land or other property shall be held and appropriated by Synod for and pursuant to such purpose.
2. The Executive Committee of Synod shall have charge of, and shall manage all the financial affairs of Synod under and pursuant to such rules and regulations as the Synod may, from time to time, enact.
3. In order to meet the financial needs of Synod the Executive Committee of Synod may assess each parish annually. The annual assessment shall be remitted to the Treasurer in equal monthly installments, the full balance being paid on or before the 31st day of December of each year.
4. The Executive Committee of Synod is hereby empowered to take such other steps and incur such expenditures as they may deem necessary to carry out the objects and further the purpose of Synod, including the acceptance and payment of General Synod Apportionment and General Synod and Provincial Synod Assessments.
5. All monies received on behalf of the Synod shall be deposited in such bank as the Executive Committee shall direct, to the credit of the Synod, and shall furnish to the Executive Committee a financial report when required.
6. No money shall be drawn therefrom except by cheque on the said bank, signed by such signing officers as shall be designated by the Diocesan Synod Executive Committee from time to time.
7. The Financial Year of the Synod shall end on the 31st day of December of each year.

## CHAPTER 14

### ***CAPITAL FUNDS***

1. There shall be the following Capital Funds held equally by the Diocesan Synod of Central Newfoundland, the Diocesan Synod of Western Newfoundland, and the Diocesan Synod of Eastern Newfoundland and Labrador:
  - .1 The Diocesan Mission Fund.
  - .2 The Clergy Sustentation Fund.
  - .3 The Bishopric Endowment Fund.
  - .4 The Newfoundland Pension Fund.
2. These Capital Funds shall be invested as heretofore through the Diocesan Investment Committee and its successor committee as contemplated by the Canon on Joint Committee.
3. The Executive Committee shall appoint such members to the Investment Committee as the Joint Committee shall deem necessary from time to time.
4. Interest received by the Diocesan Synod of Central Newfoundland from the Diocesan Mission Fund shall be used for maintenance of the clergy and for the payment of the permanent and incidental expenses of the church as the fund was heretofore used by the Diocesan Synod of Newfoundland.
5. Interest received by the Diocesan Synod of Central Newfoundland from the Clergy Sustentation Fund shall be used for the sustentation of the clergy as the fund was heretofore used by the Diocesan Synod of Newfoundland.
6. Interest received by the Diocesan Synod of Central Newfoundland from the Bishopric Endowment Fund shall be used to provide or assist in providing the stipend of the Bishop or Bishops of the Diocese as the Bishopric Maintenance and the Bishopric Endowment Fund were heretofore used by the Diocesan Synod of Newfoundland.
7. Interest received from the Newfoundland Pension Fund by the Diocesan Synod of Central Newfoundland, on its own behalf and on behalf of the Diocesan Synod of Western Newfoundland, and the Diocesan Synod of Eastern Newfoundland and Labrador, shall be used for the purpose of paying the liability of the former Diocesan Synod of Newfoundland to the General Synod Pension Fund pursuant to the obligation expressed and accepted in the resolution of the Forty-Third Biennial Session of the Diocesan Synod of Newfoundland (1959) and the Executive Committee of the Diocese of Newfoundland decision of January 15, 1976, the balance (in accordance with the Agreement on the Division of Assets) to be distributed to Retired Clergy, Clergy widows

and orphans as designated, on an equitable basis to be determined from year to year, by the Joint Committee.

8. The Executive Committee may use its discretion in the investment of all other funds of Synod, capital or otherwise, and invest the same with the Joint Investment Committee or in such other manner, in such amounts, for such periods of time and on such terms and conditions as the Executive Committee deems fit, provided that where any such funds are subject to any terms or conditions of a trust the Executive Committee shall strictly comply with the terms and conditions of the trust.

## CHAPTER 15

### **CANON ON JOINT COMMITTEE**

#### **THE JOINT COMMITTEE**

##### **EFFECT OF CANON ON JOINT COMMITTEE**

The rules set forth in Chapter 15 constituting the Canon on Joint Committee, enacted at the Biennial Session of the Diocesan Synod of Newfoundland held at St. John's in November 1973, as one of the prerequisites to restructuring of the Diocese of Newfoundland into the three dioceses referred to therein. In accordance with the spirit and intent of the Canon on Joint Committee it is hereby provided wherever there shall be any conflict between the terms of the Canon on Joint Committee and the residue of the Constitution and Rules herein or any other act or deed of the Diocesan Synod of Central Newfoundland, the Canon on Joint Committee shall prevail.

1. The three Dioceses of Central Newfoundland, Eastern Newfoundland and Labrador and Western Newfoundland acknowledge that they share a Common Anglican heritage and responsibility within the boundaries of the civil Province, and a common loyalty as integral parts of the Anglican Church of Canada and of the Anglican Communion. They desire to develop this heritage and express this loyalty by a close collaboration in important aspects of Diocesan life; and each Diocese willingly commits itself to accept a Joint Committee as part of its structure, in order to express this common life in the Body of Christ.
2. Enactment, amendment or repeal of any part of this Canon may be made effective by a majority vote in the Synod of each of the three Dioceses, notice of motion to enact, amend or repeal having been given in writing to the appropriate Executive Committee at least thirty days before the Synod Session begins, by a proposer and seconder who are members of Synod.
3. Purpose of the Joint Committee shall be to recommend policy in matters of mutual concern such as administration, programme development and supervision. In any matter of mutual concern, the Committee will speak on behalf of the three dioceses through the Senior Bishop.

#### **MEMBERSHIP**

4. The membership of the Joint Committee shall be:
  - .a The Diocesan Bishops.
  - .b One clergy from each diocese elected by its Synod for a two year term (who shall be an ex-officio member of the Executive Committee of his/her Synod).

- .c Two lay persons from each diocese elected by its Synod for a two year term (who shall be ex-officio members of the Executive Committee of their Synod).
- .d There shall be alternates to the clerical and lay members who shall be elected by the Synods and who may attend meetings in the absence of the regular members. Elected members are eligible for re-election for one successive two-year term.
- .e One staff person appointed by each Diocesan Executive Committee from each Diocesan Synod Office.

### **OFFICERS**

- 5.1 The Joint Committee shall elect a Chair, Vice-Chair, and a Secretary who shall hold office for two years.
- .2 Every member is eligible for election to these offices.
- .3 Officers are eligible for re-election for one successive two year term.

### **MEETINGS**

- 6. The Joint Committee shall meet at least once each quarter.

### **DUTIES**

- 7. The Joint Committee shall be responsible for:
  - .a Providing a forum for the exchange of ideas among the three dioceses on matters affecting the life of the church.
  - .b Developing and implementing a policy for recruitment and training for ministry in the three dioceses.
  - .c Ensuring the mobility of the clergy in the three dioceses and implementing a policy for the appointment of clergy as provided in Clause 8.a of this Canon.
  - .d Implementing a policy for payment of clergy as provided by Clause 8.a of this Canon.
  - .e Implementing a policy concerning the tenure of Incumbency as provided for in Clause 8.c of this Canon.
  - .f Developing policy for the use of personnel who may be shared for work in the three dioceses.
  - .g Maintaining general oversight of any tri-diocesan office which may be established from time to time.

- .h Developing and maintaining Anglican education policy in the Province of Newfoundland under the terms of Document of Integration and the provisions of the Education act in co-operation with the Anglican representatives of the Integrated Education Committee.
- .i Maintaining a continuing concern for the effective operation of Queen's College, in keeping with the Act of Incorporation of Queen's College and to recommend changes in policy if and when considered necessary.
- .j Maintaining a continuing concern for the effective operation of the Anglican Charitable Foundation for Children in keeping with the memorandum of Association of the Anglican Charitable Foundation for children and to recommend changes in policy if and when considered necessary.
- .k Setting up and maintaining policy guidelines for the publication of the Newfoundland Churchman.
- .l Setting up a Joint Investments Committee representative of the Synods of the three dioceses.
- .m Fulfilling other responsibilities which the Synods of the three dioceses as their Executive Committee may assign to it.

### ***POLICY***

#### 8.A. Procedure when an Incumbency is vacant:

1. The Bishop shall inform all clergy in the three diocese of the vacancy.
2. Any clergy person may notify the Bishop of his/her interest in the Incumbency.
3. All applications from the three dioceses shall receive equal consideration.
4. Without limiting the generality of the foregoing, the Bishop may invite applications from outside the three dioceses.
5. The appointment will be made by the Bishop after any other requirements of the Canons of his/her diocese are fulfilled and consultation with the other two bishops.

#### B. Procedure for ensuring a common scale of clergy stipends and allowances:

1. After consultation with the Executive Committee of the three dioceses, the Joint Committee shall annually fix a scale of stipend for clergy and a scale of travelling and moving expenses.
2. Each diocese shall accept these scales to be paid to its clergy.

C. Procedure regarding tenure of Incumbency:

1. Each diocese shall accept a policy of limited tenure in every Incumbency and for the clergy on Diocesan Staff.
2. The Joint Committee shall develop a procedure for assessment of an incumbency which the diocese shall apply five years after the appointment.
3. If the Bishop, the clergy and the Parish Council agree, the appointment may be continued for a period of up to five years.
4. No appointment may exceed ten years in duration, except in special circumstances.

## CHAPTER 16

### **CHURCH PROPERTY**

#### **TITLE, OWNERSHIP AND CONTROL**

1. Title to all Real Property and buildings located thereon in the Diocese shall be registered in the name of the Diocesan Synod of Central Newfoundland which Synod shall hold such Real Property in trust for the parishes, congregations, or organizations of the Diocese, as the case may be.
- 2.1 Ownership of other chattels, furnishings and personal property shall be held by a parish, congregation, or organization, as the case may be.
- .2 Upon disestablishment of a parish, congregation, or organization, title to all property of the parish, congregation, or organization shall vest in the Synod and any trust in favour of the parish, congregation, or organization shall thereupon terminate.
- 3.1 Every Incumbent together with the Church Wardens or the Parish Council, as the case may be, shall hold and exercise the possession, management, care, control and use of all parish and congregational property within and pertaining to that parish or congregation, subject to such limitations and directions as may be made or given from time to time by the Diocesan Executive, and the Incumbent shall surrender such charge and control to the Bishop whenever legally called upon to do so.
- .2 It shall be the duty of the Incumbent together with the Church Wardens or the Parish Council, as the case may be, to see that the Churches, Rectories and all other buildings, being church property within their respective parishes, be kept in good and efficient state of repair; that all Glebe and other church lands within their parishes be enclosed by fences sufficient to define and preserve the boundaries and limits of said lands; and that all boundary and other fences upon church lands may be kept in good repair; and generally to use all such means as may be necessary for the preservation of church property.
4. No intoxicating liquors shall be sold on, or in, any church property, nor any immoral, offensive, or obnoxious trade or business be carried on upon the said property.

#### **LEASING AND RENTING OF PROPERTY**

5. The Incumbent together with the Church Wardens or the Parish Council, as the case may be, may, subject to the approval of the Diocesan Executive Committee, lease or let Church lands or houses within the parish or congregation upon the following terms and conditions:
  - (a) The Lease shall not have a term exceeding seven (7) years.

- (b) The Lessee or tenant may not sublet without consent of the Lessor.
  - (c) There shall be an annual rent payable.
  - (d) Any trade or business may only be conducted on the leased property with the consent of the Lessor.
  - (e) Vacant lands may not be leased for building purposes.
  - (f) No intoxicating liquors shall be sold on, or in, any church property, nor any immoral, offensive, or obnoxious trade or business be carried on upon the said property.
6. All rents or other revenue derived from the leasing of parish property or parish glebe lands may be retained by the parish or congregation, as the case may be.

### ***MORTGAGING, DEVELOPING AND DISPOSING OF PROPERTY***

7. Except as permitted under Section 8 of this Chapter, the Incumbent and Wardens or Parish Council, as the case may be, may not:
- (a) Mortgage property.
  - (b) Remove, repair, alter, build, or otherwise develop or dispose of property of the parish or congregation

without having first obtained the written consent of the Executive Committee of the Diocese.

8. The Executive Committee may establish regulations from time to time whereby the Incumbent and Church Wardens or the Parish Council, as the case may be, may carry out construction, repairs, or other alterations to Parish property without first obtaining the written consent of the Executive Committee.
9. Applications for approval of construction plans by the Executive Committee shall be submitted on approved forms to that Committee signed by the Incumbent and the Church Wardens or two members of the Parish Council as the case may be. A plan of proposed work shall be submitted for approval with every application seeking authority to erect, repair or alter any building, together with a cost estimate and a statement as to how such costs are to be paid.
10. When the cost of purchase, repairs or alterations to buildings, whether new or old, which are to replace present structures; or where there is to be construction of new buildings, which may or may not replace present structures; is substantial in relation to the annual budget of a Congregation or Parish, so that it would require substantial loans and/or grants and substantial fund raising activity within the Congregation or Parish,

such undertaking shall be first approved by the annual meeting. Notice of the decision of the annual meeting shall then be given to the members of the Congregation or Parish, in writing, providing a description of the project to be undertaken, the total cost of the project and how it is to be financed. Notice of a special meeting shall be given to the members of the Congregation or Parish, such meeting to be held within three months after first approval by the annual meeting. At this special congregational or parish meeting the decision of the annual meeting shall be ratified or its final decision made.

11. The Executive Committee may give approval in principle subject to this procedure being acted upon and shall require a statement of the method and content of information provided to the Congregation or Parish Council and shall require a copy of the motion from the 'special meeting' ratifying the decision of the annual meeting, before giving its final approval.
12. After the required procedures have been followed and substantial work completed, money expended either from congregational or parish funds or from grants or loans provided, neither a special meeting nor an annual meeting shall have the power to overturn the decisions made without the prior consent of the Diocesan Executive. When a Congregation or a Parish votes to overturn such a prior decision, the incumbent and wardens shall give notice to the Executive Committee. The Bishop or the Bishop's appointee shall meet with the incumbent, wardens, and vestry and, if it is determined to be necessary, the Bishop or the Bishop's appointee shall call a special meeting of the Congregation or Parish to assess the situation and then after reporting to Executive Committee shall give direction to the Congregation or Parish.
13. Decisions shall be made at public meetings (annual meetings and special meetings) and shall not be made through referendum or plebiscite.

### ***RECTORIES***

14. It is the duty of each parish to provide adequate housing, in lieu of salary, to the Incumbent. This shall be done either by:
  - (a) Providing a suitable house, free of rent, hereafter referred to as the "rectory"; or,
  - (b) Providing a housing allowance in accordance with Diocesan policy.
15. Where a rectory is provided, it shall be the duty of the Incumbent and family to be careful and considerate occupants, and generally to behave toward the rectory as though they were the prudent tenants of it.
16. It shall be the duty of the Parish, exercised by at least two members designated for the purpose by the Parish Council, or by the Vestry where there is no Parish Council, generally to act as careful and considerate owners of the rectory; and in particular, to keep the rectory in good repair, insured in accordance with Diocesan policy, adequately

heated, and provided with such things as may be determined from time to time by Diocesan policy.

17. In lieu of salary, the costs of heating the rectory and of all utilities except personal long distance telephone charges shall be borne by the parish.
18. The Incumbent shall, in writing, call to the attention of the persons designated in Section 16 of this Chapter to be responsible for the upkeep of the rectory, any repairs or replacements to the rectory which the Incumbent considers necessary.
19. A committee consisting of the Incumbent, the persons designated in Section 16 of this Chapter, two additional members of the Parish appointed for the purpose by the Parish Council or the Vestry as the case may be, shall inspect the rectory annually; and they shall submit, in writing, a report to the Parish Council or to the Vestry on the state of repair of the rectory, and make recommendations respecting any repairs or replacements they consider necessary. A copy of their report and recommendations shall be sent to the Diocesan Executive Officer.
20. In the event of the death or long term disability of the Incumbent, the Incumbent's family shall, in the case of death, be permitted to remain living in the rectory free of rent for a period of up to three months following the death; and in the case of long term disability, for a period of up to four months following incapacity.
21. In the cases where Housing Allowance is being received, the benefit will remain the same as if they were living in a rectory in the event of death or in the case of long term disability.

#### ***OTHER HOUSING***

22. Where other housing is required for clerical employees, it shall be provided in accordance with Sections 14 to 21 of this Chapter.

#### ***INSURANCE***

23. Subject to the requirements of the Joint Committee, the Executive Committee may from time to time arrange for the collective insurance of buildings of the Church against loss or damage from fire and other hazards which may be included in the insurance policy.
24. Upon such arrangements being made, the Executive Committee shall require all parishes and other church bodies to insure their buildings in accordance therewith and the Executive Committee shall have the power to collect from all parishes and other church bodies their respective contributions toward the premiums to be paid.

## CHAPTER 17

### ***PAROCHIAL REGISTRATIONS***

1. It shall be the duty of every Incumbent in charge of a Parish to keep full and correct Registers for the Parish.
2. The manner of keeping the said Registers, and the matter to be entered and recorded therein, shall be as follows:

### ***BAPTISMAL REGISTERS***

- .1 Upon the baptism of any child or other person, the following particulars shall be entered:
  - (a) The date upon which the baptism was performed.
  - (b) The stated date of birth of the child or other person baptized.
  - (c) The given name of the child or person baptized.
  - (d) The given names and surname of the parents of the child, where applicable, or other person baptized.
  - (e) The place of abode of the parents of the child or other person baptized.
  - (f) By whom the ceremony was performed.

### ***MARRIAGE REGISTERS***

- .2 Upon every marriage performed by the Incumbent or Assistants or other clergy within any parish, the following particulars shall be entered:
  - (a) The place where the marriage was solemnized.
  - (b) The date upon which the marriage was solemnized.
  - (c) The given names and surname of the man.
  - (d) The given names and surname of the woman before the marriage.
  - (e) The ages of the man and woman respectively.
  - (f) Whether the man was never married, widower or divorced person before the marriage.

- (g) Whether the woman was never married, widow or divorced person before the marriage.
  - (h) The quality, trade, profession, business or occupation of the man.
  - (l) The quality, trade, profession, business or occupation of the woman.
  - (j) The place of residence of the man at the time of the marriage.
  - (k) The place of residence of the woman at the time of the marriage.
  - (l) The given name and surname of the father and mother (maiden) of the man.
  - (m) The given name and surname of the father and mother (maiden) of the woman.
- .3 The Register containing the foregoing particulars, and a certificate that the marriage was performed according to the Rites and Ceremonies of the Anglican Church of Canada, shall be signed by the clergy person by whom the ceremony was performed.
- .4 The Register shall be signed by the parties who have been married, both signing his/her surname before marriage.
- .5 The Register shall also be signed by not less than two witnesses present at the performance of the ceremony.

### ***BURIAL REGISTERS***

- .6 Upon every burial which shall take place in any Parochial or Church cemetery or Burying Ground, the following particulars shall be entered:
- (a) The given name and surname of the person buried.
  - (b) The stated day of death of the person buried.
  - (c) The date of burial.
  - (d) The accustomed place of abode, when alive, of the person buried.
  - (e) The name of the person by whom the ceremony was performed.

### ***REGISTERS***

3. Every Register kept in the Diocese shall have its pages, and all entries therein, consecutively numbered.

## CHAPTER 18

### ***STATISTICAL INFORMATION***

1. Every Incumbent in charge of a Parish shall send to the Executive Committee of the Synod a Statistical Return of his/her Parish, according to a form or forms supplied by the Executive Committee of Synod forming part of this Chapter which form or forms, duly filled up to the 31st day of December in each year, shall be signed by the said Incumbent, and forwarded to the Synod Office on or before the 15th day of April following, and these Statistical Returns shall be compiled and recorded by the Executive Committee and forwarded to the General Synod of the Anglican Church of Canada.
2. Every Incumbent in charge of a Parish should keep for his/her own use and that of their successors a register or list of the members in the Parish, and shall furnish a copy thereof to the Bishop upon request.

## CHAPTER 19

### ***CATHEDRAL CHURCH OF ST. MARTIN***

1. The Church of St. Martin's, Gander, shall be the Cathedral Church for the Diocese of Central Newfoundland.
2. The Incumbent of the Church of St. Martin's, Gander, except as is hereinafter provided, shall be responsible, in consultation with the Bishop, for the due and orderly performance of Divine Service in the said Church, and for the execution of duties appertaining thereto, whether as Cathedral or as Parish Church.
3. The fabric of the said Church shall be under the control of the said Rector and the Church Wardens thereof, according to the laws governing such matters.

## CHAPTER 20

### ***REPRESENTATION IN GENERAL SYNOD***

1. The Synod shall at the session immediately before a session of the General Synod, elect representatives to serve as members of the General Synod.
2. The members to be elected shall consist of members of the Order of Clergy and members of the Order of Laity in equal numbers.
3. The number of members of each Order to be elected shall be determined in relation to the number of licensed clergy in the Diocese at the time of such election according to the scale set forth in the Constitution of the General Synod.
4. The members from each House shall be elected by ballot of their House.
5. The elected members shall hold office until the session of the Synod immediately preceding the next session of the General Synod, provided that they continue to be members of this Synod.
6. Only persons who are members of the Synod and are resident in this Diocese shall be eligible for election as members of the General Synod.
7. The election for each House shall be for a number of persons equal to or greater than twice the number of members required to be elected. Those to the requisite number receiving votes shall be deemed to be elected as members in seniority according to the order of the number of votes received by them. Those upon the remainder of the list shall be deemed to be elected as substitute members in the order of the number of votes received by them.
8. It shall be the duty of any member unable or unwilling to attend a session of the General Synod, to notify the Diocesan Executive Officer at least one month before the date of the session that he/she will not be present. The Diocesan Executive Officer shall then seek among the substitute members in order of seniority a person who is able and willing to attend the session of the General Synod in the place of the first mentioned member.
9. The group in each case shall consist of equal numbers from each Order.

## CHAPTER 21

### ***REPRESENTATION TO PROVINCIAL SYNOD***

1. The members of the Synod of the Ecclesiastical Province of Canada from the Diocese of Central Newfoundland shall be elected at the session of Synod of this Diocese immediately preceding a session of Provincial Synod. Such election shall be held under the regulations governing the election of the General Synod, and subject to the regulations of the Provincial Synod.

## APPENDIX A

### **GENERAL RULES AND REGULATIONS**

For the Government of clergy in charge of parishes, adopted by the Diocesan Synod, under Chapter 1, Section 10, of the Constitution and Rules of the Synod.

1. The stipends of the clergy payable out of the funds at the disposal of the Synod shall be such amounts, and payable at such periods as shall from time to time be voted and prescribed by the Executive Committee.
2. Every Incumbent in charge of a Parish in this Diocese shall, upon his/her appointment, assume, and during the Incumbency continue to hold and exercise, the possession, care, and control of all churches, rectories, Sunday Schools, glebe and other property of the Synod within and pertaining to the parish, subject to such limitations and directions as may from time to time be made or given by the Executive Committee, and shall surrender such charge and control to the Executive Committee whenever legally called upon.
3. Any clergy person desirous of resigning his/her charge of any Parish shall give three months written notice of such intention to the Bishop - such notice to expire normally on the first day of September.
4. It shall be the duty of every clergy in charge of a Parish to keep a record of the statistics of the Parish required to be made up and furnished under Chapter 18 which record shall be preserved as, and form part of, the official records of the Parish, and, in conjunction with a Church Warden, to keep and check at least yearly an inventory of all registers, books, furniture, etc., being church property and belonging to every church, church halls, chapel or clergy house owned by the Parish.

APPENDIX B

***AN ACT TO PROVIDE FOR THE RESTRUCTURING OF  
THE ANGLICAN DIOCESE OF NEWFOUNDLAND***

WHEREAS at the Biennial Session of the Diocesan Synod of Newfoundland held at St. John's in November 1973, a resolution was adopted that the Anglican Diocese of Newfoundland be restructured into three separate and autonomous Dioceses:

AND WHEREAS at the meeting of the Synod of the Ecclesiastical Province of Canada held at St. John's in June 1974, the said resolution was approved in principle;

AND WHEREAS the formal consent of the General Synod of the Anglican Church of Canada was granted at the meeting of the General Synod held in Quebec City in June 1975;

AND WHEREAS it has been agreed that the Diocese of Newfoundland be restructured into three separate and autonomous Dioceses;

BE IT THEREFORE ENACTED by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows:-

1. This Act may be cited as the "Restructuring of the Diocese of Newfoundland Act, 1975".
2. The Diocese of Newfoundland as it existed immediately prior to this act is hereby restructured into the following three separate and autonomous Dioceses, namely:
  - (a) THE DIOCESE OF EASTERN NEWFOUNDLAND AND LABRADOR to be composed of all that territory situate to the east and south of a straight line drawn from Swift Current River in Placentia Bay to Highway 1, just west of Goobies, thence to Deep Bight in the Northwest Arm of Trinity Bay, and extending eastward through Random Sound, together with the territory of Labrador (with the exception of the Parish of Forteau).
  - (b) THE DIOCESE OF CENTRAL NEWFOUNDLAND to be composed of all that territory bounded on the east by a straight line drawn from Swift Current River in Placentia Bay to Highway 1, just west of Goobies, thence to Deep Bight in the Northwest Arm of Trinity Bay, and extending eastward through Random Sound, and on the west by a straight line drawn from Rencontre West to Hind's Lake, and thence to Middle Arm in Green Bay and along the north side of Green Bay.
  - (c) THE DIOCESE OF WESTERN NEWFOUNDLAND to be composed of the territory situate to the southwest and north of a straight line drawn from Rencontre West to the west side of Hind's Lake thence to Middle Arm in Green Bay and along the north side of Green Bay, together with the Parish of Forteau (from Blanc Sablon to Red Bay, Labrador).

3. The Diocesan Synod of each of the three dioceses shall be constituted as a body corporate, having perpetual succession and being known and recognized by the names of:-

The Diocesan Synod of Eastern Newfoundland and Labrador

The Diocesan Synod of Central Newfoundland

The Diocesan Synod of Western Newfoundland

respectively, and each shall have all the privileges and liabilities of a corporation and shall have a common seal with power to break and alter the same.

The Diocesan Synod of each diocese shall be capable of suing and being sued in any of Her Majesty's Courts of Law.

4. Each Diocesan Synod shall be capable of acquiring, taking, holding and possessing lands, tenements and hereditaments, monies and other property, whether real or personal, or any estate or interest therein, by grant, conveyance, deed, gift, devise, purchase, succession or otherwise, and shall be capable of being cestui qui trust or trustee in respect of the same.
5. Subject to any restraint, reservation or condition contained in the document under which title is acquired, each Diocesan Synod shall be entitled to sell, mortgage, lease, or otherwise dispose of and deal with all property which, for the time being, may be vested in or have been acquired by it.
6. All lands, buildings and other real or personal property located within the boundaries of the respective dioceses and at present legally held by or hereafter to be acquired by the Diocesan Synod of Newfoundland, shall vest absolutely in the Synod of the Diocese in which such lands, buildings or other properties are located, provide however, that the same shall be subject to such trusts and conditions as may have been declared or set forth by or in any will, deed, or other document.
7. Where, in
  - (a) A statute, or other law,
  - (b) A grant, conveyance, lease, license or assignment of any of them, or in a will or in any other instrument, or document, whether of the foregoing kind or not, bestowing, creating, transferring, confirming or evidencing any right of title in or to property of any kind,
  - (c) An agreement, or
  - (d) Any other instrument or document, whether of the foregoing kind or not, there is

reference to the Diocesan Synod of Newfoundland, that reference is and shall be deemed to be to one or all three of the said Dioceses, or their respective Synods, as the context shall so admit.

8. The present Constitution, Canons, Rules and Regulations of the Diocesan Synod of Newfoundland shall be the Constitution, Canons, Rules and Regulations of each of the three Diocesan Synods until the same be annulled, altered, or amended.
9. Each Diocesan Synod shall have authority to annul, alter, or amend its Constitution, Canons, Rules and Regulations provided that the same are not at variance with the Laws of Canada or this Province.
10. The territorial boundaries of the respective Dioceses may be altered by mutual consent and in accordance with the Rules and Regulations applicable thereto.
11. This Act shall be deemed to have come into force on the First Day of January, A.D., 1976.

## APPENDIX C - CANON XVIII

### DISCIPLINE

#### PART 1

### ***EPISCOPAL JURISDICTION***

#### **Preservation of Episcopal Jurisdiction regarding Discipline**

1. It is hereby acknowledged that the bishop of a diocese of the Anglican Church of Canada has by virtue of the office of bishop, ecclesiastical jurisdiction, authority and power of discipline over bishops, priests, deacons and lay members of the Anglican Church of Canada within the diocese or otherwise under the jurisdiction of the bishop.
2. Nothing in this Canon shall be interpreted as impairing, diminishing or affecting in any way the pastoral or disciplinary aspects of the authority and jurisdiction of:
  - (a) a metropolitan who has jurisdiction with respect to a bishop
  - (b) a bishop who has jurisdiction with respect to a bishop, priest or deacon, or a lay person who is a member of the Anglican Church of Canada;

except only in relation to:

- (c) the determination of whether the bishop, priest or deacon has committed an ecclesiastical offense established by this Canon,
- (d) the determination of whether a lay person who has been appointed, elected or commissioned to an office, appointment or responsibility in a parish, a diocesan synod, a provincial synod, or the General Synod, has committed an ecclesiastical offense established by this Canon, and
- (e) the determination of the penalty appropriate for the commission of an ecclesiastical offense established by this Canon.

#### **Initial Disciplinary Jurisdiction**

3.
  - (a) Where it has been alleged that a bishop, priest or deacon subject to the jurisdiction of a bishop, or a bishop subject to the jurisdiction of a metropolitan, has committed an ecclesiastical offense established by this Canon, the bishop or metropolitan, as the case may be, shall have initial jurisdiction with respect to the determination of whether an ecclesiastical offense has been committed and the penalty for the commission of the offense.
  - (b) The bishop or metropolitan may refer the determination of whether an

ecclesiastical offence has been committed or the determination of a penalty to the court having jurisdiction with respect to the discipline of the person charged with the commission of an ecclesiastical offense without exercising the initial jurisdiction described in section 3 (a).

- (c) The procedure to be used in the exercise by the bishop or metropolitan of the initial jurisdiction described in this section shall be those established by the synod of which the bishop or metropolitan is the president; however, such procedures shall be subject to the principles set out in Part 5 of this Canon.
- (d) A diocesan synod may provide for the exercise of the initial jurisdiction of the bishop described in this section in respect of the discipline of such lay persons as are described in section 5 of this Canon.

### **Review by the Court**

- 4. (a) A person convicted of an ecclesiastical offense by a bishop or metropolitan may require the determination of the bishop or metropolitan that an ecclesiastical offence was committed by the person, or the penalty imposed by a bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the discipline of the accused person, which court may either confirm or overturn the determination of the bishop or metropolitan.
- (b) The Executive Council of the diocese, on its own motion or on the petition of the person or persons who made the allegation of an ecclesiastical offense which was tried by the bishop or metropolitan, may require the determination of the bishop or metropolitan that an ecclesiastical offense was committed, or the penalty imposed by the bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the discipline of the accused person, which court may either confirm or overturn the determination of the bishop or metropolitan.
- (c) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan that an ecclesiastical offense has been committed, the review shall be conducted as if it were an original trial held in the court.
- (d) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan of the penalty appropriate for the commission of an ecclesiastical offense, only evidence relevant to the question of the appropriate penalty shall be considered by the court.

## PART 2

### ***COURT JURISDICTION***

#### **Diocesan Courts**

5. The diocesan court of a diocese shall have ecclesiastical jurisdiction with respect to the discipline of:
- (a) priests and deacons who carry out their ministry in the diocese and who are registered on the register of the diocese, for any ecclesiastical offence, wherever committed,
  - (b) subject to section 26, priests and deacons of the Anglican Church of Canada not registered on the register of the diocese, in respect of any ecclesiastical offence committed in the diocese,
  - (c) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a parish of the diocese or the diocesan synod, for any ecclesiastical offence which they may commit in the diocese,
  - (d) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a provincial synod, or the General Synod, for any ecclesiastical offence which they may commit in the diocese, and
  - (e) priests, deacons and lay persons of any other diocese when a direction is made pursuant to section 27 of this Canon.

#### **Provincial Courts of Appeal**

6. The provincial court of appeal of a province shall have ecclesiastical jurisdiction with respect to the discipline of:
- (a) the bishops of the province
  - (b) the bishops residing in the province, and
  - (c) the bishops of any other province of the Anglican Church of Canada when a direction is made pursuant to Section 27 of this Canon, for any ecclesiastical offence which they may commit.

#### **Supreme Court of Appeal of the Anglican Church of Canada**

7. The Supreme Court of Appeal of the Anglican Church of Canada shall have ecclesiastical jurisdiction with respect to the discipline of:

- (a) the Primate, and
- (b) the Bishop Ordinary,

for any ecclesiastical offence which they may commit.

### PART 3

#### ***ECCLESIASTICAL OFFENSES***

##### **Disciplinary Action Regarding Offenses**

8. All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offenses:
- (a) conviction of an indictable offence;
  - (b) immorality
  - (c) disobedience to the bishop to whom such person has sworn canonical obedience;
  - (d) violation of any lawful Constitution or Canon of the Church, whether of a diocese, province or the General Synod by which the person is bound;
  - (e) wilful or habitual neglect of the exercise of the ministry of the person without cause;
  - (f) wilful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
  - (g) teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada;
  - (h) contemptuous or disrespectful conduct towards the bishop of the diocese in matters pertaining to the administration of the affairs of the diocese or a parish.

### PART 4

#### ***PENALTIES FOR ECCLESIASTICAL OFFENSES***

##### **Penalties Generally**

9. Where it has been determined that a person has committed an ecclesiastical offence, the following penalties may be imposed against the person:
- (a) admonition;

- (b) suspension from the exercise of ministry or office;
- (c) deprivation of office or ministry;
- (d) deposition from the exercise of ministry if the person is ordained.

### **Admonition**

- 10. Admonition shall be delivered by the bishop, metropolitan or the president of the Court which shall have determined the penalty, as the case may be.
- 11. Admonition may be in public or private as the bishop, metropolitan or president delivering it may determine.

### **Suspension**

- 12. (a) When a penalty of suspension is imposed, the bishop, metropolitan or court imposing it shall fix the duration of the suspension and may impose such other conditions on the suspension as are considered appropriate.
- (b) During the term of a suspension, the person suspended from the exercise of ministry or office shall not exercise the function of his or her ministry anywhere in Canada.
- (c) If a person suspended from the exercise of ministry exercises his or her ministry contrary to s.8 b) hereof, or otherwise violates the conditions of the suspension, the bishop, metropolitan or court which imposed the penalty may, after a further hearing, impose the penalty of deprivation of office.
- (d) During the term of a suspension, the bishop may deprive the suspended person of the whole or part of any stipend, income or emoluments associated with the ministry or office from which the person stands suspended and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of a substitute.
- (e) During the term of a suspension of a bishop, the metropolitan, or the executive council of the synod of the diocese in which the bishop serves, may deprive the bishop of the whole or part of any stipend, income or emoluments associated with the office of the bishop and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of the person performing the duties of the bishop during the term of the suspension.

### **Deprivation**

- 13. (a) Upon the penalty of deprivation of office or ministry being pronounced, the connection between the person deprived and his or her parish, mission,

congregation, diocese or office is severed and all revenues to which the person was entitled by virtue of the office or ministry shall wholly cease and determine.

- (b) A person who has been deprived of office or ministry shall be incapable of holding any office or performing any function in any diocese in the Anglican Church of Canada until restored pursuant to subsections c), d) or e) hereof.
- (c) Any persons so deprived shall be and remain deprived until restored by the bishop of the diocese in which the office from which the person was deprived is located.
- (d) Any bishop so deprived shall be and remain deprived until restored by the metropolitan of the province of which the deprived bishop's diocese is part, or by the Primate in the case of the Bishop Ordinary.
- (e) Any metropolitan so deprived shall be and remain deprived until restored by the House of Bishops of the Province, in the case of a provincial metropolitan, or by the House of Bishops of the Anglican Church of Canada, in the case of the Primate.
- (f) Restoration pursuant to subsections c), d) or e) may be to any office or ministry in the diocese whether or not it be the specific office from which the person was deprived.

### **Deposition**

14. The penalty of deposition shall include all of the consequences of deprivation and at the same time have the same effect as if the person had relinquished the exercise of the ordained ministry pursuant to Canon XIX.

### **Notices**

15. (a) Where the penalty of suspension is imposed, the court shall cause notice thereof to be given to all the clergy of the diocese and all bishops of the Anglican Church of Canada.
- (b) Where a penalty of deprivation of office or ministry or of deposition is imposed, the court shall cause notice thereof to be given to all the clergy of the diocese, all bishops of the Anglican Church of Canada and all metropolitans of the Anglican Communion.

PART 5

**PRINCIPLES AND GENERAL PROCEDURES TO BE OBSERVED  
IN DISCIPLINE PROCEEDINGS IN  
THE ANGLICAN CHURCH OF CANADA**

**Fundamental Principles of Natural Justice**

16. All trials of persons charged with offenses under this Canon shall be conducted according to the principles of natural justice.
17. Without limiting the generality of the foregoing section all persons tried for offenses under this Canon are entitled to be:
  - 1) given full and complete written notice of the charge against them and the particulars of the charge,
  - 2) presumed innocent until the commission of the offence by them is proved on a balance of probability,
  - 3) heard in their own defence,
  - 4) represented in their defence by counsel of their own choice,
  - 5) present, accompanied by their counsel, when any evidence or argument concerning the allegations against them is received by the bishop, metropolitan or court inquiring into the charges,
  - 6) given opportunity to cross-examine, or have their counsel cross-examine under oath, witnesses who have given evidence against them,
  - 7) tried by persons who are not biased against them, and
  - 8) tried within a reasonable time.
18. No person tried for an offence under this Canon is required to give evidence in the proceedings.
19. Disciplinary proceedings arising out of the alleged commission of an offence under this Canon shall be commenced within:
  - (a) 12 months from date of the alleged offence in the case of offences under section 8. a), c), g) and h) and
  - (b) 12 months from the time when the facts giving rise to the charge became publicly known in the case of an offence under section 8. b).

20. No proceedings shall be taken in respect of an alleged offence under section 8. e) or f) unless 6 months notice of intent to take proceedings have been given to the bishop, priest or deacon against whom it is intended proceedings will be taken.
21. Disciplinary proceedings arising out of the alleged commission of an offence under section 8. e) or f) shall be commenced within 12 months of the date of the notice of intent given, pursuant to section 20.
22. All persons found to have committed an offence under this Canon are entitled to have the penalty imposed against them within 30 days of the determination that they committed an offence, subject to a stay of the imposition of a penalty in the event of an appeal.
23. No person who has been acquitted of an offence under this Canon may be tried for the same offence a second time.
24. No person who has been found guilty of and punished for an offence under this Canon may be tried or punished for the same offence again.

### **Inhibition**

25. (a) If it appears to the bishop that great scandal is likely to arise if a priest, deacon or lay person continues to perform the duties of his or her office while a charge is under investigation or trial and that the person's ministry will be seriously impaired while a charge is pending, the bishop may inhibit the person charged from performing any of the duties of his or her office, either in the diocese of that bishop or elsewhere, pending such investigation or until the bishop withdraws the inhibition, or until the end of the trial.
- (b) During such inhibition the person inhibited shall not be deprived of the stipend, income or emoluments associated with the person's office.
- (c) Where it is alleged that a bishop has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the metropolitan in consultation with the executive council of the diocese.
- (d) Where it is alleged that the Bishop Ordinary has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the Primate in consultation with the Officers of the General Synod.
- (e) Where it is alleged that a metropolitan other than the Primate has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the provincial house of bishops in consultation with the executive council of the metropolitan's diocese.
- (f) Where it is alleged that the Primate has committed an ecclesiastical offence,

inhibition may be ordered or withdrawn by the provincial metropolitans in consultation with the Officers of the General Synod.

**Priest or Deacon from another Diocese**

26. (a) In the event of an offence being alleged against a bishop, priest or deacon who is not on the register of the diocese, but who is on the register of another diocese, for an offence alleged to have been committed in the diocese, proceedings with respect to such an offence shall not be instituted until notice of the allegation has been given to the bishop of the diocese in which the priest or deacon is registered and that bishop has given consent for proceedings to be instituted by the bishop of the diocese in which the offence is alleged to have been committed.
- (b) A bishop who receives a notice under subsection a) shall forthwith respond either by consenting or refusing consent to the institution of proceedings in the diocese from which notice was received.
- (c) Where a bishop consents, proceedings shall be taken in the diocese where the allegation has been made.
- (d) A bishop who refuses consent shall, within six months of receipt of notice pursuant to subsection a) hereof, institute proceedings with respect to the alleged offence in accordance with the canons of the diocese in which the priest or deacon is registered.

**Transfer of Jurisdiction**

27. (a) On the application of a person charged with an offence under this Canon to the president of the court having ecclesiastical jurisdiction over that person, that ecclesiastical jurisdiction may be transferred to another court, where it appears to the president of the court to which the application is made, that such transfer is necessary to ensure that the fundamental principles of natural justice are respected and where the court to which the transfer is to be made consents to the transfer.
- (b) Where an application under subsection (a) is made to the president of a diocesan court, the transfer may be made to another diocesan court of the same ecclesiastical province.
- (c) Where an application under subsection a) is made to the president of a provincial court of appeal, the transfer may be made to another provincial court of appeal.
- (d) Where an application under subsection a) is made to the president of the Supreme Court of Appeal of the Anglican Church of Canada, the transfer may be

made to a provincial court of appeal.

## PART 6

### ***RIGHTS OF APPEAL IN DISCIPLINARY PROCEEDINGS***

28. An appeal to the provincial court of appeal may be taken from any judgement or order of a diocesan court or the president thereof.
29. An appeal to the Supreme Court of Appeal of the Anglican Church of Canada may be taken from a judgement or order of a diocesan court or the president thereof, or a provincial court of appeal or the president thereof, in the circumstances and pursuant to the procedures established by Canon XX.
30. All appeals shall be commenced according to the procedure of the court to which the appeal is to be made within 30 days of the date of pronouncement of the judgement or order appealed from.
31. No limit or restriction on the rights of appeal granted by this Canon, imposed by a bishop or diocesan or provincial synod shall be of any effect.

APPENDIX D

**THE ECCLESIASTICAL PROVINCE OF CANADA**

**CANON V**

**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, at its first regular meeting in the year following 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 in the Province 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 judgement 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 6 of Canon XVIII with respect to the discipline of bishops.
- (2) The Court has the jurisdiction conferred on it by section 4 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 judgement 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 8 of Canon XVIII may be filled 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 3 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 judgement or order of a diocesan court or of the president thereof within 30 days from the date such judgement 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. Judgement**

- (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 judgement on an issue involving a question of doctrine the Court shall refer the question to the bishops mentioned in paragraph I (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 judgement 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.

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