THE ANGLICAN CHURCH OF MOZAMBIQUE & ANGOLA (IAMA)

CANONS & CONSTITUTION

IGREJA ANGLICANA DE MOÇAMBIQUE E ANGOLA (IAMA)

CONSTITUIÇÃO E CÂNONES

Páginas/Pages

IAMA CREST

Preface

This book of the Constitution and Canons has been formulated by the IAMA Constitution Team to be the legal basis of doctrine, constitution, governance and rule of the Province of The Anglican Church of Mozambique and Angola also known as **Igreja Anglicana de Moçambique e Angola (IAMA)** which becomes the 42nd Provinces of the Anglican Communion following the Inaugural Declaration and Blessing of His Grace Justin Welby, 105th Archbishop of Canterbury, on the 24th of September, 2021.

The IAMA Province gives thanks to God and to the Province of the Anglican Church of Southern and the entire Anglican Communion from which it is raised and will continue in communion by the will and Grace of God.

And to God be the glory, honor and majesty, and to His people, joy and salvation this day and forever. Amen

October, 2021

+ Carlos Lebombo

Acting Presiding Bishop for IAMA

PRELIMINARY RESOLUTIONS

(Draft Resolutions)

Approved by the first Holy Provincial Synod of September 2021

Province of the Anglican Church of Mozambique and Angola

Província da Igreja Anglicana de Moçambique e Angola (IAMA)

Dioceses od the Province

Considering:

I That in as the much as dioceses of the Anglican Church of Mozambique (Diocese of Lebombo, Diocese of Niassa and the Diocese of Nampula) and the Diocese of Angola which originally were created under the Constitution and Canons of the Anglicana Church of Southern Africa do agree with values and historic relationships existing amongst them, supported by the resolutions of the Synod of Bishops of ACSA, the Standing Committee and respective Provincial Synods of 2019 and 2921 and through their own diocesan synods of 2020 and 2021, and by the approval of the Primates of the Anglican Communion, do, therefore claim for this Province the Ecclesiastical status, rights, powers, status and relations of a Province of the Anglicana Communion.

Name of the Province

II That it is expedient that in all acts and documents of the entire Church, which comprehend the four aforesaid Dioceses, should be called the Anglican Church of Mozambique and Angola (**Igreja Anglicana de Moçambique e Angola (IAMA))** taking into consideration of the names of the two countries in which such Province is part of, connected to the Anglican communion as one Lusophone Province of the Anglican communion of Southern Africa.

Names of the original Bishops of the Province

III That the Right Reverend Carlos Simão Matsinhe, Dip. Th., 11th Bishop of the Diocese of Lebombo (and Acting Presiding Bishop), the Right Reverend Bishop André Soares, Dip. Th., Bishop of the Diocese of Angola, The Right Reverend Vicente Msosa, MA., Bishop

of the Diocese do Niassa, and the Right Reverend Manuel Ernesto, Bishop of the Missionary Diocese of Nampula, are the bishops of the aforesaid founding dioceses of the Province of the Anglican Church of Mozambique and Angola.

First Provincial Synod

IV In as much as the present Assembly has been convened by the Metropolitan Bishop of Cape Town as the first Provincial of the this Province and in as much as it is attended by the aforesaid bishops, and by the Clergy and Laity chosen to represent in a Provincial Synod the several dioceses by which they have been elected – all the dioceses of the Province having been invited to send such representatives – this Assembly therefore claims to be, and is entitled to be considered, a Provincial Synod and Representative Body of the beforementioned Church.

The Laity of the Provincial Synod

V That, without questioning the right of the Bishops of any Ecclesiastical Province or of the Bishops and Clergy of a Province to meet in synod by themselves, or the rightful authority of the Episcopate in matters of Faith and Doctrine, and without affirming that the presence of others is essential to a Provincial Synod, yet inasmuch as no Rule of the government of the Entire Church should be enacted without the consent, expressed or implied, of the whole body of the Church, we Judge it expedient that the laity of every diocese of this Province should always be invited to send representatives (being Communicants of the said Church) to its Provincial Synods, in order that the counsel of Lay Members of the Church may be had with regards to all such Rules and Canons, and that the consent of the Laity of the Church may be obtained to the same through their representatives.

Assent of Each Order

VI That this Assembly, being the Church of the Province by representation, shall conduct its deliberations and proceedings in accordance with the principle affirmed in the preceding Resolution, and no resolution, rule, Canon, or Constitution shall be regarded as a Law of the Church of this Province , but such a as shall have received the concurrent assent of all orders of the church here represented; and, whenever a vote by orders is demanded, then such assent shall be expressed in each order by a majority of votes.

Rules and Regulations Leis

VII All Rules and Regulations that shall be made during the present session as to the proceedings and actions of the Provincial Synod of the Church of this Province shall be held to apply to the proceedings and action of this present Assembly, except it be otherwise declared.

Declaration of Fundamental Principles

OF THE ANGLICAN CHURCH OF MOZAMBIQUE AND ANGOLA

We, being by representation the Anglican Church of Mozambique and Angola, born and detached from the Anglican Church of Southern Africa, do declare that we receive· and maintain the Faith of our Lord Jesus Christ, as taught in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds, and affirmed by the undisputed General Councils. And we do further declare, that we receive and maintain the Doctrine, Sacraments, and Discipline of Christ, according as the Church of England has received and set forth the same in its Standards of Faith and Doctrine; and we receive the Book of Common Prayer, and of Ordering of Bishops, Priests, and Deacons, to be used, according to the form therein prescribed, in Public Prayer and Administration of the Sacraments and other Holy Offices; and we accept the Portuguese and Native languages of the Holy Scriptures as translated by the Ecumenical Bible Societies as appointed to be read in Churches. And further, we disclaim for this Church the right of altering any of the Standards of Faith and Doctrine now in use in the Church of England and the Anglican Communion.

Provided that nothing herein contained shall prevent this Church from accepting, if it shall so determine, any alterations in the Formularies of the Church (other than the Creeds), which may be adopted by the Church of England, or allowed by any General Synod, Council, Congress, or other Assembly of the Churches of the Anglican Communion; or from making at any time such adaptations and abridgements of, and additions to, the Services of the Church as may be required by the circumstances of this Province, and shall be consistent with the spirit and teaching of the Book of Common Prayer; Provided that all changes in or additions to the Services of the Church, made by the Church of this Province, shall be liable to revision by any Synod of the Anglican Communion to which the Province shall be invited to send representatives.

THE CONSTITUTION

OF THE ANGLICAN CHURCH

OF MOZAMBIQUE AND ANGOLA

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

Preamble

Whereas it is expedient that the members of a Church, not by law established, should, for the purpose of its due government, as well as for the management of its property and the ordering of its affairs, formally set forth the terms of the compact under which it is associated; and whereas the bishops of the Anglican Church of Mozambique and Angola (IAMA), part of the world family called Anglican Communion , together with the clergy and laity chosen as representatives of the said church, did assemble in a Synod, convened at the City of (*Maputo*), in the year of our Lord 2021, in order to consider measures for the complete organisation of the Church of this Province, and to frame such rules as might be necessary for the due order and government of the said Church, and did accordingly consider what rules should be determined, for the purposes aforesaid, according to the Order and Constitution of the Church of Christ and to the Laws and Usages of the Anglican Church of Mozambique and Angola, so far as such Laws and Usages are applicable to the same;

And whereas the Bishops of the said Province, together with representatives of Clergy and Laity, adopt and adapt the Canons of the Mother Province - Anglican Church of Southern African:

Now, therefore, the said Bishops, Clergy and Laity, in Synod assembled, do agree to establish and put forth in their own behalf, and in behalf of all whom they do or may represent now and hereafter, and in behalf of all who may now or hereafter expressly or implicitly assent thereto, the following Rules as the Constitution or Deed of Association of the Anglican Church of Mozambique and Angola - to wit:

Articles of the Constitution

Standards of Faith and Doctrine

Article I

The Anglican Church of Mozambique and Angola, also known as Anglican Church and Anglican Communion in these parts: First, receives and maintains the Faith of our Lord Jesus Christ as taught in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds, and affirmed by the undisputed General Councils: Secondly, receives the Doctrine, Sacraments, and Discipline of Christ as the same as contained and commanded in Holy Scripture according to the Church of England has set forth the same in its standards of Faith and Doctrine, and it receives the Book of Common Prayer, and of Ordering of Bishops, Priests, and Deacons, to be used, according to the form therein prescribed, in the Public Prayer and Administration of the Sacraments and other Holy Offices; and it accepts the English version of the Holy Scriptures as appointed to be read in Churches; and, further, it disclaims for itself the right of altering any of the aforesaid Standards of Faith and Doctrine..

First Proviso

Provided that nothing herein contained shall prevent the Church of this Province from accepting, if it shall so determine, any alterations in the Formularies of the Church (other than the Creeds) which may be adopted by the Church of England, or allowed by any General Synod, Council, Congress, or other Assembly of the Churches of the Anglican Communion; or from making at any time such adaptations and abridgements of, and additions to, the services of the Church as may be required by the circumstances of this Province:

Second Proviso

Provided that all changes in, and additions to, the Services of the Church, made by the Church of this Province, shall be liable to revision by any General Synod of the Anglican Communion to which this Province shall be invited to send representatives.

Third Proviso

Provided, also, that in the interpretation of the aforesaid Standards and Formularies the Church of this Province be not held to be bound by decisions, in questions of Faith and Doctrine or in questions of Discipline relating to Faith or Doctrine, other than those of its own Ecclesiastical

Tribunals, or of such other Tribunal as may be accepted by the Provincial Synod as a Tribunal of Appeal.

Provincial Synod

Article II

The Provincial Synod of this Church, which shall be constituted as hereinafter declared, shall be the Legislative body of the Church of the Province: and every enactment of the said Provincial Synod shall be a Law and Rule of the Church of this Province in those matters to which it may pertain.

Exceptional Powers of the Synod of Bishops

Provided that if it should at any time be impossible, for reasons beyond the control of the Church, to give proper effect to any of the Articles of the Constitution or the Canons of the Church and it is not practicable to convene Provincial Synod, then, in order to give effect to the said Article or Canon, the Synod of Bishops may, by a Resolution passed by not less than three quarters of the Bishops present thereat and voting, waive compliance with the procedure laid down by the said Article or Canon and alter same, but only to such extent as such procedure requires to be altered so as to give effect to such Article or Canon. Such Resolution, however, shall be laid before the next meeting of the Provincial Standing Committee for information and the next Session of Provincial Synod for ratification by such Synod, but failure of such Synod to ratify such Resolution shall not affect any decision and action taken thereunder, provided such decision has been properly taken in accordance with this proviso.

Subordinate to Higher Authority

Provided further that the Provincial Synod of the Church of this Province shall be subordinate to the higher authority of a General Synod of the Churches of the Anglican Communion, to which this Province shall be invited to send representatives, whenever such General Synod shall be convened.

Sessions of Provincial Synod

Article III

The Provincial Synod shall hold ordinary Sessions at such time and place as shall be determined in that behalf by the said Synod. But, in case there shall seem to be good cause for altering the time or place of such ordinary Session as determined by the Synod, the Presiding Bishop shall have the power, with the consent of the majority of the Bishops of the Province, to appoint another time (not exceeding three months before or after the time fixed by the Synod itself), and another place, for the Session of the said Synod.

Special Sessions

Article IV

A special Session of the Provincial Synod may be called by the Presiding Bishop, whenever the circumstances of the Church appear to him to require it. On the requisition of a majority of the Bishops it will always be the duty of the Presiding Bishop to convene the Provincial Synod. The time and place for the special Session of the said Synod shall be appointed by the Presiding Bishop

Bishops of the Province have Seats
Article V

All Bishops of the Anglican Church of Mozambique and Angola shall have seats in the Provincial Synod.

Every Diocese to be represented

Article VI

Every Diocese in the Province shall be entitled to send both Clerical and Lay representatives to every Session of the Provincial Synod, all such Lay representatives being Confirmed Communicants of the Church of this Province of the age of eighteen years and upwards. The number of representatives from each Diocese, and rules for the election of representatives, shall be determined from time to time by the Provincial Synod.

Failure in Representation not to invalidate Proceedings

Provided, however, that the failure or neglect on the part of any Diocese to send such representatives, or of such representatives to attend, shall not invalidate the proceedings or enactments of the Provincial Synod, which proceedings and enactments shall have the same force in that Diocese as if such representatives were present.

Assent of each Order

Article VII

Every enactment of the Provincial Synod must receive the assent of a majority of the members present at a duly constituted Session of the said Synod. If voting by orders be required, then a majority of each order shall be necessary.

Diocesan Synods

Article VIII

The Diocesan Synod in each Diocese of this Province shall resemble, as far as possible, the Provincial Synod in its constitution and mode of procedure.

Powers of a Vicar General

Provided that if it be desirable that a Diocesan Synod should be summoned, constituted or resumed at a time when the Bishop is absent from his Diocese, or temporarily incapacitated, or during a vacancy in the See, the Vicar General appointed in accordance with the Canon set forth by Provincial Synod, shall be enabled to convene or preside at a Session of the Diocesan Synod.

Provided further that all Acts and Resolutions passed by any Session convened or presided over by a Vicar General shall be reviewed and, if he see fit, promulgated either by the Bishop of the Diocese concerned or, in the case of his absence or incapacity, by the Metropolitan.

Authority of Provincial Synod and Regulations of Diocesan Synods
Article IX

The Provincial Synod shall have full power and authority to make all such regulations as shall be required for the order, good government, and efficiency of the Church of this Province; and no regulation of any Diocesan Synod shall have force in any Diocese of this Province, if it be contrary to, or conflict with any enactment of the Provincial Synod.

Functions of Provincial and Diocesan Synods

Provided that the principle laid down in Report I of the Lambeth Committees of 1867 be accepted as ruling the relation between the Provincial Synod and the Diocesan Synods of this Province, viz.: "That the Provincial Synod should deal with questions of common interest to the whole Province, and with those that affect the communion of the Dioceses with one another, and with the rest of the Church; whilst the Diocesan Synod should be left free to dispose of matters of local interest, and to manage the affairs of the Diocese."

Provided, further, that any act of a Diocesan Synod shall be liable to be reviewed by the Provincial Synod.

Revision of Services
Article X

The Provincial Synod shall have the power to make such adaptations and abridgements of, and additions to, the Services of the Church as may be required by the circumstances of this Province; but all such adaptations, abridgements, and additions shall be regarded as provisional, until they shall be confirmed at a subsequent Session of the Provincial Synod as being consistent with the spirit and teaching of the Book of Common Prayer. All adaptations, abridgements, or additions, allowed or made by any Bishop of this Province for his own Diocese, whether in his Diocesan Synod or otherwise, shall be open to revision by the Provincial Synod.

Ecclesiastical Discipline in the Province and Dioceses

Article XI

Rules for Ecclesiastical Discipline shall be framed by the Provincial Synod; but any rule which shall be made in that behalf by any Diocesan Synod shall have force in that Diocese until the next Session of the Provincial Synod, unless it be contrary to any rule previously framed by the said Provincial Synod.

Provincial and Diocesan Tribunals

Article XII

The Provincial Synod shall determine the Constitution and Rules of procedure of the Diocesan Tribunals for the exercise of Ecclesiastical Discipline, and shall provide a Provincial Tribunal of Appeal. But, in default of Rules for Diocesan Tribunals being made by the Provincial Synod, the Diocesan Synod of any Diocese may establish provisional Rules.

Trial of Bishops

Article XIII

Any Bishop of this Province, against whom a charge shall be brought, shall be tried by the other Bishops of the Province, according to such Rules as have been, or may hereafter be, determined by the Provincial Synod.

Erection of New Dioceses

Article XIV

The Provincial Synod shall have full power and authority to take all measures and establish all rules that may be necessary for the erection of a new Diocese within the bounds of any of the existing Dioceses of this Province, and for altering the bounds of any Diocese; and, further, for forming a new Diocese beyond the limits of the present Dioceses, or for associating or incorporating with the Church of this Province any Missionary or other Dioceses in adjacent countries.

Recognition of New Bishops

Article XV

In the case of the death, resignation or removal from any cause, of a Bishop of any Diocese of this Province, the person who shall be appointed according to such rules as have been, or may hereafter be, prescribed by the Provincial Synod shall, when consecrated, be recognised as the Bishop of that Diocese.

Assent by Bishops

Provided that every one so appointed shall declare, in writing, his assent to the Laws of the Church of this Province, according to forms prescribed by the Provincial Synod.

Management of Trust Property

Article XVI

The Provincial Synod shall frame such regulations as may be necessary from time to time for the management of property held in Trust for the Church of this Province - saved and except the individually acquired properties - and shall have full power and authority, except so far as the same shall be ordered by law, or prescribed by the terms of any special Trust, to determine in what manner, and upon what conditions, such property shall be used or occupied. It shall also have power, except such matters be otherwise ordered by law or by terms of any special Trust, to determine how and by whom Patronage shall be exercised, and what shall be the duties of Parochial Officers, and the rights and privileges of Parishioners in Church matters, and further, to frame rules as regards the division and boundaries of Parishes, and other such questions.

Provided, however, that all rules and regulations as to the tenure, management, and use of Church Property, and the other matters aforesaid, which have been hitherto made and shall be made hereafter by any Diocesan Synod, shall have force in that Diocese until other rules be made by the Provincial Synod, and except they be contrary to any rules previously made in that behalf by the Provincial Synod.

Delegation of powers

Article XVII

The Provincial Synod may delegate to any Synod, Board, Committee, or other Body, either specifically, as the case may require, or under such general regulations as may from time to time be laid down by the Provincial Synod, and powers which may be required for the management of property.

Provincial Trustees

Article XVIII

All property, of what nature or kind so ever, whether movable or immovable, real or personal, which is or may be given, obtained, or held for the benefit of the Church of this Province, shall, whenever it be practicable, be transferred to a Trustee or Trustees acting on behalf of the Provincial Synod; and all such property thus transferred shall be in Trust, that such Trustee or Trustees shall and do hold the same, or otherwise shall and do transfer the same, upon and according to such Trusts, intents and purposes, whether Ecclesiastical, Missionary, Religious, Collegiate, Scholastic, or Charitable, as the Provincial Synod of the Church of this Province of Anglican Church of Mozambique and Angola, shall from time to time direct or appoint in writing, under the hand of any person or persons authorised by the Provincial Synod on that behalf, subject, however, to any special Trust imposed by any Founder, Donor, Testator, or other benefactor. But no property subject to any such special Trusts shall be held by any Trustee or Trustees acting on behalf of the Provincial Synod, unless the same shall have been accepted, in terms of such Trusts, by the Provincial Synod, or by some Synod, Board, Committee, or other Body authorised by the Provincial Synod in that behalf.

Provided that movable property shall not, in any case, be vested in a sole Trustee, except it be so required by a particular Will or Deed of Gift.

Conditions of the Trust

Article XIX

Every Trustee in whom any property, whether movable or immovable, real or personal, shall be vested, either solely or jointly with any other person or persons, for and on behalf of the Provincial Synod, shall hold the same with the powers and subject to the limitations, restrictions, declarations, and provisos contained in the several Clauses of the **Schedule A** hereunto annexed, so far as the same may be consistent with any special Trusts affecting such property; and any Synod, Board, Committee, or other Body, appointed by the Provincial Synod for that purpose, shall possess and may exercise any such of the powers belonging to the Provincial Synod as shall be by the Provincial Synod in that behalf prescribed.

Obedience of Trustees

Article XX

Every Trustee appointed in the manner and for the purposes herein specified shall be subject to all and singular the rules and directions which may from time to time be issued by or under the authority of the Provincial Synod, and shall be bound to obey and give effect to all decisions of the Tribunals for the exercise of Ecclesiastical Discipline, appointed by the said Provincial Synod.

Declaration of Submission

Article XXI

No one shall be admitted to any office in the Church of this Province, or shall be entitled to receive any income, emolument, or benefit from or out of any property held under the authority of the Provincial Synod, unless he shall have signed a declaration, according to a form prescribed by the Provincial Synod, of submission to the Laws of the Church of this Province relating to such office.

Authority to make Canons

Article XXII

The Provincial Synod shall have full power and authority to make, from time to time, such Canons, Rules, Regulations, and Bye-Laws for giving effect to the provisions of this Constitution as to the said Provincial Synod shall seem fit, and further from time to time, to amend, alter, and add to such Canons, Rules, Regulations, and Bye-Laws.

Amendment of the Constitution

Article XXIII

Subject to the provisions of Article II, it shall not be lawful to alter, amend, or repeal any of the Articles of this Constitution except it shall have been resolved at one Session of the Provincial Synod that the alteration, amendment, or repeal of such Article is desirable, and such alteration, amendment, or repeal be agreed to at the Session of the Provincial Synod next ensuing. Nevertheless, the Schedules B and C hereto annexed, of the names of the Dioceses and of the Bishops of the Province, may be amended at each Session of the Provincial Synod as occasion shall require.

Definition of Terms

Article XXIV

In the construction and for the purposes of this Constitution, and in the construction and for the purposes of all Acts, Canons, Resolutions, and Proceedings of the Provincial Synod, the following words and expressions shall have the meanings hereby assigned to them respectively (unless there be something in the subject or context repugnant thereto), viz.:

Church of the Province

1 By “Anglican Church of Mozambique and Angola or IAMA” is meant the Community which is associated under the provisions herein set forth.

IAMA Province

2 By " IAMA Province " is meant a combination under Metropolitical and Synodical authority, as herein defined, of the several Dioceses, or Districts called Dioceses, in Mozambique and Angola, in Schedule B hereunto annexed, and of such other Dioceses or Districts as shall hereafter be added to this Province under the provisions of any Canon set forth by the Provincial Synod.

Bishops

3 By "the Bishops of the said Dioceses" are meant the Bishops whose names are set forth in Schedule C hereto annexed, or those persons who shall hereafter hold the Bishoprics set forth in Schedule B according to the Rules prescribed by the Provincial Synod for determining the succession and appointment to Bishoprics in this Province:

Bishops of this Province

and by "Bishops of this Province" are meant the Bishops of the said Dioceses, and all others who are and shall be recognised as Bishops of the Province by the Provincial Synod.

Bishop Suffragan

4 [1]By "Bishop Suffragan" is and shall be meant a Bishop, duly elected, consecrated and licensed as provided for in the Constitution and Canons of the CPSA whose ministry is exercised within a specific Diocese at the direction of the Bishop of the Diocese in accordance with the provision of the Commission approved by the Synod of Bishops in accordance with the provisions of the Canons.

Regional or Area Bishop

5 By "Regional or Area Bishop" is and shall be meant a Bishop suffragan, duly elected, consecrated and licensed as provided for in the Constitution and Canons of the IAMA with specific episcopal responsibility for a designated geographical region or area within a Diocese of the IAMA under the authority of the Bishop of the Diocese, whose Commission has been approved by the Synod of Bishops in accordance with the provisions of the Canons.

Missionary Bishop

6. [2]By "Missionary Bishop" is and shall be meant a bishop duly elected, consecrated and licensed as provided for in the Constitution and Canons of the IAMA for ministry in a specific geographical area either within or beyond the present borders of the IAMA.

Assistant Bishop

7. [3]By "Assistant Bishop" is and shall be meant a bishop holding special Letters of Appointment issued by the Bishop of the Diocese.

Metropolitan

8 By "Metropolitan of the said Province" is and shall be meant the [4]Archbishop of IAMA for the time being; and during the vacancy of the Metropolitical See it shall mean and include the Bishop appointed to act as Metropolitan according to the Canons of this Province.

Clergy

9 By "Clergy of the Church of this Province" are and shall clergy be meant all persons, [5]male or female, in Holy Orders who shall exercise spiritual functions under the authority and spiritual jurisdiction of any Bishop of this Province or any Missionary Bishop sent forth under the authority of the Bishops of this Province, according to the Laws, Rules and Usages of the said Church and [6]all references to clergy, priests, and clerical or priestly offices in the Constitution and Canons of this Church, the Book of Common Prayer (including the Rubrics) the Ordering of Bishops, Priests

and Deacons and other Formularies of the Church shall be interpreted inclusively to mean men and women.

Confirmed Communicants

10 By "Confirmed Communicant of the Church of this Province" is and shall be meant a [7]person who has been confirmed within the Anglican Communion, or in another Church in full communion with it, or who has been formally received into membership of the Church of this Province, and shall have received the Holy Communion three times at least during the preceding year. [8]For the purposes of election to Provincial Synod, Provincial Standing Committee, Diocesan Synods and Elective Assemblies, members of United Churches constituted under the auspices of the Church Unity Commission shall be deemed to be confirmed communicants.

Provincial Synod

11 By "Provincial Synod" is and shall be meant this present assembly of Bishops, Clergy, and other members of the Church of the Province of Southern Africa (being Communicants) and every such assembly which shall be constituted, convened and held according to rules laid down in this Constitution.

Diocesan Synod

12 By "Diocesan Synod" is and shall be meant an assembly consisting of the Bishop, Clergy, and other members of the aforesaid Church in the Diocese (being Communicants) and constituted according to such rules as have been or shall be agreed upon in such a Diocese and allowed by the Provincial Synod.

Constitution

13 By "Constitution of this Church" is and shall be meant the Constitution or Deed of Association, as now agreed to and set forth, with and subject to such (if any) alterations or additions as may be made from time to time by the Provincial Synod of the Church of this Province, as therein provided

Schedules to the Constitution

SCHEDULE A, REFERRED TO IN ARTICLE XIX

Appointment of Trustees

1 The Provincial Synod, or any Synod, Board, committee or other Body, acting under its authority may, from time to time, appoint a Trustee or Trustees, for the whole or any portion of the property held in Trust; and may, from time to time, as often as it shall think proper, cancel or revoke every such appointment, and may appoint another Trustee, or other Trustees in place of all or any one or more of the Trustees named in, or hereafter to be appointed by, or on behalf of, the Provincial Synod.

Transfer of Property

2 Any Trustees or Trustee may, under the authority of the Provincial Synod, as provided for in the foregoing clause, sell and absolutely dispose of either together or in parcels, and either by public sale or private contract, all or any of the said Trust property in respect of which no Trust shall have been created inconsistent with the exercise of this power; or, by the like direction, may exchange the said property, or any part thereof, for any other immovable property; and give (out of any money in their hands, applicable to such purpose) or receive any money by way of equality of exchange, and may execute all such transfers as may be requisite for effecting such sale or exchange.

Trusts

3 Provided always, that all money arising from such sale, or received by any trustee or Trustees for equality of exchange, as aforesaid, after payment of the costs and expenses payable by such Trustees or Trustee in relation to such sale or exchange, shall be expended in the absolute purchase of the other immovable property, subject to the provisions of section 5 hereof.

Application of the Proceeds or sales, etc.

4 All property which shall be so purchased, or received in exchange, as aforesaid, and all such investments as are provided for in the foregoing clause, shall be held by the Trustees or Trustee, in whom it shall become vested, upon such Trusts as the property so to be sold or given in exchange was held subject to.

Special Circumstances

5 Notwithstanding the provision of section 3 and 4, the under mentioned relevant Trustees may authorize the investments as may, after due and proper consideration by them, be considered to be in the best of interest of the Church of this Province. This authority may be subject to any provisions of any Trust (if applicable) to the contrary. The relevant Trustees shall, in the case of property controlled by the Provincial Trust Board be that Board, and in the case of property controlled by Diocesan Trustees, be those Trustees with consent of the Diocesan Synod or diocesan Council (or such other body in the Diocese acting on behalf of Diocesan Synod between sessions of Synod).

Receipts

6 The receipt, in writing, of any Trustees or Trustee shall be a good and effectual discharge for all money paid to them, her or him, under or by virtue of these Presents, and shall exonerate the person or persons paying such a money from all obligation to seeing to the application thereof, and from all liability on account of the loss, misapplication, or non-application thereof; and it shall not be incumbent on any purchaser or other person, to or with whom such sale, exchange, or lease is aforesaid shall be made, to inquire as to the necessity for, propriety of such sale, exchange, or lease.

Mortgages, Leases, etc.

7 Any Trustee or Trustees may borrow or raise, or secure the payment of money in such a manner and on such terms as to the said Trustees or Trustee shall think fit, and in particular by way of mortgage upon all or any of the property, both movable or immovable, vested in them, her or him, both present and future; or may enter into Agreements of Lease of Property either as a Lessor or a Lessee, deeds of Servitude either as a Grantor or Grantee, or Deeds of Donations as a Donor or Donee, and may do all such other acts and things as are incidental or conductive to the attainment of the objects set forth in this Schedule.

Investment of Moneys

8 Any Trustee or Trustees may invest on good and sufficient security any moneys received for investment from any source whatsoever.

Additional Powers

9 The Provincial Synod may, by Canon grant additional powers of investment to any Trustee or Trustees.

Liability of Trustees

10 Every Trustee shall be chargeable for such money only as she or he shall actually have received, although she or he shall have joined in any receipt for money received by any co-Trustee, and shall not be answerable for the act of any co-Trustee, nor for any loss which may arise by reason of any trust money being deposited in the hands of any Banker or Agent, or from insufficiency of deficiency of any security upon which the Trust money, or any part thereof, may be invested, nor any loss in the execution of the Trust, unless shall happen through his or her own wilful neglect or default.

SCHEDULE B- DIOCESES

REFERRED TO IN ARTICLE XXII

(As per August 2021, to be approved by the first Provincial Synod, Sept. 2021)

1. **Diocese of Lebombo (**1893**) –** being the territory of Mozambique covering the Administrative Province of Maputo and bordering with the Republic of South Africa and Eswathini (Swaziland) in the South, Republic of South Africa in the west, the border line between the Province of Maputo and Gaza in the north and the Indian Ocean in the east.

The Missionary Diocese of Lebombo was created by the Synod of Bishops of The Anglicana Church of south Africa in its meeting of 1891 and this decision came to take shape with the consecration of the Rt. Revd. Edumund Willian Smyth at Grahamstown Cathedral and his arrival in Lebombo on the 5th of November 1893. The diocese covered the south region of Mozambique from the border with South Africa and Swaziland Kingdom in the south, again with South Africa in the west. In the north, it covered the whole region of Gaza and Inhambane territory and in the east the coastal line of Indian Ocean.

In 1959, for political reasons the north region which was founded by Bishop Charles Fredirick Makenzie in 1862, having later become part of the Anglican Church of Nyassaland including Malawi, with Likoma Island Cathedral as the center, became annexed to the Diocese of Lebombo.

In 1970, the Anglican parish church of St. George at Beira founded in 1922 by the Missions to Seamen and resident British community and placed under the episcopal care of the Bishop of the Diocese Salisbury (Harare) was handed over to the Diocese of Lebombo. From this year to 1979 Lebombo covered the whole country of Mozambique.

In 1979 the Diocese of Niassa, covering the whole region of Mozambique from Zambezi River to the border with Tanzania in the north, Zambia and Malawi in the west and Indian Ocean in the east was formed, leaving the south part of Zambezi River down to the border with South Africa as the Diocese of Lebombo.

In 2020 the Synod of Bishops of ACSA and Provincial Standing Committee deliberated in favor of further multiplication of dioceses from the 1979 Diocese of Lebombo. The Diocesan Synod of the Diocese of Lebombo sitting in its 23rd Session on 21-22 May 2021 ratified the decisions made by the Province on the multiplication and thus the following Schedule. Also welcomed the vision to become part of the Province of the Anglican Church of Mozambique and Angola.

2. **Diocese of Niassa** (1979**)–** being the territory of Mozambique covering the Administrative Province of Niassa with its south borderline with the Missionary Diocese of Zambezia, in the east by the borderline with the Diocese of Nampula, in the north by the Rovuma River and west by the Lake Niassa.
3. **Missionary Diocese of Nampula** (2019) **–** being the territory of Mozambique covering the Administrative Provinces of Nampula and Cabo Delgado

4. **Anglican Diocese of Maciene (**2021) **–** being the territory of Mozambique covering the Administrative Province of Gaza bordering with The Republic of South Africa in the west, Maputo Province border line in the south, Save River in the north, Inhambane Province border line in the east and Indian Ocean in the south east.

5. **Anglican Diocese of Inhambane** (2021**)-** being the territory of Mozambique covering the Administrative Province of Inhambane bordering with the Gaza Province border line in the south through to the north west, Save River in the north and Indian Ocean in the east through to the south east.

6. **Anglican Diocese of Púngue River** (2021)**-** being the territory of Mozambique covering the Administrative Provinces Sofala and Manica jointly, having the Save River as the south border, the Republic of Zimbabwe in the west, the Province of Tete in north west, Zambezi River in the north and Indian Ocean in the east.

7. **Missionary Diocese of Zambezia** (2021)– being the territory of Mozambique covering the Administrative Province of Zambezia. Its south boundary is the Zambezi River, on the east by the Indian Ocean, north east makes boundary with the Missionary Diocese of Nampula through River Ligonha, and on the north by the administrative borders of Nampula and Niassa Provinces, in the north west by the border with Malawi and in the south west by the border line of Tete administrative Province.

8. **Missionary Diocese of Tete** (2021**)-** being the territory of Mozambique covering the Administrative Province of Tete with its south boundary by the border line with the administrative Province of Manica, in the south west by the border line with the Republic of Zimbabwe, in the north by the border line with the Republic of Zambia and the Republic of Malawi and in the south east by the border line of the administrative Province of Zambezia and Missionary Diocese of the same name.

9. **The Diocese of Angola- The Good Shepherd** (2021)- being the territories of Cabinda Zaire, Bengo Provinces and North of Luanda, bordering with Congo Brazaville and DRC in the north, Atlantic Ocean in the west, Uíge and Kwanza Norte in the east, and Luanda Sul and Kwanza Norte in the south.

10. **The Diocese of Christ the King of Uige** (2021)- bordering with the Democratic Republic of Congo in the North of Angola, with Zaire Province in the north west, with Bengo Province in the West, with Lunda North Province in the East, and with Bié and Kwanza Sul Province in the South. This diocese includes 3 provinces namely Uige, Malange and Kwanza Norte.

11. **The Diocese of the Divine Hope (**2021**)** – being the territories of South Luanda, Kwanza Sul Province, Luanda Sul and Luanda north provinces, bordering with north Luanda in the northwest, with Kwanza in the north, with Benguela and Huambo provinces in the south, Atlantic Ocean in the west and Bié and Huambo provinces in the east.

12. **The Diocese of Central and South Angola(**2021) **–** being the territories of Moxico, Bié, Huambo, Benguela, Huila, and Kunene, bordering with the Republic of Namibia in the South, the Republic of Zambia in the East, with Democratic Republic of Congo, Lunda Sul, Malange and Kwanza Sul in the north, with Atlantic Ocean in the West.

SCHEDULE C – BISHOPS

Referred to in Article XXIII

(As per January 2021)

1. **Bishops of the Dioceses**

   The Right Reverend André Soares, Dip. Th. (Lubango), Bishop of Angola (2003)

   The Right Reverend Carlos Simão Matsinhe, Dip.Th. (Makerere), Bishop of Lebombo (2014)

The Right Reverend Vicente Msosa, Dip Th., BA (UP Lichinga), BD (LAMAU Lake Malawi Anglican University), MA (Minnesota School of Theology), MA (Wesley Biblical Seminary), Bishop of Niassa, 2017

The Right Reverend Manuel Ernesto, B.Th. (Hons) (Free University Amsterdam), Bishop of Nampula4 , 2019

2. Diocesan Vicar Generals
(As per June 2021)

The Reverend Agostinho Roberto Buque - Anglican Diocese of Maciene (July 2021)
The Venerable Emanuel Boaventura Capeta- Anglican Diocese of Inhambane (July 2021)
The Reverend Paulo Estêvão Hansine – Anglican Diocese of River Pungue (July 2021)
The Reverend Eduardo Bukuto- The Missionary Diocese of Tete (August 2021)
The Venerable Martins Nselela – The Missionary Diocese of Zambezia (July 2021)
The Reverend Joaquim Bondo – The Diocese of Divine Hope (July 2021)
The Reverend Manuel Minda- The Diocese of Christ the King of Uige (July 2021)
The Reverend Pedro Vilar Jamba -The Diocese of Central and South Angola (July 2021)

(The Reverend Luis Silvestre Zandamela – Lebombo Vicar General) (2021)

CANONS OF THE ANGLICAN CHURCH OF MOZAMBIQUE AND ANGOLA

1: **LEGISLATIVE BODIES**

CANON 1

OF THE PROVINCIAL SYNOD

1**. Notice of Provincial Synod**

(a) The Metropolitan (or other Bishop convening the Provincial Synod) shall give to all the Diocesan Bishops at least seven calendar months' notice of every ordinary Session of the Provincial Synod.

(b) The Bishop of each Diocese shall cause such notice to be published, during Divine Service, in the several churches of the Diocese, on some Sunday not later than the fourth Sunday after receipt of such notice.

(c) An ordinary Session shall meet at intervals of approximately three years.

(d) When a special Session is convened, four months' notice shall be sufficient, and the Metropolitan shall give a general intimation, so far as may be, of the purposes for which the Synod is summoned.

2. (a) The Diocesan Team

(i) All Dioceses of this Province shall be entitled to send up to three clerical and up to three lay representatives (or their alternates) to Synod.

(ii) In electing its representatives each diocese shall take cognizance of the requirements of Act XVI.

2. (b) Additional Representatives

A Diocese may in addition send as extra representatives, as part of the Diocesan Team and as full members of Synod, any Provincial President (or equivalent officer) of a Provincial Organization (as defined in Act XVI), if such President (or equivalent officer) ordinarily resides in the Diocese.

2. (c) Present with right to speak but not vote

The following persons shall be entitled to present at Synod with the right to speak but not to vote, save for the administrative staff referred to in sub-section (vi) below, who may be invited to speak by the President:

1 See Articles of the Constitution ii-xvii, xxii, xxiii 028Canons

(i) The members of the Provincial Synod Advisory Committee;

(ii) One representative nominated by the Board of Theological Education;

(iii) Two representatives from the religious communities nominated by the Council for Religious Life;

(iv) Up to six Provincial lay officers, at the invitation of the Metropolitan;

(v) Up to ten persons (as general and specialist advisors) at the invitation of the Metropolitan, unless the Metropolitan considers that exceptional circumstances justify the invitation of more;

(vi) Up to eight administrative staff, as determined by the Advisory Committee; and

(vii) The Provincial President (or equivalent officer) of a Provincial Organization who for any reason has been omitted as an additional representative of a Diocese in terms of Section 2 (b) of this Canon.

2(d) Election of PSC Representatives

(i) Each Diocese shall, when electing its representatives to Provincial Synod at the same time elect out of those representatives, one clerical and one lay representative (and their alternates) to Provincial Standing Committee.

(ii) Such representatives will hold office as such from the closing of the session of Provincial Synod which they attended as Diocesan representatives until the day immediately before the day the next session of Provincial Synod commences.

3. Election of Representatives

The Clerical and Lay Representatives of a Diocese shall be elected in such a manner, and according to such rules, as the Diocesan Synod shall appoint in that behalf, or, if there be no Diocesan Synod in that Diocese, then, as the Bishop of the Diocese or (in the vacancy of the See) as the Metropolitan shall appoint.

(a) Clerical Provided that no one shall be qualified to be a Clerical Representative, except a person in Holy Orders, ordinarily resident in the Diocese and not in retirement at the time of election.

(b) Lay Provided, further that no one shall be qualified to be a Lay Representative, or to take any part in the election of a Lay Representative, in the Provincial Synod, except as a Communicant of this Church of the age of eighteen years or upwards and be ordinarily resident in the Diocese.

4. President

(a) The Presiding Bishop is, by virtue of the office, the President of the Provincial Synod; in the vacancy of the See, or in the unavoidable absence of the Presiding Bishop, the Dean of the Province, appointed as hereinafter (in section 2 of Canon 2 Of the Presiding Bishop) described, or in the absence of the Dean, the Bishop senior by consecration, who is present, shall preside.

(b) At any time during the proceedings of Provincial Synod, the Presiding Bishop may delegate the office of President to some other member of Synod on such conditions as the

Presiding Bishop deems fit. Such delegation may not be for periods of longer than one day, unless Provincial Synod consents otherwise.

5. House of Bishops

The Bishops of the Province, and Missionary Bishops of the Province, if any, sent forth by the Bishops of the Province, constitute a separate House of the Provincial Synod, and, whenever they may judge it to be expedient, they can deliberate by themselves.

6. Certification of Representatives

The Bishop of each Diocese shall furnish the names of the Representatives of that Diocese to the Registrar of the Province not later than thirty days before the Session of the Synod, and shall certify that the said Representatives, both Clerical and Lay, are duly qualified, and have been duly elected.

7. Prolocutor and Chairperson of Laity

At the commencement of every Session of the Provincial Synod the Clerical Representatives (hereinafter in this Canon described as 'the Clergy') shall elect one of their number as their Prolocutor, and the Lay Representatives (hereinafter in this Canon described as 'the Laity') shall elect one of their number as their Chairperson.

8. Separate Deliberation

(a) Whenever the House of Bishops shall withdraw to deliberate by themselves, leaving the Clergy and the Laity to deliberate together, or if at any time, whether or not the House of Bishops be present, the Clergy or the Laity decide by a majority vote of either of their two Houses to deliberate apart, the sitting of Synod shall be suspended during the progress of such separate deliberations.

(b) In the absence of the House of Bishops, the Prolocutor shall preside over any joint deliberations of the Clergy and the Laity, or over any separate deliberations of the Clergy, as the case may be; and the Chairperson shall preside over any separate deliberations of the Laity. 030Canons

(c) Upon the completion of such deliberations, the sitting of Synod shall be resumed, and the conclusions reached by any or all of the three. Houses during the suspension of the sitting shall be reported to Synod.

9. Quorum

(a) Unless not less than one third of the number of the Bishops of the Province shall have been recorded on the roll as present at any session of the Provincial Synod, together with not less than one third of the number of clerical representatives and one third of the number of lay representatives (excluding any additional representatives and persons provided for in terms of sections 2 (b) and 2(c) of this Canon), all acts of that session of the Provincial

Synod shall be provisional, and shall have no force in any Diocese, unless and until they shall be promulgated by the Diocesan Synod of that Diocese, or, if there be no Diocesan Synod, by the Bishop of that Diocese.

(b) Provided that for the transaction of business the presence of not less than one third of the whole number of members of the House of Bishops, with not less than one third of the whole number of Clerical and Lay Representatives taken together, shall be necessary; and it shall be competent for any member of the Synod at any time to call for the counting of the members present.

10. Authentication

At the conclusion of the business of a Provincial Synod the proceedings of the Synod shalt be authenticated by the President in presence of the Synod.

11. Printing Committee

(a) A committee shall be appointed by the Synod, to cause the enactments of the Synod, together with such other parts of the proceedings as the Synod shall have ordered to be published, to be carefully printed for the general use of the Church.

(b) The said committee shall transmit to each Diocesan Bishop a copy of the Canons and proceedings so printed for the information of Diocesan Synod. Communication should as far as possible be electronic.

12. Bishops to make Alterations known

Each Diocesan Bishop shall notify, in such manner as the Bishop sees fit, to all the congregations in the Diocese, the alterations that have been made in the code of Canons.

13. Publicity or Privacy

The Meetings of the Provincial Synod shall be open to the public under such regulations as it may adopt for the maintenance of order but it shall be in the 031Canons power of the President, by request of the Synod, to order at any time that the proceedings shall be conducted with closed doors.

14. Invited persons Additional representatives and persons provided for in sections 2 (b) and 2 (c) of this Canon shall furthermore not be deemed to be Clerical or Lay Representatives in terms of Article VI of the Constitution and shall therefore be required to absent themselves from any proceedings of Synod which are conducted with closed doors in terms of section 13 of this Canon.

15. Provincial Registrar

(a) The Provincial Registrar and Deputy Provincial Registrars shall be appointed by the Metropolitan, with the concurrence of the diocesan bishops, to hold office at the discretion of the Metropolitan.

(b) The Provincial Registrar, or one of the Deputy Provincial Registrars, shall be present at the Sessions of the Provincial Synod and shall be entitled to speak thereat, but shall not be entitled to vote unless elected as a Representative.

16. Provincial Chancellor

(a) The Provincial Chancellor and Deputy Provincial Chancellor(s) shall be appointed by the Metropolitan, with the concurrence of the diocesan bishops, to hold office at the discretion of the Metropolitan.

(b) The Provincial Chancellor, or (one of) the Deputy Provincial Chancellor(s), shall be present at the Sessions of the Provincial Synod and shall be entitled to speak thereat, but shall not be entitled to vote unless elected as a Representative.

CHAPTER II: MINISTERS OF THE CHURCH

CANON 2

Of the Metropolitan

1. **Presiding Bishop**
   The Presiding Bishop shall be the Archbishop and the Metropolitan of the Anglican Church of Mozambique and Angola. The seat and residence of the Presiding Bishop shall be at his Diocesan Cathedral of the Diocese he/she is Diocesan Bishop.

2. **Functions and powers**
   The functions and powers of the Presiding Bishop of the Church of this Province are as follows:

   (a) Summon Provincial Synods, and to preside at them;

   (b) Summon the Bishops of the Province to Synods of Bishops and to preside at them;

   (c) Preside at elective assemblies held in terms of Canon 4, Of the Election of Bishops, or to appoint a deputy to do so, if so desired;

   (d) Confirm the election of Bishops of the Province in terms of Canon 7, Of Confirmation of Bishops;

   (e) Hear in Provincial Tribunal appeals regarding sentences of Diocesan Tribunals;
   (f) With the aid of other Diocesan Bishops, to hear and to decide on charges brought against any Bishop of this Province, and

(g) Visit officially any Diocese of the Province, when invited to do so by the Bishop or Clergy of that Diocese, or whenever it shall seem desirable to the Metropolitan, after consultation with other Diocesan Bishops. Provided, however, that the exercise of the jurisdiction of the Bishop of the Diocese be not inhibited during the Metropolitical visitation, except there appear to the Metropolitan to be some strong reason for such inhibition, the Synod of Bishops at their next Session being competent to declare whether such reason was sufficient.

3. Dean of the Province

(a) The Metropolitan shall at the first meeting of the Synod of Bishops in each calendar year appoint, after consultation with the Bishops, one of their number to be the Dean of the Province until the first meeting of such Synod in the year following.

(b) Whenever the Presiding Bishop's See is vacant or in the absence for a period in excess of six weeks from the Province, or during the incapacity of the Presiding Bishop, the Dean of the Province shall execute all functions appertaining to the office of the Presiding Bishop.

(c) During such vacancy, absence or incapacity, the other Bishops of the Province shall render the said Dean of the Province such obedience as they are bound to give to the Presiding Bishop.

(d) Should the Dean of the Province be unable to perform the duties of the office, or should the office fall vacant for any reason whatsoever, the Diocesan Bishop senior by consecration shall perform the duties of the Dean of the Province.

(e) If the office of the Dean of the Province falls vacant, a new Dean shall similarly be appointed at the next meeting of the Synod of Bishops, and hold office until the first meeting of the year following.

CANON 3
OF THE SYNOD OF BISHOPS

1. Synod of Bishops

(a) The Presiding Bishop shall, as and when of the opinion that occasion shall require, or as provided in the canons for any particular purpose, and in any case half-yearly, summon

the bishops of the Province to a Synod of Bishops to be held at such time and place as may determine.

(b) The date of the next session of the Synod shall be fixed at each preceding session, or, if not so fixed and/or if necessity requires, the Metropolitan may summon the Synod of Bishops by one calendar months' notice to the bishops of the Province setting out the place and date for the holding of the Synod, and the business to be considered thereat.

2. Business

The business of the Synod shall be that determined by the Presiding Bishop, and such other business of which 14 days prior notice shall have been given by a bishop of the Province to the Presiding Bishop.

CANON 4
OF THE ELECTION OF BISHOPS

Introductory Affirmations

First: The Anglican Church of Southern Africa affirms the historic episcopate, of which the ordination of bishops is an expression of the Church's continuity within the Church of the Fathers in the Apostolic Tradition. The Church accordingly affirms its fidelity to these ancient traditions;

Second: Within the Anglican Communion, the Church upholds the principle that the Church is episcopaly led and synodicaly governed as a faith principle that no one should disturb without just cause. For that reason, all bishops acknowledge the authority of the Metropolitan of the Province, and in the exercise of their ministry as the force for order, unity and charity;

Third: In particular, the Church embraces the unity of the Church in doctrine, social and moral practice, and common worship and in public proclamation. The Church affirms that the bishop is ordained as a bishop of the Church, but assigned and installed to undertake spiritual and temporal authority in the diocese or as a suffragan or missionary bishop;

Fourth: The authority of the Church, however, is exercised through the common will of the Church through the Synod of Bishops, and from time to time, through the resolutions of

Provincial Synod and Provincial Standing Committee. A bishop of the Church therefore undertakes to abide by this tradition of doctrinal and spiritual unity and common purpose so that the world may believe;

Fifth: Every bishop therefore is installed in a diocese to serve as the symbol of faith and unity, of love and pastoral care, and of the stewardship of the resources, human, physical and spiritual, bestowed upon the Church by the grace of God. The bishop therefore is the chief pastor of all that lies within the diocese assigned to his or her care as Father or Mother-in-God; to teach and to uphold sound and wholesome doctrine; to banish false teaching and error; to uphold the role as a holy and ethical leader of God's faithful, in faith, love, charity and peace and whose life shall be an example of righteous and godly living.

1. Definitions

(a) The term "vacancy", "vacant diocese" or "diocese with a vacancy" shall refer to a diocese where a Bishop has died, or retired, or resigned and any relevant notice period thereof has expired, or where a new diocese has been established.

(b) The term "licensed clergy" shall for the purpose of this Canon refer to every cleric who is licensed to any cure or office or ecclesiastical dignity in the diocese, and is entitled under the Rules or Acts of the diocese to attend Diocesan Synod.

(c) For the purpose of this Canon, a Vicar-General shall mean a Dean, or senior priest, or a person so designated by the Presiding Bishop.

2. Vacancies

(a) On the death of any Diocesan Bishop, the Dean or Senior Priest shall at once notify the Metropolitan in writing of the vacancy.

(b) In the event of the resignation of a diocesan Bishop, when such resignation has been duly accepted, or of such Bishop's translation, compulsory retirement, or deprivation, the Metropolitan shall at once notify the Dean or Senior Priest in writing.

(c) In the case of a vacancy in the office of a Bishop Suffragan, the provisions of Canon 10 section 4 shall apply.

3. **Persons eligible for election**

A Bishop of this Province may be elected from this Church or from any other Church in full communion with the Church of this Province.

4. Method of election

(a) In a diocese of this Province where there are ten or more licensed clergy, a Bishop shall be elected by an Elective Assembly.
(b) In a diocese of this Province where there are fewer than ten licensed clergy, a Bishop shall be elected by the Bishops of this Province, who shall follow the provisions of this Canon as far as possible.

5. Election of the Presiding Bishop

In the election of the Presiding Bishop, the provisions of Canon 5 shall apply, and, where relevant, supersede those of this Canon

6. Election of Bishops Suffragan In the election of Bishops Suffragan, the provisions of Canon 10 shall apply, and, where relevant, supersede those of this Canon.

7. Membership of Elective Assembly Membership of the Elective Assembly shall be:
(a) The Metropolitan or a deputy, who shall be President: should the Metropolitan or the deputy be unable to preside at the Assembly, the senior cleric present by virtue of section 9(a) (i) shall preside;
(b) Members elected by Provincial Synod to the Advisory Committee in terms of section 9(a)(i) or (ii) with the right to speak but not to vote;

(c) All Bishops Suffragan commissioned in the diocese with a vacancy, and all Assistant Bishops licensed therein;

(d) All clergy licensed in the diocese with a vacancy, other than retired clergy who are not licensed to a pastoral charge;

(e) Lay representatives, who are parishioners of a Pastoral Charge (as contemplated in Canon 27.2) in the diocese with a vacancy and who are elected in such manner and according to such Rules as are provided for the election of Lay Representatives to Diocesan Synod of such diocese, and

(f) Lay persons elected by the Synod of the Diocese to serve on the Advisory Committee, provided that, if any such person be also a Lay Representative in terms of sub-section (v), then that person shall have only one vote.

8. Summoning of Elective Assembly
Upon receiving or giving notice of the vacancy of a see:

(a) The Metropolitan shall issue a mandate to the Bishop of the diocese or, if the Bishop is absent, to the Vicar-General of the diocese to summon the Elective Assembly to meet.

(b) The Metropolitan shall instruct the Provincial Executive Officer, in consultation with the Provincial Registrar or Deputy, to oversee the process of the election of a Bishop and assist where necessary or where requested with information, advice and the definition or clarification of terms used in this Canon.

(c) The Metropolitan, after consultation with the Bishop or Vicar General and the Chairperson of the Advisory Committee, shall determine the date, which should be after the vacancy has occurred, and the place at which the Elective Assembly shall meet. The Discernment Team shall be given 80 days to complete its task, asset out in section 11(c) of this Canon, so that the date shall be not less than six months nor more than eight months from the date of the mandate.

(d) Within ten days, excluding Saturdays, Sundays, and public holidays, after receipt of the mandate from the Metropolitan, the Bishop or Vicar General shall:

(i) Summon the members of the Elective Assembly in accordance with the provisions of section 8(a) and (c) of this Canon;

(ii) Notify the Chairperson of the Advisory Committee, who shall cause a profile of the diocese to be prepared for presentation at the first meeting of the Advisory Committee.

(e) Upon the issue of the mandate to the Bishop of the diocese or, if the Bishop is absent, the Vicar-General of the diocese, the Code of Conduct in Act XI will become of effect and remain of effect until Collation in terms of Canon 8 or until the election has been delegated to the Bishops of the Province in terms of section 12(v) of this Canon, as the case may be.

9. **Membership of Advisory Committee Membership** of the Advisory Committee shall consist of Provincial and Diocesan members.

(a) Provincial Members

The Provincial members shall be chosen as follows:

(i) At each ordinary session of the Provincial Synod, ten Bishops, ten clergy, and ten confirmed Lay persons of this Province shall be elected by their respective orders. They shall constitute a panel from which the Metropolitan shall choose two Bishops, two clerics and two Lay persons to serve on the Advisory Committee in the event of the vacancy of a

See, other than the Presiding Bishop's See, and in the event of the vacancy of the Bishop Suffragan. In making this choice the Presiding Bishop shall nominate from those so chosen the Bishop, cleric and lay person to be the Provincial 2 "Public holidays" in this context are public holidays in the country in which the diocese is situated. Members of the Discernment Team to be established as a sub-committee by the Advisory Committee in terms of section 11(b) (iii) of this Canon.

(ii) In the case of the election of the Presiding Bishop, two Bishops, two clergy and two Lay persons shall be chosen from the panel by the Dean of the Province or the senior Bishop by virtue of consecration to serve on the Advisory Committee.

(iii) The Provincial Executive Officer, or the person acting in that office at the time the Advisory Committee and the Elective Assembly meet, shall be an ex officio member.

(iv) The members of the panel shall remain as such until the next ordinary session of the Provincial Synod, when they shall retire but shall be eligible for re-election.

(v) Licensed clergy and Lay persons who are parishioners of a pastoral charge (as contemplated in Canon 27.2) in the diocese with a vacancy shall be excluded from the panel chosen in terms of this section.

(b**) Diocesan members**

The Diocesan members shall be chosen as follows:

(i) At each session of every Diocesan Synod, the following shall be elected to serve as members of the Advisory Committee of the diocese, and to hold office until the next session of Diocesan Synod, when they shall retire, but shall be eligible for re-election:

(aa) a Lay Chairperson with a Lay deputy, by all houses sitting as one together (the deputy Chairperson being entitled to attend all meetings of the Advisory Committee with the right to speak, but should the Chairperson be present, not to vote);

(bb) four clergy, who are licensed in the Diocese, with alternates, elected by the House of Clergy,

(cc) four Lay parishioners in the Diocese, being confirmed Communicants of this Province, with alternates, elected by the House of Laity.

(ii) The Vicar-General or, in the election of a Bishop Suffragan, the Bishop of the diocese, who shall be an ex officio member of the Advisory Committee; but in the case of an election of a Diocesan Bishop excluding the outgoing Bishop who shall be ineligible to be a member of the Advisory Committee and Elective Assembly.

(iii) The Bishop Suffragan (if there be one, and if there be more than one, they shall choose one of their number) shall be an ex-officio member of the Advisory Committee.

(iv) In the event of the Lay Chairperson of the Advisory Committee being unable to act prior to the first meeting of the Advisory Committee, the 038Canons deputy Chairperson shall act as Chairperson. Should the Chairperson be unable to act during or after the first meeting, the Advisory Committee may either call on the deputy Chairperson to act as Chairperson or may elect a Chairperson from among its lay members.

(v) The Chairperson plus one of the senior of the clerics and one of the senior of the lay persons elected in terms of section 9(b)(i), each to be nominated by the Chairperson, plus the Vicar-General (or in the election of a bishop suffragan, the Bishop of the Diocese), shall serve as the Diocesan members of the Discernment Team referred to in section 11(b)(iii).

10. Summoning the Advisory Committee

(a) The Metropolitan shall personally, or through the Provincial Executive Officer, as the Metropolitan may decide, notify all eligible members of the panel elected in terms of section 9(a) of this Canon when the Elective Assembly will meet. The Metropolitan or the Provincial Executive Officer (as the case may be) shall request them to inform the office of the Metropolitan within ten (10) days whether or not they will be available to serve on the Advisory Committee, if called upon to do so by the Chairperson of the Advisory Committee of the diocese with a vacancy.

(b) On receipt of this information the Metropolitan or the Provincial Executive Officer, as the case may be, shall inform the Chairperson of the Advisory Committee of the names of the members of the panel so chosen who should be called upon to serve on the Advisory Committee in addition to those members of the diocese elected in terms of section 9(b) (i) of this Canon.

(c) The Provincial Executive Officer shall, with the Chairperson of the Advisory Committee, draw up a profile of the diocese for approval by the Committee at its first meeting, and thereafter for distribution to the candidates, their proposers and members of the Elective Assembly.

11(a) Functions of Advisory Committee

The Chairperson, on receiving notification from the Bishop or Vicar General in terms of section 8d (ii), shall:

(i) write to every pastoral charge of the diocese with a vacancy, inviting clergy and confirmed communicants of that diocese to submit names of candidates, within forty (40) days, to fill the vacancy and to advise potential nominators that candidates that are not in fulltime ministry must undertake to resign from any secular employment and rewarded office forthwith upon confirmation of election in terms of Canon 7(9) and become a fulltime Bishop, if elected;

(ii) invite candidates to identify the member of the Elective Assembly whom they would prefer to propose their candidature; 039Canons

(iii) instruct the nominator of each candidate to provide in writing:
(aa) the consent of the candidate;
(bb) the names of two other persons who support the nomination and who have been requested to provide supporting motivation for the said nomination;
(cc) motivation for the nomination of the candidate, and a personal profile of the candidate;

(iv) summon the Advisory Committee, consisting of both Diocesan and Provincial representatives, to meet within ten (10) days after the deadline for the submission of the nominations;

(v) write to all candidates, providing a profile of the diocese and asking for:
(aa) a curriculum vitae;
(bb) a recent medical certificate,
(cc) referees and addresses.
(dd) an undertaking (if applicable) to resign from any secular employment and rewarded office forthwith upon confirmation of election in terms of Canon 7(9) and become a fulltime Bishop, if elected;
(ee) Certified copies of a certificate or other proof of Baptism and Letters of Orders; and (ff) sign the undertaking to abide by the Code of Conduct for Elective Assemblies set out in Act XI.

(vi) invite any member of the Advisory Committee to submit, not later than twenty (20) days

(vii) before the day Elective Assembly convenes, one or more names of candidates in terms of subsection 11(a)(iii)(aa) and (cc);

(viii) at the first meeting of the Advisory Committee, report on the names submitted;

(ix) ask for the recusal of any member of the Advisory Committee who has been nominated or is related to someone who has been nominated within the degrees of affinity set out in the table attached to Canon 34, or who is otherwise under a conflict of interest in the determination of the Chairperson after consultation with the Vicar General, and request the alternate of the member to take such member's place, and (ix) ask for the recusal of any member of the Advisory Committee who intends to propose or second a candidate at the Elective Assembly.

11(b) At the first meeting, the Advisory Committee:

(i) may obtain confidential testimonials from independent referees as well as those suggested by candidates, provided that, should serious adverse information be received in this way from an independent referee, such information shall not be incorporated in a report on the candidate unless the candidate has been afforded an opportunity to reply thereto, after the independent referee has consented to such disclosure (whether on an anonymous basis or not),

(ii) shall inform the Metropolitan and the diocese of the names of the candidates.

(iii) shall establish a subcommittee to be known as the Discernment Team, comprising of the three Provincial and the four Diocesan members, as provided for in section 9(a) (i) and 9(b)(v) of this Canon; this Team is to fulfil the functions set out in section 11(c), and is to be chaired by the Bishop who is one of its Provincial members; and it shall hold its first meeting immediately after the first meeting of the Advisory Committee.

11(c) Discernment Team's first meeting

At the Discernment Team's first meeting, it shall determine and thereafter regulate, its own manner of conduct in relation to its functions. The functions of the Discernment Team are to determine the suitability of each candidate and in each case the extent of the candidate's compliance with the eligibility requirements for admission to the Order of Bishops set out in Canon 18(1), which are to be fulfilled within 80 days of its first meeting, subject to such extension as the President may allow. To this end it shall:

(i) call for information from referees and from public registers of malfeasance (examples being police reports and sexual offenders register), as well as full and frank disclosure from each candidate of any act or omission that could be adverse;

(ii) call for medical and psychometric reports of the candidate, at the cost of the Diocese, and for a financial statement from the candidate;

(iii) decide whether to receive information from third parties, as may be submitted, and consult with whomsoever it pleases;

(iv) seek out in any way it chooses persons to be nominated, if it thinks necessary;

(v) decide whether to engage professional or other assistance in the fulfilment of its task, at the cost (if any) of the Diocese. 041Canons

(vi) hold any such meetings with persons (not candidates) as may be thought by it to be necessary for views on any candidate in relation to the eligibility requirements in Canon 18;

(vii) set standard questionnaires to be responded to by candidates, which should also include a statement as to why they could be suitable candidates for the office and any adverse information that should be brought to the attention of the Discernment Team;

(viii) interview the candidates;

(ix) determine a list of candidates for nomination whose names are to be furnished to the Elective Assembly in terms of section 12(j) of this Canon;

(x) send the list of candidates immediately to the Metropolitan and the Provincial Executive Officer for circulation to all Diocesan Bishops, who must within ten days of circulation advise its Chairperson and the Metropolitan of any serious objection to a candidate together with the reasons for the objection. The Metropolitan and its Chairperson, plus the majority of the remaining six Discernment Team members, must agree if the nominee's name is to be removed. This can be done by telephonic, electronic, oral or any other form of communication available for a response, which must be made within the ten-day period failing which the non-responsive Diocesan concerned will be deemed to have no objections; and

(xi) if it appears necessary, recommend to the Presiding Bishop or deputy, as President of the Elective Assembly, any consequences which should be considered for any candidate, proposer or seconder, or member of Elective Assembly, who did not abide by the Code of Conduct, misled or misdirected the workings of the Discernment Team.

11(d) **Final meeting of Advisory Committee**

At its final meeting, which shall take place not later than the day before the Elective Assembly, the Advisory Committee shall:

(i) Finalize

(ii) reports on all the candidates;

(iii) invite persons who are to propose candidates at Elective Assembly to attend a meeting for briefing,

(iv) (iii) submit a list of all candidates together with reports to the President of the Elective Assembly.

11(e) Interim meetings

The diocesan members of the Advisory Committee may hold additional interim meetings between its first and final meetings for practical purposes.

12. Elective Assembly

(a) On the day appointed and on each succeeding day on which the Assembly meets, Holy Communion shall be celebrated before the Assembly proceeds to business.

(b) The Registrar of the diocese, or a deputy appointed by the President, shall be in attendance at the meeting and shall not vote.

(c) **Procedure at Elective Assembly**

The President shall cause the roll to be determined by the diocesan Registrar or the deputy. The President shall call on the Registrar or deputy to certify that only those persons eligible

to attend are present and that no person eligible has been excluded. Any informalities, and objections to the attendance of a member, shall be considered and determined by the Assembly. The President shall then ask the Registrar or deputy to declare that a quorum is present; this done, the President shall constitute the Assembly.

(d) **Quorum**

A quorum shall be not less than one half of the total number of the Bishops and the clergy together and one half of the Lay members.

(e) Confidentiality Once the Elective Assembly has been constituted, its proceedings shall be deemed to be confidential.

(f) The Assembly shall then proceed to elect one or more secretaries from its members, and a Proctor who shall appear if necessary in the Court of Confirmation. The Provincial members and the Registrar shall act as scrutineers, provided that if any one of these has proposed a candidate, they cannot so act, and a replacement shall be chosen by the President with the consent of the Assembly.

(g) The Assembly shall determine its times of meeting.

(h) The President shall address the Assembly, setting out the purpose and procedures of the Assembly, refer to the matter in subsection 12(o) of this Canon, and may at any time address the Assembly.

(i) Delegation

The Elective Assembly may at any time delegate the choice of a Bishop to the Bishops of the Province, if it so determines, by a two-thirds majority.

(j) Nominations The President shall furnish the Assembly with a list of the names of all persons considered by the Advisory Committee, after which proposers designated by the Advisory Committee, if available, or any member of the Assembly, may nominate to the vacancy only from the list so furnished. Every nomination shall be seconded by any member of the Elective Assembly.

(k) All candidates so nominated who are present shall withdraw from the Assembly while the debate takes place, but shall be at hand for any consultation that might be deemed necessary. They shall be entitled to vote, and the provisions of subsection 12(p) shall not apply then in respect of such absence.

(l) Procedure after nominations When nominations have ceased, the nominees shall be considered by the Assembly in alphabetical order.

(m) As each nominee is considered, the President shall call on a Provincial member of the Advisory Committee so designated to give the Committee’s report on the nominee.

(n) The President shall then invite:

(i) members of the Assembly to ask for clarification of any point in the Advisory Committee's report, and

(ii) the proposer and seconder of the nominee being considered to speak if they so wish and thereafter other members of the Assembly to speak on the nominee.

(o) The President shall have control of the proceedings of the Assembly and may interrupt a speaker should the speaker make statements of a derogatory or defamatory nature and may call for a retraction of such statement or terminate a speaker's address to the Assembly or otherwise make such Rules or give such directions in regard to the conduct of the Assembly as seem appropriate to the President in the President's sole and absolute discretion.

(p) No member who has been absent from the Session or Sessions of the Elective Assembly or any portion thereof during which the reports of the Advisory Committee were presented or when the nominees were discussed shall be eligible to attend a subsequent session of the Assembly except for good cause shown, in the discretion of the President. The failure of a member to attend the Elective Assembly shall not preclude the Assembly from proceeding to election so long as a quorum is present.

(q) Method of voting When discussion has ceased, the members shall record their votes. The voting shall be by secret ballot and the President shall have a deliberative vote only. The members shall record their votes by writing on their voting paper either the name of the person for whom they vote or, if they desire to vote for none of the nominees, to write the word "none" or make a cross on the voting paper.

(r) Inconclusive voting No nominee shall be deemed to be elected unless that person shall have received not less than two thirds of the total number of votes of the Bishops and clergy present and voting together, and two thirds of the votes of the House of Laity, voting at the same time.

(s) If, after the first ballot, no nominee has received the necessary majority, successive votes shall be taken in like manner. After the result of any of the first four ballots is announced and no election has been made, the Assembly may, on the proposal of any member, which is duly seconded, resolve by a simple majority to reopen discussion on the nominees.

(t) If after three ballots no election has been made, the nominee with the least votes shall withdraw. This procedure shall be followed at each succeeding ballot up to the seventh ballot, or until only two nominees are left, or until a Bishop is elected at an earlier ballot.

(u) If after seven ballots no election has been made, the Assembly shall adjourn for a period determined upon by a simple majority of members.

(v) Final Ballot Upon the Assembly reconvening it may decide by a simple majority of the Bishops, clergy and laity voting together to have an eighth ballot to try to break the impasse. However, should it not decide to have an eighth ballot, or should the eighth ballot be

inconclusive, then the choice of a Bishop shall be delegated to the Bishops of the Province. The Chairperson shall furnish the names of the remaining candidates and their supporting documentation provided under subsection 11(a) (iii) and (v) of this Canon to the Metropolitan. The Bishops shall proceed as set out in Canon 4(12) (w) below. All those whose names were furnished to the Assembly by the President in terms of subsection l2 (j) shall then be eligible for nomination. If the Bishops so determine, they may consider names that have not previously been submitted to the Assembly.

(w) Electoral College of Synod of Bishops The Synod of Bishops of the Province may then choose from the names so furnished or submitted, or from any others, a Bishop for the vacant see. The Bishop of the vacant diocese, if still in office, or the Vicar-General, shall recuse him or herself from this elective process in the Synod of Bishops. If, within twenty-eight (28) days or such longer period as the Metropolitan may allow, none of those so chosen has accepted, or if no election is confirmed, the Elective Assembly shall be reconvened. 045Canons

(x) Declaration of election When an election is made, the declaration of such act shall be signed in duplicate by the President and one of these declarations shall be transmitted to the provincial archives and the other kept in the Registry of the Diocese.

(y) When a nominee shall have received the requisite majority, but refuses to accept office, balloting shall continue.

(z) If the election is not confirmed in accordance with provisions of Canon 7 (Of Confirmation of Bishops), a fresh Elective Assembly shall be convened.

13. **Procedures** not provided for In all matters not specifically provided for in this Canon, the procedure to be followed shall be determined by the President, who shall be guided by the Model Rules for an Elective Assembly made from time to time by the Provincial Synod, and by the Acts of the diocese, failing these, by the President, subject to any direction which may be given by the Assembly; but no direction by the Assembly shall invalidate any action previously taken upon a ruling given by the President.

CANON 5

OF ELECTION AND MINISTRY OF THE PRESIDING BISHOP/ARCHBISHOP

Provisions of Canon 4 to apply to Canon 5

1. Subject to this Canon, the provisions of Canon 4 shall apply to the election of the Presiding Bishop /Archbishop of the Anglican Church of Mozambique and Angola.

Summoning of Advisory Committee and Elective Assembly

2. When the Metropolitan Se is vacant, the Dean of the Province will summon the Advisory Committee at a place he or she decides. After the meeting of the Advisory Committee the Dean of the Province shall summon the Elective College for the election of the Presiding Bishop/Archbishop and Metropolitan.

The Chair of the Electoral College Assembly for Presiding Bishop/ Archbishop

3.The Provincial Chancellor shall preside over the Elective College Assembly.

Provincial Representatives to the Elective College Assembly

4. The Electoral College shall be constituted by:

(i) The House of Bishops and

(ii) One clergy person elected from clergy and two lay persons elected from the laity (including youth) of each member diocese of the Province.

Nominations for Election of the Presiding Bishop/Archbishop

5. All the bishops of the Province shall be eligible. After the first secret ballot the two most voted become the approved candidates for the second secret ballot after which the most voted becomes Presiding Bishop -Elect. If the second ballot results in a draw, then the chair shall suspend the election and call for a prayerful reflection after which a third secret ballot will take place. The most voted nominee becomes the Presiding Bishop -Elect of the Province.

Necessary election majority

6. The Presiding Bishop/ Archbishop/Metropolitan shall be elected by simple majority of the Elective College Assembly.

The Principle of Alternancy of the Presiding Bishop/Archbishopric See and the Dean of the Province between Mozambique and Angola.

7. (i) At the end of the Term of Service of a Presiding Bishop by tendering a resignation letter or by retirement, having been elected from one of the two countries (Mozambique or Angola), the next Presiding Bishop/ Archbishop/Metropolitan shall be elected from among the bishops of the other country of the Province.

(ii) If the Presiding Bishop is a Mozambican Bishop, the Dean of the Province shall be from the Bishops of Angola. And if the Presiding Bishop is an Angolan Bishop, the Dean of the Province shall be a Mozambican Bishop.

(iii) Both the Presiding Bishop and the Dean of the Province will have a seat in the Anglican Communion Primates' structure so as to provide fair and balanced presence of the Province at any time.

Confirmation of election and Consecration

8. After election, the procedures of Canon 7 and 8 for the confirmation of the election shall apply to this canon.

Installation/Enthronement of the Presiding Bishop -Elect

9. The Installation/Enthronement of the Presiding Bishop-Elect shall take place in the convenient date. The Dean of the Province will preside over the Installation/Enthronement Act which will take place in the Diocesan Cathedral of which the Presiding Bishop- Elect is the Diocesan Bishop. The Installation/ Enthronement Ceremony shall be as prescribed by the Province.

The Ministry of the Presiding Bishop/Archbishop/Metropolitan

10. The Presiding Bishop has a twofold function:

(i) The Presiding Bishop exercises all functions of Metropolitan of the Province as prescribed by the Provincial Canons.

(ii) The Presiding Bishop exercises all the functions of the Diocesan Bishop of his/her diocese as prescribed by the Provincial Canons.

Symbol of Unity

11. The Presiding Bishop/ Archbishop shall be the symbol and focus of unity for his diocese and for the whole Province.

Term of Service of the Presiding Bishop

12. The Presiding Bishop shall be in Office for a 5 years term which is renewable only once for equal number of years. At the end of his term of service, the Presiding Bishop will tender his resignation letter to the Dean of the Province at least 90 days before.

Separation of Provincial and Diocesan Structures

13. Governance structures of the Province and of the Diocese of the Presiding Bishop shall maintain separate and distinct administration system.

Provincial General Executive Office

14. (a) The Province shall establish its Provincial General Executive Office in a place or city most convenient for the effective fulfilment of the Provincial objectives.

(b) The General Executive Office shall be led by one Provincial General Secretary designated by the Province according to prescribed principles set up by the same Province.

CANON 6

OF MISSIONARY DIOCESES AND MISSIONARY BISHOPS

1. Election of missionary bishops

(a) Missionary bishops shall be chosen by the Bishops of the Province; provided that the Bishops are satisfied that adequate provision can be made for their maintenance.

(b) If the number of priests in a Missionary Diocese be not less than six, no Bishop shall be elected by the Bishops of the Province until the clergy of the diocese shall have had opportunity to communicate their wishes to the Metropolitan, and through the Metropolitan to the said Bishops of the Province.

2. Confirmation

The Confirmation, Consecration and Collation of a Missionary Bishop shall be conducted in the same manner as is prescribed in the Canons in the case of a Bishop elected to fill a vacant See.

3. Privileges Missionary Bishops, as long as the appointment of a Missionary Bishop is retained, shall be entitled to all the privileges of a bishop of this Province.

4. Obedience Missionary Bishops shall be subject to the Constitution and Canons relating to Diocesan Bishops.

5. Establishment of new Missionary Dioceses and Missionary Bishops

The Metropolitan and Bishops of the Province shall not establish a new missionary diocese unless they are satisfied that there is need for its formation, that it is capable of being governed by Synodical government and that its staff are sufficient for it to function as a unit of the Church.

6. Conversion of a Missionary Diocese and Missionary Bishop into a fully-fledged Provincial Diocese and Diocesan Bishop.

A missionary diocese shall not be converted into a fully-fledged provincial diocese unless the Synod of Bishops are satisfied that there is a need for such conversion and that its staff and finances are sufficient for it to function as a unit of the Church, whereupon the Missionary Bishop becomes the Diocesan Bishop notwithstanding the provisions of Canon 4, Of The Election of Bishops.

CANON 7

OF CONFIRMATION OF BISHOPS

1. Si quis

Immediately after the election of a Bishop by the Elective Assembly, or the notification to the Dean or Senior Priest at that time in the Diocese, of the name of a Bishop elected by others in accordance with the foregoing rules, the said Dean or Senior Priest shall cause the following notice to be affixed to the principal door of the Cathedral (if there be no cathedral, in a church nominated by the Dean or Senior Priest) and shall forward a copy thereof to the Presiding Bishop and to the Registrar of the Province :

"Whereas A.B ……..... in the Diocese of ……...……... and Province of ……..…..……. has been duly elected Bishop or a Bishop Suffragan of this Diocese, if anyone can show cause or just impediment why the said A.B. shall not be consecrated to that holy office and collated to this See (or be collated to this See) (or, in the case of a Bishop Suffragan, commissioned in terms of section 9 of Canon 10 Of Bishops Suffragan), or can offer any canonical objection to the election or form thereof, such person shall signify the same to me or to the Presiding Bishop, in writing, within fourteen days from this date." This notice shall be signed by the Dean or Senior Priest at that time in the Diocese. The above notice shall also be proclaimed in the Cathedral of the Diocese (or if there is no cathedral, in a church nominated by the Dean or Senior Priest) during Divine Service on the two Sundays following.

2. Grounds of Objection

Valid objection may be made on the ground either that the See is not canonically vacant, or that the election was informal, or that the person elected is not of canonical age, or of competent learning, or of sound faith, or of good morals, or is otherwise canonically disqualified, or that the person elected is under such liabilities or contracts as not to be a free agent; provided always that no objection to the validity of the election on the ground of informality can be entertained, unless notice of such objection shall have been lodged with the Registrar of the Diocese within three days after the dissolution of the Elective Assembly.

3. **Qualifications of Opposers**

No person shall be competent to oppose unless such person is a Bishop of the Province, or a Communicant of the Church, of honest life and good repute, who presents to the Presiding Bishop sufficient certificates to that effect; and subscribes a declaration accepting the decision of the Court as final.

4. Summoning of Court In the event of an objection in terms of section 2 of this Canon by a person competent in terms of section 3 of this Canon being received or notified to the Metropolitan by the Registrar of the Province and/or a Bishop, the Presiding Bishop shall summon the Bishops of the Province either personally or by their Commissaries to a Court of Confirmation. Such Court shall be held at a convenient place decided by the Presiding Bishop on a specified day and time, but not later than sixty days after the issue of a Citation to this effect.

5. Procedures Upon the day appointed, the Presiding Bishop as President, together with the Bishops or their Commissaries and aided by the Provincial Chancellor or some other person learned in law nominated by the Presiding Bishop, together with the Proctor of the vacant Diocese and the Registrar of the Province or his duly appointed Deputy, shall examine such objections in open Court and the sentence of the Court thereon shall be declared by the Presiding Bishop in terms of section 6 of this Canon. An objector, either personally or by a legal representative, shall only be entitled to take part in the proceedings by leave of the court.

6. Sentence of Court No Sentence of the Court of Confirmation shall be issued unless and until a majority of the Bishops cited by the Presiding Bishop be present either personally or by their Commissaries, nor until a majority of the Bishops or their Commissaries then present agree to the Confirmation, provided that, if the Metropolitan be present, the Metropolitan's consent shall be necessary, unless the Presiding Bishop's judgement be in opposition to the unanimous judgement of the other members of the Court

7. Documents required Within fourteen days from the date of the election of a Bishop by the Elective Assembly, or the notification to the Dean or Senior Priest as provided in section 1 of this Canon, the said Dean or Senior Priest shall obtain from the Bishop Elect the Bishop Elect's consent in writing, together with the Bishop Elect's:

(a) Certificate or other proof of Baptism;

(b) Letters of Orders;

(c) Letters Commendatory or Dimissory from the Bishop of the Bishop Elect's Diocese or the Metropolitan of the Province.

8. Certificate to Registrar of the Province

(a) Forthwith upon the expiration of the period of fourteen days mentioned in section 1 of this Canon, the said Dean or Senior Priest shall certify to the Registrar of the Province whether there have been any objections to the election of the Bishop-Elect, and shall forward to the Registrar of the 052Canons Province such certificate and any objections received and also the consent of the Bishop-Elect, together with the documents mentioned in section 7 of this Canon.

(b) Upon the receipt thereof by the Registrar of the Province, and if no objection has been lodged and the documents aforesaid are in order, the Registrar of the Province shall certify accordingly to the Metropolitan, and thereupon the Metropolitan shall notify the Bishops of the Province, who shall within twenty-one days of the date of the notification advise the Metropolitan in writing of their assent or objection to the said election.

9. Confirmation Provided no valid objection has been received from a Communicant in response to the notice referred to in section 1, or from a Bishop in terms of section 8(b) of this Canon, the Metropolitan shall forthwith:

(a) confirm, and sign the Deed of Confirmation of, the Election of the Bishop;

(b) lodge the original Deed of Confirmation with the Registrar of the Province;

(c) forward a duplicate original of the Deed of Confirmation to the Dean or Senior Priest of the vacant See, who shall affix it to the principal door of the Cathedral (or if there is no cathedral then of a church in such See nominated by the Dean or Senior Priest) within seven days of its receipt, and it shall remain so affixed for a period of fourteen days. Thereafter the Dean or Senior Priest shall forward to the Registrar of the Province a certificate that the Deed of Confirmation has been so affixed and exhibited for the period hereinbefore stated.

CANON 8:

OF CONSECRATION OF BISHOPS, AND COLLATION AND ENTHRONEMENT OF DIOCESAN BISHOPS

1. (a) Consecration
   The Bishops shall proceed at the earliest convenient season from the date of the Confirmation to consecrate (unless already consecrated) the person elected and confirmed according to the foregoing provisions.

   (b) Presiding Bishop's Consecration The Presiding Bishop and two other Bishops of the Province, or, if the Presiding Bishop be unable to act, three Bishops of the Province under a commission of the Presiding Bishop, shall be required for a Consecration: Provided that, with the concurrence of the Metropolitan, the Consecration of a Bishop for this Province

may take place in England or elsewhere by, or under commission of, the Archbishop of Canterbury or any other Presiding Bishop in communion with this Church.
(c) In case of the Presiding Bishop, the Synod deems it expedient, for the purpose of exhibiting the connexon of this Province with the Church of England, that, with the concurrence always of the Bishops of this Province, or a majority of them, the Presiding Bishop should ordinarily be consecrated by, or under commission of, the Archbishop of Canterbury.
(d) The Presiding Bishop, or other Bishop appointed, shall in all cases perform what is in the English Ordinal directed to be done by the Archbishop.

2. Collation
(a) The Presiding Bishop shall collate the person elected and confirmed (other than a Bishop Suffragan) according to the foregoing provisions immediately after and on the same day as the consecration, or, if the Bishop is consecrated outside the Province, within seven days thereafter.

(b) If the person elected and confirmed (other than a Bishop Suffragan) be already consecrated, the deed of collation shall be issued as soon as circumstances permit after the issue of the Sentence of Confirmation. The Presiding Bishop shall forward the original Deed of Collation to the Bishop-Elect.

3. Declaration of Obedience

The Bishop-Elect shall before the Consecration (or, if already consecrated, before the collation) subscribe a declaration pledging to acknowledge the Constitution of this Church, to give due obedience to the decisions of its Synods and

(a) In the case of a Diocesan Bishop to govern the Diocese in conformity with the Constitution,
Laws, and Canons of this Church, or

(b) In the case of a Bishop Suffragan, to minister in the Diocese in conformity with the Constitution, Laws, and Canons of this Church and of the Commission issued in terms of section 9 of Canon 10 Of Bishops Suffragan.

4. Custody of records After Consecration of any Bishop of this Province, whether consecrated in South Africa or elsewhere, it shall be necessary that the Certificate of Election and all the Records connected with such Consecration be deposited in the Archives of the Province; and it shall be the duty of the Registrar of the Province, or one

of the Deputies, to require the production of all such papers before the Enthronement, to which the Record of Enthronement shall be added.

5. Enthronement/Installation
The Diocesan Bishops shall be enthroned/installed in such manner as Provincial Synod may prescribe.

CANON 9
:OF THE BISHOP'S VETO IN THE SYNOD OF HIS DIOCESE

The Bishop's Veto in his Synod

1. The Bishop of the Diocese shall possess the right Veto upon all Acts and Resolutions of the Synod of his Diocese, subject, however, as hereinafter provided.

2. If the Bishop of the Diocese shall dissent from any Act or Resolution of the Synod of his Diocese which is passed by a majority of less than two-thirds of those present, such Act or Resolution shall be void and of no effect.

3. If the Bishop of the Diocese shall dissent from any Act or Resolution of the Synod of his Diocese which is passed by a majority of two-thirds or more of those present, the Bishop shall express his intention of exercising his veto or the possibility that he may do so, and thereafter separate votes of the House of Laity and the House of Clergy shall be taken on the said Act or Resolution.

If the Act or Resolution is then passed by majorities of not less than two-thirds of those present in the House of Laity and two-thirds of those present in the House of Clergy, and is thereafter vetoed by the Bishop of the Diocese, the Dean or Senior Priest present (if thereto empowered by resolution of the aforesaid Clergy and Laity), shall appeal against the Bishop's decision to the Metropolitan (or Dean of the Province) and Diocesan Bishops, who shall hear and determine the matter in Synod.

And if the Diocesan Bishops shall override the Bishop's veto, the said Bishop shall promulge the Act or Resolution in his Diocese without delay, and it shall have the same force and effect from and after that date as if it had been promulged in the Diocesan Synod.

CANON 10:

OF BISHOPS SUFFRAGAN, REGIONAL OR AREA BISHOPS AND ASSISTANT BISHOPS

1. **Appointment of Bishops Suffragan**
   The simultaneous or separate appointment in any Diocese of Bishops Suffragan or additional Bishops Suffragan and the filling of any vacancy in the office of any Bishop Suffragan may be authorized and effected in accordance with the following provisions, which shall apply in respect of each Bishop Suffragan to be appointed.

2. Whenever the Bishop of any Diocese shall deem it necessary for the good of the Church that the office of a Bishop Suffragan should be created in his Diocese, it shall be competent for him, after receiving the concurrence of the Diocesan Synod by resolution, to make application to the Synod of Bishops for its approval for the creation of the office of such Bishop Suffragan.
   Such application shall specify the powers, authorities and duties which it is proposed to give to such Bishop Suffragan and the territorial or other sphere of responsibility in which it is proposed that he shall exercise his episcopal office.

3. **Consideration by the Synod of Bishops**
   On receiving the application, the Synod of Bishops shall consider the pastoral needs of the Diocese and whether it is preferable that the Diocese should be divided or delimited rather than that the proposed Bishop Suffragan should be appointed. The Synod of Bishops shall also satisfy itself that adequate provision has been made for the maintenance of the proposed Bishop Suffragan. The Synod of Bishops shall either grant or withhold its approval for the appointment of a bishop suffragan.

4. Procedure in the event of vacancy No vacancy in the office of a Bishop Suffragan in any Diocese shall be filled except with the approval of the Synod of Bishops. If the Bishop of a Diocese shall desire to fill a vacancy in the office of a Bishop Suffragan in his Diocese, he shall make a fresh application to the Synod of Bishops for authority to fill such vacancy. It shall be competent for the Synod of Bishops, if it so desires, to ask for the views of the Diocesan Synod expressed in a resolution to be placed before it before deciding upon any such application.

5. **Method of election of a Bishop Suffragan**
   (a) In a Diocese in which the creation of the office of a Bishop Suffragan, or the filling of a vacancy in the office of a Bishop Suffragan, has been approved by the Synod of Bishops in accordance with the provisions of this Canon, a Bishop Suffragan to be appointed to such office or to fill such vacancy shall be elected in the same manner as is provided in Canon 4 for the election of a Diocesan Bishop, mutatis mutandis.

(b) The mandate to summon the Assembly shall be sent to the Bishop of the Diocese, who shall then fulfil the duties assigned to the Dean in terms of sections 8, 9, 10, 22 of Canon 4 Of Election of Bishops.

(c) The Bishop of the Diocese shall determine which of the names submitted in terms of section 10 of Canon 4 are to be brought to the notice of the Advisory Committee, and he may add names of his own choice.

(d) The Bishop of the Diocese, if he be available, shall preside over the Advisory Committee and the Elective Assembly. In the event of the death of the Bishop of the Diocese after the Assembly has been summoned, or of his inability to act in terms of this Canon, the Summons shall lapse.

(e) If no election has been made after the fifth or the sixth ballot, as the case may be, any member of the Elective Assembly may in the interval of the adjournment in terms of section 17(c) of Canon 4 Of Election of Bishops submit to the Bishop of the Diocese names of persons to fill the vacancy, which have not previously been submitted, and the Bishop of the Diocese shalt determine which of such names are to be brought to the Elective Assembly for its consideration in terms of section 17(d) of Canon 4.

6. Confirmation and Consecration

The Confirmation of the election of a Bishop Suffragan and his Consecration (if he be not already consecrated) shall be conducted in the same manner as is provided in the case of a bishop elected to fill a vacant see.

7. **(a) Recognition as Bishop of the Provinc**e

A Bishop Suffragan shall be recognized under Article XXIV 3 of the Constitution as a Bishop of the Province.

(b) Rights in Provincial Synod and Synod of Bishops

A Bishop Suffragan shall have a seat in the Synod and shall be a member of the House of
Bishops in such Synod, where he shall be entitled Provincial as such to vote both in
Synod and in the House of Bishops.

(c) A Bishop Suffragan shall have the right to be summoned to, and to speak and vote at, the Synod of Bishops.

8. **Rights in Synod of Diocese**

A Bishop Suffragan shall be a member of the House of Bishops in the Synod of his Diocese and as such entitled to vote both in the Synod and the House of Bishops; provided that in a Diocese in which a Bishop Suffragan is appointed, the Bishop of the Diocese shall have both a deliberative and a casting vote in the House of Bishops. No Bishop Suffragan shall however, by virtue of his office as such, be the Senior Priest of the Diocese.

9**. (a) Commission**

A Bishop Suffragan shall hold the Commission of the Bishop of the Diocese and his successors, and during any vacancy of the See, that of the Metropolitan, for the powers, authorities, duties and responsibilities which were specified in the application to the Synod of Bishops for the creation of his office, which powers, authorities, duties and responsibilities shall be stated in such Commission.

The said Commission shall not be withdrawn, save as is provided in sections 11 to 15 of this Canon, not shall the said powers, authorities, duties or responsibilities be altered, save with the consent of the Bishop Suffragan or the authority of the Synod of Bishops given after hearing any representation which the Bishop of the Diocese and the Bishop Suffragan may wish to make on the matter.

(c) Regional or Area Bishops

A Bishop Suffragan holding a Commission with Episcopal responsibility for a designated geographical region or area within a Diocese under the authority of the Diocesan Bishop shall be known as a Regional or Area Bishop. However, as a Bishop Suffragan he or she shall have all the rights and obligations of a Bishop Suffragan in terms of this and the other Canons, and any withdrawal or alteration of the Commission shall be effected in accordance with the provisions of sub-section (a) of these section.

11. Subject to Diocesan Bishop

A Bishop Suffragan shall be subject to the authority of his Diocesan Bishop in all matters of policy, doctrine and discipline, and if he is aggrieved by any decision or direction or his Diocesan Bishop in regard to the aforesaid matter, he shall have the right of appeal to the Synod of Bishops provided in section 9, the terms whereof shalt apply so far as is relevant, to such appeal.

12. Withdrawal of Commission

Notwithstanding the provisions of section 9, if a new Diocesan Bishop shall be appointed in a Diocese in which a Bishop Suffragan is appointed, such new Diocesan Bishop may, with the authority of the Synod of Bishops given after hearing any representations which the Diocesan Bishop and the Bishop Suffragan

may wish to make on the matter, withdraw or alter the Commission of such Bishop Suffragan for any good cause shown to the Synod of Bishops.

12.(a) **Residence**

A Bishop Suffragan shall reside within his Diocese unless, upon the ground of ill health or other important considerations, it should for a time be undesirable; and of such exceptional circumstances the Bishop of the Diocese, and failing him the Metropolitan, shall judge.

(b) Absence

No Bishop Suffragan shall absent himself from his Diocese except for duty, without the consent of the Bishop of the Diocese, or failing him the Metropolitan.

(c) Notice to return

In the event of a Bishop Suffragan being absent from his Diocese, except for duty, without,' the consent required in terms of section 12(b) of this Canon, it shall be competent for the Bishop of the Diocese to give him three months' notice in writing to return to his Diocese, and should he fail then to return timeously, the Bishop of the Diocese may, with the consent of the majority of the Diocesan Bishops, withdraw the Commission of such Bishop Suffragan

13. Unsound mind

In the case of a Bishop Suffragan being of unsound mind, it shall be competent for the Bishop of the Diocese (or failing him, the Metropolitan), with the consent of the majority of the Synod of Bishops

(a) Upon being certified of the fact by such medical and other testimony as is required by the law of the country in which the Diocese of such Bishop Suffragan is situate, and

(b) after receiving such medical and other testimony as the Bishop Suffragan may desire to submit, to withdraw his Commission.

14. **Revocation of Commission**

Upon the representation to the Metropolitan of at least three Diocesan Bishops and after due consideration by the Synod of Bishops of any representations which the Bishop Suffragan and his Diocesan Bishop may wish to make, the Commission of the Bishop Suffragan may be revoked by the Diocesan Bishop (or failing his agreement by the Metropolitan) if at least two-thirds of the Synod of Bishops

decided that the Bishop Suffragan is no longer able to discharge adequately his duties of his office.

15. **Provision to be made**

The Synod of Bishops shalt not authorize any withdrawal of the commission of a Bishop Suffragan without first being satisfied that he will be adequately provided for in some way.

16. Resignation

(a) If a Bishop Suffragan shall desire to resign his commission, he shall send his resignation to the Bishop of the Diocese (or failing him, the Metropolitan) in writing. The Bishops of the Province shall judge whether the resignation should be accepted.

(b) The provisions of the last foregoing sentence of section 16(a) shall not apply when a Bishop Suffragan is elected as Bishop of a Diocese or so appointed by a delegation made in terms of section 13 or section 23 of Canon 4 of the Election of Bishops.

17. Retirement

Every Bishop Suffragan shall, at the end of the month in which he attains the age of seventy years, tender his resignation to the Bishop of the Diocese (or failing him the Metropolitan), who may either accept it or, after consultation with the Committee, Senate or Chapter of the Diocese concerned, as the case may be, may extend his tenure of office for such period or periods as he may determine.

18**. Assistant Bishops**

The title of Assistant Bishop may be conferred upon a bishop holding special Letters of Appointment issued by a Diocesan Bishop. Assistant Bishops shall have no right to be summoned to meetings of the Synod of Bishops and their Letters of Appointment shall in no way confer any new canonical rights upon them.

19**. Dean of the Province may act**

The functions assigned to the Metropolitan in this Canon the shall, in the event of the Metropolitan coming under its provisions, be exercised by the Dean of the Province.

CANON 11

OF RESIDENCE OF DIOCESAN BISHOPS

1. Residence of Bishops
   Every Bishop appointed to the charge of a Diocese shall reside within his Diocese unless, upon the ground of ill-health or other important considerations, it should for a time be undesirable; and of such exceptional circumstances the Metropolitan and Diocesan Bishops shall judge.

   2. Consent for Absence No Bishop shall absent himself from his Diocese except for duty, without the consent of the Metropolitan, not the Metropolitan from his Province with consent of two Diocesan Bishops.

   3. Appointment of Vicar-General
   (a) No bishop shall be absent from his Diocese for more than six weeks without appointing under his hand and seat a Vicar General with authority to administer the Spiritualities of the Diocese and to maintain discipline according to the Canons of the Church.

   (b) If in the opinion of the Bishop access by the Vicar General to a portion or portions of the Diocese is difficult or impossible, the Bishop shall be permitted to appoint an additional Vicar General to each such area of the Diocese so affected. The separate area or areas of each Vicar General is to be specified in each appointment. Where more than one Vicar General has been appointed, the Bishop shall designate one of them as the senior Vicar General.

   (c) If a bishop shall be absent from the Province for more than twelve months he shall be bound to make due provision for Confirmations and Ordinations within his Diocese.

   4. Absence without consent
   In the event of a Bishop being absent from his Diocese for six months without the consent required by this Canon, it shall be competent for the Metropolitan to give him three months' notice to return to his Diocese; and, should he fail to return timeously, the Metropolitan may, with the consent of the majority of the Diocesan Bishops, declare the See vacant.

5. Absence of Metropolitan The functions assigned to the Metropolitan in the preceding section of this Canon shall, in the event of the Metropolitan coming under the operation of its provisions, be exercised by the Dean of the Province.

CANON 12
OF DIOCESAN BISHOPS TEMPORARILY INCAPACITATED

1. **Appointment of Vicar-General by Bishop**
   In the event of a Diocesan Bishop being temporarily incapacitated from fulfilling the duties of his office and administering his Diocese, while remaining within the Diocese, it shall be competent for him to appoint under his hand and seal a Vicar General with authority to administer the Spiritualties of the Diocese, and to maintain discipline according to the Canons of the Church, provided that such action shall be reported to the Metropolitan.

2. **Appointment of Vicar-General by the Presiding Bishop**
   Should it happen that a Diocesan Bishop is unable to appoint a Vicar General in terms of this Canon, the Metropolitan in consultation with the Chapter or Senate of the Diocese, or where there is no Chapter or Senate, with the three senior priests, shall appoint a Vicar General.

CANON 13:
OF DIOCESAN BISHOPS SUFFERING FROM MENTAL INCAPACITY

1. Mental incapacity of Diocesan Bishop
In case of a Diocesan Bishop being of unsound mind, it shall be competent for the Presiding Bishop, with the consent of the majority of the Bishops of the Province,

(a) Upon being certified of the fact by such medical and other testimony as is required by the law of the country in which the See of such Bishop is situate, and

(b) after receiving such medical and other testimony as such Bishop may desire to submit to declare the See vacant.

2. Of Metropolitan The functions assigned to the Presiding Bishop in section I of this Canon shall, in the event of the Presiding Bishop coming under the operation of its provisions, be exercised by the Dean of the Province.

CANON 14:
OF RESIGNATION OF DIOCESAN BISHOPS

1. **Method of Resignation**

(a) If a Diocesan Bishop shall desire to resign his See or to retire therefrom, whether immediately or from a certain future date (his decision thereon being irrevocable), he shall send his resignation to the Metropolitan in writing or, if he himself be Presiding Bishop, to the Dean of the Province. The Diocesan Bishops shall judge whether or not the resignation shall be accepted.

(b) The provisions of section l(a) of this Canon shall not apply when a Diocesan Bishop is elected as Bishop of another Diocese or so appointed by a delegation made in terms of section 13 of Canon 4 Of the Election of Bishops. Mandate to be issued Upon acceptance of the resignation as aforesaid, the Presiding Bishop (or in his absence the Dean of the Province) shall forthwith proceed in terms of section 9 of Canon 4 of the Election of Bishops to issue his mandate. The Bishop tendering his resignation shall be ineligible from being a member of the Advisory Committee and the Elective Assembly then convened to consider the appointment of his successor.

2. **Compulsory Resignation of Bishops**

A Diocesan Bishop may, upon the representation to the Presiding Bishop of at least three Diocesan Bishops, be asked, or if necessary, required to resign his or her See, if after due consideration, and after giving the fullest opportunity to the Bishop concerned to state his or her views, with the Provincial Chancellor and Registrar (or failing either his or her Deputy) present, it is the decided opinion of two-thirds of the Diocesan Bishops that such Bishop is no longer able to discharge adequately the duties of his office; provided –

(a) that no action shall be taken unless both the Chancellor and the Registrar (or Deputy as the case may be) concur that the decision in their opinion is correct in terms of the canon law and any other law or legal principle that may apply to the facts;

(b) that the Bishop shall cease to function as Bishop from the date of the decision of the Synod of Bishops and shall, conditional on proviso

(c) below failing to identify another ministry, move himself and his or her household from any Diocesan accommodation within three months of the decision of the Synod of Bishops; and (c) that the Synod of Bishops or the Presiding Bishop and Presiding Bishop’s Executive shall try to seek, in consultation with the Bishop concerned, another suitable stipendiary ministry within the Province within the three month period referred to in proviso (b).

(d) However, if it appears to the Presiding Bishop, after consultation with the Presiding Bishop's Executive, either before embarking on or during this process that the reason or one of the reasons for the need for the resignation is in fact related mainly or substantially to matters which could constitute a charge or accusation in terms of Canon 37.1, then in the absence of any charge under Canon 37.1, the Presiding Bishop in consultation with the Presiding Bishop's Executive shall proceed in Terms of Canon 38, in respect of those matters and, in respect of any balance of issues that remain, may continue with the consideration of the Diocesan Bishop's ability to discharge adequately the duties of his or her office.

3. **Retirement of bishops**

(a) A Diocesan Bishop shall, at the end of the month in which clerics attain the normal retirement age as defined in the Rules of the Provincial Pension Fund, resign from his or her See by tendering his or her resignation to the Presiding Bishop, which the Presiding Bishop must accept.

(b) If the Diocesan Bishop requests any extension of tenure, the Presiding Bishop, after consultation with the Presiding Bishop's Executive, Diocesan Senate or Chapter, Diocesan Council (howsoever known) and the Diocesan Trusts Board and Finance Board (if separate), with the diocesan Bishop to recuse him or herself from all these consultations, may extend his or her tenure for a further period or periods not exceeding 12 months in each instance.

(b) (i) In the case of the Presiding Bishop, his or her resignation shall be tendered to the Synod of Bishops, which the Synod must accept.

(c) (ii) If the Presiding Bishop requests an extension of tenure, the Synod may, after consultation with the Diocesan Standing Committee of the Diocese of Cape Town, the Presiding Bishop's Executive members other than the Presiding Bishop and the Provincial Finance Board (the Presiding Bishop to recuse him or herself from all those consultations), extend the tenure for a further period or periods not exceeding 12 months in each instance.

(d) These provisions will not apply to Diocesan Bishops or the Presiding Bishop in office on 27 September 2016, to whom the provisions of Canon 14(3) as they were at that date shall apply.

3. Of Metropolitan The functions assigned to the Presiding Bishop in the above section of this Canon shall, in the event of the Presiding Bishop coming under its provisions, be exercised by the Dean of the Province.

CANON 15
OF ARCHDEACONS

1. Function The main function of the Archdeacon is to share in the pastoral ministry and missionary leadership of the Bishop, in the area to which the Archdeacon is appointed.

2. (a) Appointment and Resignation

(i) Archdeacons shall be appointed by the Bishop after consultation with the Clergy of the Archdeaconry in which each shall be appointed to serve, and shall hold office for a period of five years, as and from the date of their appointment.

(ii) On the expiration of this period of five years their term of office shall automatically cease and determine.

(iii) They shall be eligible for re-appointment for periods not exceeding two years on each occasion, after each of which periods, their office shall cease unless they are re-appointed for a further period.

(b) The Bishop may revoke the appointment of an Archdeacon after consultation with and the agreement by majority vote of the Dean (if appointed) and the other Archdeacons of the Diocese.

(c) One year after the collation of a Bishop to a See, the Archdeacon or Archdeacons then holding office in the Diocese shall resign, and the Bishop shall appoint the new Archdeacon or Archdeacons, the retiring Archdeacon or Archdeacons being eligible for re-appointment in accordance with the provisions of subsection (a): Provided that in this case the Bishop may treat such re-appointment as a new appointment.

(d) No appointment of an Archdeacon shall be revoked, nor shall an Archdeacon be required to resign until the Bishop is satisfied that adequate provision is made for the maintenance of the Archdeacon. Should any dispute arise to the adequacy of such provision, the matter shall be referred to and decided by the Presiding Bishop.

3. Obedience to Archdeacon By virtue of the office, the Archdeacon is entitled to the same obedience as the Bishop with regard to such matters as have been entrusted to the Archdeacon. 4. Examination of Inventories, Records and Property

(a) Unless the Bishop shall otherwise decide, the Archdeacon shall at least annually examine the financial records, the Inventory of Parochial Property, the Burial Grounds, and the fabric of the Church and other Parochial Property in the Pastoral Charges in the Archdeaconry, and report thereon to the Bishop.

(b) At each such examination the Archdeacon shall also inspect all other parish registers and records prescribed in Canon 32 Of Registers, Records and Inventories, and shall ensure that the requirements of that Canon have been satisfied

(c) The Archdeacon shall ensure that the Parish puts in place ways to reduce its electricity, water and paper usage. 5. Power to delegate The Archdeacon may, with the Bishop's consent, or at the Bishop's request, appoint some other person or persons to carry out some or all of the functions specified in section 4.

6. Archdeacon and Church Officers

(a) The Archdeacon shall admit the Churchwardens, Parish Councilors and Sides persons to their offices, personally or by Commissary, publicly in the time of Divine Service, charging them to fulfil their duties.

(b) The Archdeacon shall from time to time convene the Clergy and Church Officers of the Archdeaconry and shall preside over them in Conference and discuss with them matters appertaining to the welfare of the Church.

(c) The Archdeacon shall use all possible means to help, encourage and strengthen the Clergy and Laity of the Archdeaconry.

7. Buildings The Archdeacon or some other person who shall have been appointed for such work shall examine and report to the Bishop upon all plans for the building or restoration or alteration of churches and other buildings, the property of the Church, bearing in mind the commitment to being environmentally friendly.

8**. Presentment for Holy Orders**

The Archdeacon or one appointed by the Bishop instead, shall examine and present all candidates for Holy Orders.

9. Jurisdiction of Deans The jurisdiction and functions proper to the Archdeacon belong to the Dean in the Cathedral parish.

CANON 16

OF DECLARATIONS AND SUBSCRIPTIONS TO BE MADE BY BISHOPS AND CLERGY

1. Declarations:

The following declaration shall be made and subscribed before the Metropolitan, or some person duly appointed by the Metropolitan, by all Bishops-Elect of this Province:

(a) Declaration by a Diocesan Bishop I, A.B., chosen Bishop of the Diocese of C, do promise that I will teach and maintain the Faith of our Lord Jesus Christ, and the Doctrine and Discipline by Him delivered to the Church, as acknowledged and set forth by the Anglican Church of Southern Africa in the Constitution of the said Church. And I also do declare that I consent to be bound by and to govern my Diocese in conformity with all the Laws and Canons (both present and future) of the said Church, and by the Rules and Regulations which have heretofore been made, or which may from time to time be made, by (the Diocesan Synod of the Diocese of C and by) the Provincial Synod of the Anglican Church of Southern Africa [or either of them]. I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards. I commit myself to a lifestyle which safeguards the integrity of creation and sustains and renews the life of the church. [The bracketed words are to be omitted where there is no Diocesan Synod.]

(b) Declaration Bishop Suffragan I, A.B., chosen Bishop Suffragan for the Diocese of C, do hereby promise that I will teach and maintain the Faith of our Lord Jesus Christ, and the Doctrine and Discipline by Him delivered to the Church, as acknowledged and set forth by the Anglican Church of Southern Africa in the Constitution of the said Church. And I also do declare that I consent to be subject to the authority of the Metropolitan and of the Bishop of the Diocese of C in all matters of Policy, Doctrine and Discipline and to be bound by all the Laws and Canons (both present and future) of the said Church and by the Rules and Regulations which have heretofore been made, or which may from time to time be made, by [the Diocesan Synod of the Diocese of C and by] the Provincial Synod of the Anglican Church of Southern Africa, (or either of them,) and also by the Commission to be issued to me in terms of section 9 of Canon 10 Of Bishops Suffragan, Regional or Area Bishops and Assistant Bishops. I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards. I commit myself to a lifestyle which safeguards the integrity of creation and sustains and renews the life of the church [The bracketed words are to be omitted where there is no Diocesan Synod.]

2. Declaration of the clergy before ordination, or to any office The declaration to be made by persons to be admitted to Holy Orders, and by all clergy to be admitted to any office in this Church (which is in communion with the See of Canterbury), shall be made in the forms set out below:

(a) Preface

The Bishop, or some person duly appointed by the Bishop, shall first read the following Preface: The Anglican Church of Southern Africa is part of the one, holy, catholic and apostolic Church worshipping the one true God, Father, Son and Holy Spirit. It professes the faith uniquely revealed in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds and affirmed by the undisputed General Councils, to which the Thirty-Nine Articles of 067Canons Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons bear witness. In the declarations you are about to make will you affirm your loyalty to this inheritance of faith as your inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making Him known to those in your care; and will you consent to be bound by the laws of this Church?

(b) Declarations

The following declarations, in addition to the Oath Of Canonical Obedience to the Bishop, shall then be made and subscribed before the Bishop or Commissary:

(i) I, A.B., do solemnly make the following declaration: I declare my belief in the faith which is uniquely revealed in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds and affirmed by the undisputed General Councils, to which the Thirty-Nine Articles of Religion, the Book of Common Prayer, and the Ordering of Bishops, Priests and Deacons bear witness: I affirm my loyalty to this inheritance of faith as my inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making him known to those in my care.

(ii) I, A.B., declare that in public prayer and administration of the sacraments, I will use only the forms of service which are authorized or allowed by lawful authority, and that I consent to be bound by all the Laws and Canons (both present and future) of the Anglican Church of Southern Africa and by the Rules and Regulations which have until now been made, or which may from time to time be made by (the Diocesan Synod of the Diocese of ……. and by) the Provincial Synod of the Province of Southern Africa (or either of them). I commit myself to a lifestyle which safeguards the integrity of creation and sustains and

renews the life of the church. (The bracketed words to be omitted where there is no Diocesan Synod).

2. Declaration is binding

The making and subscription by a Bishop-Elect of the declaration referred to in section 1 of this Canon, and the making and subscription by a Cleric to be admitted to any Office in the Church of this Province of the declarations referred to in section 2 of this Canon, shall bind such Bishop-Elect or Cleric to accept and immediately to submit to any sentence of deprivation in respect of any or all the rights and emoluments appertaining to the Bishopric or Office (as the case may be) which may at any time be passed, after due examination had, by any Tribunal acknowledged by the Provincial Synod of the said Province for the trial of a Bishop or of a Cleric (as the case may be), saving all rights of Appeal allowed by the said Provincial Synod.

CANON 17
OF CLERGY SUFFERING FROM MENTAL INCAPACITY MENTAL INCAPACITY

If an incumbent or other licensed clergyman shall be reported to be of unsound mind, the Bishop shalt hear and determine the matter in his Court under section 8 of Canon 36 Of the Tribunals of the Church, and, on such medical and other testimony as the law of the land requires for proof of mental incapacity being produced and proven in such Court, shall withdraw the license, and in the case of an Incumbent, shall declare the Cure vacant.

CANON 18
OF ADMISSION TO THE ORDERS OF BISHOP, PRIEST AND DEACON

1. Bishop The following are to be taken into account when considering any cleric who is nominated for election to the Order of Bishops or for translation to another Diocese including the Archbishopric:

(a) The teachings in Acts 6:(1-6), 1 Timothy 3:(1-7), the Charge in the Service of Ordination and Consecration of a Bishop and the grounds for objection in Canon 7(2);

(b) Every priest who is to be consecrated as a bishop shall:
(i) be at least forty years of age,

(ii) have at least a bachelor's degree in Theology or the equivalent,
(iii) have been ordained and in full time ministry for not less than ten years,
(iv) be leading (and to have led) a sound Christian spiritual and social life,
(v) have a good reputation and be a person of integrity,
(vi) have experience in pastoral ministry,
(vii) have administrative ability, and
(viii) have received the necessary clearances after searches of the public registers referred to in Canon 4(11)(c)(i). (c) Any of the requirements of subsections(b)(i), (ii), (iii) or (viii) maybe relaxed if this is deemed in writing by the Metropolitan, in consultation with the Metropolitan's Executive, to be in the best interests of the Diocese concerned.

2. **Priest**

(a) Every Deacon who is to be admitted a Priest shall be fully twenty-four years of age, and

(b) shall, moreover, have continued in the office of Deacon a whole year at the least (except for reasonable causes it shall otherwise seem good unto the Bishop).

3. **Deacon**

(a) No one shall be admitted as a Deacon except a person who has attained the age of twenty-three years of age unless with a Faculty.

(b) No Faculty shall be issued except by the Metropolitan, with the consent of a majority of the Diocesan Bishops.

(c) **A Deacon**, whose vocation, as far as may be discerned, is to the Permanent Diaconate, shall be a permanent Deacon, and a Deacon intending to seek admission as a Priest shall be a transitional Deacon, subject to written notice of such intention in each case having been given to the Diocesan Bishop concerned and the Bishop consenting thereto.

CANON 19

OF ORDAINED PERSONS WHO ABANDON THE SERVICE OF THE CHURCH

Unfaithful Clergy If any person in Holy Orders shall without consent from the Bishop abandon the exercise of his ordained ministry, or shall forsake the Communion of the Church, he shall not be allowed to resume the exercise of any Ministerial Office in this Church, until he shall have given to the proper authority evidence of the sincerity of his repentance for the fault which he has committed.

CANON 20

OF LAY MINISTERS

1. **Appointment**

(a) Lay ministers shall be designated, appointed and admitted in accordance with regulations prescribed by each Diocesan Synod.

(b) The exercise of the office of a Lay Minister shall be by license of the Bishop who may grant, revoke or renew such license as the Bishop deems fit.

(c) The Bishop may delegate the authority to grant, revoke or renew a license (or any one or more of these acts) to a Bishop Suffragan in the diocese, which delegation may be withdrawn at any time.

2**. Duties The duties of licensed Lay Ministers** shall be one or more of the following:

(a) instructing and preparing candidates for Holy Baptism and Confirmation;

(b) preaching;

(c) assisting in the administration of Holy Communion;

(d) performing such other pastoral duties, not reserved to the ordained ministry, as the Bishop may determine, and

(e) ministry advancing the Anglican Communion marks of mission.

3. Privileges of the Laity Any lay person may:

(a) in an emergency, baptize;

(b) at the request of the incumbent or the Archdeacon, or in an emergency,

(i) conduct divine service,

(ii) bury the dead, (c) in the service of Holy Communion, or in any other service, at the request of the Priest, read such scriptures and say such prayers as are not reserved to the ordained ministry.

3. Declaration in terms of ACT VIII In addition to any declaration that a Lay Minister may be required to make in terms of the Rules of the Diocese, or by its Bishop or any Incumbent (as the case may be), the Declaration set out in Act VIII of Provincial Synod, shall be made by the Lay Minister concerned.

CHAPTER III

DIOCESES CANON 21

OF FORMATION AND AFFAIRS OF DIOCESES

1. Formation of Dioceses

The Presiding Bishop and Bishops of the Province in Synod shall have the power:
(a) of subdividing existing Dioceses,
(b) of uniting two Dioceses under one Bishop,
(c) of transferring any district from one Diocese to another, to which such district is contiguous, and
(d) of sending forth Missionary Bishops to regions beyond the existing Province, subject to the restrictions in Section 2 of this Canon.

2. **Establishment of new Diocese**

(a) In assessing the potential for a proposed new Diocese, the Synod of Bishops shall take into account in respect of the present and the proposed new Diocese (the "Affected Dioceses"), the following:

(i) the financial stability in each of the Affected Dioceses;

(ii) the industrial, educational and cultural centers within the boundaries of each of the Affected Dioceses;

(iii) the diversity of culture within each of the Affected Dioceses;

(a) diversity of worship and churchmanship within each of the Affected Dioceses; and
(b) the potential for each of the Affected Dioceses to draw individuals into ministry, both lay and ordained.

(c) The proposals for a new Diocese are to be presented and approved by the Synod of Bishops after consultation with either Provincial Synod or PSC.

(d) The Presiding Bishop and Bishops of the Province in Synod shall not establish a new Diocese within the Province unless they are satisfied that there is need for its formation, that it is capable of being governed by synodical government and that its staff and finances are sufficient for it to function as a unit of the Church.

3. Task Team If any Diocese fails to pay its assessment and/or contribution to the Provincial Pensions Fund for a period of three consecutive months, the Provincial Finance Board must bring such failure to the attention of the Presiding Bishop, who may immediately appoint a task team as envisaged in this Canon and Canon 2 (g) which shall without further delay act to prevent further deterioration and advise the Presiding Bishop of the steps to be taken. The costs of the investigation shall be covered by the diocese concerned.

4. Presiding Bishop's Executive

(a) The Synod of Bishops shall appoint annually five Bishops to the Presiding Bishop's Executive, to serve as an advisory panel for the Presiding Bishop in this and any other matter where provided or otherwise appropriate.

(b) Functions of Task Team

When the Presiding Bishop becomes aware of events, developments or reasons which indicate to the Presiding Bishop that in the presiding Bishop's opinion, after consultation with and with the support of the Presiding Bishop's Executive, the affairs of a Diocese merit an inquiry or investigation in relation to possible support, or remedial or other action that might need to be taken by the Diocese or the Province or both, the Presiding Bishop shall have the power to appoint a task team to inquire into or investigate these matters at the cost of the Common Provincial Fund.

(c) The task team shall consist of not less than two Bishops currently in office or retired, and two lay persons, one learned in the law and one in financial matters.

(d) It shall have been given access to Diocesan clergy and staff and all Diocesan records and shall have the power to take whatever action it may deem to be needed urgently, to protect Diocesan interests or assets or both or to preserve evidence, and to report apparent grave or criminal acts or omissions to the appropriate secular authority.

(e) It shall report to the Presiding Bishop, who shall report to the next session of the Synod of Bishops, and the Synod of Bishops which shall make whatever decision it feels appropriate.

(f) The Presiding Bishop may, however, take such further action, in consultation with the Presiding Bishop's Executive, as may be needed before the next session of the Synod of Bishops.

(g) Without derogating from the generality of this power, the Synod of Bishops' (i) may refer the matter to trial under Canon 38, in which event –

(aa) the provisions of Canon 38 (3)(c) (Of Proceedings Against Bishops) shall not apply in the case;

(bb) The task team will now be deemed to be the Board of Preliminary Inquiry with an additional member (namely, the one learned in financial matters) and its report to be the report of the Board of Preliminary Inquiry;

(cc) the Synod of Bishops will appoint two other Bishops, who are not in the task team, to be the Presenters to draw up the charges in Articles of Presentment;

(dd) the Board of Preliminary Inquiry, as it is now constituted, shall invite the Accused to submit a written answer, if the Accused so desires, within the ten days provided for in Canon 38(3)(a);

(ee) it shall then consider any answer submitted and report to the Presiding Bishop within thirty days of its appointment, being the date of the Synod of Bishops' decision to refer the matter to trial, at which point the Presiding Bishop shall proceed in terms of Canon 38(4); or (ii) may decide to proceed to require the Bishop concerned to resign, in terms of Canon 14(2); or (iii) may upon a majority vote of the Diocesan Bishops present, after giving the Bishop concerned an opportunity to be heard,

(aa) require the Bishop concerned to take leave of absence from the Diocese indefinitely,

(bb) appoint, under the hand and seal of the Presiding Bishop (or if the Presiding Bishop is the Bishop concerned, then through the Dean of the Province or if the Dean is debarred for any reason, the Diocesan Bishop senior by consecration) a Vicar General with authority to administer the Spiritualties of the Diocese and to maintain discipline according to the Canons, until such time as the Synod of Bishops decides to lift this suspension and withdraw the leave of absence, or the Bishop ceases to hold office as such for any reason,

(cc) during which time the Bishop shall take up residence outside the Diocese and not in any way exercise any aspect of ministry as Bishop or cleric in any part of the Diocese, and

(dd)in this case the Synod of Bishops shall during the period of absence make arrangements for the accommodation of the Bishop elsewhere in the Province and for the payment of the stipend; or (iv) may make any other decision.

5. **Union of Dioceses**

No two Dioceses shall be permanently united except by the act of the Provincial Synod.

6. Delimitation by bishops

During the incumbency of any Bishop, it shall not be lawful for the Synod of Bishops to alter the limits of the Bishop's Diocese without the Bishop's concurrence. But any alteration agreed upon by the Synod of Bishops shall take effect immediately on the vacancy of the See.

7. **Delimitation and Diocesan Synod**

No alterations in the limits of a Diocese shall be carried into effect without an opportunity being given to the Synods of the respective Dioceses affected by the proposed change to consider the proposal, and to communicate their opinions thereon to the Synod of Bishops. 8. Transfer of Control of Property Should the Presiding Bishop and the Bishops subdivide existing Dioceses to

establish a new Diocese or Dioceses, unite two Dioceses or transfer any district from one Diocese to another, in terms of any one or more of the sections of this Canon, with the result that certain immovable properties (the "Affected Properties") registered in the name of the Trustees of the transferor Diocese (the "Original Diocese") are thereafter to be held by the Trustees of the transferee Diocese (the "Receiving Diocese") in terms of Canon 42(12), the Trustees of the Original Diocese and, as may be required by law, the Receiving Diocese shall upon such subdivision, uniting or transfer execute:

(a) As the preferred course of action, all such documents and do all such acts as will enable a name change in favor of the Trustees of the Receiving Diocese to be registered against the title deeds in terms of section 93 of the Deeds Registries Act 47 of 1937 (as amended or substituted from time to time) at the cost of the Receiving Diocese; failing which for any reason,

(b) A General Power of Attorney in respect of each and all affected Properties, to enable the Trustees of the Receiving Diocese to deal with the same as if they were the registered owners, in the form of any template held by the Anglican Canon Law Council of Southern Africa, and thereafter a Special Power of Attorney in respect of any affected Property that may have been omitted from the General Power of Attorney.

CANON 22
OF SPIRITUALITIES AND REVENUES OF VACANT BISHOPRICS VACANT BISHOPRICS

1. Whenever any See of this Province shall be vacant by the death of a Bishop or other sufficient cause, the spiritual car and government thereof shall devolve upon the Presiding Bishop, who shall appoint a Vicar General to act until the See be again canonically filled.

Revenues of the Bishopric

2. Any Bishopric Endowment or other funds vested directly in or placed solely under the supervision of the Diocesan Bishop for his own use in terms of the Trust Fund, donation or bequest by which such funds were established, (hereafter referred to as the revenues of the Bishopric), shall, during the vacancy of the See, be received and administered by the Chapter of the Cathedral, together with the Vicar General (if he be not a member of the Chapter) or, if there be no Chapter, by the Vicar General, who shall duly account for the same to the next succeeding Bishop within three months from the date of his collation.

Remuneration

3. The Chapter, together with the Vicar General, or, if there be no such Chapter, the Board of Finance for the Diocese, shall apportion out of the revenues of the vacant Bishopric such sum as they shall see fit to remunerate the Presiding Bishop and the Vicar General for the services rendered by them.

CHAPTER IV: PASTORAL CHARGES

CANON 23
OF PASTORAL CHARGES

1. Units of Pastoral Charge A Diocese shall be divided into such Parishes, or other units of Pastoral Charge such as Parochial or Mission Districts as shall be ordered by the Diocesan Synod; it being recognized that more than one type of Pastoral Charge, which need not be territorially exclusive, may exist within the same Diocese if the Diocesan Synod so direct.
2. Incumbent
   Each unit of Pastoral Charge shall be under the care of an Incumbent duly licensed by the Bishop.
3. Schedule of Pastoral Charges
   Each Diocesan Synod shall compile and publish a schedule of all duly constituted units of Pastoral Charge.
4. Establishment of Chapelries
   The Incumbent licensed to any Pastoral Charge shall have power, if the Bishop approve, to establish Chapelries' within the Charge, where separate congregations assemble for Divine Worship; such Chapelries remaining under the jurisdiction of the Incumbent, saving all ordinary rights of the Bishop.

5. (a) **Constitution and Alteration of Pastoral Charges**
   The power of constituting new Pastoral Charges, and of altering the limits of such Pastoral Charges as already exist, and of designating the nomenclature and defining the status of such Pastoral Charges or of any other pastoral work to which a Cleric may be licensed, shall rest in the Diocesan Bishop, subject to such rules as the Diocesan Synod may lay down governing the process.

(b) **Abolishing Pastoral Charges**

The power of abolishing Pastoral Charges shall rest in the Diocesan Bishop, subject to the concurrence of the Diocesan Synod or Diocesan Council (or its equivalent body).

6. **Extra-Parochial Ministers**

No public ministrations shall be conducted by any Cleric of the Church within the limits of a Pastoral Charge without the consent of the Incumbent licensed to the same, save in the following cases:

(a) Extra-parochial Churches, or Colleges, Schools or Hostel Chapels to which no district is assigned.

(b) Religious Houses, Naval, Military or Air Force (Chaplaincies, or Chaplaincies to penal institutions, hospitals or universities.

(c) Missions to railway workers, seafarers, environmentalists or other special classes of people where the Bishop thinks fit to provide for them apart from the jurisdiction of the Incumbent licensed to the Pastoral Charge in which they are territorially situated or with which they are territorially coincident.

(d) In all these cases the Bishop's license to the clergyman who officiates sufficient.

7. Definition For the purposes of these Canons:

(a) the word "Parish" shalt be deemed to include any duly constituted unit of Pastoral Charge, by whatever name it may be known, and

(b) a Parish Church in a Pastoral Charge in addition to being the Parish Church of the Pastoral Charge may itself be established as a Chapelry in terms of section 4 of this Canon, with the rights and duties provided in these Canons.

CANON 24
OF INCUMBENTS AND OTHER CLERICS

1. Duties of the Clergy

Every cleric shall in the absence of reasonable hindrance

(a) say the daily Morning and Evening Prayer or such other Offices as may be authorized by the Bishop;

(b) be devoted in accordance with the ordination vows, to regular study of Holy Scripture and other studies relevant to the work to be done.

2. **Incumbents** are recognized as being leaders, ordained Incumbents and set apart by God and his Church for the oversight of the Pastoral Charges to which they are appointed, and particularly in regard to preaching, teaching and liturgical worship, under the authority of the Bishop.

3. Incumbent and the Parish Council

The Incumbent shall work together with the Parish Council in the task of enabling the community of the people of God to exercise the ministry of the Body of Christ. Together with the Council the Incumbent shall see that the educational, evangelistic and pastoral work of the pastoral charge is carried out, and shall lead the people of the pastoral charge in its social and environmental concerns.

4. Duties of Incumbent

Every Incumbent shall in the absence of reasonable hindrance perform the following duties:

(a) celebrate or cause to be celebrated the Holy Communion on Sundays, other Great Festivals and Ash Wednesday, save for the provisions of section 2 of Canon 26 Of Residence of Clergy;

(b) administer or cause to be administered the Sacraments and other rites prescribed by the Book of Common Prayer or as may be authorized by the Bishop, as the occasion demands;

(c) preach or cause to be preached a sermon expounding and applying Holy Scripture, within the pastoral charge at least once on each Sunday;

(d) be responsible for the organization and training of all who instruct children and adults in the Christian faith;

(e) be available for counsel and advice;

(f) administer with due pastoral concern the requirements of Canon 35;

(g) take responsibility to safeguard the integrity of creation and sustain and renew the life of the earth within the parish boundaries.

CANON 25
OF THE TENURE OF THE CLERGY

Presentation of Parish Priest

1. When any Pastoral Charge or office becomes vacant in this Province, the right of presentation shall be exercised by the Bishop of the Diocese, in consultation with the Parish Council or Church or Chapel wardens; save where the right of presentation is vested in another person or persons by law or contract (an "External Presentation"), when it shall be exercised in accordance with such law or contract; and in all cases subject to Canon 23. Collation or Institution

2. No cleric shall exercise any ecclesiastical office or become entitled to any emoluments attaching to it, until the Bishop of the Diocese in which such office is situated, or the Vicar General in the Bishop's absence, shall have licensed or instituted the cleric to such Charge or office, or shall have intimated to him or her in writing, that the Bishop is ready to proceed with such licensing or institution. Conditions of Collation or Institution

3.(a) No Bishop, including the Metropolitan in the case of a Provincial appointment, shall agree to license or institute any cleric to a Pastoral Charge or office in the Diocese, or if it be found that there was a prior undertaking to do so then the Bishop shall not be bound by any such undertaking, unless and until the said Bishop has received –

(i) in the case of a cleric intending to move to the Diocese (i.e. the transferee Diocese),-

(aa) a full report of the cleric's entire previous service (in so far as it may then exist) from the Bishop or Vicar General of the Diocese from which the cleric is transferring (i.e. the transferor Diocese), there being a reciprocal obligation on the Bishop or Vicar General of the transferor Diocese to respond timeously to any such request for this information and to furnish it candidly and completely; or

(bb) where the transfer is from outside the Province, a full report of the cleric's service in a diocese or dioceses of the other Province or Provinces of the Anglican Church or in a church or churches in communion with this Province from which the cleric is transferring, from the Bishop of the diocese or most senior cleric or officer (howsoever titled) of that Church which is in communion who had licensed or otherwise engaged or appointed the cleric in that Church; or

(cc) where transfer is from outside the Church, a full report of the cleric's activities, and the cleric's service and functioning in relation to such activities, in the lay or other station from which the cleric is transferring, from the employer of the cleric (if employed) or from a referee acceptable to the Bishop (if self-employed, or unemployed, or in partnership, or in an office or on sabbatical outside employment); and

(dd) a compliance certificate from the transferee Diocesan Chancellor or Registrar or Bursar that the provisions of this sub-section 3(a)

(i) of this Canon 25 have to the extent possible in the circumstances been fulfilled;

(ii) Letters of Orders from the cleric showing that the cleric has been canonically ordained a Deacon or Priest, as well as such testimonials as may be required for licensing or institution, as may be called for in terms of any applicable Provincial guidelines (if issued) or rules of the transferee Diocese; and

(iii) satisfactory evidence of the cleric's learning and soundness in the faith and conduct. Cancellation of Collation or Institution (b) If, however, between the date when the Bishop agreed to license or institute such cleric and the date of his or her licensing or institution, evidence comes to light, which, when presented to the Bishop causes the Bishop to have grave doubts as to such cleric's soundness in faith or conduct the Bishop, after having given such cleric an opportunity to be heard, shall be entitled forthwith to cancel the license or institution of such cleric to the Pastoral Charge concerned. Appeal upon Refusal of Institution

4. In the case of an External Presentation:

(a) every such presentation shall be accepted or refused by the Bishop within six months from date of receipt thereof, but the presentee or presenter may appeal to the Metropolitan, or if the appeal be against the decision of the Metropolitan then to the Synod of Bishops, and such decision shall be final, but

(b) if no presentation has been made within six months of the vacancy occurring, or within six months of the Bishop refusing to accept an earlier presentation, the right for that time only shall lapse and pass to the Bishop. Record Keeping

5. Each Diocesan Bishop shall ensure that records are kept of clerics licensed or instituted to ecclesiastical offices and that these are retained with due care and discretion, to record the cleric's service and conduct. Change of Incumbent or assistant Cleric

6. If the Bishop of the Diocese considers that for pastoral reasons the work of God in a Pastoral Charge demands that there should be a change of Incumbent or other licensed cleric, or that for medical reasons the cleric concerned is unable to undertake adequately the functions or responsibilities of office, the Bishop shall (failing the consent of the said cleric to the change) take counsel with the Chapter of the Cathedral Church, or with the Senate, as the case may be, or if there be no Chapter or Senate, with three priests of the Diocese, and if the majority of them agree to such a course, after giving the said cleric an

opportunity to be heard, the Bishop shall offer the cleric another ministry in the Diocese, stipendiary if the ministry was stipendiary. Should there be none in the Diocese, then the Bishop shall seek in consultation with the cleric another suitable ministry within the Province. However, if it appears to the Bishop, either before embarking on this process or during the process itself, that the reason for the need for a change in fact relates mainly or substantially to matters which could constitute charges or accusations in terms of Canon 37.1, then in the absence of any charge under Canon 37.1, the Bishop shall proceed in terms of Canon 39, in respect of those matters and, in respect of any balance of issues that remain, may continue with the search should that be appropriate. Revocation of license

7. If the said cleric refuses to accept another ministry so offered, the Bishop, upon being satisfied after pastoral ministration that no other course is possible, shall have the right upon notice to the cleric to revoke, upon the expiration of three months' notice, the letters of institution, or the license, as the case may be, subject to section 8 of this Canon.

Revocation of license without offering another ministry

8. If another ministry is not found in the Diocese or within the Province in terms of section 6 of this section, and if two thirds of the Chapter, Senate or priests agree that under all the circumstances no other ministry should be offered, then after giving the cleric an opportunity to be heard, the Bishop may, after explanation and pastoral ministration, upon the expiration of three months' notice, revoke the cleric's letters of institution, or license, as the case may be, without offering another ministry. In this event and that set out in section 7 of this Canon, the said cleric may, within two months of the date of such notice given, appeal to the Metropolitan (or, if the Metropolitan be the Bishop concerned, to the Dean of the Province), who shall then decide upon review whether or not the proposed revocation shall take effect.

Resignation

9. Every Cleric shall, at the end of the month in which the cleric attains the normal retirement age as defined in the Rules of the Provincial Pension Fund, resign from their benefice, cure or other office to which they are licensed, and shall upon such resignation being accepted by the Diocesan Bishop, remove there from.

Extension of tenure

10. Provided however, that such Bishop, after such consultation as the Diocesan rules may prescribe, may extend the tenure of the office of the Cleric for a further period or periods not exceeding 12 months each.

Variations of license

11. A diocesan Bishop may license a Cleric to a unit of pastoral charge or part thereof under such style, title and conditions as the Bishop may deem fit.

Delegation of powers

12. A Diocesan Bishop may delegate all or any of the authorities, rights and powers, and assign any of the obligations, the Bishop has in terms of this Canon to a Bishop Suffragan in the Diocese, which delegation or assignment or both the Bishop may withdraw at any time.

CANON 26
OF RESIDENCE OF CLERGY PART A –

Stipendiary Clergy

1. Residence of Clergy
   Every Parish cleric, whether Incumbent or assistant, shall reside within the limits of the Parish (except in towns, where it shall suffice that the cleric live within the town, if there be no Parsonage House) unless the cleric has a license of non-residence from the Bishop, which shall only be granted upon urgent cause.

2. Absence from Sunday Duty and during Great Festivals
No Incumbent shall intentionally be absent from the Incumbent's Charge for more than one Sunday, without providing a substitute approved by the Bishop, unless with special leave from the Bishop; provided that the Incumbent be on duty for all Holy Week, Easter and Christmas services.
the expiration of a further three

3. Absence without leave If an Incumbent shall be absent from the Parish for a period of three months without permission of the Bishop of the Diocese, it shall be competent for the Bishop to call upon the Incumbent to return; and if at months the Incumbent shall still be absent, it shall be competent for the Bishop, after consultation with the Chapter (or Senate), to declare the Cure vacant.

4. Secular Employment
No licensed cleric shall seek or accept remunerative office or employment outside the cleric's ministerial duties without first obtaining written permission of the Bishop.

Part B – Non-Stipendiary Clergy

5. Non-stipendiary or self-supporting clergy are those who, for whatever reason, are not receiving a stipend, and/or whose means of financial support and income are independent from the church.

6. In all areas of training and formation, dioceses should strive to attain the same standards and requirements for stipendiary and non-stipendiary clergy. The Provincial requirements in respect of qualifications for ordination as defined in Act VI are to be followed. All clergy are encouraged to undergo on-going training and development.

7. The Bishop's license to the self-supporting cleric must define the nature of the ministry to be exercised. A separate diocesan Memorandum of Understanding is to be drawn up to specify expectations on both sides, including the frequency of attendance at worship, leading of worship, attendance at governance and other meetings or activities in the parish or institution.
8. Licenses are to be specific to particular pastoral charge and are to specify the oversight authority under whom the cleric is to minister. Licenses are to be issued for set periods of time, with provision for review.
9. Licenses to self-supporting assistant clergy lapse when a new rector is appointed to a pastoral charge but may be reviewed and possibly renewed.
10. The diocesan Memorandum of Understanding must cover matters such as a day off, leave or time away from the parish, costs incurred, including travel costs or travel allowances, as well as Easter or Pentecost offerings where appropriate.
11. Self-supporting clerics are not entitled to church-provided housing, medical aid or pension.
12. Self-supporting clergy retire at age 65. This may be extended year on year, at the discretion of the Bishop. They may continue to minister in retirement, but are to be relicensed with Permission to Officiate.

CANON 27
OF VESTRIES MEETINGS OF VESTRY OF PARISH

1. The Parishioners of the Parish shall meet in Vestry (saving that where geographical conditions make the presence of all confirmed parishioners impracticable, the Diocesan Synod shall lay down such regulations as shall ensure representation of all congregations in the Parish):

(a) at least once every calendar year not later in the year than the 25th February;
(b) whenever required under these Canons or by the rules of the Diocese;
(c) when convened from time to time by those authorized to do so by section 7 of this Canon either of their own motion or if directed thereto by the Bishop or the Archdeacon, or by requisition of the Parishioners when they are permitted to do so by the Rules of the Diocese and then to the extent therein permitted.

Definition of Parishioner

2. By Parishioner shall be understood any person not being under Church censure who either

(a) is on the list of Communicants as defined in Article XXIV 10 of the Constitution; or

(b) except the Synod of the Diocese rule to the contrary, being baptized, and not being a member of any other religious body, is an habitual worshipper in the Church or Chapel of the Pastoral Charge in respect of which a vote is claimed. Meetings of Vestry Chapelries

3. Where Chapelries have been established in any Pastoral Charge in accordance with the provisions of section 4 of Canon 23 Of Pastoral Charges, the Parishioners thereof, being of the age of 18 years and upwards shall meet in Vestry to elect Chapelwardens as required in Canon 29 Of Churchwardens and Chapelwardens, and for the exercise of such functions and the transaction of such business in relation to the Chapelry as the Rules of the Diocese may allow, but this shall in no way diminish their rights as full members of the Parish Vestry. Voting at Vestry

5. No person ordinarily resident outside the limits of the Pastoral Charge shall be entitled to vote at Vestry meetings until individual application shall have been made to the Incumbent to be entered in the register of parishioners and such name shall have been registered.

Functions of Vestry

5. The functions of Vestry shall include:

(a) the reception of the Churchwardens' accounts;

(b) the election of Churchwardens and Parish Councilors;

(c) the care, with the Incumbent, of the Parish in matters affecting worship ministry, education, evangelism, unity, development and social responsibilities Parochial accounts

6. Proper accounts of all parochial finance shalt be presented at the Vestry held in terms of section l (a) of this Canon and at any other Vestry called to elect a Churchwarden and shall be accepted by the meeting before such election takes place. Notice of Vestry Meetings

6. Meetings of the Vestry Shall be convened by notice given in writing, signed by the Incumbent and by the Churchwardens. In the absence or incapacity of any one or more of them, the signature or signatures required in each case shall be that of a person or persons appointed by the Bishop or Archdeacon. Such notice shall state the place, date, time and objects of the meeting, together with, for the Annual Vestry meeting, a statement of the functions of the Vestry as set out in section 5 of this Canon, and shalt be affixed to the notice-board of all licensed places of worship in the Pastoral Charge at least seven days before-the day appointed for the meeting, and shall, where possible,

be read during Divine Service prior to the day of meeting. The Incumbent, or his deputy, shalt preside over each meeting of the Vestry, failing which a chairman chosen by the meeting shalt preside. No business other than that stated on the notice calling the meeting shall be transacted, except with the consent of the chairman. During the vacancy of a Pastoral Charge and at other times when the Bishop or Archdeacon deems it necessary, he or some other person appointed by him, shall preside at Vestry meetings.

CANON 28
OF PARISH COUNCILS

When Elected

1. A Parish Council shall be elected in every Pastoral Charge at the Vestry held in terms of section 1 (a) of Canon 27 Of Vestries or, in Pastoral Charges with many congregations, at such meetings as shalt be determined by the Synod of each Diocese.

Members of Councils

2. The Council shall consist of the Incumbent, the assistant Clergymen and the full-time stipendiary lay ministers licensed to the Parish, the Churchwardens, the alternate Churchwarden (if any), and elected Parish Councilors who shall be Communicants. The number of such Councilors shall be determined by the Vestry, and shall not be less than five, except with the consent of the Archdeacon.

Vacancies and co-operation

3. The Council shall have power to fill casual vacancies and to co-opt; co-opted members shall have power to speak but not to vote,

4. The functions of the Council shall be:

(a) to consider matters affecting worship, evangelism, education, social responsibility, the environment and pastoral care, to examine the needs of the community, and to initiate such action as shall be determined in any of these concerns;

(b) to consider the general welfare and accommodation of all licensed clergy and, where applicable, their families and dependents, and to take such action as they may deem necessary;

(c) to seek at all levels such contact with other Christians as shall strengthen Christian witness and promote Christian unity;

(d) to have direction and control of the properties and revenue and expenditure of the Parish, subject to Articles XVIII and XIX of the Constitution, the Canons of the Province, and the Rules of the Diocese in which the Parish is situated: 086Canons

(e) to receive, consider and approve the estimates in respect of each financial year;

(f) to receive and act upon all matters referred to it by the Bishop, the Diocesan Synod and other competent bodies.

Reference to Bishop

5. Where differences of opinion may hinder the work of the Council the matter may be referred by the Incumbent, the Churchwardens, or by any three members to the Bishop. **Conduct**

6. Where the Incumbent or Archdeacon perceives that the life and conduct of a Churchwarden, Alternate Churchwarden or Parish Councilor is inconsistent with that office, he may refer the matter to the Bishop, who shall, after further enquiry and giving that person an opportunity to be heard, have the power to dismiss or suspend for a period, the person from office. The Bishop may refer this matter to Diocesan Tribunal.

Regulations

7. Regulations with regard to the election of members, the frequency of meeting and the conduct of business shall be determined by the Synod of each Diocese.

CANON 29
OF CHURCHWARDENS AND CHAPEL WARDENS

1. Qualification

Every Churchwarden and Chapel warden within this Province shall be a communicant of the age of twenty-one years and upwards.

2**. Election of Church-wardens**

(a) Two Churchwardens shall be elected annually in each Pastoral Charge at the meeting of the Vestry held in terms of section l(a) of Canon 27 Of Vestries.

(b) They shall be elected by the majority of the Parishioners present and voting, with the subsequent agreement of the Incumbent.

(c) Failing such agreement the appointment of the person or persons elected shall be

suspended and the matter immediately referred by the Chairperson in writing to the

Bishop, who shall

I. then either confirm the appointment or

II. set it aside and direct such other action to be taken as the Bishop may deem fit.

3. **Election of Chapelwardens**

(a) The Parishioners of any Chapelry within a Pastoral Charge (established as laid down in section 4 of Canon 23 Of Pastoral Charges) shall elect two Chapelwardens at a meeting held in terms of section 3 of Canon 27 Of Vestries.

(c)Such meeting shall take place each year not later than 1st Sunday of March, and the election shall be in accordance with the provisions of section 2 of this Canon.

4**. Alternate Churchwarden**

(a) The vestry may elect an alternate who shall act as Churchwarden or Chapelwarden if one or both of those elected under section 2 or 3 of this Canon be absent from the Parish or incapacitated by illness or other cause.

(b) Such alternate shall be, by virtue of such office, a member of the Parish Council or Chapelry Council where such is permitted by Diocesan rules and exists.

(d) An alternate, duly elected by the ordinary annual meeting of the Vestry, shall fill a casual vacancy in the office of Churchwarden or Chapelwarden without a further meeting of the Vestry.

(e) A duly elected alternate shall be an ex officio member of the executive of the Parish Council, with full speaking and voting rights, and shall share in the responsibilities of the churchwardens as outlined in this canon.

4. Nomination and Willingness to serve No person shall be elected a Churchwarden or Chapel warden, unless such person has been nominated and seconded and has signified willingness to serve.

6**. Vacancies**

(a) It shall be the duty of the Incumbent to notify the Bishop forthwith should any casual vacancy occur in the office of Churchwarden or Chapel warden.

(c) Casual vacancies are those which occur through death, resignation duly accepted by the Bishop, or removal from office for cause deemed sufficient by the Bishop after due enquiry.

(d) A casual vacancy in the office of Churchwarden or Chapel warden (or Alternate Churchwarden/Chapel warden) shall be filled within six weeks after it has occurred, and in accordance with the provisions of sections 2, 3 and 4 of this Canon.

7. **Duties of Churchwardens**

(a) Churchwardens (and the Alternate) are the officers of the Bishop and the principal representatives of the congregations.

(b) Together with the Incumbent they constitute the executive of the Parish Council and have special responsibility in the following matters:

(i) to ensure that a register is kept of all parishioners;

(ii) to keep an inventory of all goods, ornaments and furniture belonging to the church and to deliver the same to their successors on ceasing to hold office;

(iv) to provide for the safety and preservation of the registers;

(v) to execute the policy of the Parish Council relating to property and parochial finance and to be responsible for the preparation of annual estimates of revenue and expenditure and the presentation of accounts to the Vestry;

(vi) to see to the seating of the congregation, without respect of persons;

(vi) to aid the Incumbent with information and counsel in all matters relating to the Parish, and particularly in cases contemplated in the rubrics before the service of Holy Communion.

(vii) to implement a policy for ecologically sound management of grounds, buildings and behavior.

(c) It is their duty to complain to the Bishop or Archdeacon if there should be anything plainly amiss or reprehensible in the life or doctrine of the Incumbent and also if there be anything contrary to order or decorum in the administration of Divine Service.

8. **Duties of Chapelwardens**

(a) It shall be the duty of Chapelwardens to fulfil the duties of Churchwardens in their Chapelry with regard to section 7(b)(i), (ii), (iii), (v) and (vi) of this Canon, and while it is recognized that the Incumbent and Churchwardens execute the policy of the Parish Council with respect to property and parochial finance, nevertheless they may delegate to Chapelwardens in their respective Chapelries such responsibility with the Incumbent for ecclesiastical finance and property within the Chapelry as they may deem fit.

(b) But where moneys are raised within a Chapelry, with the consent of the Parish Council, for specific purposes within the Chapelry, the disbursement of those funds shall be in the control of the Incumbent and Chapelwardens, subject to the regulations governing Trust moneys.

9. **Sides persons** may be appointed in any Parish to perform such duties as the Parish Council shall determine.

CANON 30

OF THE ADMISSION OF CHURCHWARDENS, CHAPELWARDENS AND PARISH COUNCILLORS

Return of Election

1. It shall be the duty of the chairman of the Vestry held in terms of section l (a) of Canon 27 of Vestries to make a return of the election of Churchwardens, alternate Churchwardens, Chapelwardens, and Parish Councilors, with their full names, to the Archdeacon, within one week of their election or, in Pastoral Charges with many congregations, within such time as shall be determined by the Synod of each Diocese. If there be no objection to their election the Archdeacon or his Commissary shall admit them to their office according to the form set out in section 6 of this Canon. Archdeacon's Objection

2. By virtue of his office the Archdeacon has the power of objection, for sufficient canonical cause, to the election of any person. But any person or persons to whose election objection has been taken may appeal against the decision of the Archdeacon to the Bishop's

Court under section 8 of Canon 36 Of the Tribunals of the Church, and the same right of appeal shall be open to any Churchwarden removed from office under section 6(b) (iii) of Canon 29 Of Churchwardens and Chapelwardens. Any appeal shall be lodged within fourteen days of receipt of notice of objection or removal. Assumption of Office

3. Everyone elected as above shall be considered invested with the office of Churchwarden, alternate Churchwarden, Chapelwarden or Parish Councilor twenty-one days after the date of election, unless the Archdeacon shall rule otherwise, or unless such person shalt fail upon request of the Archdeacon to accept admission to his office and/or to make the appropriate declaration. Sidesmen 4. Sidesmen may be admitted by the use of a form of sidesmen Declaration and Admission similar to that set out in sections 5 and 6 of this Canon.

Declaration

5. Declaration to be made by Churchwardens, Alternate Churchwarden, Chapelwardens and Parish Councilors. I declare that, in obedience to my Bishop and in accordance with the Constitution and Canons of the Province of the Anglican church of Mozambique and Mozambique , I will faithfully and truly execute the office of Churchwarden / Alternate Churchwarden / Chapel Warden / Parish Councilor within the Parish of C. to the best of my skill and knowledge, and for the furtherance of the work of God in this place. I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards.

   Admission

6. Form of admission of Churchwardens, Alternate Churchwardens, Chapelwardens and Parish Councilors. I, D.E., Archdeacon of F., admit you, A.B., to the office of G. in the Parish of C. for the year beginning 20.., enjoining you in the name of the Lord duly to discharge your office to the utmost of your ability. Dated this ……..…… day of ……...…….. 20 ……...

CANON 31
OF DISPOSAL AND ALTERATIONS OF CHURCHES

1. Disposal of Ground or Building

(a) No consecrated ground or budding shall be sold, exchanged or otherwise disposed of except it be authorized by the Diocesan Synod or competent body appointed by Synod in pursuance of the report of a Commission appointed by the Bishop of the Diocese.

(b) Prior to the passing of transfer of such consecrated land or building, the Archdeacon or his Commissary shall after the end of the last service held there read the Revocation of Consecration issued under the hand and seal of 091Canons the Bishop of the Diocese. The Revocation of Consecration shall thereafter be kept in the Registry of the Diocese.

2. Alterations in Churches It shall not be lawful for any Incumbent, Churchwarden, or other person, by virtue of any interest or right they may have in any Church or Chapel, to make any alteration in the construction or arrangement of the same, without permission of and under the hand and seal of the Bishop of the Diocese, first having been obtained. Alterations shall be made taking into account their environmental impact.

CANON 32
OF REGISTERS, RECORDS AND INVENTORIES KEEPING OF REGISTERS AND RECORDS

1. The Incumbent and Churchwardens of each parish shall: (

a) keep a register of all Parishioners and Communicants in the parish;

(b) ensure that all Baptisms, Marriages, Burials and Cremations conducted in the parish or elsewhere by ministers of the parish are recorded in suitable registers;
(c) maintain an Inventory of all movable property belonging to the parish;
(d) maintain a Register of all immovable property occupied by or belonging to the parish;
(e) cause Minutes to be taken at all meetings of the Vestry and the Parish Council, and ensure that these are securely kept;
(f) ensure that financial records of the parish are retained;
(g) ensure that electricity and water bills are audited, and necessary actions taken to reduce such bills.

Custody
2. All Registers and Records shall be kept in a safe provided for this purpose, or in some other secure place. Archives of Registers
3. Registers and Minutes shall be retained in the parish for a period to be decided by each Diocese, after which they or suitable copies shall be sent to the Diocesan Office for onward transmission, at the discretion of the Diocese, to the diocesan or provincial archives or the State Library

CHAPTER V: SERVICES

CANON 33
OF THE SERVICES OF THE CHURCH LAWFUL SERVICES

1. In ministering in the congregation no Cleric of this Church may use any other Services but such as are appointed in the Book of Common Prayer, nor may these Services be used in any other manner than is prescribed in the said Book, except so far as alterations and abridgements of, and additions to, the Services of the Church are made or allowed in this

Church by the Provincial Synod, or are allowed exceptionally by the Bishop. Lawful Ministers

2. No person shall be permitted to officiate in sacred things in any congregation of this Church, except under the authority of the Bishop of the Diocese. Provided that the Incumbent or Churchwardens (in the absence of the Incumbent) may permit a person to officiate in the congregation for one Sunday, but for no more than one without the permission of the Bishop, when satisfied that such person is a Cleric of the Church, or of some other Church of the Anglican Communion except the Cleric be a Chaplain to the Forces, who will be considered as one of the Clergy of the Diocese, except the Cleric be inhibited by the Bishop. Concelebration

3.Any Cleric of this Church may, with the permission of the Bishop of the Diocese, unite in the Administration of the Sacraments, or in the conduct of Divine Service, with other ministers not appointed to minister in this Church.

Hymns

4. No Hymn or Collection of Hymns shall be hereafter introduced into the Public Services of any congregation of this Province without the consent of the Bishop of the Diocese. Special Services

5. All Public Fasts and Thanksgivings and Environmental Days enjoined by authority shall in this Province be religiously observed, and every Bishop shall give directions to the Clergy of the Diocese as to the form of Prayer which they are to use on such occasions.

CHAPTER VI: DISIPLINE

CANON 34
OF HOLY MATRIMONY AFFIRMATION:

The Anglican Church of Mozambique and Angola, affirms that marriage by divine institution is a lifelong and exclusive union partnership between one man and one woman.

1. Prohibited Degrees No Cleric shall solemnize the marriage of persons who are related to each other within the forbidden degrees, as stated in the Table of Kindred and Affinity annexed to this Canon.

3. Qualifications for Marriage No Cleric shall join in matrimony two unbaptized persons. A baptized person may be joined in matrimony to one who is under instruction for baptism. The Bishop may allow the marriage of a baptized person with an unbaptized person (not being under instruction for baptism) under such conditions and with such forms of service as the Bishop shall direct.

4. Prohibition of Marriage No Cleric shall solemnize the marriage of any person whose marriage has been annulled or dissolved by secular authority during the lifetime of the partner to that marriage, unless
(a) the marriage has been declared an invalid union in accordance with section 4 of this Canon, or
(b) the Cleric has obtained a license to solemnize the marriage from the Bishop in terms of section 6 of this Canon.

4.(a) Application for Declaration of Invalidity Every application for a declaration of invalidity shalt be made to the Bishop either through the Incumbent of the Pastoral Charge in which the applicant resides or habitually worships, or directly to the Bishop, who shall always consult with the said Incumbent and any other priest who may be concerned in the application.

(c) Bishop's Decision The Bishop, who may be assisted by other persons whose advice is desired, shall consider any such application, and has authority to grant or decline the application. After consultation with a person learned in the law who is a Communicant of this Province, the Bishop shall inform the applicant in writing of the decision and issue a certificate of invalidity if the application is approved.

(d) Rules of Declaration

(d) The Bishop shall apply the following rules in such cases:

Invalidity of Marriage

(i) A marriage is invalidated by:

(aa) A relationship within the forbidden degrees of kindred and affinity as stated in the Table annexed to this Canon. (

bb) The bond of a marriage regarded as existing at the time when the marriage in question was solemnized.

(cc) The fact that either of the parties was in error with regard to the identity of the person with whom the marriage was contracted.

Further Grounds for Invalidity

(ii) A marriage may be declared invalid at the Bishop's discretion on any of the following grounds:

(aa) The absence of such formalities as are required by the civil authorities.

(bb) The fact that either of the parties was below the age required for a valid marriage by the laws of the country where the marriage was solemnized.

(cc) The fact that either party was precluded from making free and responsible consent to marriage through; or

a. force or duress;
b. insanity, mental illness or mental deficiency;

c. alcoholic intoxication or the influence of a drug d. ignorance of the fact that a marriage was being solemnized.

d. Ignorance of the fact that a marriage was being solemnized.

(dd) The permanent impotence or permanent sterility of either party, known to the one but undisclosed to the other at the time of marriage.

(ee) The existence of a concurrent contract inconsistent with a marriage contract recognized as valid by the Church.

(ff) The fact, unknown to the man and not condoned by him, that the woman was pregnant by another man at the time of the marriage.

(gg) The fact that the marriage was contracted solely for reasons other than those for which Matrimony naturally exists.

(hh) The fact, established by evidence relating to behavior before or after the marriage, that at the time of the marriage either of the parties did not accept the marriage as an exclusive and indissoluble union; provided that such evidence explicitly reveals that from the outset of the marriage no such union was ever intended to exist; provided also that this defect in the original contract can be shown to have been the chief cause of the breakdown of the marriage.

(ii) The refusal to consummate the marriage or the undisclosed intention of one partner at the time of marriage to have no children.

(jj) The fact that either of the parties (not being a catechumen) was unbaptized at the time of the marriage; and that the unbaptized party is unwilling to regard the marriage as binding in the Christian sense, provided that the Bishop had not allowed the marriage in accordance with section 2 of this Canon. Bishop's discretion

(d) The Bishop shall have discretion to withhold any declaration of invalidity under this Canon if the Bishop is of the opinion that the granting of it, though technically in accordance with ecclesiastical law, would be contrary to the principles of equity Legitimacy of children

(e) Nothing in this Canon shall be construed as reflecting in any way upon the legitimacy of the children or the civil validity of the former marriage. Service to be used

(f) Should an applicant whose former marriage has been declared invalid under this Canon wish to marry, the service used shall be that of the Book of Common Prayer (1662), A Book of Common Prayer (South Africa), or such other service as may be set forth by the Synod of Bishops. Issue of certificate

(g) A certificate of invalidity shall not be issued unless the marriage has already been dissolved or annulled by a civil court.

5. Letters of Closure A bishop may issue Letters of Closure if satisfied that:

(a) there is no prospect of re-establishing a true marriage relationship between the parties of the former marriage, and that a certificate of divorce, valid both in the country where it was issued and

in the Diocese, has been produced by the applicant, and its validity, authenticity and finality has been confirmed by a practicing attorney or advocate consulted by the bishop;

(b) the applicant has acknowledged a share in the sin which led to the breakdown of the former marriage, is repentant for the failure to keep the vows made in such marriage, knows the forgiveness of God and can 096Canons therefore in good conscience move forward in life and faith and is generally forgiving of the former partner and of self,

(c) the applicant has been given adequate counsel;

(d) the application is supported by an incumbent of a parish in the Diocese;

(e) the applicant understands the Church's teaching concerning marriage as set forth in the Affirmation prefixed to this Canon and in the forms for the solemnization of Matrimony prescribed by the Anglican Church of Southern Africa;

(f) such provision as is in the power of the applicant to make has been made (and is being made) for the spiritual welfare, happiness, care, maintenance, education and advancement of minor, disabled or otherwise dependent children of a prior marriage; and

(g) the applicant is prepared to fulfil, and is fulfilling, all responsibilities, both moral and legal, in respect of any former marriage.

Method of application for license to solemnize a marriage

6(a) Every application to marry in terms of section 3(b) of this Canon shall be made to the bishop either through the incumbent of the pastoral charge in which it is desired that the marriage shall be solemnized or directly by the applicant. The bishop shall consult with the incumbent and with the incumbents of any parish in which the applicants reside or habitually worship

(b) The Bishop, who may be assisted for this purpose by any person whose advice he desires, shall consider such application and has authority to grant or decline it. The Bishop shall inform the applicant in writing of the decision and issue the license for the solemnization of the marriage if the application is approved.

Grounds for granting application

(c) The Bishop shall grant an application only after being satisfied on the following matters:

(i) that there is no prospect of re-establishing a true marriage relationship between the partners of any former marriage, and that a certificate of divorce, valid in the country where it was issued and in the Diocese, has been produced by the applicant, and its validity, authenticity and finality has been confirmed by a practicing attorney or advocate who has been consulted by the Bishop.

(ii) (aa) that the person desiring to enter into a new marriage acknowledges a share in the sin which led to the breakdown of the former marriage, is repentant for the failure to keep vows made in such marriage and knows the forgiveness of ;

(bb) such person considers that he or she can in good conscience make new vows and is genuinely forgiving.

(iii) that the persons desiring to marry understand the Church's teaching concerning marriage as set forth in the Affirmation prefixed to this Canon and in the forms for the Solemnization of Matrimony prescribed by the Church of this Province, and truly intend to enter into such a marriage;

(iv) that such provision as is in the power of the applicant has been made (and is being made) for the spiritual welfare, happiness, care, maintenance, education and advancement of minor, disabled or otherwise dependent children of a prior marriage,

(v) that the applicant is prepared to fulfil and is fulfilling the applicant's responsibilities, both moral and legal, in respect of any former marriage

(d) Notwithstanding the provisions of subsection (c) above, if Letters of Closure in terms of section 5 above have been previously issued to the applicant, the Bishop need only be satisfied in respect of subsections (ii) (bb), (iii), (iv) and (v) before granting the application.

(e) The service to be used for the solemnization of such a marriage shall be that put forth by the Synod of Bishops for this special purpose.

By whom performed

7. Where a license to solemnize a marriage under section 6 of this Canon or to grant Letters of Closure under section 5 is granted no cleric shall be obliged to solemnize such a marriage, and the rite shall be performed by such cleric and in such place as the Bishop shall decide.

Reconsideration of application

8. Where the Bishop has declined to make a declaration of invalidity in terms of section 4 of this Canon or to grant a license to solemnize a marriage under section 6 of this Canon, and new facts which may have a bearing on the decision come to the knowledge of the Bishop, the case may be reconsidered if a fresh application is made.

Admission to Holy Communion

9. Divorced persons who remarry having the spouse of a previous marriage still living and those married to them shall be admitted to Holy Communion (being confirmed) if:

(a) their previous marriage has been declared invalid or they have received the Bishop's license to marry in terms of this Canon; or

(b) they have received a dispensation from exclusion from Holy Communion; or

(c) they have had their marriage blessed in Church in accordance with section 10 of this Canon; or

(d) they have received permission from the Bishop, who shall determine the conditions under which such admission may be granted, or

(e) they have been received as communicants within a Church in full communion with the Church of this Province

Blessings of marriage

10. Persons with a former spouse or spouses still living who are divorced and remarry by civil rites may have their marriage blessed in church if the Bishop gives permission after being satisfied that their case meets the provisions set out in sections 4, 5 or 6 of this Canon. The form for such blessing shall be that which is set forth by the Synod of Bishops for this special purpose.

Interview of applicants

11. In all cases provided for in sections 4, 5 and 6 of this Canon the Bishop shall interview the applicants or, if prevented, delegate this duty to a priest who shall not be a priest concerned in the application and who shall report the findings to the Bishop for the Bishop's decision.

. Blessings of customary union

12 The marriage of persons who have entered into a customary union may be blessed (according to the form provided in the prayer book or such other form as shall be authorized by the Synod of Bishops) on the following conditions:

(a) that neither partner is bound by another marriage contract, civil or customary;

(b) that their marriage fulfils all the conditions required by custom for a recognized and permanent union and, where possible, has been registered by state authority;

(c) that the requirements of sections 2, 4 and 5 of this Canon, where applicable, have been fulfilled;

(d) that the two persons publicly acknowledge before the congregation that they accept the Affirmation prefixed to this Canon as binding on their union,

(e) that any other regulation issued by the Bishop in such a case has been observed.

13. (a) Canon 34 in its entirety applies to all Clergy licensed in the Anglican Church of Southern Africa.

(b) (i) Clergy who have been divorced seeking permission to remarry in Church, or clerics seeking permission to be remarried in church to a divorced person to whom Letters of Closure have not been granted under section 5, should see three bishops (active or retired) from within the Anglican Church of Southern Africa, at least one of whom should be from another Diocese.

(ii) The Bishop dealing with the application shall decide on the other bishops who are to interview the cleric.

(iii) The Bishop shall ensure that the prescribed forms are completed in every case where permission to marry after divorce or Letters of Closure are sought, that these forms be made

available to the additional interviewing bishops, and that a copy is placed in the cleric's personal and confidential file lodged with the diocese.

14. When a bishop is considering an application from

(i) a divorced cleric to marry in terms of section 6 of this Canon; or from

(ii) a cleric seeking permission to marry a divorced person to whom Letters of Closure have not been granted; or from

(iii) a divorced cleric to be granted a license or permission to officiate, the initiating bishop should at this stage, where possible, interview the former spouse to hear that person's side of the story, and ensure that this person receives pastoral counsel. The Bishop may, especially where distance is a factor, ask another bishop or a deputy to conduct the interview and give pastoral counsel on the Bishop's behalf.

15. When a person who has been divorced and has not married again is being considered for ordination, that person should be advised to apply for Letters of Closure. This should happen as early as possible in the process of discernment. Copies of the prescribed forms should be placed in the ordinand's or cleric's personal and confidential file lodged with the diocese. The same would apply when a cleric from another diocese seeks work in a diocese. No application on the part of an ordinand for ordination should be considered where there is evidence of contempt for the institution of marriage or abusive behavior.

16. In the case of clergy who have been divorced applying for a license or permission to officiate, or of those seeking ordination, such an application should not be considered without Letters of closure having been issued.

17. No application on the part of a cleric for a license from the bishop, or for permission to officiate, or for re-marriage after divorce, should be considered where there is evidence of contempt for the institution of marriage or abusive behavior.

Place of marriage

18. Except with the Bishop's permission, marriage shall be solemnized only in a church or chapel or other place customarily used for worship.

Times of marriage

19. Marriages may be solemnized at any time of the day between the hours of six in the morning and nine in the evening, but not at other times except by permission of the Bishop.

Restricted period

20. Marriages shall not be solemnized from Palm Sunday to Easter Eve inclusive without dispensation from the Bishop.

Delegation powers

21. A diocesan bishop may delegate all or any of the authorities, rights and powers, and assign any of the obligations the bishop has in terms of this Canon to a bishop suffragan of the diocese, which delegation or assignment or both may be withdrawn at any time.

A TABLE OF KINDRED AND AFFINITY WHEREIN WHOSOEVER ARE RELATED ARE FORBIDDEN TO MARRY TOGETHER

A man may not marry his

Mother Father
Daughter
Father's mother
Mother's mother
Son's daughter
Daughter's daughter
Sister
Father's daughter
Mother's daughter
Wife's mother
Wife's daughter
Father's wife
Son's wife
Father's father's wife
Mother's Father's wife
Wife's father's mother
Wife's mother's mother
Wife's daughter's daughter
Wife's son's daughter
Son's son's wife
Daughter's son's wife
Father's sister
Mother's sister
Brother's daughter
Sister's daughter
Brother's daughter's daughter
Brother's son's daughter
Sister's daughter's daughter
Sister's son's daughter

A woman may not marry

Father
Son
Father's father

Mother's father
Son's son
Daughter's son
Brother,
Father's son
Mother's son
Husband's father
Husband's son
Mother's husband
Daughter's husband
Father's mother's husband
Mother's mother's husband
Husband's father's father
Husband's mother's father
Husband's son's son
Husband's daughter's son
Son's daughter's husband
Daughter's daughter's husband
Father's brother
Mother's brother
Brother's son
Sister's son
Brother's son's son
Brother's daughter's son
Sister's son's son
Sister's daughter' son

The Table shall be in every Church publicly set up and fixed at the charge of the Parish.

CANON 35
OF PASTORAL DISCIPLINE

Instruction of Adult before Baptism

1. No person other than an infant or young child shall be baptized, save in the case of emergency, until such person has received such form of instruction in the Christian faith as has been approved by the Bishop of the Diocese.

Bishop to be notified

2. When adults are to be baptized, the Incumbent shall notify the Bishop of their names before the baptism takes place.

Confirmation
3. When adults are baptized, they shall be presented to the Bishop for Confirmation at the same time or as soon as possible thereafter.

Instruction of Parents
4. When infants or young children are baptized, it shall be the duty of the Priest to ensure that the parents or those responsible for the upbringing of the child receive such instruction in the Christian faith as will enable them to renew their own commitment to Christ and to promote the nurture and growth in the fellowship of the Church of the child or children in their care.

Pastoral Responsibility
5. A priest shall not baptize an infant if one or both parents are not the pastoral responsibility of the priest, or an adult who is not the pastoral responsibility of the priest, without the knowledge and consent of the priest whose responsibility they are.

Instruction before Marriage
6. No persons shall be married (or have a civil or customary marriage blessed) in church or elsewhere, in accordance with Canon 34 Of Holy Matrimony, until they shall have received such instruction on Christian Marriage as has been approved by the Bishop of the Diocese.

Preparation for Confirmation
7. No person shall be confirmed unless prepared in accordance with such forms of instruction as have been approved by the Bishop of the Diocese. The Incumbent must be satisfied with such person's preparedness and obvious commitment before such person is presented to the Bishop for the Sacrament of Confirmation.

Admonition of Communicant in open and grave Sin
8. When a priest shall perceive a Communicant to be in a state of open and malicious contention with neighbors or in open contravention of Canonical regulations of the Church or other grave and open sin without repentance, the priest shall exhort and admonish the Communicant first in private, and should this fail then in the presence of other Communicants, in order to move the communicant to penitence, amendment of life, and, where necessary, restitution.

Suspension from Communion

9. Only if the Communicant fails to heed such admonition may the Priest suspend him from Communion. In that event the Priest shall, within fourteen days, notify the Bishop and the Archdeacon of this action and the reasons therefor.

. Bishop to Investigate Suspension
10 When the Bishop receives from a priest notice of the suspension of a Communicant, the case shall be investigated either personally by the Bishop or through the Archdeacon (or a Commissary).

Bishop either confirm Suspension or to restore to Communion

11. (a) The Bishop or the Archdeacon (or Commissary) shall inquire into the circumstances of the case in order to be satisfied as to whether or not the Priest has acted in accordance with the will of God as disclosed in Christ, the evidence of the Holy Scriptures and the Canonical regulations.

(b) If satisfied that the Priest has so acted, the Bishop shall confirm the suspension; if not so satisfied, the Bishop shall restore the Communicant to Communion forthwith.

(c) Where the investigation is conducted by the Archdeacon (or Commissary), the Archdeacon (or Commissary) shall advise the Bishop of the decision. The Bishop may at any time refer the matter to the Diocesan Tribunal, whose decision shall be final. 103Canons Suspension and Church Censure

12. Any Communicant who has been suspended from Communion shall be considered to be under Church censure, and in terms of section 2 of Canon 27 Of Vestries shall not be entitled to participate in Vestry meetings. Suspension and Church Office

13. The appointment of a Churchwarden, Chapelwarden, Parish Councilor or Sides person who has been suspended from Communion shall cease from the time of the confirmation of the suspension by the Archdeacon or the Bishop (or Commissary), as the case may be, in terms of sections 9 and 10 of this Canon. A Churchwarden, Chapelwarden, Parish Councilor or Sides person so suspended shall be eligible for re-election in terms of Canons 27, 28 and 29 when restored to Communion. Restoration to Communion
14. The restoration to Communion of a suspended Communicant shall be at the discretion of the Bishop on the recommendation of the Incumbent, provided that in cases where the Incumbent declines to make such a recommendation, or where there is no Incumbent, the Parish Council shall be entitled to ask the Bishop to act accordingly. The suspended Communicant shall be entitled to apply for restoration directly to the Bishop.

CHAPTER VII ECCLESIASTICAL TRIBUNALS and THE DISCIPLINE OF MINISTERS OF THE CHURCH

Introductory Affirmations to the Canons in Chapter VII

1. Affirmations:

The provisions of Canons 36 to 41 relate to licensed clergy and in applying them, Act XV and Resolution of Permanent Force No. 5 the following definitions, affirmations and set of clarifications are to be a guide.

First: Definition of minister - (from Act XV):

This refers to any person who engages in public or private ministry in the church, whether formally authorized by ordination or licensing, or elected as a lay official, or informally recognized as having authority or influence over others in the Christian community. It naturally includes, but is not limited to, bishops, priests and deacons, lay officers, all licensed lay ministers, Parish Councilors, Sunday school teachers, sides persons, councilors, music leaders, youth leaders and office holders in church guilds and organizations.

Second: By the words **Tribunal or Court** as used in this and other Canons is meant a Tribunal of this Church having such jurisdiction as can be claimed by, and may be exercised in, a voluntary association upon the footing of mutual contract or agreement.

Third: **Act XV provides** primarily for the regulation of the ministries of volunteers other than licensed clergy, for conflict resolution involving such persons, and where necessary for their discipline. It also provides guidelines for all ministries, and procedures for initiating complaints against all ministers whether ordained or lay, stipendiary or voluntary. This Chapter VII provides further for the discipline of clergy where issues cannot be resolved more informally.

Fourth: **Based on Resolution of Permanent Force No 5**: On theological grounds all Christians in areas of public responsibility should be accountable to the same framework of Christian behavior. The minister's life needs to be modelled on that of Christ. All ministers need to attend to their own growth and faithfulness as Christians and as learners from Christ, before seeking to teach or lead others in the church. Throughout Holy Scripture, those who care for God's people and lead them in God's ways are commended; those who neglect or exploit God's people are condemned. Every minister, whether bishop, priest, deacon, lay minister or other volunteer, is called to model his or her life and ministry on this pattern. The model for every minister's role in pastoral care is that of Jesus. The context is that of the Christian community and its health as a body. The minister is accountable in the first instance to God, but also to the church.

Fifth: **Set of clarifications** - based on ACT XV, statements of fact and law:

(i) The Canons of The Anglican Church of Southern Africa provide for judicial proceedings when a cleric is alleged to have broken the undertakings they have made to the church at their ordination or licensing. The Canons take precedence over the procedures set out in Act XV or elsewhere in provincial policy or diocesan rules. There is however a need to supplement the Canons for situations which are not envisaged in the Canons, for the governance of lay volunteers, and for conflict resolution at parish level; this is the function of Act XV. The procedures in Act XV must always be followed and interpreted with the Canons in mind. These procedures may assist in resolving minor complaints and disputes for which the procedures in the Canons are unnecessarily formal. Where a serious sanction of the kind outlined in the following Canons is contemplated, especially in regard to licensed clergy, the matter must be dealt with in terms of the Canons

(ii) Historically, Canon Law (historic church law) has been recognized as a parallel but separate system of law, governing its particular sphere of church affairs. This has required that Canon Law embodies the principles of natural justice recognized in society at large and updated from time to

time in light of wider developments in jurisprudence. Synods of the Church in different 105Canons countries have taken account of these issues in framing and revising Canon Law from time to time. Where this has been done with integrity parliaments, courts and public administrations have continued to respect the autonomy of Canon Law.

(iii) As regards the rights and responsibilities of clergy, Canon Law provides a careful network of mutual undertakings between clerics and the Diocese, represented by the Bishop, both to provide for the needs of clergy and to regulate their pastoral relationships with their people. These undertakings and the expectations upon which they rest, are set out in the Prayer Book, the Constitution and Canons and the Rules of Dioceses, and in the Oaths and Declarations taken by the clergy at the point of ordination and of licensing to any particular ministry.

(iv) Because of the unique and spiritual nature of the Church and its ministry, this system provides appropriately for the nature and demands of ministry in the church, whether stipendiary or not. This position has been repeatedly affirmed in the secular courts. The Anglican Church of Southern Africa is charged with managing this area of its life in accordance with its own law.

CANON 36

OF THE TRIBUNALS OF THE CHURCH COURT FOR TRIAL OF A BISHOP

Court for Trial of a Bishop

1. The Presiding Bishop and the Diocesan Bishops, sitting together shall be the Court for the trial of a Bishop under Canon 38 Proceedings against Bishops. This Court shall comprise a panel of five bishops, including the Presiding Bishop, excluding any parties to the suit. If the Metropolitan be a party, then the Dean of the Province shall in substitution be included. The Court shall be assisted in a purely advisory capacity by two lay persons learned in the law (being confirmed Communicants of the Church of this Province) appointed by the Metropolitan. Provincial Tribunal of Appeal

2. The Provincial Tribunal of Appeal for hearing appeals under Canon 41 Of Appeals shall consist of the Presiding Bishop and two Diocesan Bishops, sitting together. These two Bishops shall be selected by the Presiding Bishop from a panel of Bishops which the Synod of Bishops shall constitute at their first meeting after each Provincial Synod, and supplement from time to time as may become necessary. The Tribunal shall be assisted in a purely advisory capacity by those persons set out in section 4. Dean of the Province or Senior Bishop

3. If the Presiding Bishop be unable to act or be debarred from acting, as a party in the hearing or for any other reason, the Dean of the Province, or if the Dean be unable to act or be debarred from acting, the Diocesan Bishop senior by consecration, shall execute all functions appertaining to the office of the Metropolitan under this Canon and Canons 37 Of Judicial Proceedings to 41 Of Appeals inclusive. Advisors

4. The Presiding Bishop shall appoint three Priests, each being a Dean, Archdeacon, or Canon in this Province, or priest of equivalent or similar standing to the a foregoing, together with two lay persons learned in the law (being confirmed Communicants of the Church of this Province) to assist the Provincial Tribunal in a purely advisory capacity. The composition of the group of advisors shall include at least two women, and if for any reason there are not two women after fulfilling the a foregoing requirements, then an additional appointment of one or two shall be made of women who are confirmed Communicants of the Church of this Province to meet this requirement. Diocesan Tribunal

5. The Diocesan Tribunal shall consist of:

(a) As the President appointed by the Presiding Bishop, a Bishop currently in office or retired, or a legal officer of the Church, (whether as Chancellor or Registrar or the deputy of either).

(b) two priests of the Diocese of significant standing and experience in the ordained ministry nominated by the Cathedral Chapter or the Bishop's Senate or where the Bishop believing there are sufficient grounds to so do requests it, the Presiding Bishop shall appoint two such priests from within the Province;

(c) two lay persons (being confirmed Communicants of the Church of this Province), one of whom shall be a person learned in the law, nominated by the Bishop; and

(d) include at least two women within all the a foregoing categories of persons, but if for any reason there are not two women after fulfilling the requirements of subsections (a) to (c) above, then an additional appointment of one or two women shall be made to meet the requirements of this subsection; and
(e) at the discretion of the Bishop and on the Bishop's appointment, a priest from outside the Diocese. Scope of Diocesan Tribunal

6. The Diocesan Tribunal shall be the Court for the trial of priests and deacons under Canon 39 and of such matters as the Bishop of the Diocese may refer to it.

Smaller dioceses

7. If the number of priests licensed in a Diocese be less than six, it shall be sufficient for one priest and one lay person to be nominated as members of the Diocesan Tribunal. Informal Diocesan Tribunals

8. The Bishop, acting in terms of Canon 39 sections 11-19, shall himself with the other person referred to in Canon 39.13(a) constitute the Informal Diocesan Tribunal. Bishop's court

9. The Bishop's Court shall consist of the Bishop, with the Chancellor of the Diocese (or if there be none, a lay person, being a Confirmed Communicant of the Church of this Province, learned in the law, and approved by the Bishop) to assist in a purely advisory capacity. At the Bishop's discretion, the Chancellor may be appointed to act in place of the Bishop. In that

event the Bishop shall nominate a priest of the Diocese to assist the Chancellor in a purely advisory capacity.

10. The Bishop's Court shall be the Court for cases arising under Canons 15 Of Archdeacons, 17 Of Clergymen Suffering from Mental Incapacity, 23 Of Pastoral Charges, 29 Of Churchwardens and Chapel Wardens and 31 Of Disposal and Alterations of Churches, and matters pertaining to Church property and temporalities generally, unless the Bishop shall determine that they should be referred to the Diocesan Tribunal.

Voluntary Association Tribunal

11. By the words Tribunal or Court as used in this and other Canons, is meant a Tribunal of this Church having such jurisdiction as can be claimed by, and may be exercised in, a voluntary association upon the footing of mutual contract or agreement.

CANON 37
OF JUDICIAL PROCEEDINGS OFFENCES

1. The following are the charges or accusations on which any Bishop, priest, or deacon of this Province may be presented for trial:
(a) A sexual assault (read with Resolution of Permanent Force, (No. 6);
(b) sexual harassment (read with Resolution of Permanent Force, (No. 6);
(c) assault or threat of assault;
(d) sexual immorality;
(e) heresy or false doctrine;
(f) schism, that is to say, acceptance of membership in a religious body not in communion with the Church of this Province;
(g) apostasy from the Christian faith;

(h) conduct giving just cause for scandal or offence; including without limitation, offensive or abusive language, and any inappropriate relationship or activity of whatever nature;

(i) fraudulent, corrupt or dishonest conduct;
(j) negligence or recklessness in the management or control of church property or funds (including responsibility for the abuse of discretionary funds or breach of other fiduciary duties;

(k) misappropriation or misuse of church property or funds;

(l) violation of the Constitution or Canons of the Church of this Province or of Resolution of Permanent Force No 5;

(m) conduct amounting to a breach or breaches of the trust relationship between the accused and any Bishop (including the Metropolitan) or any other cleric or body with whom a trust relationship should exist for any reason,

(n) negligent or willful contravention of, or negligent or willful failure to fulfil responsibilities or functions under, the Constitution or Canons of the Church, the Acts, rules or regulations, either of the Provincial Synod, or of the Diocesan Synod of the Diocese in which the cleric holds office, or of the office itself, or acts or omissions in conflict with his or her Oaths or Declarations on taking office;

(o) refusal to obey a reasonable and lawful instruction from the Metropolitan, Bishop, Dean, Archdeacon, or any other person authorized by any of the aforegoing or by any provision of the Constitution or Canons to give such an instruction;

(p) neglect of the duties of office;

(q) failure to perform required clerical duties adequately or competently

(r) performing church related functions while under the influence of alcohol or any drug other than a prescribed medication;

(s) breach of confidentiality of whatever nature;

(t) unauthorized and unexplained absence over extended periods (4 days and more) or repeated more than 3 times over 60 days; and

(u) engaging in conduct or making false statements bringing the Church into disrepute

(v) promoting dissension or disaffection in the Church;

(w) maligning Bishops or others in ecclesiastical authority, or promoting dissension, division or disaffection;

(x) any matter presented for trial by the Bishop or appropriate officer under Step 5 of Procedure B of Act XV of Provincial Synod. Definition of conclusive conviction

2. Any charges of heresy or false doctrine, in order to be relevant, must aver that the Accused has taught, published, or otherwise publicly promulgated, some doctrine or opinion repugnant to or at variance with the Faith and Doctrine of the Church as contained in the Creeds, the Thirty-Nine Articles, and the Book of Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church, according to the use of the Church of England, and the form and manner of making, ordaining and consecrating of Bishops, priests and deacons, and must specify the particular passages of these Standards and Formularies to which the said charge refers as well as the particular statements of the charge which may be the subject thereof. Judicial Proceedings

3. For the purpose of any proceedings under this Canon, in which the Accused is charged with any of the above offences, proof that the Accused has been convicted of such offence in any Criminal Court, and that such conviction has become conclusive, shall be sufficient proof that

the Accused has committed such crime; saving to the Accused the right of submitting fresh evidence in support of his innocence. Save as aforesaid, a conviction shall be deemed to become conclusive for the purposes of this Canon:

(a) when there has been any appeal, upon the date on which the appeal is dismissed or abandoned, or the proceedings on appeal are finally concluded, and

(b) if there has been no such appeal, upon the expiration of the time limit for such appeal, or, when no time is so limited, upon the expiration of two months from the date of conviction. But, if varied on appeal, the conviction shall be conclusive only as so varied, and, so far as it is reversed on appeal, shall cease to be of any effect. Limitation to five years

4. (a) No original proceedings shall be instituted before any Tribunal of this Province unless

(i) the offence on which the Accused is charged shall have been committed within a period of five years prior to the date of commencement of such proceedings, or

(ii) if the commission was initially unknown to the Complainant proceedings are instituted within five years of the date when the Complainant knew or should have known of the commission.

(b) If the Complainant was a minor at the time of commission, the five year period in each case in paragraph (a) of this section shall commence on the later of the date the Complainant attains majority or he or she knew or should have known of the commission of the offence.

(c) Special leave for an extension of such period of five years may, on good cause shown, be granted in the Metropolitan's discretion.

(d) Should the charge alleged be founded upon an order or judgement of a competent Civil Court or sentence of a Criminal Court having jurisdiction, then such proceedings shall be commenced within a period of six months from the date when such order, judgement or sentence became conclusive as defined in section 3 of this Canon.

Date of commecement

5. The date of commencement of proceedings shall be deemed to be the date when the Articles of Presentment are transmitted to the accused, for the purpose of this Canon and Canons 38 and 39, in the case of a complaint being lodged in terms of section 1(a) or (b) of this Canon. Transmit shall mean deliver by hand or by electronic transmission to an address known to be that of the accused, or one frequented by him or her, and if done by electronic transmission shall be deemed to have been on the date of successful transmission. In computing days in Canons 37, 38, 39 and 41 Saturdays, Sundays and public holidays shall not be counted. 111Canons How charges are to be laid

6. (a) All charges shall be made in writing signed by the presenters, wherein shall be set forth the relevant offenses, in such manner and with such particulars as to the time and place at

which the offense is alleged to have been committed and the person, if any, against whom and the property, if any, in respect of which the offense is alleged to have been committed as may be reasonably sufficient to inform the accused of the nature of the charge, intimation being made of the name and address of some person to whom all necessary communications in the cause shall be made, as the agent of the presenters (see section 1 of Canon 38 Of Proceedings against Bishops and section 1 of Canon 39 Of Proceedings against Ministers).

(b) In the event of the Accused believing more particulars are needed, these shall be requested in writing by the Accused within ten days of commencement of proceedings and the Presenters reply shall be filed within ten days of that request being made, unless the Tribunal extends the period on good cause shown.

(c) Should there be a dispute as to the adequacy of the reply, this shall be determined by the Tribunal upon application of the Accused, which must be made in writing within ten days of receipt of the reply. The determination shall take place at a time and place determined by the Tribunal, at which both parties may make submissions, and the Tribunal's decision in this regard shall be final, and not subject to appeal. Articles of Presentment

7. In respect of charges under either Canon 38 or Canon 39 the Charge or Accusation shall be entitled "Articles of Presentment". Judgement to be accepted

8. With the Articles of Presentment, the presenters shall transmit to the Metropolitan or Bishop, as the case may be, a minute of reference and agreement, to the effect that the judgement of the Tribunal of this Church in all matters contained in the Articles of Presentment shall be held to be final in the cause, saving such rights of appeal as may be allowed by the Laws of this Church. Counsel

9. Both the Accused and the presenters may have the aid of Counsel or representative at their own expense. Conditions of testimony

10. No testimony shall be received at the trial except from witnesses who shall, before giving their evidence, make an affirmative answer to the following question put by the President: "Do you promise, as in the presence of Almighty God, that you will speak the truth, the whole truth, and nothing but the truth, whether in the declaration which you shall make or in the answers which you are about to give?" Testimony on Commission

11. If it be necessary to make the testimony of an absent witness or witnesses, such testimony shall be taken in the form and manner above provided, by a Commissioner or Commissioners to be appointed by the President for that purpose, and the evidence pro and con shall be reduced to writing and forwarded to the Tribunal, which evidence shall be read and used at the trial: provided, however, that no application for the appointment of such Commissioner or Commissioners shall be made by either party to the President of the Tribunal, except after notice in writing, given by the one to the other, of his or their intention so to apply. Non-appearance of the accused

12. If the Accused do not appear after citation as in these Canons provided, and no sufficient reason, in the opinion of the Tribunal, is assigned for his absence, the President shall proceed with the trial and pronounce such sentence as the case may require. Proceedings to be public

13. The proceedings shall be public, unless the President of the Tribunal shall deem it preferable, on the ground of public morals, that they should, in whole or in part, be private.

Resignation no Bar

14. In every case where a charge has been brought against any person, being a Bishop or Cleric of this Province, if such person shall tender his resignation to the Metropolitan or Bishop, as the case may be, either before or during the trial; and if the Metropolitan or Bishop, in the exercise of his discretion, shall see fit to accept the resignation so tendered, nevertheless the person Accused shall not be exempted by such resignation from the judicial inquiry into the truth of the charge made against him, nor from any sentence which may be imposed: provided proceedings be commenced within a period not exceeding six months from the acceptance of the resignation. Proceedings upon admission of guilt

15. If at any period in the course of the proceedings the Accused shall in writing make an admission of guilt on the charge preferred against him, and offer to submit to whatever sentence may be pronounced, the Tribunal may then at once proceed to judgement, without hearing further evidence.

16. Whenever a sentence has been passed by any Tribunal, it shall be competent to the President of such Tribunal, within thirty days after sentence shall have been passed, should any new facts, which might have a bearing on the judgement, come to his knowledge, to order a re-hearing of the case. Should such facts come to his knowledge after the period of thirty days, the President shall then refer the matter to the Diocesan Bishops, who shall have power to annul or modify any such decision.

Records to be preserved

17. Every Tribunal of this Province shall keep a full record of its proceedings, including the Articles of Presentment, the names of the presenters and the Accused, the evidence and all retractions together with the judgement and sentence of the Tribunal or Court The record shall be preserved in the Registry of the Tribunal or Court.

Expenses

18. Expenses involved in summoning and holding any Court of first instance shall be paid from the funds of the Diocese concerned or of the Province (as the case may be); but the expenses of preparing the case for trial shall be borne by the parties to the suit. Expenses incurred in summoning and holding the Provincial Tribunal of Appeal shall be defrayed from the funds of the Diocese concerned unless the Tribunal shall decide that the expenses or some part of them should be paid by the Appellant.

CANON 38
OF PROCEEDINGS AGAINST BISHOPS

How charges are to be laid

1. No charge under Canon 37 shall be received against a Bishop of the Province (including the Presiding Bishop) unless:

(a) (i) it be preferred by at least three priests licensed in the Province or by two Diocesan Bishops, or, (ii) if it relates to matters other than faith and doctrine, by at least any five of the following, namely, two priests and three laypersons being churchwardens, parish councilors or members of the Diocesan Trusts Board, up to two of whom need not be of the Diocese of the accused, and

(b) the Presiding Bishop is satisfied that steps have been taken by the presenters to have the matters concerned handled through the structures of the Diocese (i.e. the Chapter or Senate or Diocesan Council or the equivalent body), unless the Presiding Bishop be the Accused in which case the Dean of the Province must be so satisfied.

2. **Accusation**
(a) The Articles of Presentment referred to in section 7 of Canon 37 shall be delivered to the Presiding Bishop, unless the Presiding Bishop be the Accused, in which case they shall be delivered to the Dean of the Province, who shall thereafter execute all functions appertaining to the office of the Presiding Bishop as set out in this Canon in respect of the proceedings commenced by the said Articles.

(b) Copies of the Articles shall also be delivered, at the same time, to
(i) the Accused Bishop,

(ii) the Dean of the Diocese (failing whom for any reason the most senior Cleric of the Diocese in terms of Act XIII),

(iii) members of the Diocesan Senate or Chapter, and (iv) the Diocesan Chancellor and Registrar.

3. Board of preliminary inquiry
(a) The Presiding Bishop, on receiving such Articles of Presentment, may,

(i) within twenty-one days constitute a Board of Preliminary Inquiry, consisting of two Diocesan Bishops not being presenters of the charge and one lay person learned in the law (being a confirmed Communicant of the Church of this Province), and

(ii) shall forthwith inform the Accused of the appointment of such Board and,

(iii) if such a Board is constituted, invite the Accused to submit to the Board in writing within ten days an answer to the Articles of Presentment, if the Accused so desire.

(b) To report within thirty days The Board shall consider whether there is a prima facie case against the Accused, and shall report within thirty days of their appointment to the Metropolitan, who shall decide whether further proceedings shall be taken or not. If the Metropolitan so determine, the Presiding Bishop may exercise visitatorial powers under section 2(g) of Canon 2 Of the Presiding Bishops.

(c) Pastoral Team
(i) Alternatively to the appointment of the Board, the Presiding Bishop may decide to appoint a Pastoral Team from the Province to undertake a pastoral visit to the Diocese in order to meet with the presenters, the Bishop and any others concerned in the matters raised, and to seek to resolve the issues concerned through pastoral ministration.

(ii) At the same time the Presiding Bishop shall nominate three Diocesan Bishops as conferring Bishops in the matter, from whom the Presiding Bishop shall take counsel as provided for below.

(iii) The Pastoral Team shall report on their visit, in writing, to the Presiding Bishop, and send copies of their report to the Accused Bishop, to members of the Diocesan Senate or Chapter, to the Diocesan Chancellor and Registrar, and to the presenters.

(iv) The Presiding Bishop shall consult with the conferring Bishops and, having done so, shall have the discretion to take such further action as is believed necessary, including referring the matter to trial, in which event the report of the Pastoral Team shall be deemed to be the report of the Board of Preliminary Enquiry. However, in this case the conferring Bishops shall recuse themselves from the Court as constituted in terms of Section 1, of Canon 36, Of the Tribunals of the Church.

(d) Matter referred to trial Within sixty days of the Pastoral Team reporting to the Metropolitan, the Accused Bishop may elect to have the matter taken to trial if the Metropolitan has not done so. In this event the Accused must send written notice of this election to the Metropolitan, who shall then act in this regard as provided for in subsection (c) above.

4. Manner of serving accusation

(a) If the Metropolitan, in the exercise of the discretion in sub-section (c) (iv) above decides that the case should proceed, the decision shall forthwith be intimated to the Presenters and to the Accused, and a copy of the Articles of Presentment shall within twenty one days be transmitted to each of the other Diocesan bishops.

(b) All intimations and citations shall be served on the Accused personally, or be sent by registered post, to the Accused's last known place of residence.

5. When the Presiding Bishop is party to a suit If a charge is to be preferred before the Synod of Bishops against the Presiding Bishop, or if the Presiding Bishop personally prefers such a charge against another Bishop, the Dean of the Province (or where the Dean is debarred from acting, the Diocesan Bishop senior by consecration), shall perform all duties in relation to the trial which the Presiding Bishop would otherwise perform under this Canon.

Time of trial

6. The trial shall take place within four months of the receipt by the Presiding Bishop of the report of the Board of Preliminary Inquiry, unless it appears to the Presiding Bishop necessary to postpone it to a later day; but in no case shall it be postponed beyond six months.

7. **Duties of advisers**
(a) The Lay persons appointed to assist in the hearing of a case shall answer such questions as shall be put to them by the Tribunal, and (

b) shall be at liberty to tender to the Tribunal their opinion on questions that may arise; and

(c) the Tribunal shall be bound to consider such opinions before pronouncing judgement.

8 Sentences The sentence, if the Accused be found guilty, shall be either
(a) admonition,
(b) suspension,
(c) deprivation, (
d) deposition or
(e) degradation, as the Tribunal may determine; provided that no Bishop shall be found guilty unless at least two-thirds of the Bishops present agree, and the sentence shall be that of the majority. Each Bishop shall be at liberty to deliver judgement separately.

9. Judgement to be communicated to every Diocese

(a) It shall be the duty of the Tribunal, whenever judgement has been given, to communicate such result to the Bishop (or senior priest) of every Diocese of this Province, and

(b) it shall be the Bishop's (or senior priest's) duty to cause it to be made known to every Cleric within the Diocese.

10. Care of Diocese during suspension Should the sentence be one of suspension, the Presiding Bishop shall make provision for the care and administration of the Diocese as the Presiding Bishop shall see fit, until the period of suspension be terminated.

11. Judgement conclusive The judgement of the Tribunal in all proceedings under this Canon shall be final and conclusive: provided that any parties to a suit may demand that before the Tribunal gives final judgement the reference allowed to the Archbishop of Canterbury in sections 5 and 8 of Canon 41 0f Appeals be made.

CANON 39
OF PROCEEDINGS AGAINST PRIESTS AND DEACONS

How charges are to be laid

1. Diocesan Tribunal

(a) Any charge against a priest or deacon of the Province must proceed from Presenters who shall be:
(i) a cleric licensed in this Province, or
(ii) both Churchwardens or
(iii) two governors of an institution or comparable officers of a sphere of ministry, or (iv) three or more confirmed Communicants twenty-four years of age or upwards, all of the Parish or institution or sphere of ministry concerned, to which the Accused is or was licensed, at the time the alleged offense occurred.

(b) The Bishop of the Diocese, if seeing sufficient cause, may act without such charge being preferred; and the Bishop shall then at once place the matter in the hands of a Board of Preliminary Inquiry as defined in the following section

2. (c) (i) Where the facts on which a charge is based arose in a diocese or pastoral area (the 'originating jurisdiction') other than the one within this Province, or another Province, or a pastoral area in a Church in Communion with this Province where the accused is officiating at the time the charge is laid (the 'present jurisdiction'), then the charge shall be proceeded with as set out in paragraph (a) of this section from the originating jurisdiction.

(ii) The charge shall be transmitted to the Bishop or Vicar General or most senior cleric or officer (howsoever titled) of the present jurisdiction with the request (for the said Bishop or Vicar General or senior cleric or officer to decide in that person's discretion) to establish a Board of Preliminary Inquiry or whatever procedure may be required in the present jurisdiction to hear and determine the charge.

(d) Where the facts on which the charge is based arose extra-territorially any of the areas referred to in subsections (a) or (b) of this section, the Bishop shall appoint an investigation team, appropriately composed, in terms of Procedure B, Step 2 of Act XV, to be the Board of Preliminary Inquiry as therein provided for. 2. (a) Board of Preliminary Enquiry (i) Subject to section 4, the Bishop (or in the Bishop's absence, the Vicar-General), on receiving the Articles of Presentment under Canon 37 Of Judicial Proceedings must within twenty-one days constitute a Board of Preliminary Inquiry.

(ii) The time periods set out here and elsewhere in this Canon must be adhered to, unless there is good cause not to, in which case the act in question must be affected as soon as possible in the circumstances.

(b) **Correspondence with the accused**

(i) The Bishop must, within seven days of receiving the Articles of Presentment, transmit a copy of the Articles of Presentment to the accused.

(ii) Should the Accused wish to deliver a written answer to the Bishop the Accused must do so within seven days of receiving the Articles of Presentment.

(iii) The Bishop must send this reply to the Presenters and Complainant within seven days and advise them that they may respond to the accused's reply.

(iv) Should the Presenters wish to respond to the accused's reply, they must do so within seven days of receiving the reply.

(v) Should the accused not reply, then the proceedings may continue in the absence of such reply.

(c) **Board Membership**

(i) The Board must consist of two priests and a lay person learned in the law (being a confirmed Communicant of the Church of this Province), provided that, at least one member of the Board must be a woman.

(ii) These members may not be appointed to any Diocesan Tribunal established to try the Accused, in terms of Canon 36(5)

(d) Dean to appoint If the Bishop be the Presenter, the members of the Board must be appointed by the Dean (failing who for any reason the most senior cleric in the Diocese as determined by the provisions of Act XIII).

(e) If the Presenters or Complainant respond to the Accused's reply to the Articles of Presentment, the Board must consider any such response prior to its decision as set out in Section 3 below.

(f) The Board must reach its decision as set out in sections 3 and 4 below within twenty-one days of having been constituted under subsection (a).

3. **To report immediately**

(a) The Board shall consider whether there is a prima facie case against the Accused, and shall report immediately after reaching its decision to the Bishop, who shall decide whether further proceedings shall be taken or not.

(b) The Board must provide written reasons together with its findings to the Bishop, the Accused, the Presenters and the Complainant.

(c) At this point the laying of the charge, the report of the Board and decision of the Bishop (together with the reasons referred to in section 5 of this Canon, if applicable) may be made public.

4. **Suspension of accused**

(a) The Bishop may within seven days of receiving the Articles of Presentment immediately suspend the Accused, with emoluments.

(b) The Board must consider and report on whether there is a prima facie case against the Accused, and whether to advise the Bishop to confirm any suspension of the Accused under subsection (a), or if not already suspended, to suspend the Accused.

(c) Accused to be heard Notwithstanding the provisions of subsections (a) and (b) any licensed cleric within the Province, if accused of any offence under section 1 of Canon 37 and after the Bishop has given the cleric an opportunity to be heard, and explanation and pastoral ministration, may at any time before or after receiving the Articles of Presentment be suspended and inhibited from the exercise of ministerial duties and access to Church premises and to any assembly of congregants by the Bishop until the trial is concluded, should it appear to be immediately necessary for the prevention of scandal or for pastoral reasons or for the safety of Church assets.

(d) The accused shall have fourteen days from being informed of the Board's report that there is a prima facie case (if that be the case) to submit a written reply, or supplementary answer to the Articles of Presentment if that was submitted in terms of section 2 (b), to the report. If this is not done, the Tribunal shall proceed without it.

(e) The accused shall have the right to lead and give evidence and to cross examine witnesses, in the same way as that provided for in section 13 (c), and to be accompanied as therein provided. Unless otherwise determined by the tribunal for good cause, the trial shall be open to the public.

5. **Bishop's veto**

(a) If the Bishop refuses to try the Accused, the Bishop must provide written reasons for this refusal to the Presenters, the Complainant and the Accused, in writing, within fourteen days after receipt of the report of the Board of Preliminary Enquiry.

(b) In this event the Presenters or Complainant may apply to the Presiding Bishop or, if the Presiding Bishop be the Bishop who refuses, to the Diocesan Bishops through the Dean of the Province, and in either case if the Presiding Bishop or the Diocesan Bishops by a majority of their number think fit, the matter shall proceed to trial.

(c) Notice of the intention so to apply shall be given in writing to the Bishop of the Diocese and the other party within fourteen days after such refusal, and the application, together with a copy of the Articles of Presentment, shall be forwarded to the Metropolitan or Dean of the

Province within thirty days after receipt of the Bishop's refusal; provided that either the Presenters or the Complainant may apply to the Metropolitan or Dean of the Province (as the case may be) for condemnation for failure to give notice within the stipulated time periods, which condemnation may be granted on good cause shown.

6. Manner of serving accusation Notice of the intention to proceed, and the names of the persons chosen to be members of the Tribunal, must be transmitted to the Accused and the Complainant, either personally or by registered post at their last known places of residence, twenty-eight days at least before the hearing of the case.

7 (a) Right of challenge
(i) The accused and, where the charges are brought in terms of Canon 37 (1)(a) or (b), the Complainant and Presenters have the right to challenge any members of the Tribunal other than the Bishop, provided that they do so within fourteen days of the receipt of the information.

(ii) If any member of the Tribunal be challenged, and such challenge be upheld by the President, the place of any member so challenged shall be filled by the appointment of another by the President of the Tribunal, without any right of challenge.

(b) Venue of trial If the accused fails or refuses to take part in trial at any stage or at all then, unless the Tribunal is satisfied that there is good cause to do otherwise, the trial shall continue in the absence of the accused.

8. Reference to Bishops It shall be competent for the President of the Diocesan Tribunal to request the Presiding Bishop (or if the Presiding Bishop be the Accused then the Dean of the Province) to appoint a panel of three bishops to whom the President may refer any questions of interpretation of the Faith and Doctrine of the Church and their interpretation, after giving the accused an opportunity to make submission orally or in writing, shall be considered final.

9 (a) Judgement of Tribunal
(i) The judgement of the Tribunal as to the facts of the charge shall be that of the majority of its members, and all members shall have the right to state the ground for their finding.

(ii) In cases of charges under Canon 37(1)(a) or (b), all members of the Tribunal must produce written reasons for their decisions.

(iii) Members of the Tribunal may write joint, concurring judgements.

(iv) The Bishop of the Diocese, or in the Bishop's absence, the Vicar General, shall decide and pass sentence in respect of any findings of guilt, after giving the accused an opportunity to be heard.

(v) The Tribunal may make recommendations in this regard, which must be taken into consideration by the Bishop or Vicar General prior to making the decision and passing sentence.

(b) In the event of the Bishop having been the person (or one of the persons) who preferred the charge, then in place of the Bishop, the President of the Tribunal appointed in terms of section 5 (a) of Canon 36 Of the Tribunals of the Church (or in the absence of the President another Bishop appointed by the Metropolitan if the President was a Bishop or another legal officer of the Church appointed by the Metropolitan if the President was a legal officer of the Church) shall decide and pass sentence in respect of any findings of guilt after giving the accused an opportunity to be heard and having considered recommendations in regard to sentence (if any) made by other members of the Tribunal.

10. Sentence by the Bishop Where sentence is to be pronounced, it shall be pronounced by the Bishop of the Diocese or the Vicar General in the absence of the Bishop.

11. Bishop's Informal Tribunal Without derogating from the other provisions of this Canon or from the provisions of Canons 40 and 41, and subject to section 20 of this Canon and any other provision of the Canons providing otherwise;

(a) a Diocesan Bishop who has reason to believe that a cleric may, in the light of charges brought, be guilty of any of the offences referred to in Canon 37 section 1 shall have the choice to proceed in terms of sections 11 to 19 inclusive of this Canon (an "Informal Tribunal") in place of sections 1 to 10 of this Canon through a Diocesan Tribunal, or, if charges have already been laid in terms of section 1 of this Canon, then instead to proceed by way of an Informal Tribunal.

(b) Likewise, where charges have been laid against a cleric in terms of section 1 of this Canon, the cleric, save when the Canons provide otherwise, shall also have the choice to have the charges heard by an Informal Tribunal instead, which choice must be exercised in writing by notice to the Bishop within seven days of receiving notice of the charge.

(c) In this matter, the cleric's choice, if exercised, shall override that of the Bishop.

(d) In the event of charges having been preferred in terms of section 1, then those charges shall constitute the notification in writing of the charges required in terms of section 12, in the event of an election being made to proceed before an Informal Tribunal.

12. Issue of summons In summoning the cleric to an Informal Tribunal, the Bishop shall ensure that the charge or charges in questions are notified to the cleric within fourteen days of the choice being made, unless already notified, which the cleric is required to answer to.

13. (a) **Constitution of Hearing**
(i) At the hearing before the Bishop, the Bishop shall be assisted by the Chancellor or Registrar of the Diocese (or if there be none or if either or both are not available or are conflicted in any way, a member of the laity being a Communicant learned in the law and appointed by the Bishop) who will be present in an advisory capacity.

(ii) The Bishop shall put the charge to the cleric together with a written summary of the evidence supporting the charge, and the cleric shall be given an opportunity to be heard.

(b) If the Bishop brought the charge In the event of the Bishop having being the person (or one of the persons) who preferred the charge, then in place of the Bishop, the most senior of any Suffragan Bishops, or the Suffragan Bishop (if only one) failing whom for any reason, the Dean of the Diocese (failing whom for any reason the most senior cleric in the Diocese as determined by the provisions of Act XIII) shall hear and preside in the matter in place of the Bishop for all purposes in terms of sections 13 to 19 inclusive.

(c) **Rights of the accused**
The cleric in exercising the right to be heard by an Informal Tribunal, shall in reply be entitled to bring forward any witnesses to support the defence, to cross-examine witnesses brought forward to give the evidence summarized in the written summary referred to in section 14 of this Canon and to be accompanied by another cleric within the Province of the Cleric's choice, to assist and counsel the Cleric but not to intervene directly.

(d) In the event of the Complainant being called to give evidence, the Complainant shall be entitled to be accompanied. In the event of a minor being brought forward, the minor shall be accompanied by an adult deemed suitable by the person presiding in the matter.

(e) At the informal Tribunal only the persons named in sub-sections (a) to (d) above shall be entitled to be present, save with the consent of the person presiding.

14. Suspension from office The provisions of section 4 shall apply mutatis mutandis to proceedings under an Informal Tribunal.

15. **Notice of sentence**

(i) If the Bishop finds the cleric guilty of the charge, the Bishop shall advise the cleric of the verdict, and before imposing sentence afford the parties concerned the opportunity, on a day and at a time determined by the Bishop, to present evidence and argument on the appropriate sentence.

(ii) Thereafter the Bishop may impose any of the sentences, as considered appropriate, set out in Canon 40, but subject to the further provisions of that Canon.

16. (a) The Bishop shall notify the cleric in writing of the sentence.

(b) Within seven days of being so notified the cleric may, if the sentence is 124Canons deposition, degradation or suspension without emoluments, appeal to the Metropolitan (if the Metropolitan is unable to act, the Dean of the Province) against the conviction or sentence of both.

17. **Review of Hearing**
The Metropolitan or the Dean (as the case may be) may
(a) confirm or overturn the conviction;
(b) confirm, vary or overturn the sentence;

(c) suspend the conviction or sentence and refer the matter back to the Bishop for reconsideration; or
(d) declare the proceeding of the Informal Tribunal null and void, and direct the matter to be heard again by a Diocesan Tribunal presided over by another Diocesan Bishop in terms of Canon 36 (5) (a).

18. **Right of appeal to Presiding Bishop**
Where a lesser sentence than any set out in sections 1 (c) and (d) of Canon 40 of this section is imposed, the cleric may within seven days of the sentencing appeal to the office of the Presiding Bishop, which shall ensure that the appeal is considered by the Chancellor or Registrar or a confirmed Communicant learned in the law of a diocese other than that in which the cleric was licensed, assisted by a priest. The persons hearing such appeals shall have only the powers vested in the Metropolitan in terms of section 17 (a), (b) or (c) of this Canon.

19. Appeal to be in writing
(a) All appeals shall be decided upon written representations by the cleric and others concerned, and should as far as possible be decided within three months of the submission of the appeal in question.

(b) The person hearing an appeal may call for oral representations from the parties, and each party may do so at own expense. Where a party fails or refuses to submit a representation, the appeal may proceed in the absence thereof.

20. Appeal
(a) If the cleric chooses to take the matter on appeal or to require it to be dealt with under Canon 39 sections 1 to 10 read with Canon 37, any suspension under section 4 of this Canon shall continue until the final determination of the appeal.

(b) If the sentence is deposition or degradation and the cleric chooses to take the matter on appeal or require it to be dealt with under Canon 39, sections 1 to 10 read with Canon 37, the Bishop shall have the power to suspend and inhibit the cleric, as under section 4 of this Canon.

21. Hearing discontinued Notwithstanding the a foregoing, the Bishop may at any time discontinue a hearing under Canon 39 sections 11 to 19, and shall do so at the request of the cleric, and cause the matter with which the Bishop is seized to be dealt with under Canon 39, sections 1 to 10.

22. Canon 37.1 charges In the case of a charge under Canon 37 (1) (a) or (b), the procedure of a Bishop's Informal Tribunal may not be used.

CANON 40
OF JUDICIAL SENTENCES DEFINITIONS OF SENTENCES

Sentences passed on any bishop, cleric or deacon found guilty after due trial or informal tribunal shall be on an ascending scale of severity, depending upon the circumstances of each case. They are Formal admonition

1. (a) **formal admonition**, being the implementation of a redemptive process by way of the delivery in writing of notice to this effect, either in public or in private, as the circumstances may seem to the bishop, or in the case of a trial of a bishop the Tribunal, to require; Suspension

1. (b) suspension, being the suspension from all ministerial functions during the term of the sentence, with or without the partial or total loss of emoluments attached to the office if the bishop or Tribunal deems this appropriate to the circumstance; Deposition

1. (c) deposition, being deprivation of the office held by the person on whom sentence is pronounced and the suspension from all ministerial functions within the area or sphere of jurisdiction of the bishop, or, for such period as the bishop shall determine; and Degradation

1. (d) degradation, being the deposition of the person on whom sentence is pronounced from Holy Orders: this sentence shall only take effect after any 126Canons appeal process has been completed, and after being confirmed by the Synod of Bishops. Synod of Bishops to pass Sentence

2. If confirmation of a sentence of degradation is withheld, the Synod of Bishops shall substitute what it considers to be the appropriate sentence in the circumstances. Deferred Sentence

3. The operation of any sentence of suspension or deposition in terms of section 1 (b) or (c) above may be deferred for such period and subject to such conditions as may be decided by the Bishop. Should such conditions not be breached during such period, the sentence of suspension or deposition shall not come into operation. Breach of deferred sentence

4. Should it be brought to the attention of the Bishop that the conditions imposed for the deferment of a sentence in terms of section 3 above may have been breached, the Bishop may notify the cleric concerned thereof and summon the cleric to appear on a date and at a time and place specified in the notice. The Bishop shall investigate the allegation in the presence of the cleric, who shall be given the opportunity to be heard. If it be found that the conditions have been breached, the Bishop may declare that the sentence shall come into operation on a specified date. Severer Sentence

5. A person on whom sentence has been pronounced and who refuses to submit to such sentence shall after written notice to comply by the bishop, or if the person be a bishop the Presiding Bishop or if the person be the Presiding Bishop the Dean of the Province, render himself or herself liable to the more severe sentence for such contumacy set out in the notice to comply, subject always to the provisions of section 1 of this Canon. An offence following on another or other offences, even if different in nature, may render the person liable to a more severe sentence than might otherwise be the case.

Recovery to loss

6. A sentence pronounced on a person shall be without prejudice to any right the Diocese or Province or other Church authority may have to recover a loss or to enforce any remedy available to it in the circumstances.

Publication of Sentence

7. Diocese in which the guilty person was licensed, or in such other way as the bishop shall deem fit. A sentence of degradation shall be published in the Province as the Synod of Bishops shall see fit. Guidelines for sentencing

8. The following are the guidelines for sentencing by the bishop, subject to any more moderate or severe sentence that may seem to the bishop or Tribunal appropriate in the circumstances of the case. The recommendations below relate to each of the offences reflected in the charges set out in section 1 of Canon 37 and are set out hereunder in the same order, using the first few words of each sub-section for ease of identification only (the entire provision of the sub-section being applicable in each case):

List of Offences

(a) **sexual assault** - deposition or degradation;
(b) **sexual harassment** - deposition or degradation;
(c) **sexual immorality** - suspension for up to three years, deposition or degradation;
(d**) assault or threat of assault** - suspension, deposition or degradation;
(e) **heresy or false doctrine** - formal admonition, suspension or deposition;
(f**) schism** - deposition;
(g) **apostasy** - degradation;
(h) **conduct giving just cause** - formal admonition, suspension or deposition;
(i) **fraudulent or dishonest acts** - suspension or deposition;
(j) **negligence or recklessness** - suspension or deposition;
(k) **misappropriation** - deposition;
(l) **violation of the Constitution and Canon**s - formal admonition, suspension or deposition;
(m) **conduct amounting to breach of trust** - deposition;
(n) **contravention of responsibilities or functions** - formal admonition, suspension or deposition;
(o) **refusal to obey** - formal admonition, suspension or deposition;
(p) **neglect of duties** - formal admonition, suspension or deposition;
(q) **incapacity** - formal admonition or reference to Canon 25(6), (7) and (8);
(r) **performing church functions while under the influence** - admonition, suspension or deposition;
(s) **breach of confidentiality** - formal admonition, suspension or deposition;
(t) **unauthorized absence** - formal admonition, suspension or deposition; and

(u) **conduct and false statements -** formal admonition, suspension or deposition;
(v) **promoting dissension and disaffection** – formal admonition, suspension or deposition;
(w) **maligning Bishops or others in ecclesiastical authority** – formal admonition, suspension
(x) **any matter presented for trial by the Bishop**– any of the sentences appropriate to the matter in question.

CANON 41
OF APPEALS

Who can appeal

1. Leave to appeal may be granted to persons against whom judgement shall have been given under any subsection of section 1 of the same Canon from any judgement or sentence of the Diocesan Tribunal: provided that an application for such leave to appeal, setting forth fully the reasons therefor, shall have been made in writing by the appellant to the Bishop of the Diocese within fifteen days after such sentence shall have been pronounced.

Proviso

The Bishop shall forthwith forward a copy of the reasons for appeal to the respondents and to the Presiding Bishop, and provide the Presiding Bishop also with a copy of the record of the case. The respondents shall have the right to make written answer to the application to the Presiding Bishop within fifteen days. On receiving the application the Presiding Bishop shall, within forty-two days, decide whether the application shall be granted or not.

No Appeal on facts

2. There shall be no appeal to the Provincial Tribunal as regards the facts of any case, but only as to the conclusions to be drawn from those facts which the Diocesan Tribunal shall determine to be proved. However, it shall be competent to the Provincial Tribunal, on receiving the case on appeal, to direct that the case, as regards the facts that are charged, shall be reviewed by the Diocesan Tribunal.

Inhibition during Appeal

3. When intention of appeal shall have been notified by any person against whom judgement has been given, it shall be competent to the Bishop of the Diocese to inhibit him from the exercise of his ministry until the Provincial Tribunal shall have determined the appeal.

Powers of Tribunal of Appeal

4. The Provincial Tribunal of Appeal may affirm or reverse the judgement of the Diocesan Tribunal and may modify or amend the sentence appealed against, or pass any other sentence in the case, as it thinks just. Reference to Canterbury

5. It shall be lawful for any party to a suit relating to matters of Faith and Doctrine (as laid down in section l(d) and defined in section 5 of Canon 37 Of Judicial Proceedings) within one month of the pronouncement of sentence by the Provincial Tribunal (whether sitting for the trial of a Bishop or as the Tribunal of Appeal) to require in writing that the President of the said Tribunal shall refer the whole case to the Archbishop of Canterbury; and he shall accompany this requisition with a written statement of the grounds upon which the appeal is made. Having received such requisition and statement, the President shall refer the whole matter to the Archbishop of Canterbury, unless in his opinion the requisition and statement do not relate to any matters of Faith and Doctrine, or are merely frivolous. Central Consultative Body

6. Upon receipt of the reference, it shall be competent for the Archbishop of Canterbury either to submit the same to the Central Consultative Body of the Lambeth Conference (if in his opinion that Body would be able to consider the reference within six months after it had been received), or (if otherwise) to consider the reference himself with the assistance of such Bishops of the Anglican Communion (not being Bishops of this Province nor less than four in number) as he may select. And in either event he shall report the opinion formed upon such submission or consideration to the President of the Provincial Tribunal. Return of Reference

7. The Provincial Tribunal shall consider the opinion so reported, and shall then proceed to affirm, reverse or vary the sentence already pronounced by it; but if no such opinion shall have been reported within twelve months from the receipt of the reference by the Archbishop of Canterbury, or if he shall have refused to submit or consider the same as before mentioned, then the said sentence shall take effect. 130Canons Metropolitical Questions

8. If judgement shall have been pronounced against the Presiding Bishop on the extent of his authority, or on the exercise of his Metropolitical functions and powers, it shall be lawful for him to require that the judgement be referred to the Archbishop of Canterbury

as laid down in section 5 of this Canon; but there shall be no reference of any sentence pronounced against him or any other Bishop of the Province on any question affecting morals or his conduct as a diocesan bishop.

CHAPTER VIII: ADMINISTRATION

CANON 42
OF TRUSTS

1. Provincial Trusts' Board There shall be a Provincial Trusts' Board for the purpose of exercising powers on behalf of the Provincial Synod for the management, control, and disposal of property.

2. Constitution This Board shall consist of the Presiding Bishop and other diocesan bishops, and the Registrar of the Province, as ex officio members, one clerical and two lay members elected by their Houses in the Provincial Synod, and one lay member nominated by the Provincial Pensions Board, who shall hold their office until the next session of the Provincial Synod. Provided that the lay member nominated by the Provincial Pensions Board may appoint an alternative representative to represent the member at any meeting of the Provincial Trusts' Board at which the member is unable to be present, and such Alternative Representative shall have the right to speak and vote at such meeting.

3. Bishops' Commissaries
(a) Every bishop who is a member of the Board shall be entitled to appoint a special commissary to attend all or any meetings of the Board. Such commissary shall have the same powers at such meetings as the other members of the Board.

(b) Apart from the Presiding Bishop (or commissary), there must at any time be at least three other diocesan bishops who have no commissaries, plus the commissaries and the permanent invitees referred to in section (f). Such a meeting shall constitute a meeting of the Board, provided there is a quorum of not less than eight, including the permanent invitees.
(c) A commissary may be appointed to that office by more than one diocesan bishop. On occasions when the diocesan bishop or bishops concerned have not themselves attended a Board meeting, the commissary shall report on that meeting directly to the absent bishop or bishops, by way of a report or copy of the minutes or both. However, a commissary shall attend Board meetings even if the appointing bishop is also present; nevertheless, in

such a case the costs of attendance of an attending bishop who has a commissary shall be borne by the diocese concerned.

(d) Commissaries shall be confirmed communicants of this Church and should, ideally and to the extent possible, between them each have skills, expertise or learning in relation to one or more of immovable property matters, finance, accounting, law, governance and administration.

(e) The Metropolitan, or Metropolitan's commissary or deputy, if so chosen, shall chair each Board meeting.

(f) The Provincial Executive Officer and Provincial Secretary/Treasurer, or their deputies, shall attend each Board meeting as permanent invitees and arrange for minutes to be taken.

(g) All diocesan finance or trusts boards, whichever is responsible for the finances of a diocese, shall furnish to the Board
(i) copies of their annual draft and audited financial statements as soon as they are available to them, together with
(ii) reports of their stewardship over the year covered by the financial statements and of their stewardship plans for the succeeding years.

(h) In any case of need the Board may withdraw, in part or in whole, the powers delegated to a Diocesan Synod or Diocesan Trusts' Board in terms of section 12(a) of this Canon and make alternative arrangements for the due exercise of such withdrawn powers.

4. **Chairperso**n
The Metropolitan or Metropolitan's Commissary shall chair the Board. In the absence of the Metropolitan and the Metropolitan's Commissary the Board shall elect its own chairperson.

5. Secretary and Treasurer A secretary and treasurer shall be appointed by the Board, subject to removal, as ex officio Provincial Secretary and Treasurer of the Board, who shall be responsible to the Board for the due custody of all provincial moneys, the keeping of proper books and accounts, the attendance at, and the keeping of proper records of, all meetings of the Board, as well as attending to all financial and secretarial matters connected with the said Board, and such other duties as the Board shall from time to time require. The secretary and treasurer shall be required to give such reasonable security for the due performance of such duties as the Board may from time to time consider necessary.
6. Quorum The presence of not less than eight members of the Board as provided for in Section 3(b) of the Canon, shall be necessary to constitute a quorum. For the exercise of

any of the powers vested in the Board, the signature of the Metropolitan or Commissary, of the Registrar or one of the Deputies of the Province (or the Secretary for the time being), and of one other member of the Board, shall be always necessary.

7. Vacancies In case of a vacancy in the office of either of the two members elected by the Provincial Synod, the Board shall appoint a person to the vacant office until the next session of the Provincial Synod.

8. Powers

(a) The powers belonging to the Provincial Trusts' Board shall be those designated in Articles XVIII and XIX of the Constitution and in the several clauses of Schedule A, annexed thereto, as belonging to a Board authorized to act on behalf of the Provincial Synod.

(b) Pursuant to clause 9 of Schedule A, the Provincial Trusts' Board is empowered to invest:

(i) in stocks and fully paid-up shares (including rights to acquire such shares) in anybody corporate;

(ii) in futures, options or any other derivative investment instruments, provided that the extent of such investments in relation to each portfolio is within the limits established from time to time by the Provincial Trusts' Board, which shall be ratified annually by Provincial Standing Committee;

(iii) for investment purposes, in the purchase and/or development of immovable property within the Province of Southern Africa;

(iv) for ecclesiastical purposes, in loans to dioceses for the purpose of the purchase and development by such dioceses of immovable property within these dioceses, at an interest rate on such loans which shall not be lower than a rate fixed for this purpose by the Provincial Trusts' Board from time to time, and,

(v) in banks and building societies provided that no such investment under points (i), (ii) and (iv) shall be made unless they have been approved by recognized investment advisers.

9. Scope

The Provincial Trusts' Board shall exercise all the aforesaid powers with reference to the endowments of the several bishoprics (as soon as these endowments can be transferred to

its charge) and to all other property given or acquired for the benefit of the Church of this Province which may be entrusted to it.

10. Reports of Provincial Synod

The Provincial Trusts' Board shall lay before the Provincial Synod at every session, whether ordinary or special:
(a) Report of Proceedings;
(b) Return of Stock and Capital of every kind belonging to the trusts under its direction, and
(c) A Certified Copy of the Minutes, except such parts as contain mere matters of detail.

11. Subcommittees
The Provincial Trusts' Board shall set up such subcommittees as are necessary to care for specific assets of the Anglican Church of Southern Africa and thus help in the fulfilment of Canon 42.10(b).

12**. Diocesan Trustees**
(a) Every Diocesan Synod, or Diocesan Trusts' Board appointed by such Synod, shall be the body authorized to exercise, on behalf of the Provincial Synod as delegated from the Provincial Trusts Board, the powers designated in Articles XVIII and XIX of the Constitution and in the several clauses of Schedule A, annexed thereto, in respect of property given or acquired for the benefit of the Church in that Diocese. The delegation of the powers of the Provincial Trusts Board referred to in Canon 42.1 shall automatically pass from the transferor Diocesan body to the transferee Diocesan body upon the transfer of any district from one to the other, or upon the creation of a new Diocese out of one or more existing Dioceses, or upon any alteration of any Diocesan limits.

(b) Pursuant to clause 9 of Schedule A, diocesan trustees are empowered to invest in accordance with section 8(b) of this canon: provided that the investment advisers shall have been approved by the Provincial Trusts' Board; provided further that diocesan trustees obtain the prior written permission of the Provincial Trusts' Board in respect of each investment in futures, options and other derivative investments instruments referred to in section 8(b)(ii) and that any such investments be made subject to such limits as may be imposed in loans by the Provincial Trusts' Board, and provided further that investments in loans to dioceses in terms of section 8(b)(iii) shall at no time exceed such percentage of the total investment held by such trustees as may be determined by the Provincial Trusts' Board.

13. **Methods**

All diocesan trustees shall carry out the objects of the trust in such manner, not inconsistent with the terms of the trust, as the several Diocesan Synods shall from time to time direct. General Directions

14. **Basis for Trust Deeds**
Every trust deed formed and administered under the direction of any Synod, board, committee, or other body, acting on behalf of the Provincial Synod, shall refer to the Constitution or Deed of Association of the Anglican Church of Southern Africa as the basis of the trust.

15. **Auditors and Bye-laws**
Every Synod, board, committee, or other body, acting on behalf of the Provincial Synod as aforesaid, shall appoint auditors for the trusts in its charge, and generally will have power to make, and shall make, all rules and bye-laws which may be necessary to give full effect to all the provisions of the Constitution affecting the trusts under its management.

16. Rules The following rules shall be applicable to all trusts under which property for the benefit of the Church of this Province is, or may be, held on behalf of the Provincial Synod:

(a) Leases Any trustee or trustees, if so empowered by the Synod, board, committee, or other body by which a trustee may have been appointed, may lease property on such terms as shall be agreed upon between the lessors or lessor and the lessee, the proceeds arising from such leases to be applied under the direction of the Provincial Synod, or of the Synod, board, committee, or other body acting in its behalf, to the purpose contemplated in the trust.

(b) Hypothecation Any trustee or trustees, if so empowered by the Synod, board, committee, or other body by which a trustee may have been appointed, may raise money on the security of, and mortgage, any property held by such trustee or trustees.

(c) Application of Funds The money so raised, or the proceeds of such mortgage, shall be applied to the purpose contemplated in the trust upon which the property is held, provided always that this rule shall not apply to any property where the trust upon which the same was transferred prohibits the raising of money thereon or the mortgage thereof, nor to any property which has been consecrated or on which there has already been erected a consecrated church.

(d) Regulations The Provincial Trusts' Board shall, after consulting the various Diocesan Trusts' Boards in the Province, draw up, and may from time to time amend, rules and regulations for the guidance of Provincial and Diocesan Trusts' Boards in matters relating

to the mortgaging of Church properties, provided always that provincial and diocesan trust funds shall not be lent on the security of diocesan or parochial property.

17. The Provincial Trusts' Board and each Diocesan Trusts' Board of a diocese wholly or partially shall be bound to follow either Mozambique or Angola legislation in regard to Trusts Operations.

CANON 43
OF THE PROVINCIAL STANDING COMMITTEE

1. **Functions**

The functions of the Provincial Standing Committee shall be to:

(a) perform such tasks as may be committed to it by Provincial Synod for the furtherance of the Church's mission, well-being and unity;

(b) take action on such matters as may require attention, from time to time, between sessions of Synod;

(c) advise the Presiding Bishop in regard to such matters as the Presiding Bishop may refer to it, or the Committee may desire to bring to the notice of the Presiding Bishop;

(d) deal with such matters as may be referred to it by the Presiding Bishop or by the Synod of Bishops, including subjects of Anglican and ecumenical concern;

(e) assist in the direction of and co-ordinate the work of publications, mission, religious education, justice and reconciliation, youth, spirituality, the environment, communications and other matters in which this Church may be engaged, and to establish appropriate structures, where necessary, for these or other purposes;

(f) administer the Common Provincial Fund between sessions of Provincial Synod, and

(g) report to each session of Provincial Synod on its work since the preceding session of Synod, and to make such recommendations as it may think fit.

2. **Meeting**s

The Committee shall meet once a year except in years when a session of Provincial Synod occurs. Additional meetings may be called at the Presiding Bishop's discretion. Notice of meetings shall be given 120 days before the date of the meeting.

3. (a) (i) **Composition, Alternative Representatives, Period of office representatives**
The Provincial Standing Committee shall consist of the Presiding Bishop (who shall chair the Committee), the diocesan bishops (or in any case a commissary chosen by the bishop to attend in the Bishop's stead, who may be a suffragan in the diocese) and one clerical and one lay representative of each diocese, elected together with alternates by the Synod of each Diocese by their respective orders; also all bishops suffragan, who shall have the right to speak but not to vote. Such representatives shall hold office until the session of Diocesan Synod following the ordinary session of the Provincial Synod and shall be eligible for re-election.

3(a) (ii) **Diaconate Representation**
The Presiding Bishop shall, after due consideration, nominate two representatives of the permanent diaconate to Provincial Standing Committee who shall have been representatives thereof at the previous session of Provincial Synod (or who are permanent deacons in any diocese of the Province should there have been no such representatives at the said previous session of Provincial Synod). These nominated representatives shall have all the rights and privileges of elected representatives, including the power to vote.

3. (a) (iii) Mother's Union, Bernard Mizeki's Fellowship, Young Adults and Special ministries shall each be entitled to send one representative to Provincial Standing Committee. Each such representative shall be a confirmed communicant over the age of 18 years and an office-bearer of the provincial executive in the organization concerned and must ordinarily reside in one of the dioceses of the Anglican Church of Southern Africa. Each such representative shall have all the rights and privileges of elected representatives, including the right to speak but not to vote.

3. (a) (iv) **Youth Representatives**
The Presiding Bishop shall nominate two youth representatives to Provincial Standing Committee who shall be confirmed communicants over the age of 18 and office-bearers of provincial youth organizations or structures recognized by the Church of this Province in terms of section 2(b) of Canon 1. The nominated youth representatives shall have all the rights and privileges of elected representatives, including the power to vote.

3. (b) **Casual Vacancies**
A casual vacancy in the representatives or alternates of a diocese shall be filled by an election at a Diocesan Synod held between Provincial Synods or, failing such Diocesan

Synod, by the Diocesan Council or such other body as is entitled to transact business in the diocese between sessions of the Synod. The person or persons thus elected shall hold office until the session of Diocesan Synod following the next ordinary session of the Provincial Synod, and shall be eligible for re-election.

3. (c) Additional representatives Each diocese may nominate its diocesan secretary or administrator as an additional representative to the Committee, if that person is not one of the representatives referred to in subsection (a) of this section, provided that in such cases the diocese is to be responsible for the costs of attendance at Committee of its additional representative, and provided further that the diocese advises the Provincial Executive Officer of its nomination within 14 days of receipt of the Metropolitan's notice calling the meeting in terms of section 2 of this canon. In addition, the Presiding Bishop may also nominate additional representatives up to a maximum of 15 in number (subject to accommodation being available) to provide for the representation of such interests or groups as in his or her opinion may not otherwise be represented, either adequately or at all. These additional representatives shall have all the rights and privileges of elected representatives, save only that they shall have power to speak but not to vote.

3(d) Nominated Representatives
In the case of a diocese which has no Diocesan Synod the bishop of the diocese shall have full power and authority to nominate representatives, and such nominated representatives shall have all the rights and privileges of elected representatives.

3 (e) Qualifications of Representatives
The qualifications for elected and nominated representatives shall be that for representatives at the Provincial Synod.

3(f) Secretary The Provincial Executive Officer shall be the secretary of the Committee and shall have power to speak but not to vote.

3(g) **Provincial Officers**
he Provincial Treasurer, the Assistant Provincial Treasurer and the Provincial Registrar or one of the Deputy Registrars and the Provincial Chancellor or one of the Deputy Chancellors shall attend with power to speak but not to vote unless duly elected as a member of the Committee.

3(h) **Programme Convenors/Facilitator**

The Committee shall provide for areas of provincial ministry referred to in section 1(e) of this canon to be represented by those persons set out in the schedule referred to in Canon 44.1(d). Such persons shall have the right to speak but not vote.

4. **Quorum**

The quorum shall consist of three diocesan bishops and seven diocesan representatives.

5. **Chairperson**

In the absence of the Presiding Bishop the Committee shall elect its own chairperson. At any time during the proceedings of the Committee, the Presiding Bishop may delegate the chair to some other member of the Committee on such conditions as the Metropolitan deems fit. Such delegation may not be for periods of longer than one day, unless the Committee consents otherwise.

6**. Bye-Laws**

The Committee shall have full power and authority to make and amend such rules, regulations and bye-laws for the conduct of its meetings and for the composition, functions and conduct of business of any board or committee appointed in terms of section l(e) of this canon.

7. Reports

As soon as may be after the close of each meeting of the Committee a digest of the proceedings shall be issued to all members of the Committee and be made available for the general information of the Church.

CANON 44
OF PROVINCIAL OFFICERS

1. Functions Provincial Synod recognizes the following as provincial officers who shall have the right to attend and speak in Provincial Synod but not to vote unless elected as diocesan representatives:

(a) The Provincial Executive General Secretary
(b) Provincial Chancellor
(b) The Provincial Registrar and his or her deputy;
(c) The Provincial Secretary and the Assistant Provincial Secretary, and
(d) Persons appointed to care for areas of provincial ministry in terms of Canon 43.1(e) and 43.3(h), which areas shall appear in a schedule to be approved by Provincial Standing Committee at each meeting thereof.

These appointments, and the terms of service of all provincial officers with the exception of the Provincial Registrar and his or her Deputy, shall rest with the Metropolitan after consultation with the Provincial Standing Committee, and in the case of the Provincial Secretary and Assistant Provincial Secretary also with the Provincial Trusts' Board and Provincial Pensions Board.

CANON 45
OF THE COMMON PROVINCIAL FUND

1. **A Common Provincial Fund shall be established**:

Presiding Bishop's Stipend

(a) to be fixed by the Provincial Sanding Committee up to such amount as the Provincial Synod shall approve;

Presiding Bishop's Expenses

(b) to meet the official expenses incurred by the Metropolitan in the organization of the Province;

Theological Colleges

(c) to contribute towards the maintenance and development of the work of the provincial theological colleges, established as such with the consent of Provincial Synod; Provincial Boards

(d) to contribute towards the expenses of such provincial boards and standing committees as may be approved by Provincial Synod; Expenses of Commission

(e) to provide for the expenses of such ad hoc commissions and committees as shall be appointed by the Provincial Synod, the Provincial Standing Committee or the Synod of Bishops; Expenses of Committees and Synod

(f) to provide for the administration and travelling expenses of the Provincial Standing Committee, the Provincial Synod or the Synod of Bishops, and

(g) to provide for such other purposes as may from time to time be approved of by the Provincial Synod or by the Provincial Standing Committee. Administration of Fund

2. **The Provincial Finance Boar**d is authorized to review and approve the Annual Financial Statements of the Common Provincial Fund annually and that the approved financial statements will be tabled at each session of Provincial Synod or Provincial Standing Committee. Percentage on Income

3. The Provincial Synod at each of its sessions shall determine the maximum percentage of income from parochial and diocesan sources that the several dioceses, as composing the Province, may be called on to contribute, and such maximum percentage shall hold good until the next session of the Provincial Synod. Estimates and Contributions

3. (a) Provincial Synod or Provincial Standing Committee, as the case may be, shall take into consideration year by year the total sum needed for the purposes of the Common Provincial Fund, and, in terms of section 3 of this canon, shall prepare estimates for the ensuing year, and allocate the amount required - hereinafter called the contribution - to the several dioceses of the Province, in such proportion as it may determine.

The Provincial Secretary and Treasurer shall furnish the financial authorities of each diocese with a copy of the proposed estimates and contributions at least three months prior to the meeting of the Provincial Synod or Provincial Standing Committee at which the payments from and contributions to the fund for the ensuing year are fixed. Objection

(b) Any objection to a contribution, with the reason therefore, must be lodged with the Provincial Secretary at least 30 days before the meeting referred to in section 4(a) of this canon, and all such objections shall be considered by Provincial Synod or Provincial Standing Committee.

CANON 46
OF THE PROVINCIAL PENSION FUND NAME

1. The name of the Fund shall bear the names of the two countries of IAMA as follows " The Anglican Church of Mozambique Pension Fund" and "The Anglican Church of Angola Pension Fund"

Registered office

2. The registered office of the Fund shall be:
(i) Avenida de Rio Tembe & Trabalho 299, Cidade de Maputo, Mozambique
(ii) Cidade de Luanda, Angola

Rules

3. The rules governing the administration of the Provincial Pension Fund shall be those contained in the Rules of the Provincial Pension Fund as registered with the Registrar of Pension Funds.

CANON 47
CHARTER FOR ANGLICAN INSTITUTIONS

Where an organization or institution, over which the Church has no effective control, professes, directly or impliedly, a connection to or a shared identity with or the support or approval of this Church, it shall be the obligation of the Diocesan Bishop concerned to decide whether to accept this claim, whether he or she be the Presiding Bishop in respect of the Province or a Diocesan Bishop in respect of a Diocese. If it is accepted, the Diocesan Bishop and the Trusts' Board concerned (whether it be the Provincial Trusts' Board for the Province or the Diocesan Trusts' Board for a Diocese) shall be obliged in the name of the Province or the Diocese concerned to conclude with it an Anglican Association Charter, substantially in the form of the template set out in Act X. If it is not accepted, the Bishop and the Trusts' Board concerned shall take all steps necessary to ensure that this claim ceases to be made.

. CANON 48
OF PROPOSED ALTERATIONS TO CANONS AMENDMENT OF CONSTITUTION OR CANONS

1. No Article of the Constitution or canons of this Church shall be liable to alteration, amendment, or repeal, and no new Article of the Constitution or canon shall be added at any future Provincial Synod, unless formal notice of such proposed alteration, amendment, repeal or addition shall have been notified to the Presiding Bishop at least five months before the day fixed for the opening of such Synod. All such notices shall consist of two parts:

(a) A statement of the reasons why such alterations are desirable, and

(b) The precise alterations proposed. All such notices shall be communicated by the Metropolitan not less than three months before the meeting of the Provincial Synod to all the diocesan bishops for the information of those who shall represent their several dioceses at that Synod. Amendment of the Constitution

2. No formal notice for the alteration, amendment or repeal of any portion of the Constitution shall be received unless it proceeds out of a resolution of the House of Bishops, the Provincial Synod, a Diocesan Synod, the Provincial Standing Committee, or a duly constituted provincial or diocesan board.

3. No formal notice for the alteration, amendment or repeal of a canon shall be received unless it proceeds out of a resolution of the House of Bishops, Provincial Synod, the Provincial Standing Committee, a committee or commission of Provincial Synod or a Diocesan Synod, council, board, committee or commission, or is accompanied by a declaration signed by a diocesan bishop or three diocesan representatives to Provincial Synod. Amendment of Wording in Motions

4. It is competent for the Provincial Synod to amend, modify or adopt in part the wording of any such formal notice of a new canon, or the wording of any such formal notice of the alteration, amendment, repeal of or addition to any existing canon, and to reject any such wording in whole or in part; and further to substitute new wording, so long as no new subject matter is introduced of which five months' notice has not been given.

Date of Validity of New Canons

5. All Canons of the Church of this Province shall be in force two months from the date of the authentication and promulgation of the same, which shall always be made immediately before the dissolution of the Synod

CANON 49

OF THE INTERPRETATION OF THE LAWS AND CANONS OF THIS CHURCH

Interpretation by Canon Law

It is hereby declared that if any question should arise as to the interpretation of the canons or laws of this Church, or of any part thereof, the interpretation shall be governed by the general principles of Canon Law thereto applicable.

ARTICLES OF RELIGION

TABLE OF THE THIRTY-NINE ARTICLES OF ANGLICAN RELIGION

1. Of Faith in the Holy Trinity
2. Of Christ the Son of God
3. Of his going down into Hell
4. Of his Resurrection
5. Of the Holy Ghost
6. Of the Sufficiency of the Scripture
7. Of the Old Testament
8. Of the Three Creeds
9. Of Original or Birth-sin
10. Of Free-will
11. Of Justification
12. Of good Works
13. Of Works before Justification
14. Of Works of Supererogation
15. Of Christ alone without Sin
16. Of Sin after Baptism
17. Of Predestination and Election
18. Of obtaining Salvation by Christ
19. Of the Church
20. Of the Authority of the Church
21. Of the Authority of General Councils
22. Of Purgatory

39 ARTICLES

By the direction of the Synod of Bishops, there are printed after the Canons, the 39 Articles or Articles of Religion, the full text of which is, "Articles agreed upon by the Archbishops and Bishops of both the Provinces and the whole Clergy in the Convocation Holden at London in the year 1562 for the Avoiding of Diversities of opinion and for the establishing of Consent touching True Religion." Put forth by the authority of Queen Elizabeth I, they were ratified by the Convocation of Canterbury in 1571 and are Commonly bound up with the Book of Common Prayer 1662. They are referred to in Canon 16 and Canon 37 Section 2.

I. OF FAITH IN THE HOLY TRINITY

There is but one living and true God, everlasting, without body, parts, or passions; of infinite power, wisdom, and goodness; the Maker, and Preserver of all things both visible and invisible. And in unity of this Godhead there be three Persons, of one substance, power, and eternity; the Father, the Son, and the Holy Ghost.

II. OF THE WORD OR SON OF GOD, WHICH WAS MADE VERY MAN

The Son, which is the Word of the Father, begotten from ever-lasting of the Father, the very and eternal God, and of one substance with the Father, took Man's nature in the womb

of the blessed Virgin, of her substance: so that two whole and perfect Natures, that is to say, the Godhead and Manhood, were joined together in one Person, never to be divided, whereof is one Christ, very God, and very man; who truly suffered, was crucified, dead and buried, to reconcile his Father to us, and to be a sacrifice, not only for original guilt, but also for all actual sins of men.

III. OF THE GOING DOWN OF CHRIST INTO HELL

As Christ died for us, and was buried, so also is it to be believed, that he went down into Hell.

IV. OF THE RESURRECTION OF CHRIST

Christ did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature; wherewith he ascended into Heaven, and there sitteth, until he return to judge all Men at the last day. 146Articles of Religion

V. OF THE HOLY GHOST

The Holy Ghost, proceeding from the Father and the Son, is of one substance, majesty, and glory, with the Father and the Son, very and eternal God.

VI. OF THE SUFFICIENCY OF THE HOLY SCRIPTURES FOR SALVATION

Holy Scripture containeth all things necessary to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of the Faith, or be thought requisite or necessary to salvation. In the name of the holy Scripture we do understand those canonical Books of the Old and New Testament, of whose authority was never any doubt in the Church. Of the Names and Number of the Canonical Books Genesis Exodus Leviticus Numbers Deuteronomy Joshua Judges Ruth The First Book of Samuel The Second Book of Samuel The First Book of Kings The Second Book of Kings The First Book of Chronicles The Second Book of Chronicles The First Book of Esdras The Second Book of Esdras The Book of Esther The Book of Job The Psalms The Proverbs Ecclesiastes or Preacher Cantica, or Songs of Solomon Four Prophets the greater Twelve Prophets the less. And the other Books (as Hierome saith) the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any doctrine; such are these following: The Third Book of Esdras The Fourth Book of Esdras The Book of Tobias The Book of Judith The rest of the Book of Esther The Book of Wisdom Jesus the Son of Sirach Baruch the Prophet

The Song of the Three Children The Story of Susanna Of Bel and the Dragon The Prayer of Manasses The First Book of Macabees The Second Book of Macabees All the Books of the New Testament, as they are commonly received, we do receive, and account them Canonical.

VII. OF THE OLD TESTAMENT

The Old Testament is not contrary to the New: for both in the Old and New Testament everlasting life is offered to Mankind by Christ, who is the only Mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign that the old Fathers did look only for transitory promises. Although the Law given from God by Moses, as touching Ceremonies and Rites, do not bind Christian men, nor the Civil precepts thereof ought of necessity to be received in any commonwealth; yet notwithstanding, no Christian man whatsoever is free from the obedience of the Commandments which are called Moral.

VIII. OF THE THREE CREEDS

The Three Creeds, Nicene Creed, Athanasius's Creed, and that which is commonly called the Apostles' Creed, ought thoroughly to be received and believed: for they may be proved by most certain warrants of holy Scripture.

IX. OF ORIGINAL OR BIRTH-SIN

Original Sin standeth not in the following of Adam, (as the Pelagians do vainly talk;) but it is the fault and corruption of the Nature of every man, that naturally is ingendered of the offspring of Adam; whereby man is very far gone from original righteousness, and is of his own nature inclined to evil, so 148Articles of Religion that the flesh lusteth always contrary to the spirit; and therefore in every person born into this world, it deserveth God's wrath and damnation. And this infection of nature doth remain, yea in them that are regenerated; whereby the lust of the flesh, called in the Greek, φρονημα σαρκος which some do expound the wisdom, some sensuality, some the affection, some the desire, of the flesh, is not subject to the Law of God. And although there is no condemnation for them that believe and are baptized, yet the Apostle doth confess, that concupiscence and lust hath of itself the nature of sin.

X. OF FREE-WILL

The condition of Man after the fall of Adam is such, that he cannot turn and prepare himself, by his own natural strength and good works, to faith, and calling upon God: Wherefore we have no power to do good works pleasant and acceptable to God, without the grace of God by Christ preventing us, that we may have a good will, and working with us, when we have that good will.

XI. OF THE JUSTIFICATION OF MAN

We are accounted righteous before God, only for the merit of our Lord and Saviour Jesus Christ by Faith, and not for our own works or deservings: Wherefore, that we are justified by Faith only is a most wholesome Doctrine, and very full of comfort, as more largely is expressed in the Homily of Justification.

XII. OF GOOD WORKS

Albeit that Good Works, which are the fruits of Faith, and follow after Justification, cannot put away our sins, and endure the severity of God's Judgement; yet are they pleasing and acceptable to God in Christ, and do spring out necessarily of a true and lively Faith; insomuch that by them a lively Faith may be as evidently known as a tree discerned by the fruit.

XIIl. OF WORKS BEFORE JUSTIFICATION

Works done before the grace of Christ, and the Inspiration of his Spirit, are not pleasant to God; forasmuch as they spring not of faith in Jesus Christ, neither do they make men meet to receive grace, or (as the School-authors say) deserve grace of congruity: yea rather, for that they are not done as God hath willed and commanded them to be done, we doubt not but they have the nature of sin.

XIV. OF WORKS OF SUPEREROGATION

Voluntary Works besides, over and above, God's Commandments, which they call Works of Supererogation, cannot be taught without arrogance and impiety; for by them men do declare, that they do not only render unto God 149Articles of Religion as much as they are bound to do, but that they do more for his sake, than of bounden duty is required: whereas Christ saith plainly, When ye have done all that are commanded to you, say, We are unprofitable servants.

XV. OF CHRIST ALONE WITHOUT SIN

Christ in the truth of our nature was made like unto us in all things, sin only except, from which he was clearly void, both in his flesh, and in his spirit. He came to be the lamb without spot, who, by sacrifice of himself once made, should take away the sins of the world, and sin, as Saint John saith, was not in him. But all we the rest, although baptized, and born again in Christ, yet offend in many things; and if we say we have no sin, we deceive ourselves, and the truth is not in us.

XVI. OF SIN AFTER BAPTISM

Not every deadly sin willingly committed after Baptism is sin against the Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after Baptism. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God we may arise again, and amend our lives. And therefore they are to be condemned, which say, they can no more sin as long as they live here, or deny the place of forgiveness to such as truly repent.

XVIl. OF PREDESTINATION AND ELECTION

Predestination to Life is the everlasting purpose of God, whereby (before the foundations of the world were laid) he hath constantly decreed by his counsel secret to us, to deliver from curse and damnation those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation, as vessels made to honour. Wherefore, they which be endued with so excellent a benefit of God be called according to God's purpose by his Spirit working in due season: they through Grace obey the calling: they be justified freely: they be made sons of God by adoption: they be made like the image of his only-begotten Son Jesus Christ: they walk religiously in good works, and at length, by God's mercy, they attain to everlasting felicity. As the godly consideration of Predestination, and our Election in Christ, is full of sweet, pleasant, and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their mind to high and heavenly things, as well because it doth greatly establish and confirm their faith of eternal Salvation to be enjoyed through Christ, as because it doth fervently kindle their love towards God: So, for curious and carnal persons, lacking the Spirit of Christ, to have continually before their eyes the sentence of God's Predestination, is a most dangerous downfall, whereby the Devil 150Articles of Religion doth thrust them either into desperation, or into wretchlessness of most unclean living, no less perilous than desperation. Furthermore, we must receive God's promises in such wise, as they be generally set forth to us in Holy Scripture: and, in our doings, that Will of God is to be followed, which we have expressly declared unto us in the Word of God.

XVIII. OF OBTAINING ETERNAL SALVATION ONLY BY THE NAME OF CHRIST

They also are to be had accursed that presume to say, That every man shall be saved by the Law or Sect which he professeth, so that he be diligent to frame his life according to that law, and the light of Nature. For holy Scripture doth set out unto us only the Name of Jesus Christ, whereby men must be saved.

XIX. OF THE CHURCH

The visible Church of Christ is a congregation of faithful men, in the which the pure Word of God is preached, and the Sacraments be duly ministered according to Christ's ordinance in all those things that of necessity are requisite to the same. As the Church of Jerusalem, Alexandria, and Antioch, have erred; so also the Church of Rome hath erred, not only in their living and manner of Ceremonies, but also in matters of Faith.

XX. OF THE AUTHORITY OF THE CHURCH

The Church hath power to decree Rites or Ceremonies, and authority in Controversies of Faith: And yet it is not lawful for the Church to ordain anything that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of holy Writ, yet, as it ought not to decree anything against the same, so besides the same ought it not to enforce any thing to be believed for necessity of Salvation.

XXI. OF THE AUTHORITY OF GENERAL COUNCILS

General Councils may not be gathered together without the commandment and will of Princes. And when they be gathered together, (for as much as they be an assembly of men, whereof all be not governed with the Spirit and Word of God,) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to salvation have 151Articles of Religion neither strength nor authority, unless it may be declared that they be taken out of Holy Scripture.

XXII. OF PURGATORY

The Romish Doctrine concerning Purgatory, Pardons, Worshipping and Adoration, as well of Images as of Reliques, and also invocation of Saints, is a fond thing vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the Word of God.

XXIlI. OF MINISTERING IN THE CONGREGATION

It is not lawful for any man to take upon him the office of public preaching, or ministering the Sacraments in the Congregation, before he be lawfully called, and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have public authority given unto them in the Congregation, to call and send Ministers into the Lord's vineyard.

XXIV. OF SPEAKING IN THE CONGREGATION IN SUCH A TONGUE AS THE PEOPLE UNDERSTANDETH

It is a thing plainly repugnant to the Word of God, and the custom of the Primitive Church, to have public Prayer in the Church, or to minister the Sacraments in a tongue not understanded of the people.

XXV. OF THE SACRAMENTS

Sacraments ordained of Christ be not only badges or tokens of Christian men's profession, but rather they be certain sure witnesses, and effectual signs of grace, and God's good will towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our Faith in him. There are two Sacraments ordained of Christ our Lord in the Gospel, that is to say, Baptism, and the Supper of the Lord. Those five commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and extreme Unction, are not to be counted for Sacraments of the Gospel, being such as have grown partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures; but yet have not like nature of Sacraments with Baptism, and the Lord's Supper, for that they have not any visible sign or ceremony ordained of God. The Sacraments were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use them. And in such only as worthily 152Articles of Religion received the same they have a wholesome effect or operation: but they that receive them unworthily purchase to themselves damnation, as Saint Paul saith.

XXVI. OF THE UNWORTHINESS OF THE MINISTERS, WHICH HINDERS NOT THE EFFECT OF THE SACRAMENT

Although in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the Ministration of the Word and Sacraments, yet forasmuch as they do not the same in their own name, but in Christ's, and do minister by his

commission and authority, we may use their Ministry, both in hearing the Word of God, and in the receiving of the Sacraments. Neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such as by faith and rightly do receive the Sacraments ministered unto them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men. Nevertheless, it appertaineth to the discipline of the Church, that inquiry be made of evil Ministers, and that they be accused by those that have knowledge of their offences; and finally being found guilty, by just judgement be deposed.

XXVII. OF BAPTISM

Baptism is not only a sign of profession, and mark of difference, whereby Christian men are discerned from others that be not christened, but it is also a sign of Regeneration or new birth, whereby, as by an instrument, they that received Baptism rightly are grafted into the Church; the promises of the forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed; Faith is confirmed, and grace increased by virtue of prayer unto God. The Baptism of young Children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.

XXVIII. OF THE LORD'S SUPPER

The Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another; but rather is a Sacrament of our Redemption by Christ's death: insomuch that to such as rightly, worthily, and with faith, receive the same, the Bread which we break is a partaking of the Body of Christ; and likewise the Cup of Blessing is a partaking of the Blood of Christ. Transubstantiation (or the change of the substance of Bread and Wine) in the Supper of the Lord, cannot be proved by holy Writ; but it is repugnant to the 153Articles of Religion plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions. The Body of Christ is given, taken, and eaten, in the Supper, only after an heavenly and spiritual manner. And the means whereby the Body of Christ is received and eaten in the Supper is Faith. The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

XXIX. OF THE WICKED WHICH EAT NOT THE BODY OF CHRIST IN THE USE OF THE LORD'S SUPPER

The Wicked, and such as be void of a lively faith, although they do carnally and visibly press with their teeth (as Saint Augustine saith) the Sacrament of the Body and Blood of

Christ, yet in no wise are they partakers of Christ: but rather, to their condemnation, do eat and drink the sign or Sacrament of so great a thing.

XXX. OF BOTH KINDS

The Cup of the Lord is not to be denied to the Lay-people: for both the parts of the Lord's Sacrament, by Christ's ordinance and commandment, ought to be ministered to all Christian men alike.

XXXI. OF THE ONE OBLATION OF CHRIST FINISHED UPON THE CROSS

The Offering of Christ once made is that perfect redemption, propitiation, and satisfaction, for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone. Wherefore the sacrifices of Masses, in the which it was commonly said, that the Priest did offer Christ for the quick and the dead, to have remission of pain or guilt, were blasphemous fables, and dangerous deceits.

XXXII. OF THE MARRIAGE OF PRIESTS

Bishops. Priests, and Deacons, are not commanded by God's Law, either to vow the estate of single life, or to abstain from marriage: therefore it is lawful also for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness.

XXXIII. OF EXCOMMUNICATE PERSONS, HOW THEY ARE TO BE AVOIDED

That person which by open denunciation of the Church is rightly cut off from the unity of the Church, and excommunicated, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be openly reconciled by penance, and received into the Church by a Judge that hath authority thereunto.

XXXIV. OF THE TRADITIONS OF THE CHURCH

It is not necessary that Traditions and Ceremonies be in all places one, or utterly like; for at all times they have been divers, and may be changed according to the diversities of countries, times, and men's manners, so that nothing be ordained against God's Word. Whosoever through his private judgement, willingly and purposely, doth openly break the traditions and ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly, (that others may fear to do the like,) as he that offendeth against the common order of the Church, and

hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethen. Every particular or national Church hath authority to ordain, change and abolish, ceremonies or rites of the Church ordained only by man's authority, so that all things be done to edifying.

XXXV. OF HOMILIES

The second Book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome Doctrine, and necessary for these times, as doth the former book of Homilies, which were set forth in the time of Edward the Sixth; and therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understanded of the people.

OF THE NAMES OF THE HOMILIES

1. Of the right Use of the Church 2. Against peril of Idolatry 3. Of the repairing and keeping clean of Churches 4. Of good Works: first of Fasting 5. Against Gluttony and Drunkenness 6. Against Excess of Apparel 7. Of Prayer 8. Of the Place and Time of Prayer 155Articles of Religion 9. That Common Prayers and Sacraments ought to be ministered in a known tongue 10. Of the reverend estimation of God's Word 11. Of Alms-doing 12. Of the Nativity of Christ 13. Of the Passion of Christ 14. Of the Resurrection of Christ 15. Of the worthy receiving of the Sacrament of the Body and Blood of Christ 16. Of the Gifts of the Holy Ghost 17. For the Rogation-days 18. Of the state of Matrimony 19. Of Repentance 20. Against Idleness 21. Against Rebellion.

XXXVI. OF CONSECRATION OF BISHOPS AND MINISTERS

The Book of Consecration of Archbishops and Bishops, and Ordering of Priests and Deacons, lately set forth in the time of Edward the Sixth, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such Consecration and Ordering: neither hath it anything that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the Rites of that Book, since the second year of the forenamed King Edward unto this time, or hereafter shall be consecrated or ordered according to the same Rites; we decree all such to be rightly, orderly, and lawfully consecrated and ordered.

XXXVII. OF THE CIVIL MAGISTRATES

The King's Majesty hath the chief power in this Realm of England, and other his Dominions, unto whom the chief Government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all causes doth appertain, and is not, nor ought to be, subject

to any foreign Jurisdiction. Where we attribute to the King's Majesty the chief government, by which Titles we understand the minds of some slanderous folks to be offended; we give not to our Princes the ministering either of God's Word, or of the 156Articles of Religion Sacraments, the which thing the Injunctions also lately set forth by Elizabeth our Queen do most plainly testify; but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God himself; that is, that they should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with· the civil sword the stubborn and evildoers. The Bishop of Rome hath no jurisdiction in this Realm of England. The Laws of the Realm may punish Christian men with death, for heinous and grievous offences. It is lawful for Christian men, at the commandment of the Magistrate, to wear weapons, and serve in the wars.

XXXVIII. OF CHRISTIAN MEN'S GOODS, WHICH ARE NOT COMMON

The Riches and Goods of Christians are not common, as touching the right, title, and possession of the same, as certain Anabaptists do falsely boast. Notwithstanding, every man ought, of such things as he possesseth, liberally to give alms to the poor, accordingly to his ability.

XXXIX. OF A CHRISTIAN MAN'S OATH

As we confess that vain and rash Swearing is forbidden Christian men by our Lord Jesus Christ, and James his Apostle, so we judge, that Christian Religion doth not prohibit, but that a man may swear when the Magistrate requireth, in a cause of faith and charity, so it be done according to the Prophet's teaching, in justice, judgement, and truth. THE RATIFICATION This Book of Articles before rehearsed, is again approved, and allowed to be holden and executed within the Realm, by the assent and consent of our Sovereign Lady ELIZABETH, by the grace of God, of England, France, and Ireland, Queen, Defender of the Faith &c. Which Articles were deliberately read, and confirmed again by the subscription of the hands of the Archbishop and Bishops of the Upper-house, and by the subscription of the whole Clergy of the Nether-house in their Convocation, in the Year of our Lord 1571

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