

## **APPENDIX 4**

### **GENERAL SYNOD CANON XVIII - DISCIPLINE**

1. It is hereby declared 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 all members of the clergy and laity, members of the said Church, within the diocese, or under the jurisdiction of the bishop as provided in Canon XVIII, section 2.
2. Any bishop, or diocesan synod acting on the request of the bishop, may make provision for the appointment or selection of assessors, advisors or officers to advise and assist the bishop in the exercise of said jurisdiction and authority, and to make provision for the procedure and practice to be followed and the enforcement of judgements and decrees made in respect thereto.
3. the synod of any ecclesiastical province may, by Canon, establish and constitute a provincial court for the trial of bishops of the province, and for the hearing of appeals from the judgement or decree of any bishop within the province, and for the consideration of any matter that may be referred to the provincial court by the House of Bishops of the province, the Upper or Lower House of the provincial synod, or the bishop or the synod of any diocese within the province, and to make provision for the procedure to be followed in the provincial court, and the enforcement of the judgements and decrees made therein.
4. During a vacancy in any See, the metropolitan, or if there is no metropolitan, the bishop of the province senior by appointment, when requested by the commissary or other person administering the diocese during such vacancy, may appoint a bishop to exercise ecclesiastical discipline in the diocese during the vacancy, under the provisions of this canon.
5. Every bishop of a diocese and every court now or hereafter established in any province and constituted under a Canon of such province, is hereby declared to have and to have always had jurisdiction in respect of:
  - a) all ecclesiastical causes within such diocese or province; and
  - b) all offenses against the laws ecclesiastical.
6. a) Nothing herein contained shall affect the jurisdiction and authority of a bishop of any diocese of the Church in Canada or of a Church in communion therewith over any member of the clergy, holding the licence of the bishop, in respect of:

- i) any offence alleged to have been committed by the member of the clergy in a diocese other than that of which the bishop is the diocesan for which if resident within the bishop's diocese the member of the clergy would be subject to discipline under the provisions of the ecclesiastical law of the diocese or Church; or
- ii) any offence alleged to have been committed by any such member of the clergy in respect to any licence held by him or her from any other bishop, including the alteration of the licence or any certificate, letters testimonial, or other document, granted to the member of the clergy.

7. Without restricting the generality of the foregoing sections, the following shall be deemed to be ecclesiastical offenses and triable and punishable under the provisions of this Canon:


- a) any wrong-doing or wilful or persistent or habitual neglect in the discharge of the duties of any office or position of trust by one who has been licensed by the bishop;
- b) the discontinuance without lawful cause or written leave of the bishop, of the exercise of his or her ministerial office;
- c) the disuse, after notice in writing from the bishop, of public worship, or of the Holy Communion according to the office of the Church, in the churches of his or her parish, mission or charge;
- d) residence, without leave of the bishop, in any parish or charge other than that to which he or she has been appointed or licensed;
- e) the holding of any service in any other minister's church or parish without the minister's consent;
- f) any act which involves a violation of his or her oath of canonical obedience;
- g) contumacy or disobedience or disrespectful conduct towards the bishop of the diocese, in matters appertaining to the administration of the affairs of the diocese or parish or the enforcement of this Canon;
- h) officiating, without the consent of the bishop, at services of bodies not in communion with the Church, or allowing persons not authorized by the bishop, to conduct services in any church in his or her parish, mission or

- charge;
  - i) the infringement or violation after notice in writing from the bishop, of the rubrics of *The Book of Common Prayer*;
  - j) any violation of the Declaration of Principles or Constitution of the General, provincial or diocesan synods or any of the canons of the said synods;
  - k) contempt of any decree, sentence, or order, of any established canonical court;
  - l) the exercise of any lay profession or occupation without the written leave of the bishop;
  - m) schism;
  - n) holding and teaching or maintaining heretical or false doctrines contrary to those of the Church, either publicly or privately, or by preaching, writing, printing, or circulating books containing such doctrine;
  - o) any crime or immorality;
  - p) drunkenness, or any other scandalous, licentious or disorderly conduct.
- 8.
- a) In the event of a charge being preferred against a member of the clergy in one diocese, holding the licence of a bishop of another diocese of the Church in Canada, proceedings in respect of such charge shall not be instituted until notice of such charge has been given to the bishop issuing such licence, who shall forthwith give or refuse consent for proceedings to be instituted by the bishop of the diocese in which the charge was preferred.
  - b) If consent is given the charge shall be proceeded with and tried within the diocese in which the charge was preferred and, if established, sentence may be pronounced in respect of the charge.
  - c) If consent is refused then (within three months immediately following the receipt of such charge) the bishop refusing consent shall institute proceedings against the alleged offender in accordance with the canons of the bishop's diocese.
  - d) the trial of any member of the clergy in one diocese shall be a bar to further proceedings in any other diocese for the same offence.

9. In the event of a charge being preferred against a member of the clergy resident in any diocese of the Church in Canada holding the licence of a bishop of a Church in communion therewith, proceedings in respect of such charge shall not be instituted until notice of the charge has been given to the bishop and the bishop's consent and authority obtained by commission for the bishop either:
  - a) to institute proceedings against the member of the clergy in accordance with the Canons, rules and regulations governing discipline in respect of the alleged offence in the diocese of the Church in Canada; or
  - b) to take evidence in Canada in respect of the alleged offence for transmission to the bishop for such action as the bishop or the courts of the diocese or Church may deem proper or necessary.
10. The provisions of sections 8 and 9 shall not prevent the bishop of any diocese of the Church in Canada inhibiting any member of the clergy from performing the services of the Church in that diocese, and the bishop may cite and examine the member of the clergy and may make all proper enquiries in respect of any alleged offence.
11. If any member of the clergy under the jurisdiction of any bishop of the Church in Canada:
  - a) is convicted of an indictable offence; or
  - b) is found in a divorce or matrimonial cause to have committed adultery, and is so found in the decree granted in such cause; or
  - c) has an order by a competent court under any Act relating to illegitimate children made against the member of the clergy;

then the bishop, after notice served upon the member of the clergy, either personally or by registered post addressed to the person's last place of residence after the expiration of sixty days from the date when the conviction, order or finding shall have become final and conclusive, or the final disposition of any appeal therefrom, may without further proceedings, declare any preferment, office, letters, or licence held by the member of the clergy to be vacant and forfeited, and the member of the clergy shall at the end of ten days from the service of the notice stand incapable of holding the preferment, office, letters, or licence and the bishop may institute proceedings against the member of the clergy in accordance with any Canons, rules or regulations respecting discipline in force in the bishop's diocese.

12. No objection shall be effective as to the constitution, or appointment of any assessors, advisors or other officers appointed to assist or advise any bishop in the exercise of the bishop's power, authority and jurisdiction.
13. No objection shall be effective in any proceedings under this or any diocesan Canon that the offence, cause, breach or charge arose outside of the diocese in which proceedings are taken or arose outside Canada.
14. Proceedings under any diocesan Canon shall be instituted within such period of time as may be defined by the Canon, provided the time is within the period of twelve months from the time when the commission of the alleged offence shall have become publicly known, or of the date when the order, conviction or finding referred to in section 11 hereof became final and conclusive.
15.
  - a) The following sentences may be pronounced and penalties imposed for offenses under this Canon:
    - i) for any of the offenses set out in sub-sections 7 (a) to (h), admonition or suspension;
    - ii) for any of the offenses set out in sub-sections 7 (i), (j), or (k), admonition, and for a second offence or the continuance of the offence, suspension;
    - iii) for the offence set out in sub-section 7 (l), admonition, or for a second or for the continuance of the offence, suspension or deprivation;
    - iv) for any of the offenses set out in sub-section 7 (m) or (n), admonition or suspension, or for a second or the continuance of the offence, deprivation or deposition;
    - v) for any of the offenses set out in sub-sections 7 (o) or (p), suspension, deprivation, deposition, or degradation according to the gravity or persistence of the offence.
  - b) Any one or more of the above sentences or penalties may be imposed with or without the payment of all or part of the costs incurred by the bishop, the diocese or the complainant.

16.
  - a) Admonition may be in public or in private, as the bishop may determine.
  - b) It shall be within the power of the bishop, by virtue of the bishop's office, and not inconsistent with or contrary to this Canon, to admonish those offending, for any offence mentioned in this Canon, not made a subject for enquiry, and such admonition shall be made in private, but upon a subsequent offence it shall be in public or in private at the discretion of the bishop and made in such manner as to the bishop seems proper.
17.
  - a) When the penalty of suspension is inflicted the sentence shall specify on what terms or at what time the suspension shall cease.
  - b) During this suspension, the member of the clergy shall not exercise the function of his or her ministry, either in his or her own parish or elsewhere in Canada on pain of deprivation.
  - c) During such suspension the bishop may deprive the suspended member of the clergy of the whole or part of the stipend, income or emoluments of his or her parish or mission and may appoint another member of the clergy in the place of the suspended member of the clergy and may apply the whole or part of the stipend, income or emoluments to the payment of the substitute.
18.
  - a) Upon a sentence of deprivation being pronounced, the connection between the offender and his or her parish, mission or congregation is severed, and all offices, rents, issues, profits and emoluments which he or she may hold by virtue of such office or ministry, from which he or she has been removed, shall wholly cease and determine.
  -  b) A copy of the sentence shall be sent to the offender and copies thereof shall be sent to all members of the clergy of the diocese, and shall be read or given such publicity as the bishop may deem expedient.
  - c) Any member of the clergy so sentenced shall be and remain so deprived until restored by the bishop who deprived him or her, or by the bishop's successor in the See, and while so deprived and until so restored shall be incapable of holding any office or performing any function in any diocese in The Anglican Church of Canada.
19. Upon sentence of deposition or public degradation being pronounced, the sentence shall include all the consequences of deprivation, and at the same time divest the

offender of the office and character conferred by ordination.

20.
  - a) The bishop imposing the penalty of suspension in section 17 above shall send notice thereof to the other bishops of the Anglican Church of Canada.
  - b) The bishop pronouncing a sentence of deprivation, deposition or degradation in sections 18 and 19 above shall send notice thereof to the bishops of The Anglican Church of Canada and to the metropolitans of the Anglican Communion.
21.
  - a) In every case in which from the nature of the offence charged it appears to the bishop that great scandal is likely to arise from the alleged offender continuing to perform the services of the Church, while such charge is under investigation, or that his or her ministration will be useless while such charge is pending, the bishop may cause a notice to be served on the offender inhibiting him or her from performing any service of the Church either in the diocese of the bishop or elsewhere in Canada, pending such investigation, or until the bishop shall withdraw the inhibition, or until sentence has been given in the case.
  - b) No member of the clergy inhibited under the preceding sub-section shall be deprived, during continuance of such inhibition, of any of the emoluments of his or her office, as are payable by or under the control of the bishop or synod.
  - c) The bishop may at any time revoke such inhibition.
22. It is hereby declared that no bishop or diocesan or provincial synod has or shall have the right to limit or restrict appeals from their judgements or decrees to any higher court.