

**CANONS
OF THE
DIOCESE OF MOOSONEE**

THE ANGLICAN CHURCH OF CANADA

Revised May 13 , 2021

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**THE SOLEMN DECLARATION
OF THE FIRST GENERAL SYNOD OF THE ANGLICAN CHURCH OF
CANADA
ADOPTED IN TORONTO ON THURSDAY, SEPTEMBER 14th, 1893.**

In the name of the Father, and of the Son, and of the Holy Ghost, Amen.

We, the Bishops, together with the Delegates from the Clergy and Laity of the Church of England in the Dominion of Canada, now assembled in the first General Synod, hereby make the following Solemn Declaration:

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

And we are determined by the help of God to hold and maintain the Doctrine, Sacraments, and Discipline of Christ as the Lord hath commanded in His Holy Word, and as the Church of England hath received and set forth the same in "The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the Use of the Church of England; together with the Psalter or Psalms of David pointed as they are to be sung or said in Churches; and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons"; and in the Thirty-nine Articles of Religion; and to transmit the same unimpaired to our posterity.

**THE ACT FOR INCORPORATION OF
THE BISHOP OF MOOSONEE
STATUTES OF CANADA
2 EDWARD VII
CHAPTER 81**

**An act to incorporate the Bishop of Moosonee
(Assented to 15th May, 1902)**

Preamble:

WHEREAS the Right Reverend John Horden was consecrated and appointed the first Bishop of the Diocese of Moosonee, one of the missionary dioceses of the Church of England in Canada, which office he held until the time of his death, whereupon the Right Reverend Jervois Arthur Newnham was consecrated and appointed to fill the vacancy in such office and is the present bishop of said diocese; and whereas divers lands situate within the said diocese have been granted to the successive incumbents of said bishopric, to each of his successors in office, for various purposes in connection with the said church in the said diocese; and whereas the said diocese is still a missionary diocese and no synod, assembly, convocation or other body comprising representatives of the clergy and laity therein, has ever been convened or organized, and the bishop of the said diocese has never been constituted a corporation sole; and whereas it is expedient to make provision for the management and control of the property, affairs and interests of the said church in matters relating to and affecting only the said church and the officers and members thereof, and in respect of the premises, and to incorporate the bishop of the said diocese;

Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. **Incorporation:**

The Right Reverend Jervois Arthur Newnham, Bishop of Moosonee, and his successors in office, are hereby incorporated, for the purposes mentioned in the preamble, under the name of "The Bishop of Moosonee", hereinafter called "the Corporation", with all the powers and privileges contained in paragraph 43 of section 7 of chapter 1 of the Revised Statutes of Canada.

2. **Power to hold and alienate property - Limitations:**

The Corporation may receive and hold property of any kind for the uses and purposes of the Church of England in the said Diocese of Moosonee, including the uses and purposes of any parish, mission, institution, college, school, or hospital, now or hereafter connected with the Church of England, and may receive any devise by will, gift, and

conveyance of land or any estate or interest therein, and may sell, alienate, mortgage, or lease any lands, tenements and hereditament held by it, whether by way of investment for the uses and purposes hereinbefore mentioned or not: provided that the annual revenue of the real estate held by the Corporation shall not at any one time exceed the sum of forty thousand dollars; and provided also, that any devise of real estate to the Corporation shall be subject to the laws respecting devises of real estate to religious corporations in force at the time of such devise in the province or territory in which such real estate is situated.

3. **Power of Investment:**

The Corporation may invest its funds and moneys in: -

- a Government securities of the United Kingdom or Canada, or in the stocks, funds, bonds or debentures of the Government of India, or of any of the colonies of Great Britain; or
- b the debentures, debenture stock, mortgages or securities of any corporation or company in the United Kingdom, or in any of the said colonies; provided such corporation or company is incorporated by Act of Parliament or charter, or is authorized by any such government, and has for the three years last preceding paid dividends on the ordinary stock; or
- c in the purchase of freehold lands; or
- d in first mortgages on freehold property in Canada;

Mortgages:

And for the purposes of such investments may take mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in its own corporate name, or to some company or person in trust for it, and may sell and assign the same.

4. **Executive Committee:**

The Corporation may exercise all its powers by and through an executive committee, or such boards or committees as the bishop may from time to time appoint for the management of any of the affairs of the said bishopric, but in accordance only with the trusts relating to any property upon or for which the same is held.

5. **Execution of Instruments:**

Instruments executed by the Corporation shall be verified by the signature of the Bishop of Moosonee or of his commissary for that purpose by him in writing appointed.

6. **Retroactive effects of this Act as to validity of grants of land.**

All deeds, conveyances and letters patent heretofore made to the said the Right Reverend John Horden, or to the said the Right Reverend Jervois Arthur Newnham, purporting to convey lands, or any interest therein, to either of them and his successors as such Bishop of Moosonee, shall be as valid and effectual, for the purpose of vesting the same in the Corporation by this Act created, as if such Corporation had been created and in existence at the time at which such deeds, conveyances and letters patent were made.

7. **Provision for transfer of trust property to a Diocesan Synod when Incorporated**

The Corporation may transfer any property held in trust by it for any eleemosynary, ecclesiastical or education use of the Church of England in the Diocese of Moosonee, or for any of the purposes herein set forth, to the Synod of the Diocese of Moosonee, when incorporated, to be held by the said synod in trust for the same uses and purposes.

OTTAWA: Printed by Samuel Edward Dawson,
Law Printer to the King's Most Excellent Majesty.

PREAMBLE TO THE CANONS OF THE DIOCESE OF MOOSONEE SOLEMN DECLARATION

DECLARATION of the Bishops, Priests, Deacons, and Laity of the 35th Synod of the Diocese of Moosonee, assembled at Kapuskasing, Ontario, on the fourth day of June in the Year of our Lord Nineteen Hundred and Eighty-Four.

We, the Bishops, Priests, Deacons, and Laity of the 35th Synod of the Diocese of Moosonee, first constituted by the Act of the Provincial Synod of Rupert's Land on the eighth day of January in the Year of our Lord Eighteen Hundred and Seventy-Three, do make the following Declaration:

1. We declare ourselves to be a truly constituted Diocese within the Ecclesiastical Province of Ontario of the Anglican Church of Canada, in communion with the Metropolitan of Ontario and the Primate of All Canada, to whom and to their successors we pledge allegiance and canonical obedience as our Chief Pastors in this integral portion of Christ's One, Holy, Catholic, and Apostolic Church.
2. We declare ourselves to be bound by the Solemn Declaration of the first General Synod of 1893, and by the doctrine, discipline, and worship of the Anglican Church of Canada as contained in the Book of Common Prayer, the Ordinal, and the Thirty-nine Articles of Religion.
3. We declare ourselves to be bound by all Canons of the Provincial Synod of Ontario and of the General Synod of the Anglican Church of Canada which have been promulgated and are in force at this date.
4. We do revoke and repeal all former Constitution and Canons of the Diocese of Moosonee, and do promulgate the following Canons for the government of this Diocese.
5. We declare that these Canons following shall bind us all alike, Bishops, Priests, Deacons, and Laity of the Diocese of Moosonee, and we do pledge to them our solemn obedience, so help us God.

DIOCESE OF MOOSONEE

CANONS

CANON 1

Of the Jurisdiction of the Synod of the Diocese of Moosonee

The Synod of the Diocese may deliberate and decide upon and legislate in respect of all matters affecting the interests of the Anglican Church of Canada in the Diocese of Moosonee, but shall have no authority or power to alter or change the doctrine, discipline, or worship of the said Church, other than to make submissions concerning such matters for the consideration of the Provincial and General Synods.

CANON 2

Of the Composition of Synod

The membership of the Diocesan Synod shall be composed of:

1. The Bishop of the Diocese of Moosonee, who shall preside; or the Administrator appointed by the Metropolitan, if there is one in office.
2. Any Coadjutor, Suffragan, or Assistant Bishops.
3. The Dean and the Executive Archdeacon, if any.
4. The Chancellor of the Diocese and the Vice-Chancellor, if any.
5. Six (6) Lay delegates from each Deanery to be elected by the Great Chapter meeting of that Deanery as their Synod Delegates.
6. One (1) Clerical delegate from each deanery to be elected by the Great Chapter meeting of that Deanery as their Synod Delegate.
7. Two (2) Youth delegates, who shall be between the ages of 15 and 25 years, appointed by the Bishop.
8. The Regional Deans of each Deanery.

CANON 3

A CANON TO PROVIDE FOR THE ADMINISTRATION OF THE DIOCESE OF MOOSONEE AS A MISSION AREA OF THE ECCLESIASTICAL PROVINCE OF ONTARIO

- 1.1 In this Canon,

“Diocese” means the Diocese of Moosonee;

“Metropolitan” means the Metropolitan or Acting Metropolitan of the Ecclesiastical Province of Ontario;

“Synod” means the Synod of the Diocese.
- 1.2 In the case of any conflict between this Canon and any other Canon of the Synod this Canon prevails.
- 2.1 The Diocese is a Mission Area of the Ecclesiastical Province of Ontario while this Canon is in force.
- 3.1 Notwithstanding anything in any other Canon of the Synod the Metropolitan shall be the Bishop of the Diocese from the date this Canon comes into force until the date it expires.
- 3.2 The Metropolitan shall exercise all spiritual, temporal, disciplinary and judicial authority of the Bishop of the Diocese.
- 3.3 The Metropolitan may authorize other bishops to perform episcopal liturgical functions in the Diocese including the ordination of deacons and priests, confirmation, the consecration of churches and church-yards and the blessing of oil.
- 3.4 The Metropolitan may appoint one or more Administrators for the Diocese or for areas of the Diocese and authorize them to act as deputies for the Metropolitan in temporal matters and to carry out episcopal duties and responsibilities in such matters. The Metropolitan may vary from time to time the terms of the powers delegated to the Administrator or Administrators.
- 3.5 Administrators are responsible to, and shall report to, the Metropolitan. Administrators serve at the pleasure of the Metropolitan.
- 4.1 This Canon comes into force on the date the office of Bishop of the Diocese becomes vacant by reason of the retirement, resignation or death of the ninth bishop of the Diocese, the Right Reverend Thomas A. Corston.
- 4.2 When the Metropolitan and the Executive Council of the Synod jointly determine that the Diocese should cease to be a Mission Area and be restored to its former status the Metropolitan shall call such meetings of the Executive Council and of the Synod, as are required by Canon 13, to elect a diocesan bishop in accordance with that Canon.
- 4.3 This Canon expires on the date the person elected by the Synod is installed as Bishop of the Diocese.

CANON 4

The Meetings of Synod

1. Regularity of Meetings of Synod

The Synod shall meet every three years in the year when there is neither General Synod nor Provincial Synod scheduled. If necessary the Bishop may, with the concurrence of the Executive Council, convene Synod more frequently. Synod shall be convened at a time and place named by the Bishop with the concurrence of the Executive Council.

2. Preparations for Synod

One month before the Synod is scheduled to meet the Administrative Assistant or other person appointed by the Bishop with the concurrence of the Executive Council shall send to each Clerical and Lay Delegate to Synod:

- a) a copy of the Convening Circular which shall state the time and place of the Synod and shall contain the reports of the Executive Council, the Regional Deans, and Committees and task groups of Synod and Executive Council;
- b) notices of motion (if any), summaries of such part of the Bishop's Charge to Synod as the Bishop may choose to be included and other business to be considered by Synod; and
- c) any other material which the Bishop or the Executive Council may determine.

3. Committees Appointed by the Bishop

The Bishop shall appoint:

- a) a Credentials Committee which shall consist of two Lay Members and one Clergy Member which shall register the Delegates before the opening Service and report to Synod;
- b) a Resolutions Committee consisting of the Chancellor, one Lay Member and one Clergy Member which shall review all resolutions to be presented to Synod for clarity and purpose;
- c) a Bishop's Charge Committee consisting of two Lay Members and two Clergy Members which shall present a response to the Bishop's Charge, including resolutions, as appropriate.

4. The Eucharist

The Eucharist shall be celebrated on each full day of Synod.

5. The Order of Business at Synod

The order of business at Synod shall be at the discretion of the Bishop but shall include, although not necessarily in this order:

- a) opening prayers;
- b) election of two secretaries, one clerical and one lay, to take minutes of the Synod;
- c) the report of the Credentials Committee, provided that, if there be any Delegates present whose qualifications or credentials are in doubt, the matter shall be referred to the Chancellor whose decision shall be final;
- d) adoption of minutes of the previous Synod;
- e) approval of the appointment of the Auditor;
- f) the appointment by the Bishop of Scrutineers;
- g) the receiving of notices of motion, petitions, memorials and other communications;
- h) the Bishop's Charge and the response to the Bishop's Charge;
- i) the nomination and appointment of Regional Deans;
- j) the election of delegates to General and Provincial Synods;
- k) the reception of reports;
- l) the consideration of motions, of which notice has been duly given; and
- m) any other unfinished business.

CANON 5

Of the Rules of Order at Synod

1. A quorum of the Synod shall consist of not less than one-fourth of the clerical and lay members, respectively.
2. When the Bishop or other person presiding has taken the chair, no member shall remain standing.
3. Any member who is about to speak shall rise and address the chair.
4. No motion or amendment shall be considered by the Synod unless seconded and reduced to writing.
5. No member shall speak more than once on the same motion without permission from the chair, except the mover, who shall have the right to reply.
6. When a question is under consideration, no other motion shall be received except to adjourn, to move that the question be now put, to postpone it indefinitely, to refer it to Committee or to amend it; and motions for any of these purposes shall have precedence in the order here named.
7. When a motion has been read to the Synod by the Secretary, it may not be withdrawn by the mover without the consent of the seconder and the chair.
8. Any member may require, at any period of the debate, that the motion under discussion be read for his or her information.
9. A member called to order while speaking, shall relinquish the floor, unless permitted to explain.
10. All questions of order shall be decided by the chair.
11. An amendment to an original motion shall, in discussion, take precedence; an amendment to an amendment shall be first considered, then the amendment to the motion, and lastly the motion itself.
12. No more than one amendment to a proposed amendment to a motion shall be in order; yet a substitute for the whole matter may be proposed and received, provided that it deals

directly with the subject in hand.

13. While any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse, and when a motion is so put, no member shall retire until such motion is disposed of.
14. All members of Synod shall vote on any motion before it, except for those who declare an abstention beforehand for reasons of conflict of interest. Those who so abstain shall not be included in the numbers of those who determine a decision on a motion, unless the number of abstentions leaves less than a quorum of voting members on any motion under consideration. In voting, those who vote in the affirmative shall rise first, and then those voting in the negative shall rise.
15. A question which is once determined shall not again be brought into the discussion in the same session without the consent of a two-thirds majority of each Order, voting separately.
16. When required by three members of Synod, the number of affirmative and negative votes on any motion shall be recorded in the Minutes of the proceedings
17. No act or resolution of the Synod shall be deemed valid without:
 - a) the concurrence of the Bishop, except in the case of the election of a Bishop; and
 - b) either the concurrence of a simple majority of the members present, or the concurrence of the required majority stipulated elsewhere in these Canons
18. The votes of the clergy and laity shall be taken collectively, except:
 - a) where voting by Orders is required elsewhere in these Canons, or
 1. when a vote by Orders is demanded by two members of the Synod before the question is put from the Chair, in which case the concurrence of a simple majority of the members of each Order present shall be necessary to affirm the resolution. If, in such a vote the Clerical Members affirm the resolution and the Lay Members negate the same, or vice versa, the motion shall be considered defeated. The vote shall be taken in the order of, first Clerical Members, with both votes recorded.
19. If the Bishop dissents from any act or resolution which has received the required majority in the Synod vote, the matter shall stand over until the next regular Meeting of Synod. At that time, if the said act or resolution again receives the required majority of votes, and the Bishop still dissents, appeal shall be made to the Court of Appeal of the Metropolitan at the request of at least two members of Synod, the said appeal to be made through the Chairman of the Investigating Committee of the Bishop's Court

- a) In the case of a tie vote of the Synod, or of either Order when voting is by Orders, the motion shall be deemed to be lost.
- b) The Synod may resolve itself by motion into a Committee of the Whole. The whole Synod then becomes a Committee whose decision or recommendations, while not binding Synod, may after the Committee of the Whole has resolved itself again into Synod, be presented to the latter as motions, in accordance with the Rules of Order.
- c) The Rules of Order under this Canon shall be in force, as far as applicable, in proceedings in Committee of the Whole, with the exception of the provision in Section 5.
- d) When the Synod is about to adjourn, every member shall remain standing until the Bishop or other person presiding has left the Chair.

CANON 6

The Officers of Synod

1. The President and Vice-President of Synod

- a) The Bishop shall be the President of Synod, *or the Metropolitan when there is no diocesan Bishop currently in Office. An Administrator appointed by the Metropolitan shall preside in the absence of the Metropolitan.*
- b) The Coadjutor Bishop, the Suffragan Bishop and the Dean shall be Vice-Presidents of Synod, in that order, and may preside at the invitation of the Bishop.

2. The Auditor

- a) The Executive Council shall be responsible for the appointment of the Auditor, who shall be a Chartered Accountant, or a Certified Public Accountant, whose appointment shall be subject to the approval of the Synod at each of its regular sessions.
- b) The Auditor shall act under the direction and according to the regulations and requirements of the Executive Council.
- c) An inspection of the diocesan accounts is to be made annually and a report shall be submitted annually to the Executive Council and to the Synod at each of its regular sessions.

3. Other Officers

Other positions having the rank of Officers of Synod may be determined from time to time by the Executive Council, and are to be ratified by the Synod of the Diocese at its first regular session subsequent to the creation or determination of need of such appointment. No ratification shall be made without the duties and responsibilities of the position and procedures of appointment being clearly determined. These determinations shall be part of such ratification.

CANON 7

Certain Elections at Synod

1. The following elections shall be held in this order:
 - a) the election of Delegates to General Synod; and
 - b) the election of Delegates to Provincial Synod.
2. No person shall serve in the same elected position for more than six (6) successive years. If a person is chosen to finish a term of election for an individual who has vacated that position, the partial term shall not count as a term served.
3. **Conduct of elections under Section 1**
 - a) In the elections, the Lay Members of Synod and the Clergy Members of Synod shall vote collectively, by ballot, and a simple majority of votes shall be required for an election.
 - b) The name of elected Delegates to General Synod shall be announced before voting takes place for the election of Delegates to Provincial Synod.
4. **Terms of Office**
 - a) Members of Executive Council shall serve a three-year term from the time of their election or until such earlier time as they die, become incapacitated, resign or permanently leave the Diocese.
 - b) Those elected as Delegates to either General or Provincial Synod shall begin their term of office upon registration at the next regular session of that Synod and shall remain in office until immediately before the start of the next regularly scheduled session of that Synod or until their successors have been appointed or elected.
5. **Alternates to an Elected Position**
 3. When elected Members or their Alternates are no longer able to continue in their position they shall be replaced by those nominated who received the next highest number of votes.

4. When there are no further Alternates the Bishop in consultation with the respective Regional Dean may nominate to the Executive Council for its concurrence the name of a suitable individual to fill the position. It is not essential that the nominated individual be a member of the Synod at which the election was held.

CANON 8

The Executive Council

There shall be an Executive Council which shall be mandated to exercise the powers and functions of the Synod between sessions of the Synod. The elected members of the Executive Council shall serve for a term of three years dating from the time of their election by the Great Chapter meeting of that Deanery. In the event that a session of the Synod is convened before the Great Chapter meeting of that Deanery has elected a successor, then that members shall continue until a successor is elected at the next Great Chapter meeting of that Deanery.

Part I – Rules concerning the Executive Council

1. The membership of Executive Council shall be identical to membership of synod as directed in Canon 2.
2. A quorum shall consist of a simple majority of the Members of the Executive Council, Lay and Clergy Members counted together.
3. The Bishop may preside at meetings or may designate another to preside at any or all meetings or can ask that a presider be chosen from amongst the members of the Executive Council. An elected presider shall hold that office until the end of mandate of the Executive Council unless he/she resigns.
4. The elected and appointed members of the Executive Council take office at the time they are elected or appointed. Those who are elected remain in office until the election to the Executive Council at the next Great Chapter or until such earlier time as they die, become incapacitated, resign or permanently leave the Diocese. In the event that a member of Executive Council is absent for three consecutive meetings they shall be deemed to have resigned.
5. Vacancies among the appointed Members shall be filled by the Bishop.
6. Membership shall be considered vacated if a Member moves permanently from the Diocese or from the Deanery which he/she represents if he/she is elected or appointed.
7. Notices of meetings shall be sent to the members of the Executive Council at least three (3) weeks prior to the scheduled meeting except where other provisions are made in the Canons.
8. The Executive Council shall meet at least two (2) times each year at the call of the Bishop. At the discretion of the Bishop of Moosonee an Executive Council meeting may be held using teleconference or video conference facilities in lieu of face-to-face

meeting, with at least one Executive Council meeting per year being a face-to-face meeting.

At the discretion of the Bishop of Moosonee a decision may be made by the Executive Council between scheduled Executive Council meetings by polling of the members individually. The Bishop or his/her designate shall carry out the poll as follows:

- i) The Bishop of Moosonee or his/her designate shall attempt to reach all members using all reasonable means available.
- ii) At least a quorum of members must vote.
- iii) Decisions shall be structured so as to require an answer of “yes” or “no”.
- iv) All members shall be given exactly the same information and be required to respond to exactly the same question.
- v) Responses to any questions raised by members and subsequently answered as part of the polling process are to be shared with all members polled and no vote is considered final unless all members voting have been given the same information and been informed of all responses to questions.

Part II – The duties and powers of the Executive Council

1. The Executive Council shall:

1. manage all funds held or controlled by Synod;
2. assess Parishes and Congregations for support of the ministry of the Diocese;
3. submit to Synod a summary of its proceedings since the last session of Synod, with a copy of the most recent audited financial statement;
4. determine the boundaries and numbers of the Regional Deaneries and Parishes;
5. appoint officials, committees and task groups which may be necessary to implement the business of the Diocese;
- f) receive reports from task groups and Standing Committees of the Executive Council and Synod and act upon these reports as it deems appropriate
- g) perform other duties as defined in the Canons or as found necessary to the ongoing business of Synod during the term of Executive Council.

Part III – Task Groups

1. Task Groups may be appointed to consider and make recommendations to the Executive Council concerning any matter to further the ongoing work of the Diocese. At least one member of each Task Group shall be a member of Executive Council and will normally report to the Executive Council concerning the work of the Task Group.
3. The Chair or Co-ordinator of each Task Group may be appointed by the Executive Council or if no one is so appointed, may be chosen by the members of the Task Group from among the members of the Task Group.
4. The work of any Task Group shall be completed upon acceptance by the Executive Council of its final report, unless such Task Group is disbanded by the Executive Council at an earlier date.
5. No Task Group may expend funds in the name of the Diocese without the consent and authorization of the Executive Council.

Part IV – The Finance and Property Committee

- (i) There shall be a Standing Committee of the Executive Council which shall be called the Finance and Property Committee.
- (ii) The membership of the Committee shall be:
 - a) the Bishop;
 - b) the Secretary Treasurer or equivalent position;
 - c) three members having appropriate financial expertise appointed by the Executive Council, representative of the two deaneries of the Diocese, at least one of whom shall be a member of the Executive Council; and
 - d) other members with appropriate financial expertise may be co-opted by the Chair and approved by the Executive Council.
3. The Chair shall be appointed by the Executive Council.
4. The Committee shall meet at least twice a year and meetings may, with the consent of all members, be held by conference telephone or other electronic means.
5. The Committee shall:
 - a) recommend and review policies and procedures for the effective management of diocesan finances;
 - b) review and monitor financial and accounting controls and procedures;

- c) establish a Budget Subcommittee for the preparation of the annual Diocesan budget;
 - d) review and recommend to the Executive Council the annual budget;
 - e) undertake an annual review of the diocesan insurance policy and insurance coverages;
 - f) advise the Bishop and the Executive Council on all matters related to diocesan property; and
 - g) undertake other tasks referred by the Bishop, the Synod or the Executive Council.
6. The Committee shall be accountable to the Executive Council and the Synod and shall report through the Chair.

CANON 9

Of Rules Concerning Committees of Synod

- a) Any Committee, designated as such and provided for in the Canons of the Diocese, other than the Executive Council and the Investigating Committee of the Bishop's Court, may, if it deems it desirable, and with the consent of the Bishop, ask to act with the Committee, other Anglicans who have special knowledge of the matters with which the Committee has to deal, and they shall have the power to vote.
- b) A quorum of a Committee, other than the Executive Council and the Investigating Committee of the Bishop's Court, shall consist of a clear majority of its members, unless the Synod otherwise directs.
- c) It shall be imperative for all Committees appointed at any session of the Synod, except the Investigating Committee of the Bishop's Court, to report at the next session, and not later, unless by consent of the Synod a longer time to do so be granted.
- d) The reports of Committees, other than the Investigating Committee of the Bishop's Court, shall be in writing signed by the Chair, and shall be received in due course by the Synod.
- e) The Chair of the Committee, or some other deputed person shall explain to the Synod the content or meaning of any portion of the report, if such be requested by any member of Synod.
- f) All reports of Committees recommending any action or expression of opinion shall be accompanied by a resolution for the action therein.

CANON 10

VOTING

Notwithstanding anything set forth in the Canons any vote that may be taken may be conducted by email, telephone or by other generally accepted technology. All necessary adjustments to the Canons to allow the vote to be so taken are hereby authorized. This Canon is to have retroactive effect.

CANON 11

The Bishop of Moosonee

1. The Ministry of the Bishop of Moosonee

- a) Oversight
 - i) Maintains an awareness of the mission and needs of each Parish and Congregation within the Diocese;
 - ii) Encourages a vision for the Diocese through consultation and establishes the diocesan priorities necessary for its achievement; and
 - iii) Represents the Diocese by attendance at Anglican, ecumenical and community meetings, conferences and activities.
- b) Pastor
 - i) Encourages and supports all persons in the Diocese in fulfilling their Baptismal ministry in their community, their parish and in their personal spiritual growth;
 - ii) Functions as pastor and guide, by both word and example, in living the Christian life as outlined in the Baptismal Covenant of *The Book of Alternative Services*;
 - iii) Develops and promotes collegiality among all clergy and others responsible for the ministry of the Diocese; and
 - iv) Ensures that the faith of the Church speaks to the needs of the present times and in the diversity of theology and culture in accordance with that which has been received by the Anglican Church.
- c) Administrator
 - i) Maintains a sense of order and dignity within the Diocese;
 - ii) Is responsible for the recruitment, appointment and termination of appointment of all clergy and lay ministers in the Diocese;
 - iii) Promotes and encourages the ongoing stewardship development of the Diocese; and

- iv) Is responsible, through individuals and duly appointed committees, for all financial and administrative matters of the Diocese.

2. The Authority, Duties and Responsibilities of the Bishop

- a) The Bishop is due obedience by both clergy and laity in all matters governed by church law and covenantal obligations.
- b) The Bishop shall maintain a record of all official acts undertaken during his/her tenure.
- c) The Bishop shall enjoy all the rights and privileges conferred, and be subject to the responsibilities contained in *The Book of Common Prayer*, *The Book of Alternative Services*, and the applicable provisions of canon law.
- d) The Bishop shall be elected in accordance with Canon 13 of the Diocese and in compliance with the Canons of the Ecclesiastical Province of Ontario and the General Synod of the Anglican Church of Canada.
- e) The Bishop shall serve as Diocesan until resignation, retirement, death or removal from office by proper authority.

CANON 12

RESERVED

CANON 13

The Election of a Bishop

PART I – PRELIMINARY

Whenever there is a vacancy in the See or an event has occurred that will result in such a vacancy, the Synod shall proceed to an election of a Diocesan or a Coadjutor Bishop in accordance with the provisions of this Canon.

(i) Notice of Resignation or Retirement

The Diocesan Bishop, shall, if possible, give at least six months notice to the Metropolitan and to the Administrator of the Diocese of his/her intent to retire or resign.

(ii) Process and Timetable of Electoral Synod

Upon the death or receipt of notice of retirement or resignation of the Bishop:

- (i) the Administrator shall contact the Metropolitan as soon as possible and the Metropolitan or his/her representative shall be requested to chair that portion of the Executive Council meeting dealing with the election of a Diocesan Bishop or Coadjutor Bishop;
- (ii) within seven (7) days thereafter the Administrator shall call a meeting of the Executive Council;
- (iii) the Metropolitan or his/her representative shall be the Chair of that portion of the meeting of the Executive Council dealing with the election of a Diocesan or Coadjutor Bishop;
- (iv) The Executive Council shall set the date and place of the Electoral Synod which may be held in conjunction with a regularly scheduled Synod;
- (v) the Metropolitan or his/her representative shall be Chair of the Synod to elect a Diocesan or Coadjutor Bishop unless he/she is a candidate in that election in which case the Provincial House of Bishops shall be requested to name another Chair;
- (vi) the Executive Council shall appoint, at the meeting dealing with the election of a Diocesan or Coadjutor Bishop, three (3) Laity and three (3) Clergy who shall be the Episcopal Search Committee (hereafter the "Search Committee");
- (vii) any member of the Search Committee who later accepts nomination for election as Diocesan or Coadjutor Bishop shall be deemed to have resigned

from the Search Committee and his/her replacement shall be chosen
by the remaining members of the Search Committee;

- (viii) the Search Committee shall choose a Chair from among its members;
- (ix) the Chair of the Search Committee shall be responsible for all matters concerning the Electoral Synod including:
 - i) calling for nominations for Diocesan or Coadjutor Bishop;
 - ii) preparing a Diocesan Profile for distribution to all nominees;
 - iii) preparing a position description of the Diocesan or Coadjutor Bishop for distribution to all nominees;
 - iv) ensuring that all nominees have accepted nomination;
 - v) ensuring that two (2) ballot boxes are prepared for the election;
 - vi) notifying all Delegates to the Electoral Synod of the date and place of the election; such notice to be sent to Delegates within two (2) weeks of the time and place having been set;
 - vii) arranging for accommodation and meals for all Delegates to the Electoral Synod;
 - viii) communicating to all Delegates to the Electoral Synod the date(s) and time period(s) allowed for registration and ensuring that all Delegates are aware that they must register within this/these time period(s); and
 - ix) receiving biographical material from each nominee and preparing candidate profiles according to a set form previously decided by the Search Committee.
- j) the Electoral Synod shall be convened within six (6) months of notification given to the Metropolitan or at such other earlier date as may be agreed upon by the Metropolitan.

1. Electoral Synod Membership

Members of the Electoral Synod shall be the members of the Synod of the Diocese in conformity with the provisions of Canon 2 (Of the Composition of Synod).

2. Nomination of Candidates as Diocesan or Coadjutor Bishop

- a) No clergy shall be nominated or elected as Bishop or Coadjutor Bishop who is less than thirty (30) years of age and has been a priest for less than seven (7) years.
- b) Any Member of or Delegate to Synod may nominate a person for election as Diocesan or Coadjutor Bishop.
- c) The Chair of the Search Committee shall contact each nominee to ascertain his/her willingness to stand for election.
- d) Written nominations must be received by the Chair of the Search Committee not less than sixty (60) days prior to the Electoral Synod.
- e) The Chair of the Search Committee shall forward to all Delegates to the Electoral Synod the names of nominees for election, such names to be received by Delegates no later than fifty (50) days prior to the start of the Electoral Synod at which time nominations are closed.
- f) Biographical material for each candidate will be sent to all Delegates to the Electoral Synod to be received no less than twenty-five (25) days prior to the Electoral Synod.
- g) The House of Bishops of the Ecclesiastical Province of Ontario may nominate up to three (3) persons to be elected Diocesan or Coadjutor Bishop.
 - c) These nominations shall be done in accord with the above regulations.
 - d) It is the responsibility of the Metropolitan or his/her representative to the Executive Council Meeting dealing with the Electoral Synod to secure these nominations unless he/she is nominated in which case the Provincial House of Bishops shall be requested to appoint another Bishop to fulfill this duty.
- h) There shall be no nominations made from the floor of the electoral Synod.

PART II – PROCEDURE AT THE ELECTORAL SYNOD

The Electoral Synod shall commence with a Celebration of the Eucharist. When the Chair of Synod calls the Synod to Order, declares a quorum and declares that the election is to begin all those who are not registered members of Synod shall leave the part of the meeting room where the election is to take place and be seated in a separate visitors" gallery.

1. Quorum at Electoral Synod

- a) The Chair of the Search Committee or his/her appointee shall register delegates to the Electoral Synod. Upon registering, all Delegates shall be required to sign a registration sheet, with Lay and Clergy Delegates signing on separate sheets.
- b) The Chair of the Search Committee or his/her appointee shall determine whether or not there is a quorum and report to the Chair of the Electoral Synod.
- c) The quorum for an Electoral Synod shall be one-half of the eligible members.
- d) Once a quorum has been established and declared:
 - h) it shall be accepted for the duration of the Electoral Synod; and
 - i) all delegates registered shall be deemed to be Members of the Electoral Synod and eligible to vote.

2. Distribution and Counting of Ballots

- a) The Chair of the Electoral Synod or his/her representative shall designate three (3) Lay Members to Synod and three (3) Clergy Members of Synod to be the Elections Committee. Two members of the Elections Committee should be competent in reading and speaking Cree.
- b) The Chair of the Electoral Synod or his/her appointee shall designate one member of the Elections Committee to be the Chair of the Elections Committee.
- c) The Elections Committee shall be responsible, under the direction of the Chair of the Search Committee or his/her appointee, for preparing, checking, distributing, collecting and counting the ballots of each House of Synod.
- d) Ballots shall be:

- b) printed clearly and shall contain, in alphabetical order, the names of all candidates in both Cree and English;
 - c) different colors for the Lay and Clergy Houses;
 - d) clearly marked with the number of the round of balloting;
 - e) provided with space to mark the choice of the voter; and
 - f) placed in a sealed envelope after being counted in each round of balloting and the envelope shall be clearly marked with the number of the round of balloting and signed by the Chair of the Elections Committee;
- a) The Chair of the Elections Committee shall be responsible for ensuring that the results of each ballot are posted so that they can be viewed by all Members of the Electoral Synod.
 - b) The Chair of the Elections Committee shall record the results of each round of balloting in a book to be kept for that purpose.

3. Voting at Electoral Synod

1. Lay Members of Synod (The Lay House of Synod) and Clergy Members of Synod (The Clergy House of Synod) shall vote separately.
2. The votes of each House shall be deposited in separate sealed Ballot Boxes which will be opened in private by the members of the Elections Committee of the Electoral Synod.
3. The ballot boxes and ballots for each House of Synod shall be on opposite sides of the meeting hall.
4. Clergy members of synod and lay members of Synod shall be seated separately.
5. There shall be two Lay Members and one Clergy Member of the Elections Committee at the table where the members of the Clergy House receive their ballots and vote and two Clergy Members and one Lay Member of the Elections Committee at the table where the members of the Lay House receive their ballots and vote.
6. No member of the Electoral Synod may abstain from voting in any ballot at the Electoral Synod.

- (b) At the conclusion of each round of voting the Chair of Synod shall ensure that all members of Synod have voted and shall then declare that round of balloting closed.
- (c) Members of Synod may leave the meeting room between ballots but shall be available to return immediately to the meeting hall to vote in the next round of the election at the call of the Chair of Synod.

4. The Counting of Ballots

- (i) Ballots of each House shall be counted separately by the members of the Elections Committee who were responsible for distribution of ballots to the respective Houses.
- (i i) Ballots shall be counted in a closed room with no one other than members of the Elections Committee, the Chair of Synod when appropriate, and the Chair of the Search Committee present.
- (i i i) In order to be deemed valid, ballots must be clearly marked in the space provided beside the name of one candidate only.
- (i v) A ballot is deemed to be spoiled if:
 - 1. the name of more than one candidate is marked;
 - 2. there is any indication of the name of the voter;
 - 3. the name of no candidate is marked; or
 - 4. it is not an official ballot of the round of balloting.

5. Elimination of Candidates after First Ballot

- a) If no candidate receives the required majority (as referred to in Section 6 (a)) in any ballot, the following candidates shall be eliminated:
 - 1. any candidate who receives no votes in both the Lay House and Clergy House of Synod;
 - 2. any candidate who receives the lowest number of votes in both the Lay House and Clergy House of Synod. If no candidate receives the lowest number of votes in both Houses, no one is eliminated;
 - 3. any candidate who wishes to withdraw.
- b) Following each ballot the Chair of the Search Committee or his/her appointee shall, if possible, contact all absent candidates to determine whether they wish to continue in the election.

6. Determination of the Election of a Diocesan or a Coadjutor Bishop

- a) To be elected a candidate must receive a majority of votes in each House of those members who are present and voting, and this double majority must be in the same round of voting.
- b) If after twelve (12) successive ballots there is no election, a further ballot shall be taken and the percentage of the votes received by each candidate in each of the Lay and Clergy Houses shall be added together and the candidate with the greatest total of percentages shall be declared elected.
- c) If at a point in the election there is only one name remaining on the ballot and there has not been a vote after the last candidate on the previous ballot withdrew from the election there shall be one more round of voting with that one name alone on the ballot.
- d) When there is an election the Chair of the Electoral Synod shall inform the bishop-elect of the election and request consent to the election and to the formal submission of his/her name to the Metropolitan.
- e) If such consent is given, the Chair of Synod shall:
 - (a) declare an election and name the person elected to be Bishop Elect;
 - (b) order the destruction of all ballots; and
 - (c) adjourn the Electoral Synod.
- f) If such consent is not given the election shall continue and the candidate who did not give consent to the election shall be dropped from the next ballot along with such others as set out elsewhere in this Canon.
- g) If such consent is not given those candidates who chose to withdraw from the election at an earlier point shall, if possible, be contacted by the Chair of the Search Committee and provided opportunity to have their name reinstated on the next ballot.

PART III – AFTER THE ELECTION

- a) The result of the election shall immediately be reported to the Metropolitan in accordance with the Canons of the Ecclesiastical Province of Ontario. The Metropolitan shall be requested to obtain the concurrence of the Bishops of the Province to the election and, if such concurrence is given, make arrangements for the ordination (if necessary) of the Diocesan or Coadjutor Bishop.

- b) If such concurrence is not received from the House of Bishops within thirty (30) days of the election, the election shall be declared null and void and the Synod shall be reconvened under the procedures as outlined in this Canon.
- c) Upon the Vacancy of the See, the Coadjutor Bishop, if there is one, shall become the Diocesan Bishop.

PART IV – OTHER EPISCOPAL ELECTIONS

1. Election of a Suffragan Bishop

A Suffragan Bishop shall be elected as provided in this Canon and according to the terms of the Canons of the Ecclesiastical Province of Ontario, except that:

- a) the Administrator shall chair the Meeting or portion of the Meeting of the Executive Council dealing with the election of a Bishop;
- b) the Diocesan Bishop shall normally be Chair of the Electoral Synod;
- c) the Diocesan Bishop shall be a member of the Electoral Synod and shall have a vote in all ballots.

CANON 14

Of Regional Deaneries

1. There are two Deaneries in The Diocese of Moosonee. They are James Bay and Watershed.
2. The boundaries, divisions, and names of Regional Deaneries may be changed at any time by the Executive Council, after consultation with all parishes or missions concerned in accordance with Canon 8, Part II, Section 1(d) and with the approval of the Bishop.

CANON 15

Of Dignitaries and Officials of the Diocese

1. THE CHAPTER OF ST. MATTHEW'S CATHEDRAL IN TIMMINS:

- a) The Chapter shall consist of the Dean and four Canons, to be from time to time appointed by the Bishop.
- a) The duties of the Chapter shall be to advise the Bishop, upon request, in matters pertaining to the welfare of the Diocese which shall not fall within the scope of Synod, and to assist in sustaining the unity of the Diocese.
- a) The members of the Chapter shall hold office during their active ministry or residency in the Diocese. They shall have a stall in the Cathedral and may be invited to preach at the Cathedral once in the year.
- b) Upon retirement they shall retain their honorary titles but shall cease to be members of the Chapter and shall deliver up their stalls to their successors.

2. REGIONAL DEANS:

- 1. Regional Deans shall be appointed by the Bishop upon their nomination by the Clergy and Lay Delegates of the Great Chapter Meeting from among the clergy of the Deanery.
- 2. The Regional Deans shall assist the Bishop in the administration of the Diocese and in any way requested within the boundaries of the Regional Deaneries.
- 3. They shall at all times watch, inquire into and report whatever may need the consideration and control of the Bishop.
- 4. They shall visit from time to time the Clergy and Parishes of their Regional Deaneries.
- 5. They shall counsel the Clergy and assist them in meeting their problems, both parochial and personal.
- 6. They shall examine all Parish and congregational registers, records, and books in order to see that they are legibly, properly and neatly kept and to report therein to the Bishop and the Diocesan Synod.
- 7. They shall inspect all church properties at least once in every two years, to see they are kept in good repair and sufficiently insured in sound, well

established companies. They shall report therein to the Bishop and Diocesan Synod.

- a) They shall convene the Clergy and their Regional Deanery at least once a year for the promotion of closer fellowship, group study and welfare of the Church.
- b) They shall convene the Great Chapter of the Regional Deanery.
- c) They shall hold office for three years and shall be nominated at the Great Chapter Meetings of each Deanery by the Clergy and Lay Delegates of the respective Deaneries.
- d) When a vacancy in the office of Regional Dean occurs between meetings of Great Chapter, the Bishop after consultation with the Clergy and Lay Delegates of the Regional Deanery, may appoint a successor for the balance of the present term of office.

3. EXAMINING CHAPLAINS:

- a) The Bishop shall appoint one or more Examining Chaplain(s).
- b) The Examining Chaplain, or Chaplains, shall test the proficiency of all candidates for Holy Orders and shall report to the Bishop.
- c) They shall examine all candidates for Holy Orders before they are ordained Priest with respect to their application of their theological knowledge and training to the practice of their ministry.

4. DOMESTIC CHAPLAINS:

The Bishop may appoint a Domestic Chaplain, or Chaplains, for duties at Divine Service and at other official functions.

5. THE CHANCELLOR AND VICE-CHANCELLOR:

- a) There shall be a Chancellor of the Diocese who shall be appointed by the Bishop, and shall hold office at the Bishop's pleasure.

The Chancellor shall:

- a) be a Member of the Bar or of the Judiciary of the Province of Ontario or of

the Province of Quebec, of at least five years standing, and also a communicant member of the Church,

- (ii) be an ex-officio member of the Synod and of the Executive Council,
- (iii) be President and Chief Judge of the Bishop's Court.
- (iv) advise and assist the Bishop, or in the Bishop's absence, the Administrator in all pertinent matters,
- (v) approve all deeds and legal documents before they are signed by the Bishop,
- (vi) perform such other duties as are required by the Bishop and by the Canons of the Diocese, and
- (vii) swear, before entering upon the office, that to the utmost understanding, he or she shall deal uprightly and justly in the office without expectation of favour or reward.
- (viii) If the Bishop deems it advisable, there may be appointed a Vice-Chancellor who shall be a Member of the Bar or of the Judiciary of the Province of Ontario or of the Province of Quebec of at least five years standing, a communicant member of the Church and who shall act for and on behalf of the Chancellor during absence or inability to attend appointed duties.

6. THE DEAN OF THE DIOCESE:

- a) The Bishop shall appoint a Priest to be the Dean of the Diocese.

The Priest appointed shall:

- 4. be the Chairman of the Cathedral Chapter,
- 5. be a member of the Diocesan Executive Council, and shall, when called upon act as Vice-President of the Executive Council, and of the Diocesan Synod,
- 6. act to encourage fellowship among the clergy of the Diocese and, if called upon, make representation to the Bishop on their behalf.

CANON 16

Of the Great Chapters of the Regional Deaneries

1. The Great Chapter of the Regional Deanery shall be composed of the Clergy, Lay Delegates to Great Chapters, Lay Readers, Churchwardens, Treasurers, and Vestry Clerks of the Parishes of the Regional Deanery.
2. The Great Chapters shall be convened at least once each year by their respective Regional Deans.
3. The Great Chapters shall be concerned with the training of the various officers of the Church in their respective duties, and shall seek to promote the welfare of the Church in the Deanery at every level.
4. It shall discuss the payments of each parish in the Deanery to Stipend, Diocesan Support Fund and other Diocesan Assessments for the coming year.
5. It may meet before Synod in order to discuss the contents of the Convening Circular of Synod.
6. The Regional Dean shall report to the Bishop or Administrator the result of the elections for Executive Council/Synod.
7. (a) Each parish or congregation within the Diocese which has a Vestry as defined in Canon 23 shall be entitled to representation at the Deanery Great Chapter meetings.
 - a) Parish or congregational representatives to the Great Chapter shall be called Lay Delegates to the Great Chapter until they have registered. After registration they become Lay Members of the Great Chapter.
 - b) Lay Delegates to Great Chapter shall:
 - i) be individuals who do not hold a Bishop's license in this or any other diocese as bishop, priest or deacon;
 - ii) meet the qualifications of Section 1 of Canon 23; and
 - iii) be members of the parish or congregation which they represent and no other parish or congregation.
 - d) The number of Lay Delegates to which a parish or congregation having a Vestry is entitled shall be based on the average Sunday attendance of the parish or congregation as reported on the most recent Annual Return of the parish or congregation on file in the Synod Office at the time that the notice of the Synod is given.

The following formula shall be used:

Average Sunday attendance

- | | | |
|----|---------------|-----------------|
| d) | from 5 to 25 | 1 Lay Delegate |
| e) | from 26 to 60 | 2 Lay Delegates |
| f) | over 60 | 3 Lay Delegates |

- e) Where regular weekly worship is mid-week worship, such worship shall be deemed to be Sunday worship for the purpose of determining the number of Lay Delegates to which a parish is entitled. A parish may elect a youth delegate in addition to the parish quota of delegates to Great Chapter.
- f) Lay Delegates shall be elected at the Annual Vestry Meeting of the parish or congregation of which they are a member.
- g) If Lay Delegates decline to serve, are unable to attend the Great Chapter or move from the parish or congregation which they represent prior to Great Chapter they shall be replaced by the Alternate Lay Delegates having the next greatest number of votes in the election at the Annual Vestry Meeting.
- h) If there is no Alternate Lay Delegate to replace an elected Lay Delegate the Select Vestry shall have the right and power to appoint from among the qualified members of the Vestry a replacement Lay Delegate to Great Chapter. The name of the replacement Lay Delegate shall be relayed immediately to the Synod Office.
- i) A Lay Member who no longer qualifies according to Section 1 of this Canon shall cease to be a Member of Great Chapter and shall relinquish any office or position held by virtue of being a Lay Member, and shall be replaced in the same manner as a Lay Delegate according to Sections (h) and (i) of this Canon.

CANON 17 - RESERVED

CANON 18

Of Ministers Exercising Their Ministry

- a) Upon appointing a Minister to the Cure of Souls in any Parish, or to any ecclesiastical office within the Diocese, the Bishop shall confer authority to officiate by giving a license under ecclesiastical hand and seal.
- b) No Minister shall exercise ministry in such Parish, or ecclesiastical office, except first having the Bishop's license to do so.
- c) No Minister licensed by the Bishop shall exercise ministry in any place within the Diocese not having the Cure of Souls, without the permission of the Minister having such Cure.
- d) Notwithstanding anything set down in the previous sections of this Canon, any Minister may exercise Ministry anywhere in the Diocese in respect of any person who is in danger of death.

CANON 19

Of the Appointment of Incumbents

- a) In accordance with Section 1(c)(ii) of Canon 11, the appointment of Incumbents to Parishes shall be made by the Bishop of the Diocese.
- b) In the case of all parishes, the Bishop shall meet with a Committee composed of its Wardens and not more than five other persons consisting of the Lay Delegates to Great Chapter, and/or other persons appointed by the Select Vestry to represent the parish in the selection of an incumbent.
- c) The Bishop shall convene this Committee when and where and as often as deemed necessary, and after such consultation shall proceed to appoint an Incumbent to the vacancy.
- d) During an interregnum and after consultation with the Committee, the Bishop may appoint a locum tenens Incumbent of the Parish for a period of up to one year. If, at the end of that period, an appointment of Incumbent has still not been finalized, after consultation with the Committee, the Bishop may extend the locum tenens appointment for a further period. Except under exceptional circumstances, and with the consent of the Bishop, a locum tenens appointee to a Parish will not be considered for appointment as Incumbent of the parish in which the locum tenens appointment was made.
- e) Where applicable, all clergy coming into the Diocese shall become members of the Medical, Hospitalization, and Group Life Insurance Plans of the Diocese.
- f) Any clergy entering upon an incumbency in that part of the Diocese in the Province of Quebec shall be responsible for keeping the Registers of Civil Status for the Parish, and shall do so in accordance with the Civil Law of that Province.
- g) Any clergy person entering upon an incumbency in that part of the Diocese in the Province of Quebec for the first time, shall send a copy of their License to the Provincial Secretary requesting to be registered as persons authorized to solemnize marriages.
- h) A Lay Minister appointed to a full-time pastoral ministry in any place in the Diocese shall enjoy the stipend and benefits appropriate to a Priest appointed to that place.
- i) Notice of retirement or resignation from a parish appointment shall be received by the Bishop at least thirty (30) days in advance of the intended date of retirement or resignation.

CANON 20 - RESERVED

CANON 21

Of The Devotional Life of Ministers

All Priests and Deacons of the Diocese of Moosonee are under obligation to say daily Morning and Evening Prayer, or a daily spiritual discipline as best nurtures their soul and aids in the fulfillment of their office, either privately, or openly in the Parish Church, or in one of the Churches, not being prevented by sickness or some other urgent cause.

CANON 22

Of the Parish

The Definition of a Parish:

1. A Parish is an area within the Diocese which the Bishop has placed under the Cure of one Incumbent, having within its boundaries one or more Congregation(s), at least one of which shall have a regularly organized Vestry.
2. The Parish may be divided and its boundaries changed at any time by the Bishop, with the concurrence of the Executive Council, after consultation with the Select Vestry or Parish Council of the Parish concerned.
3. Each Congregation within the Parish, and having a regularly organized Vestry, shall have the right to elect its own officers and Lay Delegate or Delegates to the Great Chapter meeting.

4. The Self-Supporting Parish:

- a) A Self-Supporting Parish shall be one which has all of the following attributes:
 - i) It has a Church and Rectory in good repair or pays an adequate housing allowance.
 - ii) It pays a stipend to the Incumbent as set by the Council of the North.
 - iii) It provides a travel allowance not less than that of the Diocesan scale.
 - iv) It pays its Diocesan Support Fund assessment and the Parish portion of the Incumbent's Pension in full each year.
- b) A self-supporting parish shall have the right of conferring with the Bishop, through its Church Wardens and Lay Delegate(s) to the Great Chapter, in the matter of the appointment of its Incumbents.

5. The Aided Parishes:

- a) An Aided Parish shall be one whose Incumbent's stipend and travel allowance are paid in part by the parish and in part by the Diocese.
- b) The part of the Incumbent's stipend and travel allowance paid by the parish shall be according to its full capacity.
- c) The part paid by the Diocese shall be considered a grant in aid, given from year to year, only to the extent absolutely required, and shall cease as soon as possible.

6. The Financial Responsibility of the Parish:

- a) Every Parish shall be under obligation to expend its income as follows and in this order:
 - i) The provision and maintenance of adequate living quarters for its incumbents, including a stove, refrigerator, washing machine, dryer and suitable window coverings.
 - ii) The expense of fuel, water, electricity, internet and telephone service.
 - iii) The payment of its Diocesan Support Fund Assessment.
 - iv) The payment of the Incumbents stipend and allowances, and other benefits, and vehicle allowances, or its portions thereof.
- b) If, in the opinion of the Select Vestry or the Parish Council, the Parish cannot meet either the financial obligations under Section 7(a) of this Canon or other financial commitments, then the Incumbent and the Church Wardens shall consult with the Bishop, either directly or through the Regional Dean having jurisdiction, giving a complete statement of receipts and expenditures, assets and liabilities, and other relevant information.
- c) After consultation the Bishop may agree to grant relief to the Parish concerned for one year only, but the agreement shall be subject to renewal at the end of that year if the Bishop deems it necessary.
- d) The Parish which has been granted such relief shall be under the financial direction of the Bishop until such time as it is able to meet the financial obligations under Section 6(a) of this Canon.
- e) In the event of a disagreement between the Bishop and the Parish which is under his financial direction, the Bishop shall, at the request of the Incumbent of the Parish, lay the matter before the Investigating Committee of the Bishop's Court in accordance with Canon 32.

7. Parochial Organizations:

- a) Within a Parish, guilds, auxiliaries, clubs and other associations, may be formed with the approval of the Select Vestry and the Incumbent.
- b) All such organizations are accountable to the Select Vestry and the Incumbent for their ongoing work.
- c) All parochial organizations shall present annual reports of their finances and work to the Annual Meeting of the Vestry.

8. Parochial Records and Statistics:

- a) Every Parish shall have the following Record Books or Registers:
 - i) A Vestry Book of a type approved by the Bishop, listing all Divine Services and the information relevant thereto.
 - ii) A Register or Registers of Baptisms, Confirmations, Marriages, and Burials.
 - iii) A Register or Index containing the names of all members of the Vestry of the Congregation, compiled from the list prepared for the annual Vestry Meeting.
 - iv) A Book or Books containing the Minutes and Resolutions of all Vestry and Select Vestry Meetings.
 - v) A Parish Roll containing the names of all members of the Congregation and the information relevant thereto.
 - vi) An Inventory of all Church property, on a form which shall be supplied by the Diocese to the Wardens with a copy being held at the Diocesan Synod Office and thereafter being replaced in the years ending with zero "0" and with five "5".
- b) The Record Books and Registers under Section 8(a) of this Canon shall, when filed, be kept in a safe place for future reference.
- c) Every Parish shall remit, through its Incumbent to the Administrative Assistant or other person appointed to receive said reports before the 15th day of March each year, the following reports:
 - i) The Statistical Report of his Parish for the preceding year, on a form or forms which shall be completed in full and returned.
 - ii) The Inventory of all Church property, on a form which shall be supplied to the Wardens by the Diocese in the years ending in zero "0" and in five "5" and in the other years the additions and subtractions of the Inventory.
 - iii) Any other Reports or forms which may be required by the office of the Diocese.

CANON 23

The Composition of the Vestry

1. The Vestry shall consist of all those members of a congregation who are:
 - c) baptized, and
 - d) recognized by the parish community as full participants in the worship and life of the community.
2. Before a Vestry can be constituted, there shall be in the Parish or Congregation at least five persons who possess the qualifications stated under Section 1 of this Canon.
3. A properly constituted and regularly organized Vestry shall have two Church Wardens.

CANON 24

Of the Meetings of Vestry

a) The Annual Vestry Meeting shall be held in each year during the months of January and February.

b) Preparations for the Annual Vestry Meeting:

Notice of the Annual Vestry Meeting shall be given at Divine Service on the two Sundays preceding the date chosen for the Meeting.

c) A special meeting of the Vestry may be called at any time by the Incumbent and Church Wardens, notice having been given according to Section 2 of this Canon, and by mail.

d) Only those members of a Congregation within the Parish who possess the qualifications stated under Section 1 of Canon 23 shall have the right to vote at Meetings of the Vestry.

e) At the Annual Meeting or at any special meeting, the Vestry may pass resolutions or make by-laws for the regulation of its own proceedings, or for the management of the temporalities of the Church, and may alter or repeal the same, proper notice having been given to all members, provided that the said resolutions, regulations and by-laws are not contrary to the Canons of the Diocese, or of the Provincial or General Synods.

f) The Incumbent may preside at all meetings of the Vestry, or may designate or otherwise provide for the appointment of a Chair.

g) Where applicable, the Rules of Order at Vestry Meetings shall be the same as Rules of Order under Canon 5, except Section 1 concerning a Quorum of which there must be 5 qualified members.

h) The Order of Business at the Annual Vestry Meeting shall be at the discretion of the Incumbent, but shall include the following:

a) Opening Prayers

b) The reading aloud by the Chairman of Canons 23 and 24, except Section 8 of Canon 24.

c) The reading of the Minutes of the last Annual Vestry meeting, and of any subsequent special Vestry Meetings, and adoption of the same.

d) The reading of a synopsis of the Minutes of the meetings of the Select Vestry held throughout the year, together with the attendance record of each member, and the adoption of the same.

- e) The consideration of unfinished business, if any, carried over from the Minutes referred to under Section 8(c) and (d) of this Canon.
- f) the presentation of the Incumbent's Report on the spiritual state of the Congregation or Parish.
- g) The presentation of the Report of the Incumbent's Warden on the material state of the Congregation or Parish.
- h) The presentation of the audited Financial Statement together with any other Report from the Auditors.
- i) The presentation of the Reports of the Parochial Organizations.
- j) The appointment by the Incumbent of his Church warden.
- k) The election of the People's Church warden.
- l) The election, if necessary, of Lay Delegates to the Great Chapter meetings, and of their substitutes.
- m) The appointment and election of the members of the Select Vestry.
- n) The appointment of Auditors, Vestry Clerk, and, if necessary, the Treasurer and Sexton.
- o) The consideration of new business.
- p) Closing Prayers.

CANON 25

Of the Officers of the Vestry

1. The Church Wardens:

a) Of the Selection of Church Wardens:

- i) At the Annual Vestry Meeting of each organized Congregation, two Church Wardens shall be selected from among the members of the Vestry, one to be elected by a simple majority of the members of the Vestry present, and one to be appointed by the Incumbent. A Parish may choose to elect one or more Deputy Wardens from among the members of the Vestry.
- ii) If the Vestry declines or neglects to elect a Church warden, then the Incumbent shall appoint one to fill the vacancy.
- iii) If the Incumbent declines or neglects to appoint a Church warden, then the Vestry shall elect one to fill the vacancy.
- iv) The Church Wardens shall hold office for one year, or until the selection of their successors.
- v) A vacancy caused by death, removal, or resignation shall be filled by calling a special Meeting of the Vestry for the election of a People's Church Warden, or by the Incumbent appointing an Incumbent's Church Warden at Divine Service on a Sunday, or other day when a regular service is held.

b) The Rights, Powers, and Duties of Church Wardens:

- i) As provided by the Church Temporalities Act (1841-3, Vic., Ch. 74) the Church Wardens shall be a Corporation with the perpetual succession under the name of "The Church Wardens of the Church of _____ in the _____"
- ii) For the purposes of *the Religious Institutions Act (Chapter 344, R.S.O., 1927)* the Church Wardens, with the Incumbent, shall be deemed to be trustees.

As a Corporation, the Church Wardens:

- iii) Cannot exercise their corporate powers separately; that is, one cannot act without the consent of the other, and
- iv) They shall represent the interests of the Church for which they were so elected and appointed and of the members thereof, and shall and may sue and be sued, answer and be answered unto in all manner of suits and actions whatsoever,

and may prosecute indictments, presentments and other criminal proceedings for and in respect of the Church and members whom they represent, and all matters and things appertaining thereto.

- v) In all matters not lying solely in the right and power of the Church Wardens by virtue of Acts of Parliament, it shall be their duty to carry out all legitimate directions of the Diocesan Synod and of the Vestry which they represent.

Upon the assumption of office the Church Wardens shall:

- vi) Receive from their predecessors the form containing the inventory of all Church property. They shall check the accuracy thereof, and then retain the Inventory Form in their possession until such time as they pass same to their successors in office.
- vii) Have custody of all monies and goods belonging to the Parish or Congregation and shall be responsible
 - (a) for the entry of the amount of the offerings of the people in a book kept for that purpose, to include but not restricted to the entry of sums received each service in the vestry book, having been counted by two persons who have initialed such entry;
 - (b) for keeping of records with regard to each individual's donations and issuing of receipts for tax purposes as a function distinct and separate from that of the Treasurer; and
 - (c) for the safe custody of all parochial or congregational records and books.
- viii) Cause all Church buildings and property to be insured adequately by a reputable insurance company or companies,
- ix) Cause all Church buildings and property to be kept in good condition and shall ensure that necessary repairs to the same are made.
- x) Report, at the Annual Vestry Meeting, on the material state of the Church, the assets and liabilities, the receipts and expenditures, the condition of buildings and the amount of insurance carried.
- xi) Maintain good order and quiet in Church at the time of Divine Service, and shall prosecute all offenses against the same
- xii) Attend the visitations of the Bishop, and the Regional Dean whenever cited, and shall submit such lists, records, books, and registers as may be requested by the same.

- xiii) Deliver all books, monies, property, and chattels to their successors in office, upon relinquishing their office, and
- xiv) Perform their other duties as defined in the Canons of the Diocese.

2. **The Vestry Clerk:**

- a) The Church Wardens, in consultation with the Incumbent and the Select Vestry shall appoint a Vestry Clerk, whose appointment shall be subject to the approval of the Vestry at each Annual Meeting.
- b) If necessary, the Select Vestry shall arrange for suitable remuneration for the Vestry Clerk.
- c) The Vestry Clerk, or in absence thereof, a secretary appointed by the Chair shall enter the minutes of all meetings of the Vestry and of the Select Vestry in a book or books kept for this purpose.
- d) The Vestry Clerk shall perform duties as defined by the Select Vestry.

3. **The Auditor:**

- a) The Church Wardens, in consultation with the Incumbent and the Select Vestry shall appoint an Auditor, or Auditors, whose appointment shall be subject to the approval of the Vestry at each of its Annual Meetings.
- b) If necessary, the Select Vestry shall arrange for suitable remuneration for the Auditor.
- c) The Auditor shall inspect the parochial or congregational accounts annually, and shall submit a report therein to the Vestry at each of its Annual Meetings.
- d) The Auditor shall act under the direction of the Select Vestry.

4. **The Treasurer:**

- a) If necessary, the Church Wardens, in consultation with the Incumbent and the Select Vestry, shall appoint a Treasurer, whose appointment shall be subject to the approval of the Vestry at each of its Annual Meetings.
- b) If necessary, the Select Vestry shall arrange for suitable remuneration for the Treasurer.
- c) The Treasurer shall perform all duties as defined by the Select Vestry.

5. **The Sexton:**

- a) If necessary, the Church Wardens, in consultation with the Incumbent and the Select Vestry, shall appoint a Sexton, whose appointment shall be subject to the approval of the Vestry at each of its Annual Meetings.
- b) If necessary, the Select Vestry shall arrange for suitable remuneration for the Sexton.
- c) The Sexton shall perform all duties as defined by the Church Wardens

CANON 26

Of The Select Vestry

1. The Composition of the Select Vestry:

The Select Vestry shall be composed of:

- i) The Incumbent
- ii) The Church Wardens
- iii) The Vestry Clerk
- iv) The Treasurer, if any
- v) The Lay Delegates to the Great Chapter
- vi) Not more than six members of the Vestry, who shall be elected at the Annual Vestry Meeting and
- vii) An equal number of members of the Vestry, who shall be appointed by the Incumbent.

2. Of Meetings of the Select Vestry:

- (i) The Select Vestry shall hold regular meetings at least four times each year, at which the Incumbent shall preside, or in the absence thereof, either the Incumbent's Warden or the People's Warden, in that order, or shall designate or otherwise provide for the appointment of a Chairperson.
- (ii) A quorum of the Select Vestry shall consist of a clear majority of its members, of which majority the Chairperson shall be one.

3. The Duties of the Select Vestry:

It shall:

- a) collect and count, or cause to be collected and counted, the offerings of the people received at Divine Service,
- b) raise the funds required for the purpose of the Congregation or Parish,
- c) inform the Congregation fully of the plans, activities, and needs of the Church,
- d) make recommendations concerning the maintenance and insurance of Church property,
- e) co-ordinate the activities of the several parochial organizations,
- f) organize the Congregation or Parish for the making of canvasses and surveys,

- g) prepare a yearly budget to be presented at the Annual Vestry Meeting, and
- h) form its own Committees to deal with finance, property, and other temporalities of the Church.

CANON 27

Of the Parish Council

1. The Composition of the Parish Council:

In every Parish where there is more than one Congregation there shall be a Parish Council which shall consist of:

- a) The Incumbent
- b) The Church Wardens of each Congregation
- c) The Lay Delegates to the Great Chapter meetings from each Congregation

2. Of Meetings of the Parish Council:

- a) The Incumbent shall preside at all meetings of the Parish Council
- b) The Parish Council shall meet at least once in each year at the call of its President
- c) At such meetings the Parish Council shall consider the following:
 - i) The proportion of the Incumbent's stipend and of the cost of the upkeep of the Incumbent's living quarters to be borne by each Congregation within the Parish.
 - ii) The share of the missionary apportionment and of the Diocesan assessment to be borne by each Congregation within the Parish.
 - iii) Any matters pertaining to the welfare of the whole Parish.

- 3. The recommendations of resolutions of the Parish Council shall be made known to the Select Vestry of each Congregation within the Parish, and, if necessary, the said recommendations of the resolutions shall be presented at the several Annual Vestry Meetings for further consideration.

CANON 28

Baptismal Ministry

1. All Christians are called to ministry by virtue of their baptism. Each person must understand their own ministry as one among many ministries which enable the Church to be the Body of Christ. Baptismal ministry is, therefore, any deed or act which results from being a member of the Body of Christ. It can be as simple as a visit to a member of the Church in hospital, sharing of faith, or a more formal activity such as reading the lessons at Services of Worship, officiating at Morning or Evening Prayer or officiating at a funeral.
2. Baptismal ministry in its most simple form in our daily life does not require any license or formal permission.
3. More formal acts of ministry may require permission from the Parish and/or the Diocese.
4. It shall be the responsibility of the Incumbent and the Vestry of any parish or congregation to provide the necessary education and training for any formal ministry to be conducted in the parish. Specific requirements for education and training shall be listed in the Policy Manual of the Diocese of Moosonee, and shall be reviewed annually and, if necessary, updated.
5. Any further civil or institutional requirements must also be met before engaging in ministry.

CANON 29

Of the Ministrations of the Church in those areas of the Diocese

Which Are Not Organized as Parishes

1. The Bishop of Moosonee is responsible to maintain ministry to all members of the Anglican Church of Canada who reside within the boundaries of the Diocese.
2. The Bishop shall ensure that Anglicans living in those areas of the Diocese which are not organized as Parishes shall receive the ministrations of the Church according to the doctrine, discipline and worship of the Anglican Church of Canada as set forth in the Book of Common Prayer, Book of Alternative Services, the Ordinal, and Canon Law.
3. No group of Anglicans shall enter into an agreement which is contrary to the doctrine, discipline, and worship of the Anglican Church of Canada as set forth in the Book of Common Prayer, Book of Alternative Services, the Ordinal, and Canon Law, with any other religious body, or its local representatives.
4. Of the Use of Buildings for Worship:
 1. No building shall be used by a group of Anglicans jointly with any other religious body without the prior consent of the Bishop.
 2. Where such consent has been granted, the Bishop shall appoint a Committee of at least three from the Anglican group to meet with representatives of the other religious body in order to form a joint board for the administration of matters affecting the use of any such building.
5. In all matters affecting doctrine, discipline, and worship, members of the Anglican Church of Canada residing within the Diocese shall be subject to the Bishop, and shall make or accept no local agreements with any other religious body which infringe on the Sections of this Canon.

CANON 30

Of Church Property

2. The Title to all real property in the Diocese and used for Church purposes, whether it be acquired by purchase, gift, bequest, or otherwise, for the use of the Church or for any Parish in the Diocese, shall be vested in the name of "The Bishop of Moosonee, a Corporation Sole", and any Titles, Deeds, Mortgages, Agreements, or other document affecting such real property shall be sent to the Administrative Assistant or other person appointed who shall be responsible for the safe-keeping of such documents.
3. Before the purchasing of any land, or the erection or purchase of any Church building, Rectory, or Parish Hall, or any major alteration or addition made to existing buildings, or the contract let, or fund raising has begun, the plans and specifications, together with an estimate of the cost, a statement of the financial condition of the Parish or Congregation concerned, and the method of raising the required funds, shall be submitted to the Executive Council whose sanction for such project shall first be obtained before it can begin. The Executive Council may reserve the right to require that 25% of the total funds required shall be on hand before the project begins, and that the fund raising programme of the Parish be adequate both to meet the need of repayment within a reasonable length of time and also to maintain its normal obligations. Where these conditions are met, the Executive Council may recommend that the Diocese of Moosonee back loans from the chartered Banks of Canada.
4. Before any Church is consecrated, the Title to the land and building shall be vested in the name of "The Bishop of Moosonee, a Corporation Sole", and such land and building shall be entirely free of debt. There shall be a dedication of the Church after construction is completed.
5. No memorials, ornament, fixture, article of furniture or furnishings, lights, windows, or anything of a like description, shall be erected, placed in, installed, or used in, or removed from any Church in the Diocese without informing the Bishop. The Bishop may request a meeting with the Select Vestry and the Incumbent of the Parish concerned to discuss the matter, should the Bishop consider it advisable to do so. If the Bishop continues to disagree with the Parish's proposed action, the Bishop may lay the matter before the Investigating Committee of the Bishop's Court according to the provisions under Canon 32.

CANON 31

Of The Seal of Confession

1. If any person confesses any secret or hidden sin to a Priest for the unburdening of conscience and in order to receive spiritual consolation and ease of mind and absolution, such Priest shall not either by word, writing, or sign, directly or indirectly, openly or covertly, or in any way whatsoever, at any time reveal and make known to any person whatsoever, any sin, or crime, or offence so committed into trust and secrecy unless required by law; neither shall any Priest make use of knowledge gained in the exercise of such ministry to the offence or detriment of the person from whom it was received, even if there be no danger of betraying the identity of such person; neither shall any Priest, who is in a position of authority in any place, make use of any such knowledge in exercising authority.

CANON 32
Of Discipline

General Synod Canon XVIII shall serve as the Canon on Discipline for the Diocese of Moosonee along with Provincial Synod Canon V. See Appendix B and D to the Canons of the Diocese of Moosonee.

CANON 33

Of the Alteration and Revision of the Canons of the Diocese

1. The Synod shall have the sole right, authority, and power to make, alter, revise, amend, and repeal the Canons of the Diocese of Moosonee, as well as to add and adopt new Canons.
2. No Canon of the Diocese shall be altered, revised, amended, or repealed by Synod, nor shall any new Canon be added, or adopted, unless:
 5. The voting on the proposed alteration, revision, amendment, repeal or addition takes place by Orders.
 6. At least two-thirds of the members of each Order present when the vote is taken, concur with the proposed alteration, revision, amendment, repeal, or addition.
3. The Committee for the Revision of the Canons:
 - a) There shall be a Committee of the Synod to be known as “The Committee for the Revision of the Canons”.
 - b) It shall consist of the Chancellor or Vice-Chancellor, and of at least two Clerical and two Lay Members of Synod who shall be appointed at each regular meeting of Synod by the Executive Council and shall hold office until the next meeting of Synod.
 - c) Membership shall be considered vacated if a member dies, is incapacitated, resigns, or ceases to be a member of Synod at which appointment was made. In the event of a vacancy occurring the Executive Council shall appoint a new member to fill the vacancy until the next regular meeting of Synod.
 - d) The duties of the Committee for the Revision of the Canons:
 - (i) It shall, if it deems it necessary, propose alterations, revisions, amendments, repeals, or additions to the Canons of the Diocese, and shall submit the same as Notices of Motion for inclusion in the Convening Circular to the person appointed to receive Notices of Motion, and then shall present the same, through its Chairperson, at the meeting of Synod.

- i) It shall consider, examine, and weigh the merits of all Notices of Motion submitted to it in accordance with the provisions under Section 4 of this Canon, and shall return the said Notices of Motion to the person appointed to receive aforesaid Notices of Motion for inclusion in the Convening Circular, and then shall present, through its Chairperson, its report therein at the meeting of Synod.
 - ii) It shall compile and present to the Synod at each regular meeting thereof, the Canons, if any, referred to under Section 2 of Canon 34.
- a) All proposed alterations, revisions, amendments, repeals or additions to the Canons of the Diocese, except those prepared by the Committee for the Revision of the Canons, shall be submitted, at least six months before the meeting of Synod, to the person appointed to receive Notices of Motion, in writing. Upon receipt of such Notices of Motion the person appointed to receive Notices of Motion will immediately submit the same to the Chairperson of the Committee for the Revision of the Canons.
 - b) No Canon of the Diocese shall be altered, revised, amended or repealed by Synod, nor shall any new Canon be added or adopted if the proposed alteration, revision, amendment, repeal or addition be contrary to any of the Canons of the Provincial or General Synods.
 - c) No motion regarding revision or addition to Canons that has been defeated at two consecutive meetings of Synod shall be re-introduced without the consent of three-quarters of the members present.

CANON 34

Of the Canons of the Provincial and General Synods

- a) The Diocese of Moosonee shall be bound by all Canons of the Provincial Synod and the General Synod.
- b) Any Canons which may from time to time be promulgated, repealed, or altered by the Provincial and General Synods, and which concern the Diocese of Moosonee, shall be compiled and presented at the next regular meeting of the Synod of the Diocese of Moosonee in accordance with Section 3 (d)(iii) of Canon 33.

CANON 35 - RESERVED

APPENDIX A CANON XVII

The Licensing of Clergy

PART 1

THE ISSUE OF LICENSES; REGISTERS, INHIBITIONS AND TRANSFERS

1. DEFINITIONS

In this Canon:

- a) “chaplain” means bishop, priest or deacon holding a commission requiring full-time service in the Canadian Forces.
- b) “temporary permission” means written or oral authority to exercise ordained ministry within a diocese for a limited time, granted by a diocesan bishop to a bishop, priest or deacon who is not licensed by that diocesan bishop.
- c) “license” means written authority from the bishop of a diocese to a bishop, priest or deacon of the diocese to exercise ordained ministry in the diocese, or written authority from the Bishop Ordinary to a chaplain permitting the chaplain to exercise ordained ministry as a chaplain, but does not include “temporary permission”.
- d) “receiving bishop” means the bishop of a diocese to which a bishop, priest or deacon licensed in another diocese wishes to be transferred.
- e) “transferring bishop” means the bishop of a diocese from which a bishop, priest or deacon licensed in that diocese wishes to be transferred.

2. STRUCTURE OF EPISCOPAL JURISDICTION

- a) Subject to paragraphs (c), (d) and (e), every co-adjutor, suffragan, assistant and retired bishop and every priest and deacon in the Anglican Church of Canada is subject to the jurisdiction of a diocesan bishop.
- b) Bishops, priests and deacons who are engaged in specialized ministries in Canada outside the diocese where they are registered, except chaplains, are subject to the general supervision of the bishop of the diocese in which the specialized ministry is exercised.

- c) Members of the clergy employed in Canada by the General Synod are subject to the episcopal jurisdiction of the primate without prejudice to their status in the dioceses from which they are on leave.
- d) Bishops, priests, deacons serving outside Canada, under the auspices of the Anglican Church of Canada, are, without prejudice to their status in the diocese from which they are on leave, subject to the episcopal authority of the diocese in which they serve unless otherwise provided by the canons in that diocese or the terms of the licenses granted to them.
- a) Chaplains are deemed to be on leave of absence from the dioceses from which they transferred to the chaplaincy and are subject to the episcopal jurisdiction of the Bishop Ordinary to the Canadian Forces during their terms of service as chaplains.

3. **THE REGISTERS**

Each diocesan bishop shall keep a register of the bishops, priests and deacons ordained within or for the diocese and those received from other jurisdictions. The Bishop Ordinary to the Canadian Forces shall keep a register of chaplains. Such registers shall include the following information for each individual:

- (a) dates and places of ordination as deacon, priest or bishop and in each case the name of the ordaining bishop or bishops;
- (b) the date of entering the diocese or the chaplaincy;
- (c) a record of appointments held and of licenses issued;
- (d) a record of any leaves of absence granted;
- (e) a record of any transfer to another ecclesiastical jurisdiction;
- (f) a notation of any relinquishment or abandonment of ministry pursuant to Canon XIX

4. **THE PRIMATE'S LIST**

- d) The Primate shall maintain a list of bishops, priest and deacons who have relinquished or abandoned the exercise of their ministry or against whom a sentence of deposition has been imposed.
- e) Every diocesan bishop shall forward to the Primate all information required for the maintenance of such list

5. LICENSING

a) No bishop, priest or deacon shall exercise an ordained ministry within a diocese without a license or temporary permission from the diocesan bishop.

b)) A license shall specify:

- i) the position to which the licensee has been appointed;
- ii) the parish or territory or community in which the ministry is to be exercised;
- iii) the person or persons, if any, under whose supervision the licensed ministry is to be exercised;
- iv) the party responsible for payment of any stipend, or other compensation payable to the licensee in respect of the licensed ministry, and
- v) any other matter or limitation which the diocesan or provincial canons may require, and may specify:
- vi) a term, at the end of which the license shall expire;
- vii) the time after which the licensed ministry may be reviewed or assessed, and
- viii) any other matter the diocesan bishop deems appropriate.

c) Unless otherwise provided by diocesan canon or the terms of a license, a license shall remain in force according to its terms notwithstanding the resignation, death or removal of the bishop who granted it, and shall be deemed to be a license granted by the succeeding diocesan bishop until that bishop amends or revokes it, or issues a new license.

6. LICENSING BY BISHOP ORDINARY

i) The Bishop Ordinary, on receipt of Letters Testimonial with respect to a chaplain, may issue a license to that chaplain upon the chaplain taking such oaths and subscriptions as the Bishop Ordinary may require, and in accordance with any other procedures the Bishop Ordinary may require.

ii) A license issued to a chaplain by the Bishop Ordinary shall permit the chaplain to exercise ordained ministry to members of the Canadian Forces and their families.

7. INHIBITION OF THE UNLICENSED

a) When a diocesan bishop has reasonable grounds to believe that a bishop, priest or deacon who does not hold a license or temporary permission from the diocesan bishop is officiating or is about to officiate in the diocesan bishop's diocese, the diocesan bishop may, by notice in writing to such bishop, priest or deacon, inhibit such person from officiating in the diocese.

- b) A diocesan bishop who issues a notice pursuant to section 7.a) shall cause the notice to be recorded in the Register and may advise such other persons as the bishop considers appropriate that such notice has been issued.

8. TRANSFERS

- a) When a bishop, priest or deacon in good standing, including a bishop, priest or deacon on leave of absence as a chaplain, is to be transferred from the jurisdiction of one bishop to the jurisdiction of another bishop:
- i) The transferring bishop shall forward *Letters Bene Decessit* to the receiving bishop, and
 - ii) Episcopal jurisdiction over the bishop, priest or deacon intended to be transferred shall not be effective until the *Letters Bene Decissit* are accepted and acknowledged by the receiving bishop.
- b) When a bishop, priest or deacon in good standing undertakes service outside of Canada under the auspices of the Anglican Church of Canada, the Primate and the appropriate diocesan bishop, priest or deacon *Letters Bene Decissit* or such other form of commendation, as is appropriate and as may be required by the authority in the place where the bishop, priest or deacon is to serve.

9. FORMS

- a) The forms of *Letters Testimonial*, *Letters Bene Decissit*, and *Acceptance of Episcopal Jurisdiction* set out in the Schedules are prescribed for use.

PART II

REVOCATION

10. DEEMED REVOCATION OR SUSPENSION

- a) When a penalty of deprivation of ministry or deposition from ministry is imposed against a licensee following a conviction for an ecclesiastical offence under Canon XVIII, the license of that person is deemed to be revoked.
- b) When a penalty of suspension from the exercise of ministry is imposed against a licensee following a conviction for an ecclesiastical offence under Canon XVIII, the license of that person is deemed to be suspended for the duration of the penalty of suspension.

11. REVOCATION WITH NOTICE

- i) The bishop having jurisdiction may, in accordance with this section, revoke a license in any circumstances other than those mentioned in section 10.
- ii) Before revoking a license under this section, the bishop shall confer with the licensee
 - i)) to review the reasons for the proposed revocation, and
 - ii) to consider possible alternatives to revocation, or
 - iii) to agree on terms, including the length of reasonable notice or the amount of pay and benefits in lieu of notice, upon which the license may be revoked.
- a) Where, as a result of the conference between the bishop and the licensee, terms of revocation are agreed to, paragraphs (d) to (h) of this section do not apply.
- b) If the bishop, after conferring with the licensee, intends to proceed with the proposed revocation, the bishop shall appoint a Commission of one or more persons to consider the circumstances surround the proposed revocation and to advise the bishop. Within 30 days of its appointment the Commission shall confer with the bishop and the licensee and provide both with its advice.
- c) If the bishop is not in a position to provide the licensee with another appointment, the bishop shall offer the licensee reasonable notice of the revocation or reasonable pay and benefits in lieu of notice.
- d) If the licensee is not satisfied with the length of notice or the amount of pay and benefits offered by the bishop, the licensee may notify the bishop in writing of his or her desire to submit the matter to arbitration and the notice shall contain the name of the licensee's appointee to the arbitration board. The bishop shall, within seven days, appoint a person to the arbitration board and inform the licensee of that arbitrator's name. The two arbitrators so selected shall, within seven days after the bishop's appointee has been named, appoint a third person who shall be the chair of the arbitration board. If the bishop fails to appoint an arbitrator, or if the two arbitrators fail to agree upon a chair, the appointment shall be made by the Metropolitan of the ecclesiastical province, or, if the bishop is the Metropolitan, by the diocesan bishop is the Metropolitan, by the diocesan bishop in the province senior by consecration.
- e) The arbitration board shall provide an opportunity to the licensee and the bishop to make submissions in writing and orally and to respond to the submissions of the other party. It shall determine the length of notice or the amount of pay and benefits to be given to the licensee. The decision of the arbitration board is final and is binding on the licensee and the bishop.

f) The arbitration board has no authority to review or to change the bishop's decision to revoke the license.

12. **FURTHER APPOINTMENTS**

When a license is revoked under section 11, the bishop shall endeavour to assist the licensee to obtain employment.

SCHEDULE A

Letters Bene Decissit

I hereby certify that _____, who has signified to me a desire to be transferred to the episcopal jurisdiction of the Bishop of the Diocese of _____ is a Bishop/Priest/Deacon in good standing in the Diocese of _____.

Witness my Hand and Seal this _____ day of _____, _____.

Signed: _____ Bishop of _____

SCHEDULE B

Letters Testimonial with respect to a Chaplain in the Canadian Forces

To: _____, the Bishop Ordinary

I hereby certify that the Reverend _____, having with my consent accepted a commission as a chaplain in the Canadian Forces, is a priest in good standing on leave from the Diocese of _____.

I transfer the Reverend _____ to your episcopal jurisdiction during his/her term of service as chaplain.

Witness my Hand and seal this _____ day of _____,

Signed: _____ Bishop of _____

SCHEDULE C

Forms of Acceptance of Episcopal Jurisdiction

The *Letters Bene Decessit* from the Bishop of _____ with respect
to the transfer to this diocese of _____ have been
presented to me, and have been accepted.

Witness my Hand and seal this _____ day of _____,

Signed: _____ Bishop of _____.

APPENDIX B
GENERAL SYNOD'S CANON XVIII
DISCIPLINE

Episcopal Jurisdiction – Part 1

1. Preservation of Episcopal Jurisdiction regarding Discipline

- (i) It is hereby acknowledged that the bishop of a diocese of the Anglican Church of Canada has by virtue of the office of bishop, ecclesiastical jurisdiction, authority and power of discipline over bishops, priests, deacons and lay members of the Anglican Church of Canada within the diocese or otherwise under the jurisdiction of the bishop.
- (ii) Nothing in this Canon shall be interpreted as impairing, diminishing or affecting in any way the pastoral or disciplinary aspects of the authority and jurisdiction of:
 - a) a metropolitan who has jurisdiction with respect to a bishop
 - b) a bishop who has jurisdiction with respect to a bishop, priest or deacon, or a lay person who is a member of the Anglican Church of Canada; **except only in relation to:**
 - c) the determination of whether the bishop, priest or deacon has committed an ecclesiastical offense established by this Canon
 - d) the determination of whether a lay person who has been appointed, elected or commissioned to an office, appointment or responsibility in a parish, a diocesan synod, a provincial synod, or the General Synod, has committed an ecclesiastical offense established by this Canon, and
 - e) the determination of the penalty appropriate for the commission of an ecclesiastical offense established by this Canon.

2. Initial Disciplinary Jurisdiction

- a) Where it has been alleged that a bishop, priest or deacon subject to the jurisdiction of a bishop, or a bishop subject to the jurisdiction of a metropolitan, has committed an ecclesiastical offense established by this Canon, the bishop or metropolitan, as the case may be, shall have initial jurisdiction with respect to the determination of whether an ecclesiastical offense has been committed and the penalty for the commission of the offense.
- b) The bishop or metropolitan may refer the determination of whether an ecclesiastical offence has been committed or the determination of a penalty to the court having jurisdiction with respect to the discipline of the person charged with the commission of an ecclesiastical offense without exercising the initial jurisdiction described in section 2 a).

- e) The procedures to be used in the exercise by the bishop or metropolitan of the initial jurisdiction described in this section shall be those established by the synod of which the bishop or metropolitan is the president; however, such procedures shall be subject to the principles set out in Part 5 of this Canon.
- f) A diocesan synod may provide for the exercise of the initial jurisdiction of the bishop described in this section in respect of the discipline of such lay persons as are described in section 4 of this Canon.

3. Review by the Court

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

Court Jurisdiction – Part 2

4. Diocesan Courts

- a) The Diocesan court of a diocese shall have ecclesiastical jurisdiction with respect to the discipline of:
 - i) priest and deacons who carry out their ministry in the diocese and who are registered on the registry of the diocese, for any ecclesiastical offence, wherever committed,
 - ii) subject to section 26, priests and deacons of the Anglican Church of Canada not registered on the register of the diocese, in respect of an ecclesiastical offence committed in the Diocese.

- 32.** lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a parish of the diocese or the diocesan synod, for any ecclesiastical offence which they may commit in the diocese.
- 33.** lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a provincial synod, or the General Synod, for any ecclesiastical offence which they may commit in the diocese, and
- 34.** priest, deacons and lay persons of any other diocese when a direction is made pursuant to section 27 of this Canon.

5. Provincial Courts of Appeal

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

6. Supreme Court of Appeal of the Anglican Church of Canada

- a) The Supreme Court of Appeal of the Anglican Church of Canada shall have ecclesiastical jurisdiction with respect to the discipline of:
 - 1. the Primate, and
 - 2. the Bishop Ordinary

For any ecclesiastical offence which they may commit.

Ecclesiastical Offenses – Part 3

7. Disciplinary Action Regarding Offenses

- a) All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offenses:
 - 5. conviction of an indictable offence;
 - 6. immorality;
 - 7. disobedience to the bishop to whom such person has sworn canonical obedience;
 - 8. violation of any lawful constitution or canon of the Church, whether of a diocese, province or the General Synod by which the person is bound;
 - 9. willful or habitual neglect of the exercise of the ministry of the person without cause;

10. willful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
1. teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada;
2. contemptuous or disrespectful conduct towards the bishop of the diocese in matters pertaining to the administration of the affairs of the diocese or a parish.

Penalties for Ecclesiastical Offenses – Part 4

8. Penalties Generally

- a) Where it has been determined that a person has committed an ecclesiastical offence, the following penalties may be imposed against the person:
 1. admonition;
 2. suspension from the exercise of ministry or office;
 3. deprivation of office or ministry;
 4. deposition from the exercise of ministry if the person is ordained.

9. Admonition

- a) Admonition shall be delivered by the bishop, metropolitan or the president of the court which shall have determined the penalty, as the case may be.
- b) Admonition may be in public or private as the bishop, metropolitan or president delivering it may determine.

10. Suspension

1. When a penalty of suspension is imposed, the bishop, metropolitan or court imposing it shall fix the duration of the suspension and may impose such other conditions on the suspension as are considered appropriate.
2. During the term of a suspension, the person suspended from the exercise of ministry or office shall not exercise the function of his or her ministry anywhere in Canada.
3. If a person suspended from the exercise of ministry exercises his or her ministry contrary to s. 8. B. hereof, or otherwise violates the conditions of the suspension, the bishop, metropolitan or court which imposed the penalty may, after a further hearing, impose the penalty of deprivation of office.
4. During the term of a suspension, the bishop may deprive the suspended person of the whole or part of any stipend, income or emoluments associated with the ministry or office from which the person stands suspended and may authorize the

application of the whole or part of such stipend, income or emoluments to the payment of a substitute.

5. During the term of a suspension of a bishop, the metropolitan, or the executive council of the synod of the diocese in which the bishop serves, may deprive the bishop of the whole or part of any stipend, income or emoluments associated with the office of the bishop and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of the person performing the duties of the bishop during the term of the suspension.

11. Deprivation

1. Upon the penalty of deprivation of office or ministry being pronounced, the connection between the person deprived and his or her parish, mission, congregation, diocese or office is severed and all revenues to which the person was entitled by virtue of the office or ministry shall wholly cease and determine.
2. A person who has been deprived of office or ministry shall be incapable of holding any office or performing any function in any diocese in the Anglican Church of Canada until restored pursuant to subsection c), d) or e) hereof.
3. Any person so deprived shall be and remain deprived until restored by the bishop of the diocese in which the office from which the person was deprived is located.
4. Any bishop so deprived shall be and remain deprived until restored by the metropolitan of the province of which the deprived bishop's diocese is part, or by the Primate in the case of the Bishop Ordinary.
5. Any metropolitan so deprived shall be and remain deprived until restored by the House of Bishops of the Province, in the case of a provincial metropolitan, or by the House of Bishops of the Anglican Church of Canada, in the case of the Primate.
6. Restoration pursuant to subsections c), d) or e) may be to any office or ministry in the diocese whether or not it is the specific office from which the person was deprived.

12. Deposition

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

13. Notices

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

**PRINCIPLES AND GENERAL PROCEDURES TO BE OBSERVED
IN DISCIPLINE PROCEEDINGS IN
THE ANGLICAN CHURCH OF CANADA – Part 5**

14. Fundamental Principles of Natural Justice

- a) All trials of persons charged with offenses under this Canon shall be conducted according to the principles of natural justice.
- b) Without limiting the generality of the foregoing section all persons tried for offenses under this Canon are entitled to be:
 - (i) given full and complete written notice of the charge against them and the particulars of the charge.
 - (ii) Presumed innocent until the Commission of the offence by them is proved on a balance of probability.
 - (iii) heard in their own defence.
 - (iv) Represented in their defence by counsel, when any evidence or argument concerning the allegations against them is received by the bishop, metropolitan or court inquiring into the charges.
 - (v) Given opportunity to cross-examine, or have their counsel cross-examine under oath, witnesses who have given evidence against them.
 - (vi) Tried by persons who are not biased against them.
 - (vii) Tried within a reasonable time.
- c) No person tried for an offence under this Canon is required to give evidence in the proceedings.
- d) Disciplinary proceedings arising out of the alleged commission of an offence under this Canon shall be commence within:
 - a) 12 months from date of the alleged offence in the case of offences under section 7, i), i), vii) and viii) and,
 - b) 12 months from the time when the facts giving rise to the charge become publicly known in the case of an offense under section 7, ii).
- e) No proceedings shall be taken in respect of an alleged offence under section 7, v) or vi) unless six months' notice of intent to take proceedings have been given to the bishop, priest or deacon against whom it is intended proceedings will be taken.
- f) Disciplinary proceedings arising out of the alleged commission of an offence under section 7, v) or vi) shall be commenced within 12 months of the date of the notice of intent given pursuant to section 14,e).

- c) All persons found to have committed an offence under this Canon are entitled to have the penalty imposed against them within 30 days of the determination that they committed an offence, subject to a stay of the imposition of a penalty in the event of an appeal.
- d) No person who has been acquitted of an offence under this Canon may be tried for the same offence a second time.
- e) No person who has been found guilty of and punished for an offence under this Canon may be tried or punished for the same offence again.

15. Inhibitions

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

16. Priest or Deacon from another Diocese

- a) In the event of an offence being alleged against a bishop, priest or deacon who is not on the register of the diocese, but who is on the register of another diocese, for an offence alleged to have been committed in the diocese, proceedings with respect to such an offence shall not be instituted until notice of the allegation has been given to the bishop of the diocese in which the priest or deacon is registered and that bishop has given consent for proceedings to be instituted by the bishop of the diocese in which the offence is alleged to have been committed.

- a) A bishop who received a notice under subsection a) shall forthwith respond either by consenting or refusing consent to the institution of proceedings in the diocese from which notice was received.
- b) Where a bishop consents, proceedings shall be taken in the diocese where the allegation has been made.
- c) A bishop who refuses consent shall, within six months of receipt of notice pursuant to subsection a) hereof, institute proceedings with respect to the alleged offence in accordance with the canons of the diocese in which the priest or deacon is registered.

17. Transfer of Jurisdiction

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

Rights of Appeal in Disciplinary Proceedings – Part 6

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

APPENDIX C
GENERAL SYNOD - CANON XXI
ON MARRIAGE IN THE CHURCH

Preface

1. The Anglican Church of Canada affirms, according to our Lord's teaching as found in Holy Scripture and expressed in the Form of Solemnization of Matrimony in the Book of Common Prayer, that marriage is a lifelong union in faithful love, and that marriage vows are a commitment to this union, for better or for worse, to the exclusion of all others on either side. This union is established by God's grace when two duly qualified persons enter into a contract of marriage in which they declare their intention of fulfilling its purposes and exchange vows to be faithful to one another until they are separated by death. The purposes of marriage are mutual fellowship, support, and comfort, and the procreation (if it may be) and nurture of children, and the creation of a relationship in which sexuality may serve personal fulfilment in a community of faithful love. This covenant is made in the sight of God and in the presence of witnesses and of an authorized minister.
2. The Church affirms in like manner the goodness of the union of man and woman in marriage this being of God's creation. Marriage also is exalted as a sign of the redeeming purpose of God to unite all things in Christ, the purpose made known in the reunion of divided humanity in the Church.
 1. Cf. Gen. 1:27-31
 2. Eph. 5:31f.
 3. Eph. 1:9f.
 4. Eph. 2:11-16
3. The Church throughout its history has recognized that not all marriages in human society conform, or are intended to conform, to the standard here described. For this reason in the exercise of pastoral care as evidenced in the earliest documents of the New Testament, the Church has from the beginning made regulations for the support of family life especially among its own members
4. Aspects of the regulation of marriage in the apostolic Church are recorded in the New Testament. A new standard of reciprocal love between husband and wife was introduced leading towards an understanding of their equality. In preparation for marriage Christians were directed to seek partners from among their fellow believers. In Christ's name separated spouses were encouraged to seek reconciliation. In His name also divorce was forbidden though not without exception. In certain circumstances a believer already married to an unbeliever might be declared free from such a marriage bond ; in others, and here in the name of Christ, remarriage during the lifetime of a former spouse was described, with one exception, as an adulterous union .

- 1 Cor. 7:3f, 11:11f, Eph. 5:21-33, cf. Gal. 3:28
1. 1 Cor. 7: 39, 2 Cor . 6: 14, cf 1 Thess . 4: 2-8 (RSV)
2. 1 Cor. 7:10f.
3. Matt. 5:31f, Mark 10:2-9,cf. Mal. 2:13-16
4. 1 Cor. 7 :12-16
5. Matt. 19:9, Mark 10:11f, Luke 16:18, cf. Ro. 7:3

1. From these principles and precedents, the Church, living in many cultures and in contact with many different systems of law, has sought in its rites and canons to uphold and maintain the Christian standard of marriage in the societies in which believers dwell. This standard and these rites and canons pertain to the selection of marriage partners, preparation for marriage, the formation of a true marriage bond, the solemnization of marriage, the duties of family life, the reconciliation of alienated spouses, and to the dissolution of marriage and its consequences.
2. All members of this Church, in fulfilling the obligations of the People of God, share according to their circumstances in the obligation to uphold Christian standards of marriage in human society especially by care for their own families and by neighbourly care for the families of others. Special obligations rest upon certain members of the Church as set forth below.
3. The particular duties of the clergy, described in part elsewhere in this Canon, include the provision of education for marriage and family life, the solemnization of marriage, the pastoral care of families, the encouragement of reconciliation of estranged spouses, and the pastoral care of those whose family ties have been broken or interrupted by death, sickness, poverty, enforced absence, human weakness, or by wilful act.
4. The duties of the laity, according to their several circumstances, are to share with the clergy the responsibility for upholding family life, in particular:
 1. by their presence with friends and neighbours at weddings to bear witness to their support of those who marry;
 2. to safeguard the legality of marriages by readiness to allege promptly any cause or just impediment which might make a proposed marriage unlawful;
 3. to promote and encourage the use of the professional skills that serve family life;
 4. as spouses, to be faithful to their own marriage vows;
 5. as parents, guardians, god-parents, teachers, or other fully qualified persons, to guide children and young persons in preparation for family life;
 6. as neighbours, mutually to promote the welfare of families, and to seek the reconciliation of any whose family life is impaired or broken;
 7. as communicants, to uphold the Church's discipline, and to seek the restoration to communion of any who have become alienated or are excommunicate; and
 8. as citizens, to work for the maintenance of just laws for the welfare of family life.

Part I REGULATIONS
PREREQUISITES FOR MARRIAGE

1. **Notice**

It shall be the duty of those who intend to marry to give notice to the minister at least 60 days before the day proposed for the wedding, except that the minister may waive this requirement for sufficient cause in which case the minister shall notify the bishop of the diocese in writing, stating the reason for the decision.

2. **Preparation**

It shall be the duty of the incumbent, when application is made for matrimony to be solemnized, to inquire whether there is any impediment either to the marriage or to the solemnization thereof. It shall also be the duty of the incumbent or designate, to review with the parties to the marriage, the issues outlined in Schedule E annexed hereto and to recommend strongly to the parties that they avail themselves of a marriage preparation course or programme so that they all who seek marriage in the Church may come to it with a Christian understanding of its purpose and a practical understanding of the realities of marriage, and may be encouraged to give effect with God's help to the vows which they are proposing to make. The parties to the intended marriage, after due consideration, shall be encouraged to sign the Declaration set out in Schedule A.

3. **Impediments of Relationship**

a) Notwithstanding the Table of Kindred and Affinity contained in the Book of Common Prayer (1962), when making the inquiries directed in section 2 the minister shall, with respect to impediments of relationship, be guided by the Marriage (Prohibited Degrees) Act, as it was in force on June 1, 2004, which prohibits marriages between persons who are related

1. lineally by consanguinity or adoption,
2. as brother and sister by consanguinity, whether by the whole blood or by the half-blood, or
3. as brother and sister by adoption.

b) In addition to marriages prohibited by law, no person may marry another person if they both live, or have previously lived, in the same household and one of them is or has been treated by the other as a child or parent.

4. **Age**

No minister shall solemnize the marriage of persons either of whom is under sixteen years of age.

5. **Requirements of Civil Law**

The minister shall ensure that all the requirements of the civil law of the province or other jurisdiction in which the marriage is to be solemnized have been met, in particular that all prerequisite notices, medical certificates, and consents of parents, guardians, or others, have been respectively given, completed, and obtained.

6. **Licenses and Banns**

The minister shall not solemnize a marriage unless the parties have obtained a license from the proper authority or unless the banns have been published in conformity with the civil law and in the manner required by Section 7.

7. **Publication of Banns**

When banns are to be published:

1. They shall be called in the church three several Sundays during divine worship after the accustomed manner, and in conformity with the requirements of civil law.
2. Where either or both of the parties are accustomed to worship in a church or churches other than their own parish church, the banns may be called in the church or churches in which they worship, provided that the civil law allows such procedure.
3. The minister shall say together with such addition as the civil law may require: I publish the Banns of Marriage between N. of..... and N. of
If any of you know cause or just impediment why these two persons should not be joined together in Holy Matrimony, you are to declare it. This is the first (or second or third) time of asking.
 - d) After the final calling their publication shall be recorded as required, and if the marriage is to be solemnized elsewhere the appropriate certificate shall be forwarded to the officiating minister

8. **When License to Marry is Required**

The calling of banns shall not exempt the parties from obtaining a license to marry where the civil law requires them to do so.

9. **Certain Marriage Forbidden**

Except as provided in part III or part IV of this Canon, no minister shall solemnize the marriage of two persons one of whom has been a party to a ceremony of marriage with a third person now living.

10. **Baptism**

The Form of Solemnization of Matrimony in the Book of Common Prayer is provided for the marriage of Christians. No minister shall solemnize matrimony between two persons neither of whom has been baptized. If two persons, one of whom has not been baptized, desire to be so married, the minister shall refer the matter to the bishop of the diocese whose order and direction shall be followed.

11. **License and Permission of Minister to Solemnize Marriage**

1. Every minister who solemnizes a marriage must where the civil authorities make such a requirement, hold a valid license or permit to officiate at marriages in that place.
- b) The minister must also have the license or authority of the bishop of the diocese in which the marriage is to be solemnized.
 1. The officiating minister must have obtained the consent of the incumbent of the parish in which the marriage is to be solemnized if the officiating minister is not licensed to that parish
 2. The discretion of a minister to decline to solemnize any particular marriage shall not be abrogated by this Canon.

THE SOLEMNIZATION OF MATRIMONY - Part II

12. **Place of Marriage**

1. Marriage is a public act and shall be solemnized in the face of the community and of the friends and neighbours of the couple.
2. Every marriage shall be solemnized in the presence of at least two witnesses in addition to the officiating minister.
3. The body of the church is the appropriate place for the solemnization of a marriage but a marriage may be solemnized in another location if the incumbent, after consultation with the bishop, is satisfied that the solemnity and public nature of the occasion will be preserved and that the service will be conducted with dignity in godly and decent order.

13. **Incumbent in Charge of Service**

The incumbent shall be responsible for the conduct of the marriage service. Hymns or anthems sung at the service shall be those only which may be found in Holy Scripture, in the books of Common Prayer or Common Praise, or in texts approved by ecclesiastical authority.

14. **Marriage to a Non-Christian**

The form of Solemnization of Matrimony is intended to be used in marriages between Christians. For purposes of this Canon, a person is a Christian who has been baptised and who is prepared to reaffirm Baptismal vows.

Where one of the parties to a marriage does not consider himself/herself to be a Christian, the minister may, nevertheless, use the Form of Solemnization as deemed to be appropriate. The form may be used with such modifications as may be permitted by the bishop having jurisdiction where the marriage is to be solemnized. In the vow, the non-Christian may omit the words, 'holy' and "according to God's ordinance", but no other change may be made to the vow or to the declaration of intention.

15. **Parish and Civil Registers**

It is the duty of the officiating minister to record the information required by the civil authority as well as the information necessary for pastoral care, in the manner following:

- a) At the time of marriage the minister shall enter the several particulars relating thereto in a register to be retained in the parish for this purpose. In this parish register the minister shall record the particulars of baptism, confirmation, and church membership of the respective parties, and the address of their intended residence.
- b) The minister shall also record in such other register or form as may be required by the civil law the particulars prescribed by that law, and shall duly report the same to the appropriate authority.

DETERMINATION OF MARITAL STATUS UNDER THIS CANON - Part III

16. **Definitions**

1. "Marriage" as defined by this Canon means that union described in the Preface of this Canon and further described in Section 17 of this part. With respect to marriage so defined, a man and a woman may nevertheless, for reasons of age or health or other serious cause agree to marry upon condition that there shall be no sexual intercourse between them permanently or for a limited time or from time to time.

2. "Chancellor" means the chancellor of a diocese.

17. **Conditions of Valid Marriage under this Canon**

The question whether a purported marriage constituted a marriage as defined by this Canon shall be determined by the Chancellor in accordance with the following principles:

- a) The parties to a marriage are not qualified for the purpose of this Canon to marry each other if:
 - i) either of them is under the age of 16 years,
 - ii) they are related to each other
 - 1. lineally by consanguinity or adoption,
 - 2. as brother and sister by consanguinity, whether by the whole blood or the half-blood, or
 - 3. as brother and sister by adoption;
 - iii) they both live, or have previously lived, in the same household and one of them is or has been treated by the other as a child or parent; or
 - iv) either of them has gone through a ceremony of marriage with a person who is living at the time of the application, unless:
 - 1. the previous ceremony of marriage has been found, as provided in this part, by the Chancellor not to have been a marriage as defined by this Canon and therefore not to be an impediment to marriage under the Canon Law of this Church; or
 - (b) the previous marriage has been found to have been dissolved or terminated according to the civil law applicable thereto and permission to marry has been given by the Chancellor, as provided by part IV of this Canon.

- b) The contract of marriage requires the free and voluntary consent of the parties to marry each other upon the terms set out in the Preface of this Canon, based upon adequate understanding by each of them of the nature of the union and of the mutual relations of husband and wife and of parents and children.

- c) **Consent to marry is not present :where**
 - i) one of the parties is at the time of the contract of marriage incapable by reason of mental defect, mental illness, alcoholic intoxication, or the influence of a drug, of having the necessary understanding or giving the necessary consent;
 - ii) one of the parties has been induced to consent by duress, by coercion, or by fear;
 - iii) one of the parties gives consent after having been abducted and before being set free;

- iv) one of the parties is at the time of the contract of marriage mistaken with respect to the nature of the contract or of the union, or with respect to the identity of the other party;
 - v) one of the parties at the time of the covenant of marriage was deceived by misrepresentation, concealment or other deception with respect to facts which have threatened life or adversely affected or endangered health or have been seriously detrimental to the establishment of the covenant, including among other things, misrepresentation, concealment, or other deception relating to:
 - a)venereal disease, AIDS
 - b) addiction to drugs or alcohol,
 - c) pregnancy, except as a result of intercourse with the marriage partner
 - d) homosexual practice;
 - e) violence, sadistic conduct, or other abnormal practices;
 - vi) the marriage has been agreed to upon a condition which is illegal, impossible or contrary to the nature of the union, as defined in this Canon;
 - vii) the marriage is intended to be a sham or mere form;
 - viii) either party is incapable of consummating or unreasonably refuses to consummate the marriage by sexual intercourse, subject to subsection 16 (a) of this part; or
 - ix) one of the parties is not a Christian and there is a condition that the Christian party shall be entitled to adhere to and practice Christianity or to bring up any children of the union as Christians, and the non-Christians party assents to the condition without intending that it shall be satisfied.
1. In the cases mentioned in sub-sections (ii), (iii), (iv), (v) and (ix) hereof, the party coerced, mistaken or deceived or otherwise imposed upon may by an act of will approbate the marriage and continue to cohabit with the other party when free to cease cohabitation after being freed from coercion, fear or abduction or after learning of the mistake, deception, concealment or other circumstance constituting the defect. What constitutes approbation is a question of fact in each case. The effect of approbation for the purpose of this Canon is to validate the marriage.
 2. Nothing contained in this Canon shall authorize the solemnization of a marriage known to the minister or either of the parties to be invalid by civil law.

18. **Conditions Governing Application Regarding Canonical Status**

- a) An application for declaration of marital status under this Canon may be made where the applicant has gone through a ceremony of marriage with a person living at the time of the application and it is alleged that the ceremony did not constitute a marriage as defined by this Canon and where the marriage or purported marriage:
 - 1. has been annulled or declared null and void or dissolved or otherwise terminated by a legislature or court, or
 - 2. is alleged to have been dissolved or otherwise terminated according to the civil law properly applicable thereto, by an extra-judicial or non-judicial and non-legislative act or event.
- b) An application under this section may be made by a person who has gone through a ceremony mentioned in subsection (a) of this section and who is:
 - 1. a member of this Church, or
 - 2. a person who desires to marry according to the rites of this Church.
- c) An application under this section not made in the course of or with a view to proceedings preliminary to a marriage shall be made to the incumbent of the parish or mission where the applicant resides or is accustomed to worship.
- d) An application under this section made in the course of or with a view to proceedings preliminary to a marriage shall be made to the incumbent of the parish or mission where it is desired that the intended marriage be celebrated.
- e) The incumbent receiving the application shall investigate it to the best of his or her ability and forward the application, together with his or her report thereon, through the appropriate channels to the Chancellor having jurisdiction in the diocese.

19. **Form of Application**

- 1. An application for declaration of marital status under section 18 shall be made in writing and signed by the applicant and shall contain the information required by Schedule B.,

2. The application shall be accompanied by:

1. a certificate of performance or registration of the ceremony issued by a competent authority;
2. the original or a copy of the legislative act or the judgment or decree referred to in Schedule B, paragraphs 9 and 10, and of any other document necessary for proof of any fact, and proof of its authenticity;
3. statements in writing verifying all other relevant facts not within the knowledge of the applicant signed by persons having knowledge of the facts; or
4. where there has been no legislative act and no judgment or decree as above mentioned, a reasoned opinion in writing, signed by a person professionally qualified to give an opinion in respect of the law in question, verifying that the purported marriage has been dissolved or otherwise terminated.

20. **Decision of Chancellor**

1. On an application for declaration of marital status under Section 18 of this part, the Chancellor, when all relevant facts have been proved to the Chancellor's satisfaction, shall determine whether the ceremony gone through by the applicant resulted in a marriage under this Canon.
 2. If the Chancellor determines that the ceremony did not result in a marriage under this Canon and if the Chancellor is satisfied that the marriage or purported marriage has been annulled or declared null and void or dissolved or otherwise terminated by a legislature or competent court, or has been dissolved or otherwise terminated by another act or event according to the law properly applicable thereto, and that no civil impediment to the marriage of the applicant exists, the Chancellor shall make a declaration that the ceremony in question did not result in a marriage under this Canon and therefore does not constitute an impediment to marriage under the Canon Law of this Church. In all other cases, the Chancellor shall declare that impediment exists.
- c) Where there has been a failure to obtain any consent of a parent, guardian or other person, other than a party to the marriage, whose consent is required by the applicable civil law and where the marriage has been annulled on this ground by a competent court, the Chancellor may make a declaration that the ceremony in question did not result in a marriage under this Canon and therefore does not constitute an impediment to marriage under the Canon Law of this Church.

21. **Presumption of Death**

- a) An application for declaration of marital status under this Canon may be made to the Chancellor by a person who desires to be married according to the rites of this Church and who has been a party to a marriage with a person:
 - 1. in respect of whom a judicial declaration of presumption of death has been made by a competent court, or
 - 2. who is missing and presumed dead but whose death has not been officially confirmed and in respect of whom no judicial declaration of presumption of death mentioned in subsection i) has been made.
- b) For the purpose of the application a court exercising civil jurisdiction in any part of Canada acting under legislation of Canada or of a province is deemed to be a competent court, whether the declaration is made under legislation related to marriage or under other legislation. The jurisdiction of any other court whose declaration is relied on must be proved to the satisfaction of the Chancellor.
- c) The application shall be made in accordance with the provisions of section 18, subsections (c) (ii) and (iii) and Schedule B omitting paragraphs 3 to 8 inclusive.
- d) The application shall be accompanied by a certified copy of the judicial declaration, if any, relied on by the applicant, a statement or statements in writing signed by the person or persons having knowledge of the facts on which the allegation of death is based, and a statement in writing signed by the applicant setting out his or her belief in the death of the other party to the marriage and the reasons for that belief.
- e) If the Chancellor is satisfied that the missing party to the marriage or ceremony of marriage is dead, as far as can be ascertained at the time of the application, the Chancellor may make a finding to that effect and make a declaration that the marriage or ceremony of marriage between the applicant and the missing party does not at the time of the declaration constitute an impediment to the marriage of the applicant under the Canon Law of this Church. Otherwise, the Chancellor shall dismiss the application without prejudice to a later application.
- f) A person who has obtained a declaration under this clause shall at or after the time of publication of banns, or on production of the license declare to the intended celebrant that he or she has no reason to believe and does not believe that the other party to the former marriage or ceremony of marriage is alive.

1. **Procedure**

The Chancellor shall follow the procedure set out in the provisions of Schedule D.

2. Avoidance of Delay

The Chancellor shall deal with each application as expeditiously as possible.

3. Limitation of Jurisdiction

Every finding and determination of the Chancellor shall be and shall be expressly stated to be made solely for the purposes of this Canon and not for the purposes of performing any function of a civil court or other civil authority, and shall otherwise be confined to the findings and declaration necessary for disposing of the application in respect of which it is made.

4. Persons Serving in or Attached to the Canadian Forces

1. This section applies to a person who is enrolled in the Canadian Forces who is serving in the regular forces or who is a member of the reserve forces on continuous duty with the regular forces, or a person who in accordance with the National Defence Act, accompanies the Canadian Forces, and the dependents of all such persons.

2. A person described in clause a) may forward an application under this Part to the Anglican chaplain responsible for his or her pastoral care.

3. On receiving an application the chaplain may forward the application to the Chancellor of the diocese in which the applicant resides or to the Bishop Ordinary to the Canadian Forces who shall designate a diocesan chancellor to hear the application.

4. Nothing in this section prevents a person from making an application in the manner prescribed by this Part.

THE REMARRIAGE OF A DIVORCED PERSON WHOSE FORMER PARTNER IS STILL LIVING – Part IV

26. Application for Permission to Remarry According to the Rites of the Church

- a An application for permission to marry each other according to the rites of this Church may be made by two persons, one or both of whom has or have gone through a ceremony or ceremonies of marriage with a person or persons now living not a party or parties to the application, if the prior marriage or marriages is or are not questioned under this Canon in the application but has or have been dissolved or terminated by a legislature or legislatures or a court or courts or by another act or acts or event or events according to the law or laws applicable thereto. Where a marriage or purported marriage has been annulled for a defect not mentioned in Section 17 of part III of this Canon, and no defect mentioned in that section is alleged in respect thereof, it shall be deemed for the purposes of this Canon to have been dissolved.
- b The application shall be made to the incumbent of the parish or mission where it is desired that the intended marriage be celebrated. The incumbent shall investigate the application as thoroughly as possible and forward it together with a report thereon to the Ecclesiastical Matrimonial Commission established under Part VI having jurisdiction in the diocese or, in a diocese where there is no Ecclesiastical Matrimonial Commission, to the diocesan bishop. The bishop may delegate the authority to the incumbent or some other person.
- c An exception to this process may be made:
 - 1. where both parties to the intended marriage normally reside at a significant distance from the proposed place of marriage, or
 - 2. where the parties live at a significant distance from each other, or
 - 3. where other circumstances require special arrangements, in which case the interviews and investigation shall be arranged for by the incumbent through responsible persons who are readily accessible to one or both of the partners to the intended marriage.
- d The application shall be made in writing and signed by both applicants and shall contain the information required by.
- e The incumbent or the persons responsible for interviews and investigations shall attend to the questions of pastoral care of former partners who are not applicants (as required of the Ecclesiastical Matrimonial Commission in Schedule D), and ensure, where needed and possible, that pastoral care is provided from an appropriate source.

27. Permission to Remarry According to the Rites of the Church

Permission to remarry according to the rites of this Church, notwithstanding the marriage or marriages of either or both applicants to another person or persons now living, should be based on a reasonable belief that the applicants understand the nature of Christian marriage as stated in this Canon and intend to enter into such a marriage, and reasonable hope that they will continue in that relationship during their joint lives. Permission may be granted by the Commission or the diocesan bishop to the applicants if the Commission or the diocesan bishop is satisfied that:

- a any prior marriage in question has been validly dissolved or terminated in accordance with the law properly applicable thereto;
- b the applicant concerned tried in good faith before dissolution to effect reconciliation with the other party;
- c adequate provision has been made for a former spouse of a divorced applicant, according to the means and needs of the applicant and the means and needs of the former spouse;
- d proper provision has been made for the care, maintenance, education and advancement of minor, disabled or otherwise dependent children of any prior marriage;
- e if the children of a prior marriage are to live with the applicants, there is a reasonable prospect that the family relationship will be satisfactory;
- f the applicants understand the Christian Doctrine of marriage as defined in this Canon, and intend to enter into such a marriage, and believe on reasonable grounds that they have the capacity to enter into and sustain the marriage during their joint lives.

28. Refusal of Permission

1. If permission is not granted, the Commission or the diocesan bishop shall, subject to subsection 24 (c) of this Part, dismiss the application, giving reasons in writing which shall be communicated to the applicants through the incumbent.
2. On being notified of dismissal of the application, the applicants may, within 30 days after receipt of notice, apply in writing to the Commission or the diocesan bishop for reconsideration of the application. On such reconsideration the applicants may appear personally before the Commission or the diocesan bishop and submit further reasons why the application should be granted or may submit such information and reasons in writing. On such reconsideration the Commission or the diocesan bishop may grant the application or confirm the previous decision. If the Commission

or the diocesan bishop confirms the previous decision they shall give reasons in writing which shall be communicated to the applicants through the incumbent.

3. If the application is dismissed and the decision is confirmed by the Commission or the diocesan bishop, or if the applicants do not exercise their rights under subsection (b), the application may not be renewed before any Commission or diocesan bishop unless further information is provided.

29. **Special Cases**

1. If the Commission or the diocesan bishop is satisfied that efforts towards reconciliation between the parties to a former marriage would have been ineffective as a result of the fault of either party or for any other reason, the requirement of subsection 23 (b) may be dispensed with.
2. If either applicant has entered into two or more marriages that have been dissolved, the Commission or the diocesan bishop shall not grant permission unless special circumstances justifying permission are proved.
3. If the Commission or the diocesan bishop is of the opinion that a prior purported marriage of an applicant did not constitute a marriage as defined by this Canon, the Commission or the diocesan bishop may refer the application to the Chancellor who may, if the conditions of part III, section 20 are satisfied, make a declaration under that section in respect of the marriage in question.
4. If the incumbent of a parish declines for reasons of conscience to solemnize a marriage pursuant to permission given under this Part, the said incumbent shall refer the applicants to another priest designated by the bishop for investigation and report and permit that priest or another priest to solemnize the marriage in his or her Church.

ADMISSION TO HOLY COMMUNION IN SPECIAL CASES - Part V

(Deleted in 2004)

ECCLESIASTICAL MATRIMONIAL COMMISSION - Part VI

30. **Diocesan Commission**

1. Subject to section 31, there may be in each diocese an Ecclesiastical Matrimonial Commission to deal with applications under Part IV.

2. The president of the Commission shall be the diocesan bishop or a bishop or priest appointed by the diocesan bishop. In a diocese in which no other president has been appointed, in the absence of the diocesan bishop from the diocese or during a vacancy of the See the administrator of the diocese shall be the president.
 3. The diocesan bishop shall appoint two or more communicant members of this Church to be members of the Commission, and may appoint other persons to be consultants without vote.
 4. At least one member of the Commission or a consultant should be engaged in or be qualified to engage in the practice or teaching of civil law in the province, territory or other jurisdiction or each of them, in which the Commission acts and at least one member or a consultant should have special skill and knowledge in Canon Law and at least one in pastoral care.
1. The Commission may delegate to one or more members or consultants the investigation of any application or class of applications and of any matter or matters related thereto and of ascertaining any relevant facts and reporting thereon to the Commission, and may accept and act on any report or may take or require further investigation.
 2. A quorum of a Commission shall be a majority of its members. The decision of a Commission shall be that of a majority of its members present and taking part in determination of its decision.
 3. Before becoming effective, the decision of the Commission shall require confirmation by the diocesan bishop or bishop appointed for that purpose, or if the See is vacant or the diocesan bishop or other bishops of the diocese be absent from the diocese, by the diocesan bishop's commissary or other administrator of the diocese.
 4. The diocesan bishop shall appoint an officer of the Commission who shall be known as the registrar and shall act as clerk and secretary of the Commission, to receive applications, conduct correspondence, give notices, attend hearings and deliberations in person or by deputy and keep minutes of proceedings, and engross and promulgate decisions and communicate each decision to the appropriate incumbent and the applicant or applicants and shall keep the records of the Commission in the diocesan offices.

31. **Joint Commission**

1. With the consent of the metropolitan of the ecclesiastical province and of the diocesan synods of the dioceses concerned, the diocesan bishops of two or more dioceses may establish a Joint Commission to deal with all applications made thereafter within any of the dioceses concerned. If the dioceses are in different

ecclesiastical provinces, the consent of the metropolitan of each province shall be required.

2. The diocesan bishops of the dioceses concerned shall at the time of the meeting of each provincial synod involved or otherwise from time to time as required elect a bishop to be president of the Joint Commission or confirm the appointment of one already in office. If the jurisdiction of the Joint Commission extends into two ecclesiastical provinces, the bishops of the dioceses concerned shall arrange the election of a president among themselves.
3. The president of a Joint Commission shall appoint the registrar from time to time during the president's term of office as president.
4. While a Joint Commission is in existence, its composition, organization, powers and procedure shall with all necessary changes be the same as those of a diocesan Commission, and no diocesan Commission within its jurisdiction shall act, provided that:
 1. the diocesan bishops of the dioceses concerned shall join in the appointment of members of and consultants to the Joint Commission;
 2. applications shall be submitted by the appropriate incumbent to the diocesan secretary of each diocese concerned and forwarded by the secretary to the registrar forthwith; and
 3. after a decision in an application has been made and promulgated, the registrar shall forward the decision, together with the application and all related documents, to the diocesan secretary of the diocese in which it was made, who shall submit the decision for confirmation to the authority mentioned in subsection 30 (g) of this part. On obtaining the determination of that authority the secretary shall keep it with the application and accompanying documents in the diocesan records in a confidential manner, and communicate the decision to the appropriate incumbent and the applicant or applicants.
- e) The diocesan bishop of a diocese under a Joint Commission may with the consent of the diocesan synod and of the metropolitan of the province withdraw the diocese from the jurisdiction of the Joint Commission in respect of applications made after the withdrawal. On so doing the bishop shall forthwith establish a diocesan Commission.

1. Procedure

The procedure followed by a Commission shall be governed by the provisions of Schedule D.

2. Avoidance of Delay

Each application shall be dealt with as expeditiously as possible

3. Limitation of Jurisdiction

Every finding and determination by a Commission or a diocesan bishop shall be expressly stated to be made solely for the purposes of this Canon and not for the purpose of performing any function of a civil court or other civil authority, and shall be confined to granting or refusing permission to remarry.

35. Persons Serving in or Attached to the Canadian Forces

1. This section applies to a person enrolled in the Canadian Forces who is serving in the regular forces or who is a member of the reserve forces on continuous duty with the regular forces, or a person who, in accordance with the National Defence Act, accompanies the Canadian Forces, and the dependents of all such persons.
2. A person described in clause (a) may forward an application under this Part to the Anglican chaplain responsible for his or her pastoral care.
3. On receiving an application the chaplain may forward the application to the Ecclesiastical Matrimonial Commission or to the bishop of the diocese in which the applicant resides or to the Bishop Ordinary to the Canadian Forces.
4. Nothing in this section prevents a person from making an application in the manner prescribed by this Part.

FORMS - Part VII

36. The Council of the General Synod, a Commission, a diocesan bishop or the Bishop Ordinary to the Canadian Forces may approve forms for use in the administration of this Canon.

**CANON XXI - SCHEDULE A
DECLARATION**

See Part I, Section 2

We, _____ and _____, hereby declare that we intend to enter into marriage which we acknowledge to be a union in faithful love, to the exclusion of all others on either side, for better or for worse, until we are separated by death.

We undertake to prepare ourselves for the exchange of vows at our wedding, recognizing that by this mutual exchange our union in marriage will be established.

We intend to strive thereafter to fulfil the purposes of marriage: the mutual fellowship, support, and comfort of one another, the procreation (if it may be) and the nurture of children, and the creation of a relationship in which sexuality may serve personal fulfilment in a community of faithful love.

**CANON XXI, SCHEDULE B
APPLICATION FOR DECLARATION OF MARITAL STATUS**

See Part III, 19(a) & 21(c), and Schedule C, Section 1

The following information, or so much of it as is necessary for a decision by the Chancellor, shall be provided as far as it is known:

1. The full name, and place of residence of the applicant.
2. The date and place of the marriage ceremony in question, its nature and form, by or before whom it was celebrated or solemnized, and the authority or purported authority of the celebrant.
3. The full name, and the place of residence if known, of the other party to the ceremony, at the time of the application.
4. The ages of the parties at the time of the ceremony, their then respective places of residence, domiciles and nationalities, their relationships towards each other by blood or marriage, whether either of them was under any disability or prohibition with respect to marriage generally or with respect to the other party, and the respective marital conditions of the parties immediately before the ceremony.

1. The proper law applicable to the ceremony and to the marriage otherwise than with reference to the ceremony, the relevant provision of the proper law or laws and authorities for such provisions.
2. Whether the requirements of the proper law or laws with respect to banns, license or permit, to consent of parents or others, to examinations and other preliminary matters were duly complied with.
3. The alleged defects in the ceremony or in the marriage or purported marriage.
4. Whether (if relevant) either party has exercised any legal right to avoid the marriage or purported marriage or has approbated the marriage.
5. Full particulars of any proceedings in any court or ecclesiastical tribunal or commission in which the validity of the marriage or purported marriage was questioned directly or indirectly and the result of such proceedings.
6. Full particulars of any proceedings in any court or legislature or of any other act or event by which the marriage or purported marriage was or is alleged to have been dissolved or terminated.
7. Whether there have been children of the marriage or purported marriage and, if so, the full name, age, place of residence and present marital status of each child now living.
8. If any child of the marriage or purported marriage is a minor or under any disability or otherwise dependent on one or both of the parties to the marriage or purported marriage a statement showing who has the custody or is directly or indirectly responsible for the care and maintenance of the child and full details of present financial and other arrangements and future plans for the care, maintenance, education, and advancement of the child.
9. A statement showing what provision has been made by the applicant for the present and future maintenance of the former spouse or purported spouse, or an explanation why there is no such provision.
10. If one or both applicants do not reside in the parish, the procedures outlined in Section 26(c) may apply.
11. Any other facts that would assist the Chancellor.

CANON XXI - SCHEDULE C

APPLICATION FOR PERMISSION TO REMARRY ACCORDING TO THE RITES OF THE CHURCH

See Part IV, Section 26(d) The following are required:

1. The full name and place of residence and religious affiliation, if any, of each applicant;
2. The date and place and solemnizing officiant of any former marriages of each applicant with a person now living and the present marital status of the applicant and the ages of the parties immediately before such marriage;
3. The information mentioned in paragraphs 3, 9, 10, 11, 12, 13, 14, and 15 of Schedule B.

CANON XXI SCHEDULE D

PROCEDURE OF THE CHANCELLOR

See Part III, Section 22

1. Unless a marriage or purported marriage in respect of which an application is made has been civilly annulled or declared null and void or dissolved or terminated by a competent legislature or a competent court at the instance of or after due notice to the party thereto other than the applicant herein, the Chancellor shall before making a finding or determination cause the other party to be notified of the application in a manner that satisfies the Chancellor that the notice has been brought to the attention of the other party, if it is feasible to give such notice.
2. In any case the Chancellor may cause the other party to the marriage or purported marriage, or any other person whom the Chancellor believes to be concerned, to be notified of the application, if notification is feasible.
3. The notice shall be accompanied by a copy of the application and shall inform the person notified that he or she may assert or dispute any statement of fact, submit evidence orally or in writing and make any submission or representation he or she sees fit to make in person or by representative.
4. Any statement, dispute, evidence, submission or representation made in response to the notice shall be communicated to the applicant who shall be given an opportunity of making answer or rebuttal.

5. The Chancellor may:
 1. require proof of any additional fact which appears to be relevant to the matters involved in the application;
 2. require proof of any fact to be made by statutory declaration or to be made orally by affirmation, and require any document to be satisfactorily authenticated;
 3. require the applicant, in order to remove doubt, to take such proceedings in a competent civil court as may be necessary to establish or confirm the nullity of any purported marriage not already annulled or declared null and void by a court or legislature or the dissolution or termination of any marriage not dissolved or terminated by a court or legislature, or the competence in the premises of any court or legislature whose act, judgment or decree is relied on in relation to the marital status of the applicant;
 4. permit an applicant to be represented or assisted by counsel or by a person having special skill and knowledge in Canon Law and pastoral care;
 5. make findings of fact based on any evidence satisfactory to the Chancellor, submitted in a matter satisfactory to the Chancellor, whether written or oral and direct or hearsay and whether or not verified by oath, affirmation or statutory declaration;
 6. conduct a hearing, if the Chancellor sees fit, in the presence of the applicant and of the other party to a marriage or purported marriage if the other party desires to attend, and of their representatives or assistants, or make a determination without a hearing if the Chancellor does not consider a hearing necessary, and no application for a hearing is made by the applicant;
 7. permit an application to be reopened or a fresh application to be made if further information available after the Chancellor has disposed of an application.

CANON XXI - SCHEDULE E **MARRIAGE PREPARATION**

See Part 1, Section 2

It is suggested that the incumbent or designate in discussing marriage preparation with the parties to the marriage, in addition to recommending strongly to the parties that they avail themselves of a marriage preparation course or program, review with the parties the following specific issues:

1. The attitudes and expectations of the parties as to how they will deal with financial planning including budgeting, sharing of incomes and expenses.
2. The attitudes and expectations of the parties as to how they will deal with any potential religious differences.
3. The attitudes and expectations of the parties as to how their families including parents and siblings will react to the marriage and how supportive they will be.
4. The attitudes and expectations of the parties towards lifestyle including interest and friends in which there may be common interest and differences.
5. The attitudes and expectations of the parties towards work sharing in the home relationship and management of the household.
6. The attitudes and expectations of the parties as to their understanding of the importance of communication between partners in a marriage.
7. The attitudes and expectations of the parties in regard to sexual relations.
8. If either party has been previously married or has cohabited in a common law or de facto marriage, it is important that there be specific discussions about the past relationships, the reasons for the breakdown of any past relationships, the effect of any continuing obligations, financial or otherwise, to a former partner or children of a previous marriage or relationship, potential problems related to access to or custody of such children, and the potential integration of such children into a new family unit.
9. Their views regarding number of children, rearing and education of same and potential career conflicts.
10. The solemnity of the marriage covenant which the parties are making in the sight of God.

APPENDIX D

CANON V DISCIPLINE AND THE COURT OF APPEAL

1. DEFINITIONS

In this Canon,

“Canon XVIII” means Canon XVIII of the General Synod of the Anglican Church of Canada;

“Court” means the Court of Appeal for the Ecclesiastical Province of Ontario;

“Member of the clergy” means a priest or deacon licensed in a diocese in the Province;

“Member of the laity” means a communicant lay member of the Church residing in the Province.

2. CONSTITUTION OF THE COURT

- a) here shall be a court called The Court of Appeal for the Ecclesiastical Province of Ontario.
- b) The Court shall be composed of five members.
- c) On the trial of a bishop, or on the review of a decision of the Metropolitan or a diocesan bishop convicting a bishop of an offence or imposing a penalty for an offence, three members shall be bishops holding episcopal office in the church, one shall be a member of the clergy, and one shall be a member of the laity.
- d) On an appeal from the trial of a priest or a deacon, or from the review by a diocesan court of the decision of the diocesan bishop convicting a priest or a deacon of an offence or imposing a penalty for an offence, one member shall be a bishop holding episcopal office in the church, three shall be members of the clergy, and one shall be a member of the laity.
- e) On an appeal from the trial of a lay person, or from the review by a diocesan court of the decision of the diocesan bishop convicting a lay person of an offence or imposing a penalty for an offence, one member shall be a bishop holding episcopal office in the church, one shall be a member of the clergy, and three shall be members of the laity.

- f) On a case stated under section 3, subsection (d) one member shall be a bishop holding episcopal office in the church, two shall be members of the clergy and two shall be members of the laity.
- g) The Executive Council of Provincial Synod shall, at its first regular meeting following each triennial meeting of the Provincial Synod, determine the names of two members of the clergy and two members of the laity from each diocese in the Province who shall be eligible for appointment to the Court.
- h) The persons whose names are determined under subsection (g) shall continue to be eligible for appointment to the Court until the Executive Council determines the names of persons to replace them.
- i) When a case is to be heard by the Court, the Metropolitan shall appoint the members of the Court from among the bishops holding episcopal office in the Province and the members of the clergy and laity determined under subsection (g).
- j) If, for any reason, a vacancy occurs among the members of the Court before the hearing commences, the vacancy shall be filled in the same way. If a vacancy occurs after a hearing has commenced the remaining members of the Court may continue the hearing and give judgment or may direct that a new Court be appointed and the hearing be recommenced.
- k) The Metropolitan may appoint himself or herself to the Court.
- l) No person who is or has been involved, or who has an interest, in the case to come before the Court shall be a member of the Court
- .m) The Metropolitan, if a member of the Court, and otherwise the bishop among the members of the Court who is senior by election to that office, shall be the President of the Court.

3. JURISDICTION

- a) The Court has the jurisdiction conferred on it by section 6 of Canon XVIII with respect to the discipline of bishops.
- b) The Court has the jurisdiction conferred on it by section 4 of Canon XVIII to review a decision of the Metropolitan or of a diocesan bishop convicting a bishop of an offence or imposing a penalty for an offence.
- c) The Court has jurisdiction to hear and determine an appeal from any judgment or order of a diocesan court or the president thereof.

- d) The Court has jurisdiction upon a case stated by:
 - 1. The Provincial Synod;
 - 2. the Executive Council of the Province; or
 - 3. the House of Bishops of the Province.to determine the validity or interpretation of any provision of the Constitution of the Provincial Synod or of a diocesan synod or of any Canon of the Provincial Synod or of a diocesan synod.
- e) A priest or deacon of a diocese shall be tried in the diocesan court of that diocese in accordance with the canons of such diocese and the canons of General synod, and where a conflict between such canons arises, the canons of General Synod shall govern.

4. **ASSESSORS:**

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

5. **OFFENCES:**

All persons who are subject to the ecclesiastical jurisdiction of the Provincial Court of Appeal shall be liable to discipline for any of the following offences:

- a) conviction of an indictable offence;

- b) Immorality;
- c) disobedience to the bishop to whom such person has sworn canonical obedience;
- d) violation of any lawful Constitution or Canon of the Church, whether of a diocese, province or the General Synod by which the person is bound;
- e) wilful or habitual neglect of the exercise of the ministry of the person without cause;
- f) wilful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
- g) teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada;
- h) contemptuous or disrespectful conduct towards the bishop of the diocese in matters pertaining to the administration of the affairs of the diocese or a parish.

6. **CHARGES AGAINST DIOCESAN BISHOPS:**

- a) A charge alleging that a diocesan bishop has committed an offence as defined in section 8 of Canon XVIII may be filed with the Metropolitan by
 - i) three bishops of the Province, or
 - ii) three members of the clergy licensed in, and three lay delegates to the synod of the bishop's diocese.
- b) A diocesan bishop who has been accused by any person of committing an offence, but against whom no charge has been filed, may, together with two other bishops of the Province, file with the Metropolitan a request that the accusation be investigated, whereupon a charge alleging that the diocesan bishop has committed an offence shall be deemed to have been filed.
- c) If the diocesan bishop against whom a charge is filed or is deemed to have been filed does not waive the appointment of a Committee of Inquiry, the Metropolitan shall appoint three persons (at least one of whom shall be a judge of a court of record of the Province of Ontario or a barrister or solicitor of at least ten years' standing at the bar of the Province of Ontario, and none of whom shall subsequently be assessors or members of the Court which may be convened to deal with such charge) as a Committee of Inquiry to determine whether there is sufficient evidence to warrant a trial of the charge;
- d) If the Committee of Inquiry determines that a trial is not warranted, the Metropolitan shall dismiss the charge.
- e) Subject to subsection (f), if the diocesan bishop waives the appointment of a Committee of Inquiry, or if the Committee of Inquiry determines that a trial is warranted, the Metropolitan may

- i) exercise the initial jurisdiction conferred upon the Metropolitan by section 3 of Canon XVIII, or
 - ii) refer to the Court the determination of whether an ecclesiastical offence has been committed or the determination of a penalty.
- f) Where the diocesan bishop against whom a charge is filed or is deemed to have been filed is the Metropolitan, if the Metropolitan waives the appointment of a Committee of Inquiry and determines that a trial is warranted, the diocesan bishop with whom the charge or request was filed shall refer to the Court the determination of whether an ecclesiastical offence has been committed or the determination of a penalty
- g) When exercising initial jurisdiction, the Metropolitan shall
- 1. be advised by assessors, and
 - 2. follow the same rules and procedure as would be followed by the Court including the principles and general procedures prescribed by Part 5 of Canon XVIII.
- h) During the period while the Committee of Inquiry or the Court is in session, the accused person may withdraw from the exercise of his or her office or be inhibited therefrom.

REVIEW OF INITIAL JURISDICTION:

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

8. APPEALS:

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

9. SITTINGS:

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

10. **JUDGMENT**

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

11. **RULES:**

1. The Executive Council of Provincial Synod may make rules with respect to the appointment and duties of officers of the Court, the practice and procedure of the Court including the procedure for the hearing of interlocutory matters, and all other matters necessary to give effect to the provisions of this Canon
2. Until such rules have been made the Rules of The Supreme Court of Appeal for The Anglican Church of Canada shall be followed to the extent that they are applicable.

APPENDIX E

1. **The Canons of General Synod which particularly concern the Diocese of Moosonee:**

Canon VIII	The General Synod Pension Plan and Income Continuance Plans
Canon IX	Lay Retirement Plan
Canon XII	Continuing Education Plan
Canon XIV	The Book of Common Prayer
Canon XV	The Ecclesiastical Province of Ontario
Canon XVII	The Licensing of Clergy - appended hereto as Appendix A
Canon XVIII	Discipline - appended hereto as Appendix B
Canon XIX	Relinquishment of Abandonment of the Ministry
Canon XX	The Supreme Court of Appeal
Canon XXI	On Marriage in the Church - appended hereto as Appendix C

2.. **The Canons of the Provincial Synod of Ontario which particularly concern the Diocese of Moosonee:**

Canon 1	The Ecclesiastical Province of Ontario and its Dioceses
Canon 3	The Election and Resignations of Bishops
Canon 4	The Licensing of Clergy
Canon 5	Discipline and the Court of Appeal - appended hereto as Appendix D