



Anglican Network
in Canada

CANONS

and

BYLAWS

Revised January 2023

CANONS AND BYLAWS OF
The Diocese of THE ANGLICAN NETWORK IN CANADA
of the Province of ACNA
(the “Canons”)

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SECTION 1 ORGANIZATION AND ADMINISTRATION OF ANiC

Article 1 DEFINITION OF CERTAIN TERMS

“Act” means the *Canada Not For Profit Corporations Act*, S.C. 2009, c. 23 or its replacement respecting not-for-profit corporations and certain other corporations as in force from time to time and regulations and policies related thereto.

“ANiC” means Anglican Network in Canada.

“ANiC Appointees”, and each an “ANiC Appointee”, shall consist of:

- (a) all members of the Diocesan Council; and
- (b) the Chancellor, if not in Holy Orders, and the Registrar in office at the time; and
- (c) other persons who are active in ANiC ministry as appointed by the Diocesan Bishop for a fixed one year term (renewable) provided that the number of such persons so appointed at any time shall not exceed four (4), who are not ANiC Bishops, ANiC Clergy or Parishes.

“ANiC Bishops”, and each an “ANiC Bishop”, means:

- (d) the Co-Adjutor, if any, where not standing in the place of the Diocesan Bishop;
- (e) every ANiC Bishop or ANiC Suffragan, if any that has not retired or been dismissed; and
- (f) such other person or persons, being a person or persons in Episcopal orders working in ANiC, as the Diocesan Bishop, with the concurrence of the Diocesan Council, may nominate.

“ANiC Clergy”, and each a member of the “ANiC Clergy”, means:

- (g) a person in Episcopal orders who is licensed to any Parish or otherwise working in ANiC who is not nominated by the Diocesan Bishop as an ANiC Appointee;
- (h) any Presbyter licensed to Parish ministry (other than a general permission to officiate) by the Diocesan Bishop;
- (i) any Deacon licensed to Parish ministry (other than a general permission to officiate) by the Diocesan Bishop;
- (j) the Chancellor of ANiC, if in Holy Orders;
- (k) from each Archdeaconry, three representatives elected by the Clergy in that Archdeaconry who hold the Diocesan Bishop’s general permission to officiate; and
- (l) the Archdeacons, as appointed by the Diocesan Bishop.

“ANiC Parishes” shall consist of all congregations of ANiC who are a Parish as shown on the official list of ANiC Parishes as maintained by the ANiC Registrar.

“ANiC Suffragan” means an ANiC Bishop elected by the Synod to assist the Diocesan Bishop but having no right of succession.

“Archdeacon” refers to a Presbyter that has been appointed as an archdeacon by the Diocesan Bishop pursuant to these Canons for the purpose of assisting the Diocesan Bishop by undertaking responsibilities delegated to them pursuant to these Canons by the Diocesan Bishop.

“ASA” means Average Sunday Attendance for the previous calendar year as certified by the Rector or by the Cleric or Lay Member in charge, submitted to and accepted by the ANiC Registrar. This number includes the average regular weekly worship service attendance for the previous calendar year as certified by the Rector or by the ANiC Clergy or Lay Member in charge, submitted to and accepted by the ANiC Registrar.

For the purpose of these canons, the Diocesan Council or its designate may authorize:

- (a) the use of the congregation's voting members as specified in their by-laws as the number for their ASA where no previous accepted ASA exists; or
- (b) the use of the last accepted ASA where a congregation is unable to meet physically as a result of extraordinary circumstances for a significant portion of the year.

"Canons" means these Canons and Bylaws, as amended from time to time.

"Canons Committee" refers to a committee that may be established by the Diocesan Council from time to time and whose membership shall include the Chancellor, at least one member of the Diocesan Council, and such other additional persons as the Diocesan Council sees fit to appoint, for the purpose of reviewing and recommending amendments to these Canons, for making recommendations of a Canonical or legal nature to the Diocesan Council or for considering any other Canonical or legal issues referred to it by the Diocesan Council.

"Catechism" refers to the catechism contained in the Book of Common Prayer (1662).

"Chancellor" means the Chief Legal Advisor to the Diocesan Bishop and Diocesan Council, in Diocesan Council's capacity as advisor to the Diocesan Bishop, who is appointed pursuant to Article 1.4.1(j) and any policies adopted from time to time by the Diocesan Council.

"Church Council", in respect of any particular Parish, refers to the group of individuals appointed or elected as permitted by these Canons and according to the constitution of such Parish co-operatively, prayerfully and together with the Rector of such Parish to govern such Parish and shall include at a minimum the Rector, the Rector's Warden and one or more People's Wardens as determined by the constitution of such Parish.

"Cleric" means any person in Holy Orders.

"Co-Adjutor" means an ANiC Bishop elected by the Synod to assist the Diocesan Bishop. The Co-Adjutor has the right of succession to the position of Diocesan Bishop.

"Constitution" means the Articles of Incorporation of ANiC, as amended from time to time.

"Deacon" refers to a man or a woman who has been made a Deacon, or received as a Deacon, and licensed as such by the Diocesan Bishop pursuant to these Canons.

"Diocese" shall have the meaning ascribed by the Constitution and Canons of the Anglican Church in North America.

"Diocesan Bishop" refers to the Diocesan Bishop elected pursuant to these Canons, or, where one has been appointed and is standing in the place of the Diocesan Bishop, to the Co-Adjutor or Interim Diocesan Bishop, as each is defined in these Canons.

"Diocesan Council" means the same as the Board of Directors of ANiC for purposes of these Canons and the Act.

"Episcopal Commissary" means any ANiC Clergy or ANiC Bishop appointed by the Diocesan Bishop to carry out some or all of the duties and functions of the Diocesan Bishop during any absence of the Diocesan Bishop.

"House" is a group of Bishops, Clergy or Laity acting together as a class.

"Interim Diocesan Bishop" refers to the person appointed by the Diocesan Council in to act as Diocesan Bishop until the next following Synod due to the death or resignation of the Diocesan Bishop prior to the next Synod;

“Lay Members”, and each a *“Lay Member”*, refers to individuals who are under the authority of a Parish and who regularly attend services of a Parish and financially support a Parish.

“Member of the Trial Court” means a person appointed by Diocesan Council to serve on the ecclesiastical Trial Court of the Diocese.

“Members” has the meaning as set out in Article 1.3.1 of these Canons.

“Parish” is an incorporated body that has signed a Memorandum of Understanding with the Diocese to be a member Parish, conforms to Article 1.5.2, is certified by the Diocesan Bishop and is shown on the official list of Parishes maintained by the Registrar.

“People’s Warden” refers to a Lay Member elected as provided in the constitution of a Parish to serve as a representative on the Parish Council.

“Plant” is an entity that has signed a Memorandum of Understanding with the Diocese to be a member plant.

“Presbyter” means an individual who has been licensed pursuant to these Canons and whose license has not expired or been revoked. The terms “presbyter” and “priest” are synonymous herein.

“Project” is an entity that has signed a Memorandum of Understanding with the Diocese to be a member project.

“Province” means the Anglican Church in North America.

“Provincial Office” the office that handles Anglican Church of North America’s financial and administrative infrastructure

“Rector” refers to a Presbyter or ANiC Bishop designated by the Diocesan Bishop as the senior Cleric of a Parish.

“Rector’s Warden” refers to a Lay Member appointed by the Rector of the Parish with which the Lay Member is affiliated to serve as a member of the Parish Council of the Parish.

“Registrar” means the person appointed in accordance with Article 1.4.1(j) and any policies adopted from time to time by the Diocesan Council, who is responsible for the official registration and records of all ANiC Members.

“Synod” means general meetings of Members of ANiC from time to time called and held, and can include a Synod for the purpose of the election of an ANiC Bishop and all or any such elections can occur at the same Synod called for the purpose of a general meeting and includes any meeting held for the purpose of the adoption of any special resolution as defined in the Act.”.

“The Faith” is The Faith once for all delivered to the saints of the One, Holy, Catholic, and Apostolic church, as set forth in the Constitution.

Unless expressly excluded, all references to masculine gender are deemed to include feminine gender.

Article 2 OF PROVINCIAL MEMBERSHIP

ANiC is a founding member of the Province and is under the primatial oversight of the presiding bishop of the Province. In addition, ANiC remains under the temporary and emergency pastoral provision for oversight from the Primate of the Province of the Southern Cone.

Article 3 GROUP MEMBERS

1.3.1 Membership in ANiC

ANiC shall have five groups of members (“Members”) consisting of the:

- (a) Diocesan Bishop;
- (b) ANiC Bishops;
- (c) ANiC Clergy;
- (d) Parishes; and
- (e) ANiC Appointees.

1.3.2 Voting

Unless otherwise specified in these Canons, for all matters to be voted on by Members, the ANiC Bishops, ANiC Clergy, Parishes and ANiC Appointees shall vote together as one class and the Diocesan Bishop shall vote as a separate class and a matter shall only be approved if passed by the requisite majority of each class. Each of the Diocesan Bishop and each ANiC Bishop, each of the ANiC Clergy and each ANiC Appointee shall be entitled to only one vote but each Parish shall be entitled to the number of votes as determined by the following.

- (a) Parishes having an ASA of between 1-50 persons shall be entitled to 1 vote.
- (b) Parishes having an ASA of between 51-150 persons shall be entitled to 2 votes.
- (c) Parishes having an ASA of 151 or more persons shall be entitled to 3 votes plus an additional vote for each additional 100 persons of ASA.
- (d) Each Parish shall be entitled to one additional vote if such Parish has authorized a youth representative from that Parish to attend the Synod, provided that such person is between the ages of sixteen (16) and twenty-five (25) years of age as of the date of the commencement of the relevant Synod.

1.3.3 Number of Votes Per Parish

Subject to Article 1.3.6, the number of votes that each Parish is entitled to for each meeting of Synod shall be determined pursuant to the Formula in Article 1.3.2 above. Any dispute with respect to the number of votes a Parish is entitled to shall be determined by the ANiC Registrar and such determination shall be final. A Parish is entitled to send the same number of representatives to attend a meeting of the Synod as the number of votes to which such member is entitled. Notwithstanding the above, any person authorized pursuant to Article 1.3.2(d) as a “youth” delegate must be present in person to exercise such vote and such person may not exercise any other vote to which a Parish may be entitled.

1.3.4 Voting Other

The Canons may specify the majority that is required for different groups of members for approval of certain matters.

1.3.5 When a Member Ceases to be a Member of ANiC

A Member will cease to be a Member of ANiC upon the occurrence of one of the following:

- (a) the Member terminates its membership by written notice to the Diocesan Council;
- (b) the death of the Member, if an individual;
- (c) the dissolution, bankruptcy, insolvency or winding up of the Member, if a corporate entity;

- (d) removal or termination of a Member of ANiC by the Diocesan Bishop and the Diocesan Council, which shall be confirmed by a resolution passed at a Synod as specified in the Canons;
- (e) a Diocesan Bishop who has ceased to be in the office of the Diocesan Bishop;
- (f) any ANiC Bishop who has ceased to meet the definition of an ANiC Bishop;
- (g) any ANiC Clergy who has ceased to meet the definition required to be ANiC Clergy; and
- (h) an ANiC Appointee who has ceased to be a member of the Diocesan Council or has ceased to hold the office as Chancellor or Registrar, or whose term of appointment has expired or been suspended or revoked.

1.3.6 Representatives of a Parish and Grouping the Parish Voting Entitlement

A Member who is or may be a member of more than one class of Members shall be entitled to vote within only one of those classes, which class must be declared to the Registrar (at a time during registration specified by the Registrar) prior to the vote and once declared may not be amended for any subsequent vote taking place at that meeting.

No Member of any class shall be permitted to vote by proxy.

Article 4 GOVERNANCE OF ANiC

1.4.1 Concerning Governance

(a) Members of ANiC and Synod Meetings

- i) The Members, by resolutions duly passed at Synods, shall have authority pursuant to the Act: to elect directors to sit on the Diocesan Council; to approve, adopt, amend or ratify the Articles, Constitution, Canons and important policies of ANiC; to elect ANiC Bishops and the Diocesan Bishop; and to exercise all other powers and authority as set out in the Act, the Articles, the Constitution and the Canons.
- ii) The chief work of the Synod shall be to support the purposes of ANiC as defined in the Constitution, primarily by deliberating on any matter concerning The Faith and mission of ANiC and making recommendations or giving direction to the Diocesan Council concerning such matters. However, the work can include the election of an ANiC Bishop. Nothing prevents a Synod from being held for the sole purpose of such elections or any combination of elections at the same time.
- iii) The Synod shall receive reports from the Diocesan Council and make recommendations to strengthen the mission of ANiC.
- iv) The Diocesan Bishop shall appoint a Registrar who shall maintain the Register of Members.

(b) Diocesan Council

- i) Subject to the Act, the Constitution, and these Canons, the Diocesan Council shall deliberate upon and manage all matters and affairs affecting the interests of ANiC, including but not limited to, approving, adopting, and reviewing all policies of ANiC, subject to approval, confirmation or ratification by resolutions of the Synod (if required under the Constitution and Canons), and appointing a National Director of ANiC to whom all staff shall report.
- ii) The Diocesan Council shall be the “Diocesan Standing Committee” as defined in the canons of the Province¹.
- iii) Unless otherwise determined by resolution of Members the Diocesan Council shall consist of eleven (11) directors, namely:
 - a. the Diocesan Bishop;
 - b. five (5) ANiC Clergy; and

¹ Editor’s Note: See Provincial Canons, Title 1, Canon 5, Section 3

- c. five (5) directors who are not ordained persons, but who are registered members on the register of an ANiC Parish as defined in the Constitution or who are registered members of a Mission ANiC Parish.
 - iv) Meetings of Diocesan Council
The voting rights of all members of the Diocesan Council with voting rights shall be equal. Each member of the Diocesan Council shall have one (1) vote on all questions arising at any meeting of the Diocesan Council
 - v) Remuneration of Directors
The Directors of the Corporation shall serve without remuneration. Directors shall, however, be entitled to receive reimbursement for reasonable expenses incurred in carrying out their duties on behalf of the Corporation.
- (c) Except as provided above, the term of each elected director shall be two (2) years. In the case of a director appointed to fill a vacancy, the term shall be until the next following Synod, at which time a director shall be elected to fill the unexpired portion of the term.

At the organization meeting of the first Synod, the members of the Diocesan Council shall, by lot (or as may otherwise be unanimously agreeable to them), classify themselves into two (2) groups. The first group shall consist of approximately one-half (1/2) of the elected directors whose initial term of office shall be one (1) year. The second group shall consist of the balance of the elected directors whose term of office shall be two (2) years. This classification and the short initial terms are for the purpose of providing, as nearly as numerically as possible, for the election of one-half (1/2) of the elected directors in each year.

In elections in which there are more candidates than vacant positions, or for which candidates are being elected to fill vacancies in respect of full terms and the remainder of unexpired terms, Candidates shall be deemed to be elected in order of those receiving the most votes such that the terms are also filled in order, longest first.

Except for the Diocesan Bishop, the maximum continuous term of a person being a director shall be six (6) years. Thereafter, that person shall retire for at least one (1) year before being eligible to be re- elected or reappointed to the Diocesan Council.

In the notice of the annual Synod, the Diocesan Council shall endeavour to nominate more persons than there are vacancies to fill the vacancies and to elicit suggested nominees from the ANiC Parishes.

Members may also nominate persons to stand for election as directors, as provided for in these Canons. An election of directors shall take place at the annual Synod

(d) Qualifications of Members of Diocesan Council

Subject to the provisions of 1.4.1(e) below, the following persons are disqualified from being a member of Diocesan Council:

- i) anyone who is less than eighteen years of age;
- ii) anyone who is of unsound mind and has been so found by a court in Canada or elsewhere;
- iii) a person who is not an individual;
- iv) a person who has the status of bankrupt; or
- v) a person who is not a resident Canadian. "Resident Canadian" means an individual who is:
 - a. Canadian citizen ordinarily resident in Canada;
 - b. a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee

Protection Act, S.C. 2001, c. 27, as amended from time to time, and ordinarily resident in Canada.

(e) American Directors

Notwithstanding the provisions of 1.4.1(d)(v) above, a person resident in the United States of America who otherwise meets the qualifications to be a director is eligible to be a director provided that:

- i) ANiC shall not as a result:
 - a. exceed any maximum number of foreign directors; or
 - b. fail to meet any minimum number of Canadian directors;

as may be required by Canadian law or required to maintain charitable status under Canadian law; and

- ii) if such person is a member of:
 - a. the Parish of Holy Trinity Marlborough;
 - b. a Parish created from one of the following projects or church plants started by the Parish of Holy Trinity Marlborough, namely All Saints' Anglican Church, Holy Trinity Anglican Mission, Holy Trinity Anglican Fellowship, St. Brigid of Kildare Anglican Mission or All Saints Anglican Mission; and
- iii) if the requirements of this section would mean that there are fewer positions available to non-residents than persons otherwise receiving sufficient votes to be elected as a director, then the non-resident person(s) receiving the least number of votes will not be elected as directors.

(f) Resignation, Vacancies, Suspension and Removal of Directors Subject to the relevant provisions of applicable legislation:

- i) Directors cease to hold office at the end of their term, when they die or resign, or if they are removed or become disqualified.
- ii) Members have a right to remove a Director from office before the end of his or her term through an ordinary resolution voted on at a special meeting called for that purpose. If any class of Members has an exclusive right to elect directors, that director can be removed only by a resolution of that class, but upon calling of a special meeting for that purpose such director shall be deemed suspended from office pending the outcome of such special meeting.
- iii) The Members at the special meeting can elect a replacement for the director they have removed.
- iv) Notwithstanding sub-paragraph ii herein, the Diocesan Council may suspend any Director prior to the calling of any special meeting as referred to therein if in the opinion of the Diocesan Council such suspension is in the best interests of ANiC. However, such suspension shall take effect only upon a motion adopted by a two-thirds majority vote of all of the members of Diocesan Council to that effect. At any special meeting of the members that may subsequently arise as referred to in sub-paragraph ii, such suspension by the Diocesan Council may be affirmed or cancelled.
- v) A quorum of directors can fill a vacancy on the Diocesan Council. If there is no quorum, or the Members fail to elect the minimum number of directors, the remaining director(s) must call a special meeting of Members to elect additional directors.
- vi) If all of the directors have resigned or been removed, a person who manages or supervises the management of ANiC shall be deemed to be a director, unless that person is an officer under the direction and control of another person, a professional providing professional services, or a trustee in bankruptcy.
- vii) A Director who resigns or is in danger of being removed is permitted to submit a written statement giving reasons for his or her resignation or for opposing his or her removal, and to have notice of this statement circulated to the Members.

(g) Diocesan Council Committees

The Diocesan Council may delegate any portion of its power to any person or group of persons or committee of the Diocesan Council (with or without remuneration) subject to the Act, the Constitution and the Canons. ANiC shall have the following committees:

- i) The Executive Committee;
- ii) The Audit Committee;
- iii) The Finance committee; and
- iv) The Nominating Committee.

Except as otherwise approved by the Diocesan Council, each of the committees shall be chaired by a member of the Diocesan Council and may consist of persons with relevant experience, professional qualifications, gifts or talents, provided that the Executive Committee shall be comprised solely of members of the Diocesan Council and the Audit Committee shall be comprised of a majority of members of the Diocesan Council. The Diocesan Council shall appoint the Chair of each committee and confirm or ratify the appointment of other members of the committees based on a report from the Chair of each committee. The Diocesan Council shall establish the terms of reference or mandate for each of the committees when formed and may specify the terms of appointment of members of the committees at its sole discretion. The Chair of each committee shall prepare an annual report for the Diocesan Council outlining the work of the committee for the previous calendar year and shall provide updates to the Diocesan Council from time to time as requested by the Diocesan Council.

Meetings of the Executive Committee shall be held at any time and place to be determined by the members of such committee provided that at least 48 hours' notice of such meeting shall be given, by mail, fax, email or telephone to each member of the committee. Notice by mail shall be sent at least 14 days prior to the meeting. Not less than 2 members of such committee shall constitute a quorum. No mere error or omission in giving notice of any meeting of the Executive Committee shall invalidate such meeting or make void any proceedings taken thereat and any member of such committee may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings taken or had at such meeting.

(h) The Diocesan Bishop

- i) The Diocesan Bishop is the chief pastor and bishop of ANiC and shall be the Chair and presiding officer of the Diocesan Council, the Synod and ANiC in general, as well as the House of ANiC Bishops. The Diocesan Bishop shall with the assistance of the Diocesan Council develop an Annual Plan that sets out the strategic vision of ANiC with a concrete action plan which shall be presented to the Synod for reception each year.
- ii) The Diocesan Bishop shall order the life of the ANiC Bishops as a group. The Diocesan Bishop and ANiC Bishops shall develop such rules and procedures in keeping with the Holy Scriptures, the Creeds, and all Godly patterns of life, as they deem appropriate for their life and work as a group.
- iii) The person whose term of office as the Diocesan Bishop has expired or been terminated (for whatever reason) shall cease to be the Diocesan Bishop and shall be deemed to have tendered a termination or resignation as the Diocesan Bishop to the Diocesan Council without further action on his part.
- iv) In the event that the current Diocesan Bishop cannot continue in the office of Diocesan Bishop due to sickness, death, resignation or other reasons the Co-Adjutor, if any, shall succeed to the office of Diocesan Bishop. If there is no Co-Adjutor, the Episcopal Commissary shall act as the Interim Diocesan Bishop until the next Diocesan Bishop is elected pursuant to these Canons.

- v) The Diocesan Council shall call and convene a Synod for election of the Diocesan Bishop within twelve (12) months of a vacancy in that position and the process in Article 1.4.1.1 shall be followed.
 - vi) An Interim Diocesan Bishop may not be nominated for election to the office of the Diocesan Bishop at the Synod following their appointment as Interim Diocesan Bishop. Where there is an Interim Diocesan Bishop, the Interim Diocesan Bishop shall continue to act as the Diocesan Bishop until such time as the Diocesan Bishop-elect succeeds to the office of Diocesan Bishop, upon which occurrence the Interim Diocesan Bishop shall immediately be deemed to have resigned as Diocesan Bishop.
 - vii) In the event that the Episcopal Commissary accepts nomination to the office of Diocesan Bishop, the Episcopal Commissary shall be deemed to have resigned from the position of Episcopal Commissary and the Diocesan Council shall appoint an alternate Episcopal Commissary.
 - viii) For the purpose of determining when the Diocesan Bishop is not able to continue his office due to sickness, the Diocesan Council shall either obtain a certificate of incapacity from the Diocesan Bishop himself or the Diocesan Council with all ANiC Bishops, may after reasonable investigation, conclude by resolution passed by a two thirds (2/3) majority at a meeting of the ANiC Bishops and the Diocesan Council voting together, and with the consent of the Archbishop of the Province, that the Diocesan Bishop is unable to perform his duties for a period of at least twelve (12) months.
 - ix) The notice for the special Synod at which the election of the Diocesan Bishop will take place shall set out the full list of nominees for the office of the Diocesan Bishop (whether nominated by the Nomination Committee or by Members) who are determined to be eligible by the Nominating Committee, and shall include a biography and statement of vision from each nominee.
- (i) Co-Adjutor and ANiC Suffragans
- i) If the Diocesan Council and the Diocesan Bishop determine that a Co-Adjutor or ANiC Suffragan should be elected, the Nominating Committee of the Diocesan Council shall follow the process as set out in Article 1.4.1.1.
- (j) Officers of ANiC
- i) The Diocesan Bishop shall appoint the following officers of ANiC if he deems appropriate, who shall serve at the pleasure of the Diocesan Bishop:
 - a. Chancellor, who shall have been duly called to the bar in a province or territory in Canada for at least ten (10) years; and
 - b. a Registrar, who shall be a person with relevant experience in the opinion of the Diocesan Bishop to attend to registration matters of ANiC; and
 - c. an Episcopal Commissary.
 - ii) The Diocesan Council will appoint a secretary and treasurer of ANiC and any such other officers as it deems necessary and shall report such appointments to the Members immediately following such appointment(s).
 - iii) The Diocesan Council may fix the reasonable remuneration of the officers of ANiC.
 - iv) Officers appointed by the Diocesan Bishop shall be subject to removal by the Diocesan Bishop at any time, with or without cause and officers appointed by the Diocesan Council shall be subject to removal by resolution of the Diocesan Council at any time, with or without cause.
- (k) Execution of Documents
- Contracts, documents or any instruments in writing requiring the signature of ANiC shall be signed by any two directors or officers and all contracts, documents and instruments in writing so signed shall be binding upon ANiC

without any further authorization or formality. The members of the Diocesan Council shall have the power from time to time by resolution to appoint an officer or officers on behalf of ANiC to sign specific contracts, documents and instruments in writing. The members of the Diocesan Council may grant a power of attorney on behalf of ANiC to any registered dealer in securities for the purposes of transferring and dealing with any stocks, bonds, and other securities of ANiC. The seal of ANiC, when required, may be affixed to contracts, documents and instruments in writing signed as aforesaid or by any officer or officers appointed by resolution of the Diocesan Council.

(l) Corporate Seal

The Secretary shall have charge of the seal of ANiC, if any, and of the seal of Synod, if any.

1.4.1.1 Procedures Concerning the Cessation and Election of ANiC Bishops (iii)

- i. An ANiC Bishop shall cease to hold office upon attaining seventy (70) years of age unless extended by the Diocesan Council, provided that the total extension shall not exceed two (2) years.
(i.i) Notwithstanding (v), any ANiC Suffragan holding office on the day before section (v) comes into force is not bound by section (v) and may retire at any age without requiring the consent of the Diocesan Council.
- ii. Upon the later of delivery of written notice to the Diocesan Council of the retirement or cessation of an ANiC Bishop (for whatever reason) and the retirement or cessation date specified in that notice, such ANiC Bishop will cease to be an ANiC Bishop without further action on his part.
- iii. A group of Members holding at least ten (10) votes that may be cast at the Synod at which the election of an ANiC Bishop is to take place, provided there are five (5) votes from each of the following groups:
 - A ANiC Bishop and ANiC Clergy together; and
 - B Parishes and ANiC Appointees together;

may send a nomination for the office of an ANiC Bishop to the Nominating Committee at least four (4) months before the date fixed for the Synod. Each nominee for the office of an ANiC Bishop shall be an ACNA Bishop or a bishop with whom ACNA is in communion or a presbyter who is in communion with ACNA and has held Anglican orders for at least ten (10) years and fulfills the requirements set out in Section I, Article 10 of these Canons. There will be no nominations from the floor.

- iv. The Nominating Committee of the Diocesan Council shall review all nominations and recommend at least two (2) nominees for election as an ANiC Bishop at a Synod called for that purpose within twelve (12) months of the cessation of ANiC Bishop's term. Advance notice of such election shall be provided to the Members by Diocesan Council (in addition to the normal notice of Synod) at least six (6) months before the Synod at which such election will occur and the advance notice shall specify the date of the Synod.

1.4.1.1(vi)

- v. The Diocesan Council shall send to each of the Diocesan Bishop, the ANiC Bishops, ANiC Clergy and Parishes, notice of the Synod at least two (2) months prior to the Synod at which the election will take place. The notice shall set out the date and time of the Synod and shall include regulations necessary for the election of an ANiC Bishop.
- vi. The notice for the Synod at which the election of an ANiC Bishop will take place shall also set out the full list of nominees for the office of an ANiC Bishop who are determined to be eligible by the Nominating Committee, and shall include a biography and statement of vision from each nominee.
- vii. An ANiC Bishop must be elected pursuant to a resolution passed at a Synod called for that purpose and such

- resolution must be passed by at least a 2/3 majority of the votes cast by each of
- a. the ANiC Bishops and the ANiC Clergy as a class; and
 - b. the Parishes and ANiC Appointees as a class.
- viii. Where more than two candidates are on a ballot, the candidate receiving the fewest number of votes shall be dropped from the subsequent ballot.
- ix. In the event that a ballot containing two candidates fails to produce the required 2/3 majority from both classes, the Synod shall go into recess for a period of one hour, followed immediately by a re-vote of the previous ballot. Should the ballot not produce the required 2/3 majority from each class, voting shall then continue until the required majorities are secured.
- x. If the process followed in viii) fails to produce the required 2/3 majority from each class of voters after a reasonable period, then the current Diocesan Bishop or Interim Diocesan Bishop, at his discretion, may send the two remaining names to the College of Bishops of the Province for their determination.
- xi. The elected person shall not succeed to the office of ANiC Bishop until:
- a. the necessary consent has been received from the College of Bishops of the Province;
 - b. the elected person has been consecrated to Episcopal orders where necessary; and
 - c. the mandate for succession has been received from the Archbishop of the Province.
- xii. Upon his appointment, consecration and succession, the bishop shall automatically be accepted as an ANiC Bishop and shall be deemed to have terminated or tendered a resignation as a member of the ANiC Clergy (if applicable) without further action on his part.

1.4.2 Procedures Concerning the Synod

- (a) The Diocesan Bishop shall call annual Synods in compliance with the Act. The Diocesan Council or the Diocesan Bishop may also call additional Synods from time to time as either in its absolute and sole discretion (which discretion may be exercised arbitrarily) may determine appropriate. Synods shall be held at such time and place as the Diocesan Council may by resolution determine. The Diocesan Council shall call a special general meeting of Members on written requisition of 51% of the representatives of the Parish Members.
- (b) All proceedings in relation to the convening of Synods shall be in compliance with the Act.
- (c) The Diocesan Council shall provide Members with at least twenty-one (21) days' notice for any Synod. Such notice may be provided by regular mail or facsimile or other form of electronic transmission to the last address provided by the Member to ANiC. The Notice of any Synod shall be given and signed by the Diocesan Bishop and/or the Secretary of the Diocesan Council, depending upon who called the meeting. Notice of a meeting of the Synod shall state the time and place of the meeting and such other information as the Diocesan Bishop and the Diocesan Council may direct and shall comply with the requirements under the Act.
- (d) Where the synod concerns the election of an ANiC Bishop, the Diocesan Council may allow participation and voting by electronic communications equipment if a solution for anonymous voting can be reasonably implemented and with the support of the Primate.
- (e) Any action required or permitted to be taken by the members, the Diocesan Council or any committee thereof may be taken without a meeting if all members, directors or the committee members consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents thereto shall be filed with the minutes of the proceedings of the members, Board or committee.

- (f) Members shall have the right to submit proposals to be included in the notice of Synod in accordance with and subject to the provisions of the Act.
- (g) Members holding the requisite percentage of votes that may be cast at a Synod shall have the rights provided under the Act to require that a Synod be called. Members exercising such rights shall comply with the relevant provisions of the Act in full.
- (h) No business shall be transacted at a meeting of the Synod unless a quorum of the Synod is present when the meeting is called to order and proceeds to business. Any quorum shall include participation via telephonic, electronic or other communication means, provided such participation is in accordance with any rules and procedures provided with the notice for the Synod. If a quorum is established with 20% or more members who have joined the meeting by electronic or other communication means and a power failure or electronic malfunction occurs the meeting shall be adjourned until the electronic connection is re-established.
- (i) In a Synod where an election of an ANiC Bishop is to take place, a quorum shall be comprised of at least:
 - i) fifty percent (50%) of the Diocesan Bishop and ANiC Bishops together; and
 - ii) fifty percent (50%) of the ANiC Clergy; and
 - iii) fifty percent (50%) of Parishes representing (50%) of the Parish Votes; and
 - iv) no ANiC Appointees shall be included in a count of the quorum.
- (j) For a non-electoral Synod, a quorum shall be comprised of:
 - i) one third (1/3) of the Diocesan Bishop and ANiC Bishops together; and
 - ii) one third (1/3) of the ANiC Clergy; and
 - iii) one third (1/3) of the Parishes holding one third (1/3) of the Parish votes; and
 - iv) no ANiC Appointees shall be included in a count of the quorum.
- (k) If a quorum is not present at the time appointed for the opening of a meeting of the Synod, any lesser number of Members may adjourn the meeting to a fixed time and place but may not transact any other business.
- (l) Any number of Members of the Synod may transact business at a meeting of the Synod at any time after the meeting has been called to order with a quorum present. Once quorum has been established, it shall be presumed to continue and no business transacted at such Synod shall be invalidated because a quorum was no longer present unless a Member explicitly requests confirmation that quorum continues to be present, which question shall take precedence over all other business.
- (m) The Diocesan Council shall recommend for adoption by the Synod, such Rules of Order as it shall deem necessary for the effective management of the Synod meeting. Rules of Order shall be adopted by the Synod at the commencement of the meeting.
- (n) Subject to the provisions of the Act, the Constitution, the Rules of Order adopted by the Synod, and Article 1.4.2(n) to 1.4.2(t) below, no act or resolution of the Synod is valid unless passed by:
 - i) the Diocesan Bishop; and
 - ii) at least a simple majority of the votes in aggregate cast by the ANiC Bishops, ANiC Clergy, ANiC Appointees and Parishes together.
- (o) Resolutions that are required by the Act to be passed by way of Special Resolutions shall be deemed to have passed only if passed by:
 - i) the Diocesan Bishop; and
 - ii) at least two thirds (2/3) of the votes in aggregate cast by the ANiC Bishops, ANiC Clergy, ANiC Appointees and Parishes together.
- (p) In addition to any requirements of the Act and the Constitution, the following resolutions shall only be passed by the Diocesan Bishop; and at least a simple majority of the votes cast by (A) the ANiC Bishops as a House; (B) the ANiC Clergy as a House; and (C) the ANiC Appointees and Parishes as a House:
 - i) Any resolution for which the ANiC Bishop, ANiC Clergy, ANiC Appointees and Parishes holding ten (10)

- votes may request to be voted on by House.
- ii) Resolutions in relation to the election of ANiC Bishops;
 - iii) Any other resolution specified by the Diocesan Bishop or the Diocesan Council to be voted on by House.
- (q) In addition to any requirements of the Act and the Constitution, the following resolutions shall only be passed if approved by the Diocesan Bishop; and at least two thirds (2/3) of the votes cast by: (A) the ANiC Bishops as a class; (B) the ANiC Clergy as a class; (C) the ANiC Appointees and Parishes as a class:
- i) Resolutions in relation to the adoption or amendments to these Canons, provided that the Diocesan Council shall be authorized to correct typographical or grammatical errors, divide and/or renumber sections and correct other minor errors where such amendments are not of a controversial or substantive nature;
 - ii) Resolutions in relation to the adoption or amendments of the Constitution;
 - iii) Resolutions confirming removal of any Member; and
 - iv) Any other special resolution specified by the Diocesan Bishop or the Diocesan Council to be voted on by House.
- (r) Notwithstanding any other provision in these Canons, any resolution in relation to the review or discipline of ANiC Bishops, including the Diocesan Bishop, shall only be passed by at least two thirds (2/3) of the votes cast by each of the following classes:
- i) the ANiC Bishops and Diocesan Bishop as a class;
 - ii) the ANiC Clergy as a class;
 - iii) the ANiC Appointees and Parishes as a class.
- (s) Notwithstanding any other provision in these Canons the Diocesan Bishop, or a two thirds (2/3) majority of the Synod based upon the number of aggregate votes cast at the Synod, may determine that any matter requires the resolution to be passed unanimously by all Members at the Synod.
- (t) All resolutions passed by the Synod shall be consistent with and not in contravention of or contrary to the constitution and canons of the Province.
- (u) The Diocesan Bishop shall preside at all meetings of the Synod unless otherwise provided for by these Canons or the Rules of Order adopted by the Synod. If the Diocesan Bishop is not present at a meeting of the Synod, the ANiC Bishops, by order of date of admission to ANiC, or the Archdeacon, senior by date of appointment as an Archdeacon, in that order, shall preside; or if all these are absent, any director, failing which, the Members of the Synod present may elect a chair.
- (v) The Diocesan Bishop may temporarily vacate the Chair during any session of the Synod and designate any Member in his discretion to occupy the Chair during his temporary absence.
- (w) The Diocesan Bishop with the concurrence of the Diocesan Council shall appoint (A) one ANiC Clergy and (B) one representative of a Parish or an ANiC Appointee to act as the joint secretaries for that Synod.
- (x) The Secretaries of the Synod shall:
- i) Issue all notices required by the Constitution and the Canons;
 - ii) keep and record minutes of the regular meetings of the Synod;
 - iii) assist in preserving all records, papers and documents relating to the Synod;
 - iv) certify all public acts of the Synod;
 - v) affix the seal of the Synod to any document when required to do so by any competent authority, and attest to the same; and
 - vi) deliver into the hands of a successor, all property, books, records, documents, papers and electronic files

relating to the Synod that may be in his or her possession or control.

- (y) A member of the Synod can move a motion to request a review of any policy of ANiC provided another Member of the Synod seconds the motion. Such motion, if carried by a simple majority, will require the Diocesan Council to review such policy and report back to the Synod.
- (z) Until such time as ANiC transitions to the Canada Not For Profit Corporations Act, S.C. 2009, c. 23, the repeal or amendment of these Canons shall not be enforced or acted upon until the approval of the Minister of Industry has been obtained. Upon transition to existence under that Act, the repeal or amendment of these Canons shall be enforced and enacted upon the earlier of receiving due approval according to the requisite majority or majorities as required by these Canons and such time as permitted or required by the Act.
- (aa) Once the date of the annual Synod has been set by the Diocesan Council, the Canons Committee or any ANiC Member (or a duly selected representative of a Parish Member) may propose an amendment to these canons provided such amendment is submitted in accordance with these canons as follows:
 - i) Where the Synod has been called in addition to the annual Synod, the Diocesan Council may make special rules concerning proposed amendments including whether or not proposed amendments will be accepted from Members, provided copies of the proposed amendments are distributed to Members not less than twenty-one (21) days prior to the Synod;
 - ii) Where the Synod is an annual Synod, amendments must be received by the Canons Committee not less than the 84th day prior to the Synod (which deadline shall be extended to the next business day if the 84th day is a Saturday or Sunday or day on which the ANiC is closed for a statutory holiday). A proposed amendment shall be deemed to have been received by the Canons Committee if it has been delivered to the ANiC Office or to any member of the Canon's Committee prior to 5:00 p.m. local time on the day of the deadline; and
 - iii) Amendments shall be subject to review by the Canons Committee for the purpose of making non-substantive changes to ensure conformity of presentation, consolidating like amendments, and conforming terminology to the terminology of these Canons. The Committee shall use reasonable efforts to confirm such changes are acceptable to the proposers prior to distribution of the amendments to the Members; and
 - iv) The Canons Committee shall prepare the amendments for distribution and the Diocesan Council shall cause the amendments to be distributed to the Members not less than twenty- one (21) days prior to the Synod at which they are to be submitted for a vote of the members; and
 - v) Amendments may not be made from the floor of Synod, nor may non-substantive changes to proposed amendments be made from the floor of Synod and in order to pass, proposed amendments to these Canons shall be subject to the requirements of section 1.4.2(q) of these Canons.

1.4.3 Procedures Concerning the Diocesan Council

- (a) The Diocesan Council shall meet at least four (4) times in a calendar year.
- (b) The Diocesan Council may meet at any time and any place as the Chair of the Diocesan Council may specify. Subject to the provisions of paragraph 1.4.3(c), such meeting may be by teleconference or other electronic means.
- (c) The members of the Diocesan Council may meet by other electronic means that permits each director to communicate adequately with each other provided that:
 - i) The Diocesan Council shall have passed a general regulation or a resolution specific to a particular meeting or class of meetings establishing the mechanics by which an electronic meeting may be held and security protocols, if any, that must be observed by participants or the members of the Diocesan Council have consented in advance to the mechanics of the meeting; and
 - ii) The Diocesan Council shall have passed a general regulation or a resolution specific to a particular

- meeting or class of meetings by which the identity of participants shall be deemed to have been verified and their eligibility to participate confirmed; and
- iii) For the purposes of establishing that a quorum exists, a roll shall be taken of the verified and confirmed participants and recorded by the Secretary, which roll may be answered verbally or electronically or a combination of both (if a non-verbal option is in use for such meeting); and
 - iv) For the purposes of recording votes, a roll shall be taken of the verified and confirmed participants and recorded by the Secretary, which roll may be answered verbally or electronically or a combination of both (if a non-verbal option is in use for such meeting); and
 - v) Where the Diocesan Council has passed a general regulation or a resolution specific to a particular meeting or class of meetings permitting particular mechanics of holding such meeting to be employed, and such mechanics require nothing other than a telephone or computer software that is free to use or provided to participants by ANiC at no cost, then each member of the Diocesan Council shall be deemed to have equal access to participate in the meeting. Where such is not the case, provision must be made by ANiC so that each participant is deemed to have equal access to participate in the meeting in order for the meeting to be duly constituted, unless such provision is waived by the affected participant(s).
- (d) Diocesan Council can agree to deal with specific time sensitive issues by email or similar electronic means provided that the motion is ratified at the following regular meeting of the Diocesan Council. Votes on any motion made under this section would be in accordance with Article 1.4.1(b) and this Article.
 - (e) The Chair or Secretary of the Diocesan Council shall provide at least seven (7) days advance notice of any meeting of directors other than meetings which require personal attendance, and at least fourteen (14) days' notice for meetings requiring personal attendance, to all the directors at their last known address or facsimile number or email address. Any inadvertent omission in providing such notice shall not invalidate the meeting. The directors may waive the required notice for any such meeting.
 - (f) The quorum for a meeting of the Diocesan Council shall be a majority of the directors in office at the time.
 - (g) Unless otherwise provided for in these Canons, all decisions of the Diocesan Council shall be made by simple majority of votes cast.

1.4.4 Auditor

The Members shall, at each annual Synod, appoint an auditor to audit the accounts and financial statements of ANiC for report to the Members at the next Synod. The auditor shall hold office until the next Synod, provided that the members of Diocesan Council may fill any casual vacancy in the office of auditor. The remuneration of the auditor shall be set by Diocesan Council. Notwithstanding any other provisions of these Canons, no class or classes of Members may waive, veto or prevent the passage of a resolution requiring appointment of an auditor where the majority of any Class of Members desires an auditor to be appointed.

Article 5 PARISH MEMBER OR CONGREGATIONS

1.5.1 Admission into ANiC

The Diocesan Bishop, together with the Diocesan Council, shall approve policies for admission of congregations into ANiC as Parishes, and the Diocesan Council may delegate the power to formulate such admission policies. Notwithstanding any policy for admission, no congregation shall be admitted into ANiC as a Parish unless it is incorporated and is registered as a charity under the Income Tax Act pursuant to Article 1.5.2(a) of these by-laws and unless they subscribe to and covenant to uphold the Constitution and the Canons and comply with the policies of ANiC. Any congregation wishing to become a Parish shall follow the procedure for application as may from time to time be specified by the Diocesan Council, and an applicant shall not be admitted as a Parish unless and until they have complied with the admission procedures specified by the Diocesan Council and have been approved by the Diocesan Bishop. The policies for admission of congregations into ANiC shall be consistent with the relevant provisions of the Canons of the Province and related policies.

1.5.2 Organization

- (a) Every Parish shall be established as a not-for-profit corporation or society in accordance with the laws of Canada or the province or territory (or, in the case of any Parishes recognized pursuant to Article 1.4.1(e)(ii), the laws of the United States of America or the state) where the Parish is situated. Each Parish shall be responsible for its own finances.
- (b) There shall be a Parish Council of each Parish, commonly known as the board of directors, parish council, executive council or board of trustees, and the Parish Council shall be elected by the members of the Parish, such election to be according to applicable law, as well as the articles and bylaws of the Parish.
- (c) Every Rector or Presbyter in charge of a Parish shall be a member of the Parish and the presiding officer of the Parish Council of that Parish. Each Parish must have at least one Rector's Warden (appointed by the Rector) and one People's Warden to be elected by the members of the Parish.
- (d) All property, real and personal, owned by a Parish shall be solely and exclusively owned by the Parish and shall not be subject to any trust in favour of ANiC or other claim of ownership arising out of the canon law of ANiC, unless expressly agreed to in writing between the Parish and ANiC.
- (e) (i) On or before March 1st of each year, every Parish, Plant and Project shall prepare and forward to the Registrar and to the Provincial Office a report with the required content in a form specified from time to time by the Executive Committee.
(ii) On or before March 31st of each year the Parish Council and the clergy or lay leader of each Parish, Plant or Project shall prepare and forward to the Registrar a report with the required content in a form specified from time to time by the Registrar.
- (f) Membership in each Parish shall require, among other things as may be specified in the applicable governing documents or policies of such Parish, that a person must profess that Jesus Christ is Lord and confirm that they have been baptised with water in the Name of the Father, and of the Son, and of the Holy Spirit.
- (g) The Diocesan Council may from time to time approve such policies as it deems appropriate to provide for cooperation between ANiC and Parishes that are not yet or have ceased to be financially self-sufficient, which policies shall be ratified by Synod before implementation. For the purpose of determining financial self-sufficiency the Diocesan Council will take into consideration the offerings of the Parishes, the ongoing cost of its ministries and the cost of supporting a full-time Presbyter.

Article 6 CONCERNING CHURCH PLANTING

The Diocesan Bishop together with the Diocesan Council shall approve policies for church planting and may establish a committee to formulate policies and guidelines for matters relating to church planting and to supervise and coordinate all church planting activities of ANiC.

Article 7 OF FINANCES

1.7.1 Concerning the Tithe

The Biblical tithe of 10% is the minimum standard of giving to support the mission of ANiC. Faithful stewardship and generous giving, but not legalism, should be taught and encouraged at every level of ANiC.

1.7.2 Concerning Finance and Budget

The Diocesan Bishop and the Executive Committee of the Diocesan Council, with the assistance of the Audit Committee, shall develop the annual budget for ANiC based on commitments from the Parishes and other resources. The program and budget shall be presented at the Synod for adoption.

1.7.3 Concerning Financial Responsibility and Accountability

Financial responsibility and accountability are the obligations of ANiC at every level. The Diocesan Council shall approve guidelines for record keeping, insurance, investments and bonding of financial officers for ANiC and for Parishes.

Article 8 OF THE LAITY

1.8.1 Concerning Ministry

The people of God are the chief agents of the mission of ANiC to extend the Kingdom of God by so presenting Jesus Christ in the power of the Holy Spirit that people everywhere will come to put their trust in God, know Him as Saviour, and serve Him as Lord in the fellowship of ANiC and the entire Church of God. The effective ministry of ANiC is the responsibility of the Lay Members no less than it is the responsibility of ANiC Bishops and other ANiC Clergy. It is the goal for every Lay Member of ANiC to become an effective minister of the Gospel of Jesus Christ, one who is spiritually qualified, gifted, called, and mature in The Faith.

1.8.2 Concerning Duties of the Laity

It shall be the duty of every Lay Member of ANiC:

- (a) To worship one God in Trinity, the Father, the Son and the Holy Spirit, every Lord's Day in a church unless reasonably prevented;
- (b) To engage regularly in the reading and study of Holy Scripture and subscribe to the Doctrine of ANiC and the Province as found in Article 1.1 of the Constitution;
- (c) To observe their baptismal vows, to lead an upright and sober life, and not give scandal to the church;
- (d) To present those they have led to the Lord for baptism and confirmation, and to present their children for baptism and encourage them to make an affirmation of their faith through adult confirmation;
- (e) To provide care for the poor and those in need;
- (f) To give regular financial support to ANiC and their Parish, with the Biblical tithe in mind as the minimum standard of giving;
- (g) To practice forgiveness daily according to our Lord's teaching;
- (h) To receive worthily the Sacrament of Holy Communion as often as is practicable;
- (i) To observe the feasts and fasts of the church set forth in the Anglican formularies;
- (j) To continue study of The Faith so as to remain an effective minister for the Lord Jesus Christ;
- (k) To devote themselves to the ministry of Christ among those who do not know Him, utilizing the gifts that the

Holy Spirit gives them, for the effective extension of Christ's Kingdom.

Article 9 OF HOLY ORDERS IN ANiC

1.9.1 Holy Orders

- (a) ANiC holds and teaches that from the earliest times there have been these orders in Christ's Church: bishops, presbyters, and deacons; and no one shall be taken to be a lawful ANiC Bishop, Presbyter, or Deacon, nor shall they execute any of the said offices, except after being called, tried, examined, and admitted to the office according to the Ordinal or any form of alternative service approved by the Synod, or unless they have had prior Episcopal consecration or ordination in a Church whose orders are recognized and accepted by ANiC.
- (b) No person who has been admitted to the order of ANiC Bishop, Presbyter, or Deacon can ever be divested of the character of such order. An ANiC Bishop, Presbyter, or Deacon may either by legal process voluntarily relinquish the exercise of his orders and use himself as a layman, or may, by legal and canonical process, be deprived of the exercise of such orders or deposed therefrom.
- (c) While any Presbyter or Deacon holds an ANiC licence, he continues to owe canonical obedience in all things lawful and honest to the Diocesan Bishop.

1.9.2 Concerning Norms for Ordination Generally

Except as hereinafter provided, the norms for ordination shall be determined by the Diocesan Bishop.

1.9.3 Of The Ordination of Presbyters and Deacons

- (a) No person shall be ordained Presbyter unless they have attained twenty-four (24) years of age.
- (b) No person shall be ordained both Deacon and Presbyter upon one and the same day.
- (c) Unless the Diocesan Bishop has sufficient reason to reduce the requirement, a Deacon shall not be ordained to the presbyterate for at least one year, so that the Deacon's behaviour in the office of Deacon can be tested before admission to the order of Presbyter.

1.9.4 Of the Qualities of Those Who are to Be Ordained Deacons or Presbyters

(a) Concerning General Requirements

The Diocesan Bishop, or his designate, shall not accept any person into Holy Orders unless he knows either by himself, or by sufficient testimony, that this person is baptised and confirmed, sufficiently instructed in Holy Scripture and the doctrine, discipline and worship of ANiC, empowered by the Holy Spirit, and a wholesome example and pattern to the entire flock of Christ.

(b) Concerning Requirements for the Office of Deacon According to Holy Scripture

In accordance with Holy Scripture, a Deacon must be worthy of respect, sincere, not a drunkard, not pursuing any form of dishonest gain, and one who holds the Scriptural truths of The Faith with a clear conscience. They must first be tested, and then if there is nothing against them, let them serve as Deacons (1 Timothy 3:8-13).

(c) Concerning Requirements for the Office of Presbyter According to Holy Scripture

In addition to the qualifications above, and in accordance with Holy Scripture, a Presbyter must be above reproach, not self-pleasing but self-controlled, upright, holy, disciplined, temperate, hospitable, not given to drunkenness, not violent but gentle, not quarrelsome, not a lover of money, not a recent convert, one who loves what is good and one who has a good reputation with outsiders. A Presbyter must be able to preach and teach, holding firmly to the Gospel and Holy Scripture as it has been taught, in order to encourage others by sound doctrine and to refute those who oppose it (1 Timothy 3:1-7; 5:17; Titus 1:6-9).

(d) Concerning Requirements for Married Candidates With and Without Children

In the case of persons who are or have been married, and whether or not they have children, every ANiC Bishop

shall take care that such persons manage their own families well, for as Holy Scripture attests, “If anyone does not know how to manage his own family, how can he take care of God’s church?” (1 Timothy 3:4-5, 12; Titus 1:6).

1.9.5 Concerning Upholding the Sanctity of Marriage Especially for Those Ordained or to be Ordained

- (a) Marriage as a lifelong covenant between a man and a woman, whereby the two become one flesh, is an ordinance of Creation, affirmed as such by our Lord. It is also commended by Saint Paul as a sign of the mystical union between Christ and his Church (Matthew 19:3-9; Ephesians 5:22-32). As wholesome examples and patterns to the entire flock of Christ, all married persons to be admitted to Holy Orders shall remain married to their spouse for life, and in accordance with the vows they exchanged in Holy Matrimony. Subject to Article 1.9.5(b) of these Canons, no person shall be admitted into Holy Orders who has divorced and while the divorced spouse yet lives has remarried, or whose spouse has been previously married and divorced.
- (b) The Archbishop of the Province, on an application made to him by the Diocesan Bishop or an ANiC Bishop sponsoring a person who by reason of Article 1.9.5(a) of these Canons could not otherwise be admitted into Holy Orders may, upon a showing of good cause and particularly in light of the exceptions in Matthew 19 and 1 Corinthians 7, remove the impediment imposed by that section to the admission of the person into Holy Orders. Pastoral exceptions may be made in accordance with the directions given from time to time by the Archbishop acting in consultation with the College of Bishops of the Province.
- (c) Any Presbyterian or Deacon holding a license in ANiC who is divorced and remarries (or who marries a person divorced), where the divorced third party yet lives, and who does so without benefit of the removal of the impediments contained in Article 1.9.5(a) by an Archbishop of the Province pursuant to Article 1.9.5(b) shall automatically be deprived of the exercise of their holy orders and their license shall also thereupon be revoked. Subject to Article 1.9.5(b), where a Presbyterian or Deacon holds themselves out as having entered into, or gives the appearance to a reasonable person of having entered into, such a marriage or marriage-like relationship, the marriage or marriage-like relationship shall be inferred to exist and the provisions of this section to apply.
- (d) Any Presbyterian or Deacon holding a license in ANiC who marries, or who holds themselves out as having entered, or gives the appearance to a reasonable person of having entered, into a marriage-like relationship with a person of the same gender shall automatically be deprived of the exercise of their holy orders and their license shall also thereupon be revoked.

1.9.6 Concerning Theological Training Requirements

No person shall be admitted to Holy Orders as Presbyterian who has not been thoroughly trained in the Doctrine and Discipline of Holy Scripture as articulated in the Creeds, the Book of Common Prayer (1662), the Ordinal and the Thirty-nine Articles of Religion, and the Worship or liturgy as approved by ANiC, (hereinafter referred to as “the Doctrine, Discipline and Worship of ANiC”).

1.9.7 Of Deacons and Their Ordination

No person shall be ordained a Deacon in ANiC until that person has passed an examination conducted by those appointed by the Diocesan Bishop for this purpose, in which they shall have demonstrated sufficient knowledge of the Doctrine, Discipline and Worship of ANiC, and any other topics the Diocesan Bishop shall deem necessary for the office and ministry of Deacons.

1.9.8 Of the Diaconate

The Diocesan Bishop may ordain a person to the transitional or vocational Diaconate in accordance with the policies and procedures approved by the Diocesan Council, provided such person meets the qualifications set out in Article 1.9.7.

1.9.9 Of Presbyters and Their Ordination

- (a) Concerning Ordination Following Period of Diaconate

No person shall be ordained a Presbyterian in ANiC until that person shall have been ordained a Deacon.

(b) Concerning Pre-requisites for Ordination

No person shall be ordained a Presbyterian in ANiC until that person has passed an examination conducted by those appointed by the Diocesan Bishop for this purpose, in which they shall have demonstrated sufficient knowledge of the Doctrine, Discipline, Polity and Worship of ANiC in at least the following subjects:

- i) Holy Scripture - The Bible, its contents and historical background, and interpretive methods;
 - ii) Church History;
 - iii) Anglican Church History;
 - iv) Doctrine – The Church’s teaching set forth in the Creeds, the Book of Common Prayer (1662), the Ordinal, the Thirty-Nine Articles, the Catechism and all authorized liturgies;
 - v) Liturgics – The contents and use of the Book of Common Prayer (1662), and knowledge of the proper use of church music;
 - vi) Moral Theology and Ethics;
 - vii) Ascetical Theology – with an emphasis on the prayer life and spirituality of the minister, including the use of the Daily Office;
 - viii) Practical Theology - The office and work of a Presbyterian; the conduct of public worship; principles of sermon composition and delivery; principles and methods of Christian education in the parish; the Constitution and these Canons and the constitution and canons of the Province; and the use of the voice in reading and speaking;
 - ix) The Missionary Work of the Church – How the Gospel has been passed from one language, tribe and nation to another; basic principles of cross-cultural communication; mission strategies; and personal relational evangelism and apologetics;
 - x) Pastoral Care;
- and in any other subjects that the Diocesan Bishop deems necessary for the office of Presbyterian.

1.9.10 Of Ministers Ordained In Churches Not In Communion with This Church

(a) Concerning Application for Holy Orders in ANiC

When Ministers ordained in a church that is neither ordered in the Historic Succession nor in communion with ANiC, desire to be a Deacon or Presbyterian, they shall apply to the Diocesan Bishop for ordination to the diaconate and/or presbyterate.

(b) Concerning Pre-Ordination Requirements

If such ministers provide evidence satisfactory to the Diocesan Bishop for eligibility for ordination pursuant to Article 1.9.4, they shall be examined on the points of Doctrine, Discipline, Polity and Worship in which the church from which they have come differs from ANiC, and on any other subject which the Diocesan Bishop deems necessary and appropriate.

(c) Concerning Ministers Ordained in Churches in the Historic Succession but not in Communion with ANiC Where a Minister is ordained by a bishop of the Historic Succession whose authority to convey such orders is not recognized by ANiC or is derived from a church not in communion with ANiC, and such Minister desires to be received as a member of the ANiC Clergy, the person shall comply with this Article 1.9.10. On being satisfied of the person’s theological qualifications and successful completion of the examination specified herein and soundness in The Faith, the Diocesan Bishop may, after consultation with the Diocesan Council:

- i) receive the person into ANiC in the Orders to which they are already ordained by the Bishop of the Historic Succession, provided that person has first taken the Oath of Canonical Obedience stipulated in Article 1.9.16 and made the Declaration of Assent as prescribed by Article 1.9.15; or
- ii) ordain the person as a Deacon, conditionally or unconditionally, and may, but no sooner than four (4)

months thereafter;

- iii) ordain the person a Presbyterian conditionally (if previously ordained a Presbyterian), provided that person has also been previously baptised in the name of the Father, and of the Son and of the Holy Spirit and confirmed or received in ANiC;

to be effective, any such reception or ordination must also comply with the Canons of the Province.

- (d) Concerning Receiving a Bishop from another Church not in Communion with ANiC

A bishop from another church not in Communion with ANiC shall not be received as an ANiC Bishop until after consultation with the Diocesan Council and the House of ANiC Bishops, and any such reception shall comply with these Canons and the canons of the Province.

1.9.11 Authority to Serve as a member of the ANiC Clergy

- (a) There are three ways in which the Diocesan Bishop may confer the authority to minister in ANiC:

- i) inducting a Rector to a Parish;
- ii) granting a licence to minister in a specific ministry; or
- iii) granting general permission to officiate.

- (b) The Diocesan Bishop shall not issue any form of authority to minister under paragraph 1.9.11(a) of this Article unless that minister has first taken the Oath of Canonical Obedience stipulated in Article 1.9.16 and made the Declaration of Assent stipulated in Article 1.9.15.

- (c) A duly ordained Presbyterian or deacon may officiate in any place only after he has received permission to do so from the Diocesan Bishop. Save that:

- (d) The minister in charge of any church or congregation may allow an Anglican Cleric who is a member of or in communion with ANiC, provided they are satisfied either by actual personal knowledge or by good and sufficient evidence that the Cleric is of good life and standing and otherwise qualified, including doctrinally and theologically, to officiate within the minister's church or chapel for a period of not more than seven days within a period of three months, without reference to the Diocesan Bishop. A Cleric so allowed to officiate shall be required to sign the services register when he or she officiates.

1.9.12 Institution and Induction as a Rector

- (a) No Presbyterian shall be instituted to or given permission to officiate on behalf of any Parish unless they have been ordained Presbyterian by Episcopal ordination in accordance with the provisions of these Canons.

- (b) The Diocesan Bishop shall not admit, or institute, any Presbyterian who has been ordained by any other bishop, until the Presbyterian shows the Diocesan Bishop his or her Letters of Orders or other sufficient evidence that he or she has been ordained. If the Diocesan Bishop requires it, the Cleric shall provide evidence of his or her good character, behaviour and sufficient education, including proof that the Cleric has satisfied all the requirements for ordination set out in these Canons.

- (c) The following are the grounds upon which the Diocesan Bishop may refuse to admit, induct or institute any Presbyterian:

- i) If less than three years have elapsed since the candidate was ordained deacon;
- ii) If the Diocesan Bishop, upon reasonable grounds, finds the candidate unfit for the discharge of the duties of a parish or congregation;
- iii) If the candidate is unwilling to subscribe to the Doctrine, Discipline Polity and Worship of ANiC, or there is other evidence that the candidate has expounded or adheres to doctrine contrary to that set out in Article 1.1 of the Constitution; or
- iv) If there is evidence of financial mismanagement, grave misconduct or neglect of duty in an ecclesiastical office, or having by his or her conduct caused grave scandal concerning his or her moral character.

1.9.13 Licensing a Presbyter or Deacon in a Specific Ministry

- (a) The Diocesan Bishop may grant a licence to any ANiC Clergy to serve within ANiC.
- (b) A licence may be for a specific or unlimited term, or for a specific or general purpose, mission or ministry.
- (c) The Diocesan Bishop shall not grant a licence to any minister who has come from another ecclesiastical jurisdiction, until such Presbyter or Deacon shows the Diocesan Bishop his or her Letters of Orders or other sufficient evidence that he or she has been ordained a Presbyter or made a Deacon. If the Diocesan Bishop requires it, the Presbyter or Deacon shall provide evidence of his good character, behaviour and sufficient education, including proof that the Presbyter or Deacon has satisfied all the requirements for ordination set out in these Canons.

1.9.14 Of General Permissions to Officiate

- (a) The Diocesan Bishop may grant to any presbyter or deacon Permission to Officiate within ANiC in accordance with Article 1.9.11.
- (b) Permission to Officiate may be for a specific or unlimited term, with or without conditions.
- (c) The Diocesan Bishop shall not grant Permission to officiate to any minister who has come from another ecclesiastical jurisdiction, until such minister shows him his Letters of Orders or other sufficient evidence that he has been ordained. If the Diocesan Bishop requires it, the presbyter or deacon shall provide evidence of his or her good character, behaviour and sufficient education, including proof that the presbyter or deacon has satisfied all the requirements for ordination set out in these Canons.

1.9.15 Of the Declaration of Assent

- (a) The Declaration of Assent to be made under this Canon shall be in the form set out below:

PREFACE

The Anglican Network in Canada is part of the One, Holy, Catholic and Apostolic Church, worshipping the one true God; the Father, the Son and the Holy Spirit. The Anglican Network in Canada professes The Faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds, which faith the Church is called upon to proclaim afresh in each generation. Led by the Holy Spirit, The Anglican Network in Canada bears witness to the Christian truth given to us in the historic formularies of the Church of England, the Thirty-nine Articles of Religion, The Book of Common Prayer (1662) and the Ordering of Bishops, Presbyters and Deacons. In the declaration you are about to make will you affirm your loyalty to this inheritance of faith as your inspiration and guidance under God in bringing the grace and truth of Christ to this generation and making him known to those in your care?

Declaration of Assent

I, A B, do so affirm, and accordingly declare my belief in The Faith which is revealed in the Holy Scriptures and set forth in the catholic creeds and to which the historic formularies given to us by the Church of England bear witness; and in public prayer and administration of the sacraments, I will use only the forms of service which are authorized or allowed by Canon.

- (b) The preface which precedes the Declaration of Assent in the form set out above shall be spoken by the Diocesan Bishop, ANiC Bishop, Episcopal Commissary, Chancellor or Registrar in whose presence the Declaration is to be made in accordance with the following provisions of this paragraph and shall be spoken before the making of the Declaration of Assent.
- (c) Every person who is to be consecrated ANiC Bishop or ANiC Suffragan shall, on the occasion of his consecration, publicly and openly make the Declaration of Assent in the presence of the Archbishop by whom he is to be

consecrated and of the congregation there assembled.

- (d) Every person who is to be ordained Presbyter or Deacon shall before ordination make the Declaration of Assent in the presence of the Diocesan Bishop or ANiC Bishop by whom he is to be ordained.
- (e) Every Deacon, Presbyter or ANiC Bishop who is to be instituted, installed, admitted or licensed to any office in ANiC or otherwise licensed to serve in any place, shall first make the Declaration of Assent in the presence of the Diocesan Bishop, Episcopal Commissary, or ANiC Bishop by whom he is to be instituted, installed, admitted or licensed unless he has been ordained the same day and has made the Declaration already.
- (f) When any ANiC Bishop, Presbyter or Deacon ceases to hold office in ANiC or otherwise ceases to serve in any place, the Declaration of Assent made under this Canon shall continue to have effect in so far as he or she continues to minister in the Church.
- (g) Every ANiC Bishop shall, on the occasion of his installation, before he is installed, publicly and openly make the Declaration of Assent in the presence of the congregation there assembled.
- (h) Before the ANiC Bishop makes the Declaration of Assent, the preface which precedes the Declaration in the form set out in paragraph 1.9.15(a) of this Canon shall be spoken by the Chancellor, the Registrar or the senior Archdeacon of ANiC or other officer of the Synod designated by the Diocesan Bishop.
- (i) An ANiC Suffragan who is to be invested by the Diocesan Bishop of ANiC shall on the occasion of his investiture publicly and openly make the Declaration of Assent in the presence of the congregation there assembled.
- (j) Where any Presbyter or Deacon has been instituted, installed, licensed or admitted to office in some place other than the place where he is to serve, he shall on the first Lord's Day on which he officiates in the church, or in one of the churches in which he is to serve, publicly and openly make the Declaration of Assent at the time of divine service in the presence of the congregation there assembled.
- (k) Before the Presbyter or Deacon makes the Declaration of Assent the preface which precedes the Declaration in the form set out in paragraph 1.9.15(a) of this Canon shall be spoken by the incumbent or another Presbyter having charge of a Parish or other officer of the Synod designated by the Diocesan Bishop.

1.9.16 Of the Oaths of Obedience

In addition to any oaths required by the Province every person who is to be ordained Presbyter shall first take the Oath of Canonical Obedience as stipulated in this Article 1.9.16.

- (a) Every person whose election to any bishopric is to be confirmed, or who is to be consecrated ANiC Bishop, or who is to be licensed as an assistant ANiC Bishop, shall first take the oath of due obedience to the Diocesan Bishop of ANiC and the Archbishop of ACNA in the following form and manner:

In the Name of God, Amen. I, N, chosen bishop of the Church of God, the Anglican Network in Canada and the Anglican Church in North America, do profess and promise all due reverence and obedience in all things lawful and honest, to the Diocesan Bishop of the Anglican Network in Canada and the Archbishop of the Anglican Church in North America, and to their Successors: So help me God, through Jesus Christ.

- (b) Every person who is to be ordained Presbyter or deacon shall first take the Oath of Canonical Obedience to the Diocesan Bishop or ANiC Bishop by whom he is to be ordained in the presence of the Diocesan Bishop, Episcopal Commissary or ANiC Bishop, and in the form following:

I, A B, do swear by Almighty God that I will pay true and canonical obedience to the Diocesan Bishop of the Anglican Network in Canada and his successors in all things lawful and honest: So help me God.

- (c) With the permission of the Diocesan Bishop, if the Presbyter or deacon objects to swearing the Oath of Canonical Obedience, the Presbyter or deacon may make a solemn affirmation in the following form instead:

- (d)

I, A B, do solemnly, sincerely and truly declare and affirm that I will pay true and canonical obedience to the Diocesan Bishop of the Anglican Network in Canada and his successors in all things lawful and honest.

1.9.17 Of the Acceptance and Dismissal of ANiC Clergy in ANiC

- (a) Concerning the Transfer of Clerics from Churches in Communion with this Province.

The Diocesan Bishop may accept by Letter of Transfer a Deacon or Presbyter in good standing from any church in communion with the Province. The Diocesan Bishop shall inquire of the transferring bishop concerning any past or existing disciplinary matter or other impediment affecting the ministry of the transferring Cleric.

- (b) Concerning Transfers from a Diocese of the Province to ANiC

Any Deacon or Presbyter of a Diocese of the Province transferring into ANiC shall, in order to become a member of ANiC, present to the Diocesan Bishop a testimonial from the bishop or other Ecclesiastical Authority of the Diocese in which he last had membership, setting forth the Deacon or Presbyter's true standing and character. The Testimonial, known as Letter of Transfer, which must be presented within six months from the date of issue, may be in the following words:

"We hereby certify that the Reverend A. B., who has signified desire to be transferred to the Ecclesiastical Authority of ANiC is a Presbyter (or Deacon) of (name of Diocese) in good standing." (Signed)

The Diocesan Bishop shall ask the transferring bishop to disclose to any past or existing disciplinary matter or other impediment affecting the ministry of the transferring Cleric.

- (c) Concerning Transfer to Another Christian Denomination

Any Deacon or Presbyter of ANiC in good standing may, at their own request, be released from the obligations of the ministry of ANiC to unite with any other Christian Denomination by a commendatory letter, signed by the Diocesan Bishop.

- (d) Concerning Voluntary Renunciation of the Ordained Ministry

- i) Any Deacon or Presbyter in good standing may resign from the Ordained Ministry of ANiC by sending a Declaration of Renunciation and Resignation in writing to the Diocesan Bishop. The Diocesan Bishop shall record the declaration so made, and shall determine whether the Deacon or Presbyter is under discipline as defined in these Canons, and whether the renunciation is occasioned by misconduct or irregularity, or whether the renunciation is voluntary and for causes which do not affect the moral character of the Deacon or Presbyter.
- ii) Upon determination, the Diocesan Bishop may defer formal action upon the declaration for up to two months, and meanwhile shall lay the matter before the Diocesan Council for advice and consent. With the Diocesan Council's advice and consent, the Diocesan Bishop may pronounce that such renunciation is accepted, that the Deacon or Presbyter is released from the obligations of the Ministerial office, and that the Deacon or Presbyter relinquishes the right to exercise his gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in ordination.

The Diocesan Bishop's declaration shall state that the renunciation was for causes which do not affect the Deacon or Presbyter's moral character if applicable, and shall, if requested, give a certificate to this effect.

1.9.18 Of the Appointment of Rectors

- (a) Appointments of Rectors shall proceed in a prayerful manner, recognizing the mutual interests of the Parish and ANiC. The Diocesan Bishop may refuse to licence in accordance with 1.9.12.
- (b) When the Diocesan Bishop has given notice that the position of Rector is vacant or is about to become vacant, the

Parish Council of that Parish shall create a search committee. This committee shall be composed of:

- i) The Rector's Warden and People's Warden;
 - ii) Two other Lay Members chosen by the Parish Council of the Parish; and
 - iii) One representative nominated by the ANiC Bishop responsible for that Parish or the regional Archdeacon from outside of the Parish.
- (c) The search committee of the Parish shall be responsible for the recruitment process, in accordance with regulations made under this canon.
- (d) Upon completion of the search process the Rector's Warden and the People's Warden shall present to the Diocesan Bishop the person for institution to the Parish.
- (e) The Diocesan Bishop shall give a minimum of three weeks' notice to the Parish of his intention to admit or institute any Presbyter to that Parish.
- (f) If the church wardens do not present a person for induction to the Parish within twelve (12) months of the position of Rector becoming vacant, or such other time period as may be agreed with the Diocesan Bishop, the Diocesan Bishop may appoint a person of his choice. However, if the Parish does present a person for the position of Rector, but the Diocesan Bishop refuses to appoint such person, the Parish may continue to search for another twelve (12) month period.
- (g) If the Diocesan Bishop and the selection committee cannot agree upon a Rector for the Parish, the Diocesan Bishop shall not appoint or institute a Rector to such Parish without the consent of a majority of the Parish Council. If after twenty four (24) months, the Parish and Diocesan Bishop are unable to agree upon a Rector, the Diocesan Bishop may appoint a Rector to the Parish with the consent of a majority in the House of ANiC Bishops.

1.9.19 Of Appointments of Assistant and Associate ANiC Clergy in Parishes

- (a) Appointments of assistant and associate ANiC Clergy shall proceed in a prayerful manner, recognizing the mutual interests of the Parish and ANiC. The incumbent shall be in regular consultation with the Diocesan Bishop or his representative throughout the search process.
- (b) When the Parish Council of the Parish has determined that an assistant or associate ANiC Clergy should be appointed, the Parish Council of the Parish shall create a search committee. This committee will be composed of at least:
- i) The incumbent;
 - ii) The Rector's Warden and People's Warden; and two other Lay Members chosen by the Parish Council.
- (c) The search committee shall be responsible for the recruitment process, in accordance with regulations made under this canon.
- (d) Upon completion of the search process, the Rector's Warden and the People's Warden shall present to the Diocesan Bishop the person chosen for licensing to the Parish. The Diocesan Bishop may choose not to licence such person pursuant to Article 1.9.12.

1.9.20 Of Appointment of Presbyters In Charge Of a Mission Parish

- (a) Appointments to the office of Presbyter in charge of a Mission Parish shall proceed in a prayerful manner recognizing the mutual interests of the Mission Parish and ANiC.
- (b) When the Diocesan Bishop has given notice that the office of Presbyter in charge of a Plant or Project is vacant or is about to become vacant, the Diocesan Bishop shall create a search committee. This committee shall be composed of:
- i) The churchwardens;
 - ii) Three representatives nominated by the Diocesan Bishop from outside the Parish.
- (c) The search committee shall be responsible for the recruitment process, in accordance with regulations made under this canon.
- (d) Upon completion of the search process the churchwardens shall present to the Diocesan Bishop the person chosen for licensing to the Parish.

Article 10 OF BISHOPS

1.10.1 Concerning Requirements for ANiC Bishop According to Holy Scripture

A bishop is called by God and ANiC to be a shepherd who feeds the flock entrusted to his care. A bishop is an overseer of the flock and as such, is called to propagate, to teach, and to uphold and defend The Faith as set out in Article 1.1 of the Constitution, willingly and as God wants him to; not greedy for money, but eager to serve; not lording it over those entrusted to his care, but being a wholesome example to the entire flock of Christ (1 Peter 5:2-3). These requirements are in addition to the requirements set forth in these Canons for Deacon (1 Timothy 3:8-13) and for Presbyter (1 Timothy 3:1-7; 5:17; Titus 1:6-9).

1.10.2 Concerning the Ministry of Bishops

By the tradition of Christ's One, Holy, Catholic, and Apostolic Church, ANiC Bishops are consecrated for the whole Church and are successors to the Apostles through the grace of the Holy Spirit given to them. They are chief missionaries and chief pastors, guardians and teachers of doctrine, and administrators of godly discipline and governance.

1.10.3 Concerning Criteria for the Episcopate

To be a suitable candidate for the episcopate, a person must comply with the applicable canons of the Province and must:

- (a) Be a person of strong faith and prayer;
- (b) Be pious, have good morals and exhibit Godly character;
- (c) Have a zeal for evangelism;
- (d) Have demonstrated evidence of the fruit of the Holy Spirit;
- (e) Possess the knowledge and gifts which equip him to fulfill the office;
- (f) Be held in good esteem by The Faithful;
- (g) Be a Presbyter at least thirty-five (35) years old;
- (h) Not be divorced and remarried, and whose spouse has not been previously married and divorced, unless the Archbishop consents to waive this condition.
- (i) Have demonstrated the ability to lead and grow ANiC.

1.10.4 Concerning Consecration of an ANiC Bishop

No person shall be consecrated to the office of ANiC Bishop by fewer than three bishops of the Province, present together and joining in the act of consecration, of whom one shall be the Archbishop of the Province or a bishop of the Province appointed to act on his behalf. In addition, the consecration of an ANiC Bishop shall be in compliance with the Canons and all relevant policies and rules of the Province in relation to consecration of bishops.

Article 11 OF ARCHDEACONS

- (j) The Diocesan Bishop has the power to appoint such number of Archdeacons on such terms and with such power as he deems appropriate.
- (k) No person shall be appointed an Archdeacon until he has completed six years in holy orders and is in Presbyter's orders at the time of the appointment.
- (l) Every Archdeacon within his archdeaconry shall carry out his duties under the Diocesan Bishop and shall assist the Diocesan Bishop in his pastoral care and office. In particular, the Archdeacon shall see that all persons holding any ecclesiastical office within the archdeaconry perform their duties with diligence, and shall bring to the ANiC Bishop's attention what calls for correction or merits praise.

SECTION 2 WORSHIP AND THE ADMINISTRATION OF SACRAMENTS

Article 1 DIVINE SERVICE AND THE ADMINISTRATION OF THE SACRAMENTS

2.1.1 Of Forms of Service

The Book of Common Prayer (1662), with the Ordinal and the 39 Articles, is the doctrinal standard for ANiC. The ‘forms of service’ allowed by this Canon means the individual services found in the following service books. The ‘forms of service’ are allowed for use in ANiC without thereby implying any additions or amendments to this church’s standards of doctrine as specified in the Constitution Article 2.1.1 (a) to (d). “Forms of service” shall be construed as including the individual services as well as:

- (a) The Prayers known as the Collects;
- (b) The lessons designated in any Table of Lessons;
- (c) Any other Biblically faithful material to be used as part of a service;
- (d) Any Table of rules for regulating a service;
- (e) Any Table of Holy Days which expression includes ‘A Table of all the Feasts’ in The Book of Common Prayer (1662) and such other Days as shall be included in any Table approved by the Synod; and including
- (f) The services found in:
 - i) The Book of Common Prayer (1662) and The Book of Common Prayer authorized by the Anglican Church of Canada in 1962;
 - ii) The Book of Alternative Services (1985) of the Anglican Church of Canada;
 - iii) “Common Worship” as used in the Church of England;
 - iv) “Our Modern Services (2002)” authorized by The Anglican Church of Kenya; and
 - v) Any form of service authorized by the House of ANiC Bishops under Section 2 Article 3, to the extent permitted by such authorization.

Authorization to use the above Forms of Service does not thereby imply any additions or amendments to the standard of doctrine as specified in the Constitution, Article 1.1 (a) to (d).

2.1.2 Forms of Service

The customary use and Forms of Service in use by every Member of ANiC at the time of coming into force of this Canon shall be authorized for continued use until this Canon is amended by due process, or unless the Diocesan Bishop finds such service to expound or promote doctrine that is contrary to the doctrine of ANiC as specified in Article 2.1.1 (a) to (d) of the Constitution.

2.1.3 Forms of Service Exceptions

Every minister shall use only the Forms of Service authorized by this Canon, except so far as he may exercise the discretion permitted in Article 2.2.1 of these Canons. It is the minister’s responsibility to have a good understanding of the Forms of Service used and he shall endeavour to ensure that the worship offered glorifies God and edifies the people.

Article 2 OF THE DISCRETION OF MINISTERS IN CONDUCT OF PUBLIC PRAYER

2.2.1 Variations in Forms of Service

Subject to Article 2.2.3, below, a minister who is to conduct a service may in his discretion make and use Biblically faithful variations in any Forms of Service according to particular circumstances.

2.2.2 Forms of Service for Cure of Souls

Subject to Article 2.2.3, below, a minister having charge of a Parish may, on occasions for which no provision is made in The Book of Common Prayer (1662) or by the Synod or the House of ANiC Bishops, use Biblically faithful Forms of Service

considered suitable by him for those occasions and may permit another minister to use the said forms of service.

2.2.3 Reverent Forms of Service

All variations in Forms of Service and all Forms of Service used under this Canon shall be reverent and seemly and shall not expound or promote any doctrine which indicates a departure from, or is contrary to, the doctrine of ANiC as specified in Article 2.1.1 (a) to (d) of the Constitution.

2.2.4 Questions Regarding Forms of Service

If any question is raised concerning the observance of the provisions of this Canon it may be referred to the ANiC Bishop responsible for that Parish in order that he may give such pastoral guidance, advice or directions as he may think fit, as long as such advice, guidance or directions are consistent with the doctrine of ANiC as specified in Article 2.1.1 (a) to (d) of the Constitution.

Article 3 OF APPROVAL OF FORMS OF SERVICE FOR TRIAL PERIODS

Where a Form of Service has been prepared with a view to its submission to the Synod for approval by the Synod, the House of ANiC Bishops may, prior to that submission, authorize such Form of Service for trial use for a period specified by them not to exceed two (2) years on such terms and in such places or Parishes as they may designate.

Article 4 OF THE DUE CELEBRATION OF THE LORD'S DAY

All members of ANiC are called to celebrate and keep the Lord's Day by regular participation in the public worship of the Church, by hearing the Word of God read and taught, by partaking of the Sacrament of Holy Communion and by other acts of devotion and deeds of charity, according to God's holy will and pleasure.

Article 5 OF THE ADMINISTRATION OF THE SACRAMENTS INSTITUTED BY CHRIST

2.5.1 General

- (a) The Sacraments of Baptism and the Lord's Supper (or Holy Communion) shall be administered by duly ordained Presbyters or ANiC Bishops. Deacons with the permission of the Rector of the Parish may administer baptism. This provision shall not preclude the administration of emergency baptism by any baptised person.
- (b) It is normative that baptised adolescents and adults be presented to the ANiC Bishop for Confirmation.

2.5.2 Concerning Christian Formation

All ANiC Clergy shall take care that all within their Parish are instructed in the doctrine, sacraments, and discipline of Christ, as the Lord has commanded and as they are set forth in the Holy Scriptures, the Book of Common Prayer (1662), and the Catechism.

2.5.3 Concerning the Lord's Supper

- (a) Presiding at the Celebration of the Holy Communion is reserved for ANiC Bishops and Presbyters;
- (b) No one shall receive the Lord's Supper unless he has been baptised, with water, in the Name of the Father, and of the Son, and of the Holy Spirit;
- (c) It is the duty of all who have been confirmed to receive the Lord's Supper regularly, and especially at the festivals of Christmas, Easter and Pentecost (Whitsunday).
- (d) The admission of baptised young children to Holy Communion is permitted in ANiC;
- (e) Members in good standing of other branches of Christ's Church, who have been baptised with water in the Name of the Father, and of the Son and of the Holy Spirit, and who accept Jesus as their Saviour, are welcome to receive the Sacrament of Holy Communion. Those who rightly and worthily receive the Supper of the Lord with faith are partaking in the Body and Blood of Christ in accordance with Article XXVIII of the Thirty-Nine Articles of Religion.

Article 6 OF CONFIRMATION

2.6.1 Rite of Confirmation

The Diocesan Bishop shall minister, or delegate to another ANiC Bishop to minister in his stead, the rite of confirmation as often and in as many places as shall be convenient, laying his hands upon adolescents and other persons who have been baptised and instructed in the Christian faith.

2.6.2 Desire for all Members to be Confirmed

All Rectors shall encourage every person within their Parish to be confirmed and shall use their best efforts to instruct every person in the Christian faith and life as set forth in the Holy Scriptures, the Book of Common Prayer (1662), and the Catechism.

2.6.3 Understanding of Confirmation

A Rector shall present to the ANiC Bishop only people who are mature enough to understand the commitment required in confirmation and who desire to be disciples of Jesus Christ.

2.6.4 Qualifications for Confirmation

The Rector shall be satisfied that those whom he or she presents for confirmation have been validly baptised, and shall ascertain the date and place of such baptism. Before or at the time assigned for the confirmation, the Rector shall provide the ANiC Bishop with the name, age and date of the candidate's baptism.

2.6.5 Baptism Requirement of Confirmation

If the Rector is doubtful about the baptism of a candidate for confirmation the Rector shall conditionally baptise the candidate in accordance with the form of service authorized by Article 2.1.1 of these Canons before presenting the candidate to the ANiC Bishop for confirmation.

Article 7 OF RECEPTION INTO ANGLICANISM

2.7.1 Persons Received as Anglican

Any adult who desires to become an Anglican but has not been baptised, or the validity of whose baptism is questionable, shall be instructed in The Faith and baptised or conditionally baptised. Upon such baptism or conditional baptism, and upon subscribing to The Faith set out in Article 1.1 of the Constitution, the person shall be received as an Anglican.

2.7.2 Admission into the Anglican Faith for those Baptised but not Anglican

If any person has been baptised, but not in an Anglican church, and desires to be formally admitted as an Anglican, such person shall, after appropriate instruction in the faith and upon completion of the rite of confirmation or reception, and subscribing to The Faith set out in Article 1.1 of the Constitution, be received as an Anglican.

2.7.3 Form of Rite of Confirmation

The form of admission to ANiC by the rite of confirmation or reception may be administered by the Bishop or Diocesan Bishop.

Article 8 OF THE MUSIC OF THE CHURCH

It shall be the duty of every ANiC Clergy in charge of a congregation to appoint for use psalms, hymns and spiritual songs which are appropriate for worship. The ANiC Clergy in charge of a Parish is the final authority in the administration of matters pertaining to music in the congregation.

Article 9 OF CHRISTIAN MARRIAGE

2.9.1 ANiC Teaching on Marriage

ANiC affirms, according to our Lord's teaching, that marriage, by its nature, is a permanent and lifelong union, for better or for worse, till death do they part, of one man with one woman, to the exclusion of all others on either side, for the procreation

and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help and comfort which one ought to have of the other, both in prosperity and adversity.

2.9.2 Form of Solemnization of Matrimony as Contained in the Book of Common Prayer (1662)

ANiC affirms that the teaching of our Lord is expressed and maintained in the Form of Solemnization of Matrimony contained in The Book of Common Prayer (1662).

2.9.3 ANiC Clergy Responsibility as it relates to Solemnization of Matrimony

It shall be the duty of the ANiC Clergy, when application is made for solemnization of matrimony in the church of where the ANiC Clergy ministers, to explain to the two persons who desire to be married, the Church's doctrine of marriage, and the need for God's grace in order that they may be blessed and strengthened and grow in love and fidelity as they faithfully live out their marriage vows and promises, upheld in God's grace as married persons.

2.9.4 Baptism requirement for Solemnization of Marriage

Both parties desiring solemnization of their marriage in a Parish shall be baptised. Any exception to this requires the permission of the ANiC Bishop;

2.9.5 Clergy Counsel prior to Service of Holy Matrimony

The ANiC Clergy shall provide or arrange for counsel to both parties on Holy Matrimony with respect to theological and social implications and their mutual and individual responsibilities.

2.9.6 Valid Marriage License Prior to Solemnization of Marriage (Where Required)

The ANiC Clergy shall ascertain that the man and woman, parties to the marriage, have a valid marriage license, or that the banns (where requested and permitted) have properly been published, prior to the solemnization of the marriage.

2.9.7 Due Diligence Prior to Solemnization of Marriage

No ANiC Clergy knowingly, after due inquiry, shall solemnize any marriage if they have unresolved concerns regarding the following impediments:

- (a) relationship by blood as set out in the Table of Kindred and Affinity in The Book of Common Prayer (1662);
- (b) mistaken identity;
- (c) absence of the capacity for free and intelligent choice;
- (d) bigamy, evidence of sexual perversion or conviction of a sexually related crime;
- (e) fraud, coercion, abuse or duress.

2.9.8 Declaration Required

ANiC Clergy shall require the parties to sign the following declaration:

"We, A. B. and C. D., desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in Holy Scripture and the Book of Common Prayer (1662). We believe it is for the purpose of the procreation (if it may be) of children, and their spiritual and physical nurture, for fidelity in mutual love, respect, fellowship, encouragement, and understanding, and for the safeguarding and benefit of society and we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help thereto."

2.9.9 Required Records

The ANiC Clergy shall record in the Parish register the name, age, and residence of each party. Such record shall be signed by the ANiC Clergy, the married parties, and at least two witnesses.

2.9.10 Of the Remarriage of Divorced Persons

- (a) As marriage is a lifelong covenant between a man and a woman in which the two become one flesh, it is both an ordinance of Creation, affirmed as such by our Lord, and commended by Saint Paul as a sign of the mystical union between Christ and His Church (Matthew 19:3-9; Ephesians 5:22-32). Therefore, the failure of a marriage is always a tragedy. Scripture acknowledges our fallen nature and does provide guidance to know when a couple may divorce and allows the possibility of a subsequent marriage in certain circumstances (Matthew 19 and 1 Corinthians 7).
- i) If one or both parties of a couple requesting solemnization of marriage by a member of the ANiC Clergy have been divorced, the member of the ANiC Clergy must obtain approval from the ANiC Bishop to marry the couple. The ANiC Bishop's approval must be granted in accordance with the approved policies and procedures of ANiC in relation to the solemnization of marriage; and
 - ii) When a divorced person seeks permission to remarry, the ANiC Clergy must ascertain the pertinent facts concerning the termination of a previous marriage; and forward such information to the ANiC Bishop in writing for his godly advice and consent;
- (b) The Diocesan Council shall create and adopt policies and procedures by which the consent of the ANiC Bishop may be obtained with reasonable promptness.

2.9.11 Of Standards of Sexual Morality and Ethics

- (a) ANiC Clergy and lay leaders of ANiC are called to be exemplary in all spheres of morality and ethics as a condition of being appointed or remaining in office.
- (b) In view of the teaching of Holy Scripture, the Lambeth Conference (1998) and the Jerusalem Declaration (2008), ANiC upholds faithfulness in marriage between a man and a woman, and cannot legitimize or bless same sex unions. ANiC will not ordain persons who engage in sexual intercourse or other acts of sexual intimacy outside of Holy Matrimony. Sexual intercourse and all acts of sexual intimacy should take place only between a man and a woman who are married to each other.
- (c) God is the sole creator of human life. The taking of innocent life is sinful. Therefore, all lay members and ANiC Clergy are called to promote and respect the sanctity of every human life from conception to natural death.
- (d) ANiC is called upon to show Christ-like compassion to those who have fallen into sin, encouraging them to repent and receive forgiveness, and offering the ministry of healing to all who suffer physically or emotionally as a result of such sin.

SECTION 3 CHURCH DISCIPLINE

Article 1 OF THE NATURE OF DISCIPLINE IN THE CHURCH

3.1.1 General

ANiC and the Province have an inherent right and responsibility to identify and discipline Parishes, Lay Members, ANiC clergy and ANiC Bishops who commit offenses under these Canons or the Constitution, or under the policies and procedures of ANiC or the Province. Penalties are established only insofar as they are essential for inducing repentance, reformation and correction, and maintaining godly ecclesiastical discipline and order.

3.1.2 Of Charges against ANiC Bishops, Presbyters, or Deacons

The following charges or accusations may be presented in respect of the Diocesan Bishop, an ANiC Bishop, a Presbyter, or a Deacon, following the procedures for presentment established in these Canons:

- (a) apostasy from the Christian Faith;
- (b) heresy, false doctrine, or schism;
- (c) violation of ordination vows;
- (d) conduct giving just cause for scandal or offense, including an abuse of ecclesiastical power;
- (e) a conviction by a court of competent jurisdiction for an indictable offense or other serious offenses;
- (f) wilful wrongdoing or violation of the sexual teaching and disciplines of ANiC, as described in Article 2.9.11 of these canons;
- (g) acceptance of membership in a religious or other organization with purposes contrary to those of ANiC;
- (h) violation of any provision of the Constitution or the constitution of the Province;
- (i) disobedience, or wilful contravention of these Canons or the Constitution or of the constitution or canons of the Province;
- (j) habitual neglect of the duties of the Office of ANiC Bishop, Presbyter or Deacon, as applicable; or
- (k) habitual neglect of public worship, and the Holy Communion, according to the order and use of ANiC.

Article 2 OF PRESENTMENTS OF PRESBYTERS AND DEACONS

3.2.1 Concerning Accusations

An accusation of conduct described in Article 3.1.2 may be brought against a Presbyter or Deacon. The accusation(s) shall be in written form, setting out the facts supporting the allegations of wrongdoing, signed and sworn by the accuser(s), and delivered to the ANiC Bishop. If the ANiC Bishop deems the accusation(s) not to be frivolous, he shall deliver a copy of such accusation to the accused and cause an investigation to be made by a canonical investigator appointed by the Diocesan Bishop after consultation with the Diocesan Council. During the investigation, the details of the accusation(s) and the investigation shall be kept in appropriate confidence.

3.2.2 Concerning Voluntary Submission to Discipline

At any time after the receipt of an accusation(s), the accused may confess to the truth of the allegation(s) and submit to the discipline of ANiC as provided for in these Canons. Submission to the discipline of ANiC must include the following:

- (a) co-operation in any investigation or further investigation by, or required by, the Diocesan Bishop or the Diocesan Bishop after consultation with the Diocesan Council; and
- (b) submission to sentence as determined pursuant to Section 3 Article 4 of these Canons.

3.2.3 Concerning Canonical Investigation

- (a) Upon receipt of an accusation pursuant to this Article 3.2.1, the Diocesan Bishop shall, within forty-five

(45) days consult with the Diocesan Council and appoint a canonical investigator:

- i) to ascertain the merit of the accusations; and
- ii) to make a recommendation to the Diocesan Council as soon as practicable regarding whether further judicial process should be pursued.

An accusation shall not fail or be deemed not to have merit merely because of a delay in convening a consultation with the Diocesan Council and appointing a canonical investigator and the occurrence of any such a delay shall not be interpreted in favour of or against any party.

- (b) If an accusation under Article 3.2.1 involves any offense under Article 3.1.2 that was committed more than five (5) years prior to receipt of the accusation, no presentment shall proceed without the consent of the Diocesan Council.
- (c) The accused shall be entitled to notice of an ongoing investigation, to have the aid of counsel or an agent if desired, and to submit a defence in writing. The accuser(s) may also be aided by counsel, or be represented by an agent of their choice.
- (d) If the Diocesan Council determines that there are sufficient grounds to proceed with ecclesiastical charges pursuant to conduct set out in Article 3.1.2 above, then the Diocesan Bishop shall pursue a presentment in accordance with the Canons, policies and procedures of ANiC, and the norms of ecclesiastical law.
- (e) The Diocesan Bishop shall appoint a person (lay or ordained) who shall be responsible for the drafting of presentments and the presentation of the same before the ANiC ecclesiastical courts.
- (f) The Diocesan Council shall appoint an advisor to assist the Presbyter or Deacon who is the subject of an accusation and such person's counsel or agent. The advisor shall be knowledgeable in canon law and shall be available to advise the Presbyter or Deacon and his counsel or agent on issues relating thereto. All such advice given shall be confidential to the accused and his counsel or agent.

3.2.4 Concerning Requirements for Presentment

- (a) When, after investigation of an accusation, the Diocesan Council has determined that the matter should proceed, Articles of Presentment shall be prepared and personally served upon the Presbyter or Deacon against whom the accusation has been made.
- (b) The Articles of Presentment shall be in writing, signed by the Diocesan Bishop or the Episcopal Commissary, and shall specify all particulars of time, place, and circumstances alleged.

Article 3 OF PRESENTMENTS OF BISHOPS

3.3.1 Concerning Requirements for Presentment

An ANiC Bishop may be charged under Title IV Canon 2 of the Canons of the Province by:

- (a) resolution of the Diocesan Council; or
- (b) three (3) bishops of the Province with jurisdiction; or
- (c) not fewer than ten (10) Presbyters, Deacons, or Lay Members in good standing, of whom at least two (2) shall be Presbyters; or
- (d) not fewer than ten (10) Presbyters, Deacons, or adult baptised parishioners in a Diocese, in any case in good standing, of whom:
 - i) at least two (2) shall be Presbyters, one (1) of whom may be a Presbyter in the Diocese in which the alleged offense was alleged to have been committed; and not fewer than six (6) shall either be Lay Members in a Parish or parishioners in good standing in the Diocese in which the alleged offense was alleged to have been committed; and
- (e) such charges shall be in writing, signed and sworn to by all the accusers and shall be presented to the Archbishop, the Archbishop's delegate, or the College of Bishops of the Province. The grounds of accusation

must be set forth with reasonable certainty of time, place and circumstance. The charges shall be referred to the Board of Inquiry of the Province.

3.3.2 Concerning Response to Rumors

Whenever an ANiC Bishop shall have reason to believe that there are in circulation rumours, reports, or allegations affecting his personal or official character, he may, with the consent of two (2) other members of the College of Bishops, demand in writing of the Archbishop, the Archbishop's delegate, or the College of Bishops, that investigation of such rumours, reports and allegations be made.

3.3.3 Concerning the Board of Inquiry

The Archbishop of the Province upon receipt of a presentment under Article.3.3.1 or of a demand under Article 3.3.1(a) of this section shall select a Board of Inquiry of five (5) Presbyters and five adult baptised members of the Province in good standing, none of whom shall belong to ANiC, of whom eight (8) shall form a quorum, and refer the matter to it.

3.3.4 Concerning the Process of Inquiry

The Board of Inquiry of the Province shall investigate such rumours, reports, or charges, as the case may be. In conducting the investigation, the Board of Inquiry of the Province shall hear the accusations and such proof as the accusers may produce, and shall determine whether, upon matters of law and fact, as presented to them, there is ground to put the accused to trial.

3.3.5 Concerning Testimony and Confidentiality

The testimony to the Board of Inquiry shall be recorded and transcribed and shall be preserved in the archives of the College of Bishops of the Province. The proceedings of the Board of Inquiry as to the investigation of rumour shall be private; provided however that if the Board of Inquiry determines that the rumour is unfounded it shall issue to the requesting ANiC Bishop a written statement to that effect.

3.3.6 Concerning the Findings of the Board of Inquiry

- (a) If in the judgment of two-thirds of the Board of Inquiry there is probable cause to present the accused ANiC Bishop for trial for violation of Title IV Canon 2 of the Canons of the Province, it shall make a public declaration to that effect.
- (b) If the Diocesan Council has delivered a request to the College of Bishops of the Province regarding a presentment under Title IV Canon 2 of the Canons of the Province but at the end of the review by the College of Bishops Lay Members holding at least thirty (30) votes eligible to be cast at the next Synod meeting are dissatisfied with the results, such Lay Members may express in writing their dissatisfaction to the secretary of ANiC and the secretary of ANiC shall present the written notice of dissatisfaction to the Diocesan Council promptly and the Diocesan Council shall bring a motion to the next Synod to require Diocesan Council, on behalf of Synod, to request that the Province release the subject ANiC Bishop from his oversight responsibilities within ANiC. Outside of the provisions of this paragraph, no such or similar motion may be brought before Synod.

Article 4 OF EVIDENCE, COURTS, MEMBERSHIP AND PROCEDURES

3.4.1 Oaths and Solemn Declarations

Wherever these Canons require that a document is to be sworn or testimony is to be given in an ecclesiastical court, such document or evidence shall be "sworn" and in these Canons "sworn" refers to making an oath or solemn declaration according to the provisions of and in the form required by the Canada Evidence Act, R.S.C. 1985, c. C-5 or any amendments or successor to that act. In the matter of provision of oral evidence before any tribunal or court established under these Canons, the presiding bishop shall make provisions for a notary public or commissioner or other person authorized by that act to take an oath or solemn declaration to be available to take such oath or solemn declaration prior to the giving of any oral evidence.

3.4.2 Service

Where a document or notice is required to be served upon a party, it shall be served according to the Rules of the Federal Court of Canada as to the delivery of service, personal service, foreign service, non-personal service and service on those unavailable or avoiding service and not the format of the document or notice itself. For this purpose, any Rules of the Federal Court of Canada for delivery by post, courier or registered mail, shall be valid if to the party's address on the Parish Roll of their last known Parish regardless of whether the party signs a receipt for the notice. Where the party is an ANiC Bishop, Presbyter or Deacon, may be effected by delivery to an adult person at the diocesan office, in the case of an ANiC Bishop or Deacon, or the Presbyter's Parish office, in the case of a Presbyter, together with hand delivering or posting a copy of the notice to such person's address as recorded at the Diocesan office or in the relevant Parish Roll.

3.4.3 Standards of Proof

The burden of proof in any ecclesiastical proceeding established by ANiC shall be on a "balance of probabilities", provided that no sentence of suspension for life or deposition from ministry shall be invoked unless the sentencing judge finds that the burden of proof "beyond a reasonable doubt" has been met.

3.4.4 Concerning Courts for the Trial of a Presbyter or Deacon

- (a) In ANiC there shall be an ecclesiastical Trial Court for the trial of any Presbyter or Deacon subject to the jurisdiction of ANiC.
- (b) The mode of conducting trials shall be established by policy of the Diocesan Council.

3.4.5 Appointment of members of the ecclesiastical Trial Court

- (a) Diocesan Council will appoint a minimum of three and a maximum of nine persons to serve as members of the ecclesiastical Trial Court, after consultation with and the consent of the Bishop.
- (b) Diocesan Council will ensure that at least one-third of the members of the Trial Court are ANiC clergy and at least one-third are Lay members as defined in these canons.
- (c) Appointments to the Trial Court can be made throughout the year.
- (d) At all times, there must be a minimum of three members of the Trial Court available in the event of a trial. Of the three available members, there must be one Lay and one ANiC clergy member of the Trial Court.
- (e) To be eligible for appointment as a member of the Trial Court, a person:
 - i) must be an adult as defined by the laws of their jurisdiction of habitual residence;
 - ii) must be a Lay member or ANiC clergy as defined in these canons;
 - iii) must have not been convicted of any indictable offence under the Criminal Code of Canada, or of an offence in any jurisdiction which could be an indictable offence under the Criminal Code of Canada; and
 - iv) must not have been convicted of any offence under the canons of any jurisdiction within ACNA.
- (f) Members of the Trial Court shall be appointed for a renewable three-year term starting from the date of their appointment.
- (g) Members of the Trial Court cannot serve for more than three consecutive terms, but are eligible for reappointment to Court after three years.
- (h) If there is a trial that is ongoing at the moment of reappointment or at the end of a member's term and the member is appointed to a panel for the trial, the member of the Trial Court must complete the trial before terminating their appointment.

3.4.6 Termination of a member of the Trial Court

- (a) A member of the Trial Court who is unable to complete their term for any reason must inform Diocesan Council in writing as soon as is practicable.
- (b) Diocesan Council can terminate the appointment of a member of the Trial Court if there is evidence of illegal or immoral activity, for activity contrary to these canons, for not disclosing a conflict of interest or for any conduct unbecoming of a member of the trial court, which could have the appearance of bringing the administration of justice into disrepute.
- (c) Termination for any of the reasons listed in this canon can occur at any point in time.
- (d) If Diocesan Council terminates the appointment of a member of the Trial Court under (b) and the member was involved in an ongoing trial, the replacement of the member on the panel or the recommencement of the trial will be dealt with pursuant to the Rules of Procedure of the Trial Court established under Canon 3.4.8 of these Canons.
- (e) If any member of the Trial Court becomes incapacitated or dies in the course of an ongoing trial, the matter will be dealt with pursuant to the Rules of Procedure of the Trial Court.
- (f) Death or permanent mental incapacity has the effect of automatically terminating a member's appointment to the Trial Court.

3.4.7 Appointment of Panel

In the event of a presentment, the Diocesan Council will appoint a panel of three members of the Trial Court to hear and judge the merits of the allegations. The panel must contain at least one Lay and one ANiC clergy member of the Trial Court.

3.4.8 Policies concerning the ecclesiastical Trial Court

- (a) Diocesan Council can determine by policy all other matters with respect to the Trial Court, including the rules of procedure, the composition of the court, the requirements of the members of the Trial Court, the mode of trial and any other thing needed for the ecclesiastical Trial Court of the Diocese to fulfill its purpose.
- (b) Any policies made under this canon are to be accessible upon request.

3.4.9 Delay before Sentencing Accused

In case of conviction by the Trial Court, unless the accused agrees in writing to waive such period, the Diocesan Bishop shall not proceed to sentence the accused before the expiration of thirty (30) days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination of such appeal.

3.4.10 Concerning Courts for the Trial of an ANiC Bishop

- (a) There shall be a Court of the Province for the trial of an ANiC Bishop, whose jurisdiction shall be limited to proceedings against a bishop of the Province (including an ANiC Bishop) arising under these Canons or the canons of the Province.
- (b) The members of such Court shall be three bishops who are members of the College of Bishops of the Province, two Presbyters, and two adult confirmed members in good standing. The members of this Court shall be elected by the Provincial Council of the Province, each Order electing its representatives by majority vote of that Order. An equal number of alternate members of this Court shall be elected in the same manner, and such alternate(s) shall serve in the event of a vacancy on the Court or the recusal of a member of the Court. The term of each member of the Court shall be the greater of three years or until a successor is elected and qualified.
- (c) The senior bishop by date of consecration shall be the President of the Court. The Archbishop shall also appoint a legal advisor to the Court who shall be a practicing lawyer familiar with canon law, and a prosecutor, also a practicing lawyer and familiar with canon law.

3.4.11 Concerning the Court of Extraordinary Jurisdiction

Such Court shall be established pursuant to the canons of the Province in force from time to time.

3.4.12 Appeal

The decision of the ecclesiastical trial court of ANiC or that of the Court for trial of bishops may be appealed by following procedures set out in the canons of the Province.

3.4.13 Of ANiC Clergy Charged with an Offense in Another Diocese within the Province

The canons and rules of the Province in respect of this matter shall apply to ANiC.

3.4.14 Of Renunciation of Ministry

If a member of the ANiC Clergy making a declaration of renunciation of the ministry under these Canons, is under or has reason to believe that they are or may in the future be under accusation or presentment for any canonical offense, or if they have been placed on trial for the same, ANiC shall not consider or act upon such declaration until after the accusation or presentment shall have been dismissed, or the trial shall have been concluded and sentence, if any, pronounced. If ANiC has grounds to believe that the ANiC Clergy making the declaration of renunciation is liable to presentment for any canonical offense, such ANiC Clergy may, in the discretion of the Diocesan Bishop and the Diocesan Council be placed on trial for such offense, notwithstanding such declaration of renunciation of the ministry.

3.4.15 Of Sentences

(a) Concerning the Role of the Diocesan Bishop or Archbishop in Sentencing

The Diocesan Bishop alone has the authority to pronounce sentence on a Presbyter or Deacon convicted as indicated in these canons. If there is no Diocesan Bishop, or if the Diocesan Bishop fails or refuses to pronounce sentence within one hundred twenty (120) days, the Archbishop of the Province or another bishop designated by the Archbishop shall pronounce sentence.

(b) Concerning Pronouncement of Sentence

The College of Bishops, speaking through the Archbishop or his designate, has the sole responsibility and authority to pronounce sentence on an ANiC Bishop.

(c) Concerning Range of Sentencing

Sentences shall include one or more of the following:

- i) censure and/or admonishment;
- ii) suspension, for a definite period, not to exceed five years;
- iii) suspension for life;
- iv) deposition from the sacred ministry;
- v) other measures for restoration of the accused as the person pronouncing sentence deems to be appropriate.

(d) Concerning Length of Sentences

Upon a showing of good cause:

- i) a sentence of suspension of a Presbyter or Deacon may be terminated or shortened by the Diocesan Bishop with the advice and consent of the Diocesan Council;
- ii) a sentence of suspension of an ANiC Bishop may be terminated or shortened by the College of Bishops with the consent of the Archbishop of the Province.

3.4.16 Of Inhibitions

(a) Concerning Inhibition of a Presbyter or Deacon

The Diocesan Bishop with the consent of the Diocesan Council may temporarily (no longer than thirty (30) days) inhibit a Presbyter or Deacon from the exercise of ministry if the Diocesan Bishop believes, upon

reasonable grounds, that the Presbyter or Deacon has engaged in conduct upon which a Presbyter or Deacon in ANiC may be presented. With the advice and consent of the Diocesan Council, the Diocesan Bishop may extend such inhibition until such charge is dropped or action taken by an ecclesiastical Trial Court. Upon application by a Presbyter or a Deacon who has been temporarily inhibited under this Canon and upon a showing of good cause, the Archbishop or his designate may modify or revoke the temporary inhibition. Such decision shall be rendered within thirty (30) days.

(b) Concerning Inhibition of an ANiC Bishop

In the case of the presentment of an ANiC Bishop (including the Archbishop), three (3) of the five (5) senior members of the College of Bishops by date of consecration (exclusive of any bishop involved in the presentment or trial) may, by their affirmative vote, temporarily inhibit an ANiC Bishop from the exercise of ministry. Such inhibition shall be in writing, signed by those consenting to it.

3.4.17 Of Notification of Disciplinary Action Taken

The bishop or Archbishop pronouncing sentence shall within thirty (30) days of the sentence notify the Provincial Secretary who shall notify all bishops with jurisdiction and shall maintain a permanent record of the action. Should a sentence be amended or terminated, notification of that action shall also be reported to the Provincial Secretary who shall promptly give notice of and record the amendment or termination in the permanent record.

Article 5 CONCERNING PROCEDURES

During all procedures pursuant to Section 3 Article 3 and Section 3 Article 4, the accused shall be presumed innocent and shall have the right to representation by counsel. All procedures shall be consistent with the principles of fairness, due process and fundamental justice and shall require expeditious handling consistent with those principles. No new rule of procedure shall be applied to a matter that is pending that would be affected by the new rule unless not to apply the new rule would be contrary to the principles of fundamental justice. In all courts of original jurisdiction, the decision of the court shall be based on the evidence before it and the standard of proof shall be the balance of probabilities unless a higher standard is required by these Canons, or by the canons of the Province.