SCOTTISH EPISCOPAL CHURCH

Code of Canons

2026

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ECCLESIASTICAL LAW AND THE CODE OF CANONS

One of the standard reference books provides this definition of 'Canon Law': 'The body of ecclesiastical rules or laws imposed by authority in matters of faith, morals and discipline'[1]

Ecclesiastical law comprises the statutes of the realm, case law and precedent, which bind all within the jurisdiction of the secular authority, and in addition the Canons, other church made rules, and the decisions of Church courts which members contract to heed. The other factors which have traditionally exerted influence in the interpretation of Ecclesiastical Law have been the 'Divine Law', Custom, The *Jus Liturgium* (liturgical authority of the Bishop) and the power of dispensation vested in the Bishop as the Ordinary of the Diocese. Whereas 'Canon' is the name given to a Church Law, it is to be distinguished from the 'Canon Law' of the pre Reformation Church.

In Scotland, the Ecclesiastical Law is the Law of Scotland which regulates the affairs of the Churches, whether the Church of Scotland (and the other Presbyterian Churches), The Roman Catholic Church, The Scottish Episcopal Church or the other religious organisations. The legal position of the SEC has always been distinguished from the other voluntary non Presbyterian Churches on account of:

> 'The peculiar historical origins and the distinct legal regulations to which The Scottish Episcopal Church was for long subject are the main feature, justifying in the case of the SEC, any treatment from a juridical standpoint separate from that given to other non-established churches. Formally it is marked off from the other Churches by the specific recognition and protection accorded to it by the Toleration Act 1712.[2] Its essential character in contemplation of the law is, however, that of a voluntary religious organisation.'[3]

This is important for understanding the role and status of the Code of Canons as the 'constitution' of the Church as well as a code for the regulation of its affairs including the conduct of Divine Worship, the regulation of congregations and their office bearers and the discipline of the clergy.

'The constitution of the SEC, like that of all Churches not established by law within the state where they exist, is contained in the contract or agreement of its members, which as to the whole Church, is determined chiefly by the Code of Canons, and as to individual congregations by that Code and the document containing the separate constitution framed in conformity with the provisions of the Canons. The constitution of the SEC being thus self originated and contractual, questions as to the limits within which and the conditions under which the whole Church and its individual congregations may, like other quasi-corporate bodies, act in matters affecting the civil rights of its own members or of outside parties are regulated by the law of the land, and it is still necessary to refer to [statutes and case law] to show its exact legal position.'[4]

> 'Despite the use of the term 'code', the Code of Canons is not even when considered along with its subordinate legislation a comprehensive statement of the whole law of the SEC…[the Canons] are no more than particular enactments modifying the general Canon

[1] The Oxford Dictionary of the Christian Church, edited by FL Cross, third edition edited by EA Livingstone, Oxford 1997.
[2] The Scottish Episcopalians Act 1711 (c10)
[3] The Scottish Episcopal Church, I Guild in The Stair Memorial Encyclopaedia of The Laws of Scotland vol 3 Churches and Other Religious Bodies para 1623
[4] Episcopal Church, C H Brown in The Encyclopaedia of the Laws of Scotland Vol 3 (ed Lord Dunedin and J Wark) paras 851 & 852

law to the circumstances of the SEC, so far as that has been seen to be necessary. They rest therefore, on theological principles, including principles of divine and natural law, which are not expressed, and they are to be read in the context of the general Canon law in so far as that law may be applicable to the circumstances of a post-Reformation Church. Many matters, particularly affecting doctrine, orders and sacraments, which are the undoubted law of the Church, find no place in the Code of Canons.'[5]

'In those matters to which it properly refers, the Code of Canons, however, supersedes all other rules of the Canon law inconsistent with it.'[6]

Until 1890, the general principles of universal Canon Law were the primary rule of interpreting the Code of Canons. In the revision of the Code of Canons in 1891, s51 provided that the Canons should:'…in all cases be construed in accordance with the principles of the Law of Scotland. Nevertheless it shall be lawful, in cases of dispute or difficulty concerning the interpretation of theses Canons, to appeal to any generally recognised principles of Canon Law.'[7] This amendment was removed from the 1911 Code and all subsequent Codes.

'The SEC is unusual among the Churches of the Anglican Communion in that it lacks any direct historical connection with the Church of England from which it differs in being a product not of the English but of the Scottish Reformation'.[8] Accordingly the observations of Lempriere[9] and C H Brown that 'It may be necessary, however, to refer to the Articles and Prayer Book of the Church of England and other subsidiary documents referred to in the Canons, and to the practice of the Church in order to ascertain what is the law of the Church on particular points,'[10] need to be treated with care when interpreting the Canons in the context of the Scottish Liturgy and its customs.

A decision in 1984 of the Episcopal Synod indicates that those seeking guidance should look to the Church's internal rules (The Codes of Canons and the local constitution) and not to the Common Law.[11] It is unclear how far the principles which may be distilled from the law of the Church of England, the Codes and practices of other Churches of the Anglican Communion or (in the light of the decision of the Episcopal Synod) the universal 'Canon Law' form part of our 'Custom'.

Canons, whatever sources are applied to their interpretation are an essential feature of the organisation of the Church.

[5] I Guild *op cit* para 625
[6] A Compendium of the Canon Law of the Episcopal Church in Scotland, P A Lempriere 1903 p32
[7] Code of Canons (1890) Canon LI
[8] I Guild *op cit* para 1614
[9] P A Lempriere *op cit* p32
[10] C H Brown *op cit* para 858
[11] The Law of Scotland and the Decisions of the Ecclesiastical Courts, GW Patterson 1986 JR 152 at p 155

AN ACCOUNT OF THE CANONS OF THE SCOTTISH EPISCOPAL CHURCH SINCE THE YEAR 1689

1. INTRODUCTION

The **Code of Canons** is the body of rules approved by the General Synod to govern the life and work of the Church. This Account of the Canons summarises the changes in the Code of Canons which have taken place over the past three centuries and more.[12] It has been written over the years by a series of anonymous writers, to form the Introduction to successive editions of the Code. For this re-print, some editorial work has been done to make the Account easier to follow. It should be noted that this narrative is intended only as a help to the historical study of the Canons, and nothing is to be legally inferred from either its statements or its omissions.

The Code of Canons has been interpreted and revised to enable the Scottish Episcopal Church to carry out its mission for God to the world as efficiently and expeditiously as possible.

2. THE EIGHTEENTH CENTURY[13]

In 1689, during the progress of the Revolution, the Estates of the Kingdom of Scotland, convened by circular letters from the Prince of Orange, met on the 14th of March, and on the 11th of April - after the withdrawal of some who favoured King James - offered the crown to William and Mary. William accepted the crown, and the Convention was turned into a Parliament.

This Scottish Parliament, in July of the same year, passed an Act abolishing 'Prelacy and all superiority of any office in the Church in this Kingdom above Presbyters' and repealed the laws in favour of Episcopacy.

In the following year, the same Parliament reinstated in their benefices all surviving Presbyterian ministers (about sixty in number who 'had been thrust from their churches since the first day of January 1661', and vested the whole government of the Church in them and in such ministers and elders as they might admit and receive.

Though many years elapsed before ministers of the new regime displaced those of the old in the country north of the Tay, still as far as the will of the Parliament could effect it, or the power of the new Establishment could reach, Episcopacy was ruthlessly suppressed, the Bishops were deprived of the emoluments of their sees, and the clergy were ejected with scanty warning and no compensation.

A blow of such severity and suddenness produced, as was inevitable, a state of disorganisation among those who continued loyal to the principles of Episcopacy. The political conditions were too unstable for them to be readily convinced that the Revolution Settlement was to be regarded as permanent.

[12] The Canons have increased in number over the years, some have been repealed, and the order in which they have been printed has changed: the number of a particular Canon in the earlier Codes may be found in the marginal notes in the Account printed in the Code of Canons 1972.

[13] This chapter was originally published in 1912

2.1 The Six Canons of 1727

They took no step to adapt the Church's organisation to its altered circumstances, nor perhaps was it possible for them to have attempted it at that juncture. The Bishops were, indeed, careful to maintain the succession of their own Order, but they refrained from appointing to particular sees[14], until at length as the old diocesan Bishops died out it was found that the Church was falling under the rule of a body of Bishops who possessed severally no properly defined jurisdiction. It then became evident that the first step in the reorganisation of the Church must be sought in the restoration of diocesan jurisdiction to the Bishops, and at the request of the Clergy in various parts of the country, particular districts or dioceses were gradually assigned to individual Bishops. For the better regulation of this process the diocesan Bishops, four in number, met in Synod at Edinburgh in 1727, and framed six Canons, which, though relating exclusively to the Episcopal Order, may be regarded as in some measure the groundwork of the Code by which the Church is now governed. Thus, the regulations for the election of Bishops by the Presbyters of a diocese; the subsequent confirmation of such elections by the presiding Bishop, with the consent of the local comprovincial Bishops; the direction given to each Bishop to appoint one of his Presbyters, 'who shall be in the place and stead of a dean', with powers to convene his fellow-presbyters, when required, for the election of a Bishop, to preside at the voting, and to return the deed of election to the Metropolitan; and the rule prohibiting a Bishop from performing any Episcopal function in the diocese or district of another without his consent, have all of them counterparts, more or less close, in the present Code of Canons.

2.2 The Articles of Agreement in 1731

A further stage in the reorganisation of the Church was reached in 1731 by the drafting of 'Articles of Agreement amongst the Bishops of the Church of Scotland'. The Articles provided, *inter alia,* that only 'the Scottish or English Liturgy' should be used 'in the public divine service'; that no man should be consecrated a Bishop of the Church without the consent and approbation of the majority of the other Bishops; that upon the demise or removal of a Bishop, the Presbyters of the district should neither elect nor submit to another without a mandate from the Primus issued with the consent of the other Bishops; that the Bishops should, by a majority of voices, choose their Primus, 'for convocating and presiding only'; and that no Bishop should claim jurisdiction without the bounds of his own district. The last of these Articles assigned districts to the several Bishops, declaring however that 'by the foresaid division of districts we do not pretend to claim any legal title to diocese'. The distinction made in this last Article finds its explanation in the views held by the Bishops at the time as to the rights of the Crown in the matter of appointments of Bishops to dioceses in Scotland.

2.3 The Canons of 1743

The Agreement did not all at once produce unanimity, and political influences still impeded the work of reorganisation. In 1743, however, an Episcopal Synod was held in Edinburgh, which resulted in the unanimous adoption of a Code of Canons, sixteen in number, for the government of the Church. In these Canons the principles embodied in the Agreement of 1731, in regard to the consecration of Bishops and the office of Primus, were reaffirmed and emphasised. The majority of the Bishops were not only to choose a Primus 'without respect either to seniority of consecration or precedency of district', but they might override his action in the calling of meetings; might, if he refused to call a meeting when desired by them, meet and act synodically without him; and might, at pleasure, depose him from the office of Primus. If he laid claim to any metropolitical or vicarial power, or to any further power of any kind not granted by these Canons; he was to be suspended from all Episcopal jurisdiction, even within his own district, until he subscribed and handed in to the Bishops a renunciation

[14] The appointment of nominating Bishops to vacant sees was felt to be a royal prerogative of 'the king over the water'.

of any such claim. Regulations were laid down for the election of Bishops; the appointment of Deans; the ordination and institution of Presbyters; the care of vacant Episcopal districts; the placing under a Bishop's Episcopal jurisdiction of his assistant clergy and the members of his congregation if the congregation of which he was minister was situated in the district of another Bishop; the studies of the Clergy and of candidates for Holy Orders; the admission of the Dean of every district, as a representative of the Presbyters, 'to sit in all Synodical meetings' (of the Bishops), 'and to propose and reason in all matters of discipline and grievances of presbyters, but not to give any decisive voice'; the acceptance of the votes of absent Bishops if tendered in writing; the excommunication of schismatical Clergymen; and the suspension of any Clergyman who married persons belonging to another congregation without a certificate or recommendation from their proper pastor. It was further enacted that, where the Bishops were equally divided in opinion 'in Synod or out of Synod', that side of the question should carry upon which the Primus gave his vote.

The Canons of 1743, imperfect as they no doubt were, marked a notable advance towards a complete code of regulations for the conduct of Church affairs. But the troubles that ensued after 1745, when many Episcopalians supported the Jacobite cause, and the personal and political disabilities inflicted on the Clergy and Laity by the Penal Laws of 1746 and 1748, not only arrested further progress, but brought the Church to the verge of extinction.

The repeal of the Penal Laws was not effected till 1792, following the death in 1788 of the Young Pretender, Prince Charles Edward Stuart, and for some time thereafter attention was so much engrossed with matters of more immediate urgency that there was little thought to spare for the condition of the Canons; but eventually it came to be felt that the needs and circumstances of the Church demanded a thorough revision and enlargement of the Code.[15]

3. THE NINETEENTH CENTURY [16]

3.1 The Code of Canons of 1811

With this end in view, a General Ecclesiastical Synod, consisting of the Bishop and the Dean of each diocese, and, a representative of the Clergy from each diocese containing more than four Presbyters, was summoned by the Primus, Bishop John Skinner, and met in Aberdeen on Wednesday, the 19th day of June 1811. The Synod, consisting of six Bishops, four Deans, and four delegates of the Presbyters, sat for two days, and published the result of its deliberations under the title of 'The Code of Canons of the Episcopal Church in Scotland, drawn up and enacted by an Ecclesiastical Synod, holden for that purpose at Aberdeen, on the 19th and 20th days of June 1811'. The Code consisted of twenty-six Canons, and contained some new provisions of great importance. Canon V enacted that henceforth every Synod called for the purpose of altering the Code of Canons should be constituted of two Chambers, the first consisting of the Bishops, and the second composed of the Deans and the representatives of the Clergy, one from each diocese with more than four Presbyters. Canon XV was intended to secure 'the primary authority' of the Scottish Communion Office as the authorised service of the Church in the administration of the Holy Communion, while it ratified the permission previously granted by the Bishops to retain the English Office in all congregations where it had been in use. The Scottish Communion Office was, however, ordered to be used at all consecrations of Bishops, and every Bishop when consecrated was required to give his full assent to it. The Appendix to the Canons contained a 'recommendation of a proper clerical habit', in other words, the surplice, which the Clergy were recommended to wear 'when publicly reading Prayers, or administering the Sacraments, but to introduce it with prudence

[15] The Third Convocation of Laurencekirk in 1804 is traditionally called a 'Synod', but it did not have that status in Canon Law, and enacted no Canons, so was not mentioned in the 1912 'Account' of the Canons. Details of this significant event must be sought in one of the histories of the Scottish Episcopal Church.

[16] This chapter was originally published in 1912

and discretion, by explaining, where they find it necessary, the principles on which they have adopted the use of this very decent dress'.

3.2 The Canons of 1828 and 1829

The next General Synod, convened by the Primus, Dr George Gleig, Bishop of Brechin, was held at Laurencekirk on the 18th of June 1828, and two following days. It consisted of four Bishops, four Deans, and six representatives of the Clergy, and enacted thirty Canons under the title 'The Code of Canons of the Protestant Episcopal Church in Scotland'. Important alterations were made on the Canon relating to Ecclesiastical Synods, by the enactment that Diocesan Synods should be held annually, and that a General Synod, of which the Pantonian Professor of Theology[17] was, ***ex officio,*** to be a member, should be holden every fifth year, at such a time and place as the Primus, with consent of the majority of his colleagues, should determine. The General Synod under this arrangement, however, had other than purely legislative functions assigned to it. It was directed to receive, through the Deans, and Synod Clerks, reports on the state of every congregation in the Church: to appoint a committee of one member from each Chamber to frame a general report of the situation of the Church; and the Bishops, synodically assembled, were to hear appeals from Clergy or Laity against the sentence of their own immediate ecclesiastical superior. Then followed a proviso, meant as a barrier against hasty legislation, but open to some difference of interpretation, and running in these terms: 'Nor shall any law or Canon be enacted or abrogated until the same shall have been submitted to the several diocesan Synods, and approved of by a majority of the Clergy, as well as by a majority of those who constitute the General Synod in which said enactment or abrogation was proposed, and which Synod shall be considered merely as adjourned or prorogued, until the sense of the Church at large respecting the measure be ascertained.'

Whatever differences may have arisen with regard to the exact drift of this proviso, the Synod which enacted it was itself a proof, as the sequel showed, that some safeguard against hasty legislation was by no means unnecessary. Two of the Bishops, Bishop Jolly and Bishop Low, had objected to its being called, and had been absent from its meetings. Bishop Jolly objected to the insertion of the word 'Protestant', which had been introduced in the title of the Church, and still more strongly to the apparent subordination, in the sixteenth Canon, of the findings of a General Synod to the pleasure of a majority of the Clergy. The result was that another General Synod, convened by the Primus, Bishop Gleig, and attended by all the Bishops, all the Deans, the Pantonian Professor, and representatives from the six Dioceses, was held in Edinburgh on 17 June 1829. It dropped the clause of Canon XVI of the preceding year which provided for quinquennial General Synods, and amended the provision for a reference to 'the sense of the Church at large' by making it read thus: 'Nor shall any law or Canon affecting the constitution of the Church be enacted or abrogated, unless the same shall have been previously submitted to the several diocesan synods or consistories, and the sense of the clergy of the Church at large respecting the measure be ascertained. But the sense of the clergy at large being the sense of the majority, and the presbyters being more in number than the Bishops, the sense of the clergy at large cannot have the authority of a Canon, unless adopted as such by the majority of the Bishops synodically assembled'. The word 'Protestant' was retained in the title of the Church.

3.3 The Canons of 1838

The next General Synod was held in Edinburgh from 29 August till 6 September 1838, and its Acts were subscribed by the Primus, Dr James Walker, Bishop of Edinburgh, five other Bishops, five Deans, and six diocesan delegates. It was memorable for the institution of 'The

[17] In 1810, Miss Kathrein Panton of Fraserburgh left a sum of money to establish a seminary for the education of candidates for ordination in the Scottish Episcopal Church. The first Pantonian Professors were also Bishops of Edinburgh. When full-time Principals were appointed, that post was coupled normally with the Pantonian Professorship.

Scottish Episcopal Church Society', a voluntary association which did excellent service for the support of the Church and the promotion of education in poorer places, and eventually paved the way for the more comprehensive organisation of the Representative Church Council. The labours of the Synod resulted in a Code of forty-one Canons. The word 'Protestant' was omitted from the title and from the Canons; the office of Primus was made tenable only during the pleasure of the Episcopal College; a new Canon was added on the subject of Coadjutor-Bishops; the Scottish Communion Office was directed to be used at the opening of General Synods; the use of the surplice 'as the proper Sacerdotal Vestment', formerly recommended, was now enjoined; the times for the holding of General Synods were left to the determination of a majority of the Bishops; one representative of the Clergy was admitted for each diocese; written communications from absent Bishops were directed to be considered, but not to be treated as canonical votes, and an important declaration was added that the enactments of a General Synod were to be held as binding, not only the minority in the Synod itself, but all the absent members of the Church. An Episcopal Synod was ordered to be held once every year, and Appeals were to be received there. Two Canons were added in regard to Appeals, and to Accusations against Bishops, Presbyters and Deacons.

3.4 The Canons of 1863

After more than twenty years, in which there had emerged many difficulties, especially in connection with Judicial Processes, for which the Canons did not sufficiently provide, it was deemed desirable that the whole Code should be submitted to a careful revision. A committee, consisting of an equal number of the Clergy and of the Laity, was appointed by the College of Bishops in 1859 to consider and report on the subject, and a General Synod, consisting of the Primus, Dr Robert Eden, Bishop of Moray, Ross, and Caithness, six other Bishops, seven Deans, and seven delegates of the Clergy, sat at Edinburgh from 8 till 16 July, and from 30 September till 4 October 1862, and from 3 till 13 February 1863. By the Canons as then enacted, the representation of the Clergy at General Synods was enlarged, one representative or delegate being allowed from every fifteen Incumbencies and for every additional fraction of fifteen. The Laity were admitted to a voice in the election of Bishops through a representative chosen from each Incumbency; the Bishops were expressly authorised to appoint Lay Readers and Catechists for service in their several dioceses; revised and extended regulations were laid down for the formation of new Congregations, including a proviso 'that, under special circumstances, a Bishop shall not be precluded from opening a Mission in any part of his diocese, when to him it may seem desirable'; the office of Dean was made a life appointment, with certain limitations; meetings of Diocesan and Episcopal Synods were directed to be open to the public; a Canon on Vestments, prescribing those 'ordinarily now in use in this Church and none other', was adopted; and elaborate regulations were laid down in regard to Accusations against Bishops, Accusations against Presbyters and Deacons, and Judicial Sentences. By Canon XXIX it was enacted that the English Book of Common Prayer 'is, and shall be held to be, the Service Book of this Church for all the purposes to which it is applicable'. The use of the Scottish Communion Office was, under Canon XXX, directed to be continued in all Congregations whose practice had been to use that Office; while the Office of the Book of Common Prayer was to be used in all new Congregations, unless the majority of the promoters declared to the Bishop at the outset that they desired the use of the Scottish Office. Power was given to the Bishop to refuse an application for the Scottish Office whenever it might appear to him that undue influence had been exercised in the matter; and, in any case, the Scottish Office might be dropped whenever the Clergyman and a majority of the communicants concurred in disusing it. No corresponding provisions were inserted with regard to the English Office. At all Consecrations, Ordinations, and Synods, the Communion Office of the Book of Common Prayer was ordered to be used.

3.5 The Canons of 1876

As time went on, the continued growth and extension of the Church disclosed the need of further revision, and the formation of the Representative Church Council, which had been resolved upon at a conference of Clergy and Laity, summoned by the Bishops and held in Edinburgh in June 1875, called for the Canonical recognition of that body. A General Synod was accordingly held in Edinburgh from 10 till 13 October, and from 14 to 16 November 1876. Its constituent members were the Primus (Dr Eden) and six other Bishops, seven Deans, the Warden of Trinity College, Glenalmond[18], the Pantonian Professor, and fourteen delegates from dioceses. The revision on this occasion dealt mostly with points of detail. Canon XXX was, by resolution of the Bishops, withheld from consideration and continued as in the Canons of 1863. Considerable changes were made in the regulations for the formation of new Incumbencies and the establishment of Missions; and the Bishop's discretion in regard to the opening of Missions, as stated in the Canons of 1863, was modified by the admission of rights of objection and appeal on the part of Incumbents whose interests might be affected. Licensed Presbyters, after two years' continuous work in a diocese, were to become full members of the Diocesan Synod, and to be entitled to vote in the election of a Bishop. The representation of the Clergy in General Synods was extended still further by allowing one representative for every ten electors or fraction of ten. The Representative Church Council consisting of the Bishops and Clergy, certain lay officials, and a Lay Representative from every congregation of the Church, was, by Canon XLII, 'recognised as the organ of the Church in matters of finance only'. The Code now consisted of forty-seven Canons in all.

3.6 The Canons of 1890

The next General Synod was held in Edinburgh under the Primus, Dr Hugh Willoughby Jermyn, Bishop of Brechin, from 3 to 13 June, and on 7 October 1890. It was constituted of seven Bishops, including the Primus, seven Deans, the Warden of Trinity College, Glenalmond, the Pantonian Professor, and twenty-five clerical representatives. The result was the enactment of a Code of fifty-one Canons. The Synod declined to confer metropolitical powers upon the Primus, but assigned to him the title of 'Most Reverend'. The title 'Rector was substituted for 'Incumbent' as the canonical designation of an instituted Presbyter. A new Canon was enacted with reference to Cathedrals. The remarkable advance of Church work in various forms within recent years was reflected in more elaborate regulations in regard to the formation, status, and classification of new Congregations or Missions, Canons were added with regard to the offices of Registrar to the Episcopal Synod and of Provincial Accountant, and a provision was made for bringing the expenses of Episcopal and Provincial Synods under the notice of the Representative Church Council. The Canon dealing with the use of the Offices for Holy Communion was again withheld from consideration, and was continued, in the form adopted in 1863, as Canon XXXIV in the new Code. The Canon on Vestments was retained unchanged. The Canon dealing with the Representative Church Council was made more specific by the declaration that the Council 'is recognised as the organ of the Church in matters of finance, but shall not deal with questions of doctrine or worship, nor with matters of discipline, save to give effect to Canonical Sentences of the Church It was also enacted that 'the General Synod' should thenceforward be styled 'the Provincial Synod'.

[18] Following Miss Panton's bequest (see Note 17) the training of theological students took place initially in Edinburgh. Trinity College at Glenalmond, near Perth, was founded in 1847, initially to serve both as a public school for boys modelled on those in England and as the Church's seminary for the training of ordinands. It continues to flourish as the former, but the combination with the seminary proved unsatisfactory, and in 1876 the Bishops decided to move it back to Edinburgh.

4. THE CODE OF CANONS 1911[19]

In the years succeeding the Synod of 1890, much thought was given in the various Diocesan Synods to the subject of a further and more thorough revision of the Canons, which it was felt would ere long be necessary; and a feeling grew up that in some way or other a recognised position should be assigned to the laity in the legislative work of the Church. In 1903 a special Commission of clergy and laymen was selected by the Bishops, and instructed to inquire and report on the whole subject of legislation in the Church. After exhaustive inquiry, the Commission reported in favour of the institution of a Consultative Council for the whole Church, which should focus the opinions of both clergy and laity on all matters proposed or thought suitable for legislation in the Provincial Synod. This new Council was to consist of the Bishops, five clerical and five lay members elected by the Bishops, representatives of the Clergy chosen from each diocese in the same proportion as for the Provincial Synod, and an equal number of representative laity, to be elected by the lay members of the Diocesan Councils. The constitution of the Council was finally adopted by the Episcopal Synod on 26 October 1905, and the Provincial Synod, sitting on the same day, gave Canonical recognition to the new body by an enactment which it added to the Code of Canons as adjusted in 1890. On this occasion the Provincial Synod consisted of the Primus, Dr George Howard Wilkinson, Bishop of St. Andrews, Dunkeld, and Dunblane, and five other Bishops, seven Deans, the Pantonian Professor, and twenty-nine diocesan Representatives. The Synod met in Edinburgh, and its scope was advisedly limited to the recognition of the Consultative Council and to certain adjustments in the Canons dealing with Provincial Synods and the Representative Church Council, in order that the fuller reflection of the mind of the Church, rendered possible by its means, might be taken into account when the general revision of the Canons came to be undertaken.

The Consultative Council on Church Legislation thus created met for the first time on 13 June 1906, and at its second meeting, held in October of the same year, it resolved to take up the revision of the Canons. With the assistance of a Committee of its number (the Very Reverend John Skinner Wilson, Dean of Edinburgh, Convener), appointed for the purpose and reporting from time to time as its work proceeded, a thorough revision of the Code was made; and before the end of 1910 the Council submitted its whole suggestions for the amendment of the Canons to the Episcopal Synod for consideration by the Provincial Synod.

A Provincial Synod was accordingly convened, and met in Edinburgh on 9 May 1911. Dr Walter John Forbes Robberds, Bishop of Brechin, and Primus, presided, and the Synod consisted of the seven Bishops, seven Deans, the Pantonian Professor, and thirty-two elected Presbyters. The suggestions of the Consultative Council on Church Legislation formed the basis of the deliberations. On 18 May, after sitting for seven days, the Synod adjourned to allow time for the publication of the proposed changes for the information of the Church, and for the communication of their precise terms to the Diocesan Synods and the Consultative Council. On 7 December 1911 the Synod reassembled and enacted the Code of Canons of 1911, fifty-three in number, with Appendix Forms numbering twenty-nine.

The changes introduced in the Code were very numerous, though the majority of them merely aimed at making its provision more explicit. The more important alterations were as follows:

In the election of Bishops the right of nomination was extended to Lay Electors: and the voting, though still to be taken by orders, was no longer required to be in separate Chambers. In the event of no election being made within three months after the date of the Mandate,

[19] This chapter was originally published in 1912

power was given to the meeting of the Electors, by a majority of each order, to delegate the election to the Episcopal Synod. In confirming an election of a Bishop each Bishop was required to intimate to the Primus within twenty-one days whether he assented to the election, or had sufficient reason to be dissatisfied with the suitability of the person elected.

Female as well as male communicants were given a right to take part in the election of Lay Electors, and the regulations for these elections and for securing their validity were made at once more elastic and more explicit. Power was expressly given to Bishops to appoint Commissaries for a limited period, and the powers of Commissaries were defined. Rectors absenting themselves from their cures without having made due provision for the supply of Sunday services, and without giving a satisfactory explanation to the Bishop, were rendered liable to be deprived of their incumbencies, but only with the consent of a majority of the voting members present in the Diocesan Synod.

The services of the Book of Common Prayer, and the Scottish Liturgy or Communion Office according to the text adopted by the Episcopal Synod on 7 December 1910, were declared to be duly authorised in the Church for all the purposes to which they are applicable. Congregations in which the Scottish Communion Office was in use in 1910 according to an earlier text were permitted to continue the use of such text in its integrity. Canonical sanction was given to numerous additions to, and deviations from, the authorised services as being permissible in any congregation. These permissible additions and deviations were for convenience sake placed in the Appendix to the Canons.

It was laid down as the normal standard that the Holy Communion should be celebrated on every Lord's Day in all congregations where in the opinion of the Bishop it was reasonably practicable. And it was declared to be the duty of every Bishop, Priest, and Deacon to say the daily offices privately or publicly when he found it practicable.

In the use of the Authorised Offices for Holy Communion, power was given to stated majorities of the communicants and the Clergyman of any congregation (unless the title-deeds or constitution of the church prescribe the exclusive use of one of the Offices) to introduce, with the sanction of the Bishop, a change of usage, whether by substituting one Authorised Office for the other, or by establishing the joint use of both, or (where a reasonable number of the communicants, and the Clergyman, desire it) by providing, through additional celebrations, opportunities of communicating according to the Office not ordinarily in use in that congregation. At ordinations, at consecrations of Bishops, and at meetings of Diocesan Synods, the presiding Bishop was given power to appoint the Office to be used: a like power being given to the Primus at meetings of Episcopal and Provincial Synods.

The prohibition of the solemnisation of Holy Matrimony for parties within the forbidden degrees (as specified in the table of forbidden degrees recognised by our Ecclesiastical Laws) was re-enacted; and the Clergy of the Church were also prohibited from solemnising Holy Matrimony for persons, either of whom had had a previous marriage dissolved *quoad civilia* (in terms of the civil law) so long as the other spouse in the marriage so dissolved remained alive.

A practically new Canon was passed on the subject of the Vestures of Priests and Deacons: a new provision was introduced requiring that no change should be made in the structure or ecclesiastical ornaments of any church unless the consent of the Clergyman and of the Vestry had been given, and the Bishop had been consulted concerning the proposed change: and the sale or disposal of the holy vessels and ecclesiastical ornaments of any church was forbidden save with the consent of the Bishop, Dean and Registrar of the diocese.

New Canons were passed providing that districts should be assigned to cures of souls: and requiring every Rector or Priest-in-charge to keep a roll of the communicants of his congregation.

A vote in Diocesan Synod (and consequently in the elections of Bishops, etc.) was conferred on duly licensed Presbyters of the diocese, if for the two years immediately preceding they had officiated in the Scottish Church as instituted or licensed Presbyters. An appeal of the Episcopal Synod was allowed should the Bishop withhold his concurrence from a resolution adopted by two-thirds of the voting members present in his Diocesan Synod.

The Canons regulating procedure in cases of accusations and appeals were entirely recast and thrown into one; and a new Canon was added regulating the mode in which differences and disputes in connexion with congregational affairs were to be disposed of. And lastly, a practically new Canon defined the process deemed sufficient for serving notices under the Canons, and interpreted certain terms employed in the Code.

The Canons were re-arranged in a more natural order.

5. THE CODE OF CANONS 1929[20]

The Provincial Synod which was responsible for the 1929 Code began its work in October 1925, when it met for eight days. It re-assembled in June 1928, when it sat for six days, and between these two dates a great deal of hard work must have been done by the committees, as it proved possible, on 12 March 1929, to confirm in a single day not only the material for the new Scottish Book of Common Prayer, but also the new Code of Canons. It is obvious that the former of these tasks must have demanded the greater part of the Synod's time and attention. The changes in the Canons were comparatively few, and some of these were necessitated only by the emergence of the new Prayer Book. Ordinations, for example, were now to be performed according to the new Ordinal; both the Scottish Book of Common Prayer and the English Prayer Book of 1662 were stated to be 'The Authorised Service Books of this Church'; provision was made for the interchange, but not amalgamation, of the Services in the two Books; and a Section was added, governing the use of the 'Benediction of a Civil Marriage', provided in the new Book. One wise provision added at this time made it obligatory for a Rector or Priest-in-charge to make reasonably sure that changes in the services in his church, though permissible under the Canons, would not be likely to upset his congregation.

Some of the other changes made in 1929 were simply for the purpose of bringing the Canons up to date. Following its disestablishment in 1914, the Church in Wales appeared for the first time as a separate body among those Churches with which our own Church was in full communion. A sign of the birth of the ecumenical movement could be found in a new Canon, which gave very cautious permission for representatives of other Churches to give addresses to Episcopal congregations, in furtherance of some 'project of Reunion'. The old Oxford and Cambridge Preliminary Examination for ordination candidates had been replaced in the Church of England by the General Ordination Examination, which now was recognised as the syllabus for the instruction of Scottish ordinands.

Besides these necessary adjustments, however, three quite new Canons were added to the Code. One gave recognition to the office of a Deaconess, indicating her duties rather vaguely, and giving regulations for her ordination. Another new Canon 'Of Repelling from Holy Communion' was included, establishing the fact that only a Bishop is competent to excommunicate, and laying down the procedure which a priest must follow in bringing to his

[20] This chapter was originally published in 1972

Bishop's notice a case which might call for such treatment according to the rubrics of the Prayer Book. It also defined the Bishop's duties in the matter, and the right of the accused to defend himself.

Extensive housing schemes were built on the outskirts of the large cities in the years following the First World War, and missions were required where there was no existing church to which they might readily be attached. The priests had to be men of some experience. A new category of charge was now created by the Canon 'Of Certain Missions attached to Cathedral Churches'. The priest worked directly under the Bishop, neither the Provost nor the Cathedral Vestry having any supervisory or financial responsibility. The attachment to the Cathedral made it possible for a grant to be received from the Walker Trust[21] towards the priest's stipend.

6. AMENDMENTS FROM 1952 TO 1972[22]

The next Provincial Synod met in Edinburgh in April 1951 and February 1952, and a few changes were made in amendment of the 1929 Code. Most of these were of small importance. Ordination candidates were no longer expected to study the Articles of Religion in Latin, but in English only. The Canon 'Of the Admission of Clergy of other Dioceses to Officiate' was divided into two. The provisions for such clergy, strictly speaking, were relegated to a new Canon bearing the old name, while most of the material in the old Canon was renamed 'Of the Admission of Clergy of other Provinces and Churches to Officiate'. The list of Churches with which the Scottish Church was in full communion was again adjusted, so that the 'colonial and daughter-Churches of the Church of England' became 'all other Churches of the Anglican Communion', and the successful outcome of the 1931 conversations with the Old Catholics on the Continent made it possible to add to the list 'the Old Catholic Churches in communion with the Metropolitan See of Utrecht'. Permission was also granted to the Episcopal Synod to add to the list from time to time.

A good deal of tidying up was done on the long Canon 'Of Accusations and Appeals', and one important change was made in procedure. Henceforward a clergyman in trouble was to be judged by the Bishop, not as heretofore sitting in his Diocesan Synod, but in consultation with the Cathedral Chapter.

Finally the Scottish Church adopted as its own a new Table of Kindred and Affinity, which had been devised by the Church of England in order to bring ecclesiastical law into line with civil regulations in the matter of the deceased wife's sister, and also to define the relationship between the increasing number of half-brothers and half-sisters. The relevant item in the Appendix to the Canons was accordingly altered, by the substitution of the new Table for the old.

The Provincial Synod which met in Edinburgh in November 1960 might be described as an epoch-making event in the history of that institution. The Consultative Council on Church Legislation, whose origin and history can be found in Chapter 4, had proved to be of great value. On the one hand, it had been open to receive suggestions from what we should now call the 'grass-roots' of the Church, from the working clergy and from the Church's lawyers and businessmen. On the other hand, when it took up a suggestion as being worthy of exploration, the Council did not rest till it had been put into such a form that the Provincial Synod could with little change adopt if for consideration.

[21] The Walker Trust was set up in 1850 by the Miss Barbara and Mary Walker of Coates in Edinburgh, who bequeathed their entire estates to Trustees, to be used for the erection of a Cathedral in Edinburgh, to provide bursaries for theological students, and generally for the maintenance and support of the Scottish Episcopal Church.

[22] This chapter was first published in 1972

Now, however, it was thought that all that was good in the Consultative Council might well be integrated into the Provincial Synod itself, and that the laity might so be given a direct voice in the Church's legislative body. A Committee had been appointed in 1958, consisting of the Primus (Bishop Hannay) as Convener, Bishop Warner of Edinburgh, three senior priests, and five experienced laymen, with a remit to consider and recommend changes in the Canons to make more efficient and more representative the machinery of the Provincial Synod.

The Committee reported its findings to the Consultative Council, and as a result a greatly revised version of the Canon on Provincial Synods was laid before the Synod of 1960. With slight modification it was then accepted, and confirmed the following year. As this was the Council's 'swan song', the Canon on the Consultative Council was rescinded and removed from the Code at the same two meetings.

The chief effects of this revised Canon 'Of Provincial Synods' were two in number. First, it made the calling of the Synod a regular matter. Hitherto the Bishops had called a Provincial Synod only when there seemed to be some obvious need for its labours. But now in 1962, and every fifth year thereafter, the Episcopal Synod was required to decide how many clerical members each Diocese was entitled to elect, and in the year following, the calling of a meeting of the Synod became mandatory (Section 12). Strictly speaking this still seems to be the only meeting which was obligatory, though a second meeting in the next year would be required if any canonical decisions needed confirmation. Other meetings might be called if the Episcopal Synod considered them necessary. In fact, however, the Provincial Synod met annually after 1960, partly owing to the overlapping of business, and partly by reason of a general broadening of the area of Church life on which the Synod was called upon to deliberate. The Inter-Church Relations Committee, for example, was transferred to the Synod as one of its special committees, and made its reports to that body, although no mention is made of this matter in the Canon itself Another cause which contributed to the lengthening of the agenda of Provincial Synods was the new Section 28, which provided that the College of Bishops, through the Primus, might ask the counsel of the Synod 'at any time ...on any matter', especially if the Bishops were contemplating the issue of a public statement.

The second innovation concerned the membership of the Synod. The gradual process by which that membership had expanded in time past can be traced in the earlier Chapters - first the Bishops alone, then the Deans also, then other representatives of the Clergy, but only on the subsidiary Consultative Council were there any representatives of the laity. In ecumenical circles one of the criticisms of our Church was that the laity had no place in the 'supreme court of the Church', comparable to the position of elders in the General Assembly of the Church of Scotland. The changes made in 1961 brought this state of things to an end. The Synod of 1960-1 made the Vice-Principal of the theological College an *ex-officio* member, if the Principal was also the Pantonian Professor, and the Registrar of the Episcopal Synod and the Convener of the Executive Committee of the Representative Church Council also became *ex-officio* members, as did from 1972 the several Diocesan Chancellors, so that the Synod might have the benefit of their special knowledge. Every fifth year from 1963 onwards the College of Bishops might appoint up to five lay members of the Synod, the Diocesan Synods were to elect their quota from among their brethren, and each Diocesan Council by the votes of both clergy and laity, was to elect lay members of the Provincial Synod, roughly in the proportion of one lay member to every two clerical members allowed to the same Diocese. These lay members might be of either sex, and were not necessarily members of the Council. At meetings of the Provincial Synod the old procedure was maintained, of having two Chambers. The First Chamber consisted of the Diocesan Bishops, and the other clergy and the lay members together formed the Second Chamber. In practice, nearly all the business of the Synod was transacted at a joint meeting of both Chambers, but when a vote was called for,

the votes of the two Chambers were separately recorded, and no motion was carried unless it had received the required majority in each of the two Chambers.

It may be convenient to mention here that as the new Canon went into operation certain difficulties came to light, as for example in the filling of casual vacancies, and amendments were duly devised, passed and confirmed.

The other amendments made in the Canons in 1960-1 may be more briefly dealt with. The Bishops were allowed to grant a licence to extra-parochial clergy, such as University Chaplains, and also to retired clergymen, living in the Diocese, but not attached in an honorary capacity to any particular 'sphere of duty'. This latter kind of licence would give the Priest concerned a seat in the Synod of the Diocese, but not a vote. The appearance of several important new translations of the Bible was recognised, by allowing the Episcopal Synod to permit the readings in church to be taken from versions other than the Authorised and Revised Versions, although only if the Bishop gave his sanction, having heard the objections of any members of the congregation who were opposed to the change. Schemes for the redecoration of a Church and alterations in the heating and lighting, were added to the list of 'Church furniture', changes in which required the sanction of the Bishop, or of an advisory committee appointed by him. The old rule was also abolished by which Priests who were newcomers to the Scottish Church had to wait for two years before having a vote in the Diocesan Synod.

At this time too, two new Canons were added to the Code. The first of these dealt with the duty of the clergy to make themselves available for the hearing of Confessions, and with the so-called 'inviolability of the seal', the complete secrecy which attaches to all things heard in Confession. The other provided for the possibility that a member of a Religious Community having its Mother House in Scotland might wish to leave the Order, or might be expelled from it. To make it possible for a person in such a predicament to return to civil life, this Canon declared that the College of Bishops has the right to release such a person from the vows of the Religious Life.

7. THE CODE OF CANONS OF 1972[23]

We must now proceed to indicate the later measures taken during the lifetime of the two quinquennial Synods, which made the printing of a new edition of the Code of Canons in 1972 a necessity.

In the first place, the much greater frequency of meetings of the two quinquennial Synods, and the wider field of business which was now open to the Synod, meant that proposals were almost bound to be made from time to time, whose implementation would require changes in the Canons. The ecumenical situation, for example, seemed to make it desirable that our Church should show itself more hospitable to those outside its membership. To this end it was enacted (1963-4) that a minister of any Trinitarian Church, though not episcopally ordained, might be allowed to assist in one of our churches at a wedding, funeral or memorial service, to which was added later 'a service or occasion of an ecumenical nature' (1966-7). The nature and extent of such participation was left to the decision of the College of Bishops. In the same context, but at a different level, a new Canon was confirmed in 1965 'Of Admitting to Holy Communion'. Exploratory inquiries among the bodies which the Synod would be bound to consult at a later stage had shown that the Church was not prepared to jettison, or substantially modify, the so-called 'Confirmation Rubric', which required that communicants must first be confirmed, or at least be ready and willing to be confirmed. The Synod did,

[23] This chapter was originally published in 1972

however, feel free to concede to the College of Bishops the right to sanction occasional exceptions to the 'normal rule', not in any arbitrary way, but according to directions which the College would draw up, after making 'such reasonable inquiry as they think right, to satisfy themselves that the causes are good and sufficient and not unacceptable to this Church generally'.

Permission was also granted for a layperson of our own Church to assist the Priest in the administration of Holy Communion (1966-7).

One important decision of the Provincial Synod at this period should be chronicled here, although it finds no place in the Canons. In 1961 a number of small experimental changes in the Scottish Prayer Book had been approved by the Synod, and a Schedule containing them was printed in the 1962 Supplement to the Canons, entitled 'Variations and Additions permitted for experimental use'. The Synod of 1966 decided that these should be made authoritative, so that after their confirmation in 1967 they were printed again, with some slight alterations, in the 1968 Supplement, as a 'Schedule of Variations adopted as permanent'.
This did not, however, close the path to further experimentation. Even before the adoption of the changes as permanent, permission had been granted (1964-5) to a diocesan Bishop to allow for experiment 'variations in the services contained in the books named in Section 1', that is, those of 1662 and 1929. The scope of such variations was limited to such as 'may be authorised by the College of Bishops after consultation with the Liturgical Committee of the Provincial Synod'.

It is strange now to find that so little Canonical change was made by the meetings of the Synod from 1963 to 1969, but even so these alterations, together with the amendments to the Canon on the Provincial Synod itself, mentioned above, required the printing of a number of small booklets, as Supplements to the Canons, and it became clear to the General Committee early in the life of the second series of annual Synods, that these piecemeal corrections would need soon to be integrated into that body of the Canons. The Committee also felt that a reprinting would offer a good occasion for introducing other desirable changes. This latter process was described generally as a 'tidying-up' of the Canons, but it is not surprising that some elements crept in, which could hardly be said to come under that description. This, was the second reason for the issue of the 1972 edition of the Canons. The first part of the Code (Canons I-XXI) was concerned mainly with the ministry. The first two Canons, being fundamental, were rightly left unchanged, but the third was revised, so as to clear up some doubtful points on the duties of the Primus. It was recognised that, when he is acting as Primus, he not only takes the Chair at meetings of a provincial nature but also presides at services of a similar kind. Again, though not himself a Primate or Metropolitan, he is required to act as these other Prelates do, in maintaining an inter-Church correspondence with them, and with the official described in the Canon as 'the Executive Officer of the Anglican Communion' but now known as the Secretary General of the Anglican Consultative Council.

Canon IV 'Of the Election of Bishops' was the first instance of a radical rewriting. No change was made on any point of principle, but a number of important changes in procedure were brought in. The customary preliminary meeting of the electors became obligatory (with the possibility of one or two adjournments), at which a committee of not more than seven was to be chosen, to receive from electors the names of persons who seemed worthy of consideration, and to compile and circulate a dossier of 'factual particulars' about each of them, for the information and guidance of the electors, and of the Primus and his brother-Bishops. The College of Bishops was also permitted to submit to the Dean not more than three names, which were to be dealt with in the same way as those suggested by the electors. Even

at the Electoral Meeting it would still be possible to bring forward a new name, if the suggestion had the support of at least a fifth of the electors, but in this case the Election was postponed for not more that twenty days, to allow for the collection and circulation of the required information. At the actual Election the old procedure was maintained, of proposal, seconding, a vote by ballot, and the admissibility of voting by proxy for named persons in the case of a sick elector.

Three other changes remain to be noticed. For the expediting of the Confirmation of the Election, the College of Bishops might depute the Primus to carry out this duty on their behalf at the earliest possible moment, even before the Electoral Meeting had broken up. In time past, this might have been a hazardous proceeding in some ways, but by 1971 it seemed safe enough) since the other Bishops had already been informed by the Primus who the persons were from whom a choice was to be made (1971-2). The other two relevant changes were to be found in Canon V 'On Lay Electors'. At the congregational meeting to choose a Lay Elector, the age at which a person might vote was reduced from 21 to I8, and the meeting was no longer obliged to choose a male person (1969-70).

Two casualties in the process of revision were the Coadjutor-Bishops and the Catechists, neither of whom should be allowed to disappear without a word of gratitude. It is hard to see how the Apostolic Succession could have been maintained in the eighteenth century without the help of the Coadjutors; and the work of the Catechists, who for a mere pittance kept large and faithful congregations together in the Highlands, in the absence of any regular priestly ministrations, was invaluable. By 1971, however, such a type of 'Colleague-and-successor' Bishop did not seem to be needed, so the relevant Canon was deleted. The Catechists too lost their place in their Canon, leaving this kind of subsidiary ministry to the Lay Readers alone, who might in future be either men or women (Canon XX)(1970-2). Another Canon that was deleted was that concerning Scottish Priests serving overseas, which did not seem to say anything significant in the current circumstances (1969-72).

The two Canons on the residence and studies of the parochial clergy were combined into one longer Canon, XVII, 'Of Clerical Studies and Manner of Life', and provision was made in Canon XIX for the possibility of a clergyman who earned his living in a secular occupation, but did not wish to be debarred, for that reason, from the exercise of his ministry (1969-72). Another small but useful change in Canon XVIII made it the rule that when a clergyman forsook his ministry, and later wished to be restored, that duty was assigned to the Bishop who proposed to employ him, and not, as in time past, to the Bishop of the Diocese in which he had last served (1969-72).

Canon XXI 'On Deaconesses' was enlarged, in order to make quite clear the field of duties in which a Deaconess might be employed (1971-2).

One other item may be mentioned at this point. In Canon XV, the list of Churches with which we are in full communion was extended by the addition of no less than five new entries. Three were Churches of the 'Old Catholic type', in the Philippines, in Spain and in Portugal, while two were new 'united' Churches, namely those of North India and of Pakistan (1971-2).

Nothing need be said here regarding the second part of the Code, consisting of Canons XXII-XXXV, all of which dealt with the services of the Church and things connected with them. All the changes of importance in these were made at the earlier Synods, and have been already noted.

When, however, we come to the third part, Canons XXXVI-XLII, we find a minor revolution in the classification of local churches, and in the terms that described them. All alike were now 'Congregations'. First in Canon XXXVI there were 'Congregations known as Incumbencies', and in the Canon about them a fuller account was given of the steps which a Bishop might take in dealing with an Incumbency which had fallen on evil days. The Cathedral Missions, having served their purpose, disappeared, and their Canon with them. They now joined the former Independent Missions, in Canon XXXVII as 'Independent Congregations other than Incumbencies', while the Dependent Missions became 'Dependent Congregations'. This alteration of categories and names necessitated many verbal changes throughout the Code, but only one really new provision was made, in Canon XXXVIII in the recognition that a Priest licensed as Chaplain to the Anglican members of some institution, like a University, might be deemed to have a 'pastoral charge' in the field of his labours (1971-2).

The last two Canons of this part dealt with the Registers to be kept by the parochial clergy. Canon XLI 'Of Communicants' Rolls' dropped the old Scottish custom, known as 'lifting one's lines', so that newcomers were not required to bring a certificate of good standing from their former churches, before being admitted to Holy Communion (1969-72). The other Canon, XLII, 'Of Registers and other Records to be kept by Clergymen' was expanded somewhat, mainly in order to ensure the safe keeping and maintenance of records during a vacancy, so that they might be readily available to the new priest (1970-2).

The rest of the revised Code of Canons can be quickly disposed of. The Canons (XLIII - XLIX) dealing with diocesan and provincial officials were extended in some cases, so as to cover as many as possible of the duties of these important priests and laypeople. The Canons, (L - LII), on the three kinds of Synods only required a certain amount of 'tidying up' at that time, as did also the lengthy and tedious, but very necessary, Canon LIV 'On Accusations', which happily rarely requires to be acted upon. In Canon LVII which treats of the interpretation of the Code, four new definitions were added to the list of terms which might prove difficult in meaning.

Canon LVI, mentioned at an earlier stage, on the secularisation of ex-members of Religious Orders was brought in here, as having no other obvious place in the Code, and a new concluding Canon, LVIII, was added, based on a section of the Canon on Provincial Synods, but expanded in order to emphasise the authority which the Code of Canons claims over all persons and situations in the Scottish Church.

8. AMENDMENTS TO THE CANONS FROM 1972 TO 1994[24]

8.1 General Synod :Canon 52

The greatest single change during the above period was the establishment of the General Synod in 1982. As we have seen, the General Synods of the 18th century, which took over the legislative powers of the Episcopal Synods, were clerical only. The laity were given a place in the financial affairs of the Church, through the Representative Church Council, from 1876. By 1890 a desire to include the laity in the legislative decision-making process was growing and in 1906 the Consultative Council was formed - with consultative powers only. By 1960 the Church was ready to integrate this Council with the Provincial (erstwhile General) Synod.

During the subsequent twenty years it was increasingly recognised that the separation of the 'spiritual' and 'temporal' affairs of the Church between the business of Provincial Synod and Representative Church Council was a distortion of the Gospel and a misuse of scarce resources. The Church needed to be relieved of excessive bureaucracy and open to change in

[24] This chapter was originally published in 1995

the pursuit of its Mission. To that end a new administrative and policy-making body, the General Synod, was inaugurated in 1982.

Membership of the General Synod, unlike that of the Representative Church Council which embraced every charge in the Province, was restricted to the seven diocesan Bishops, seventy-six clergy, seventy-six laity, the Principal of the Theological College and those Conveners of boards who were not already members by election or office. At the General Synod in 1994 the first reading of an amendment to Canon 52, Sections 4 and 5 received approval. Its purpose was to determine by Resolution of General Synod rather than by Canon the numbers appointed to serve on General Synod.

General Synod provided for three Boards, each with main and subsidiary committees. By General Synod 1993 this number had reached five. The Houses could opt to meet separately, but the Synod would normally meet and debate in plenary. In making alterations to the Canon Law, however, the votes of Bishops, clergy and laity would be counted separately, a simple majority in each House being required on the first reading, two thirds in each House on the second. Between first and second readings the opinions of the Diocesan Synods were to be sought, and could be incorporated in the Canon if not inconsistent with its general tenor. In 1988, deacons became eligible for membership of the House of Clergy.

Such a process of streamlining was seen to require, more than ever, certain qualities and skills in the Church. Among these were mutual trust, the willingness and ability to listen both to God and to one another, an effective network of communication at and with all levels, the willingness to release adequate resources and the involvement of the whole body, men and women, of all ages and from every walk of life.

The effectiveness of General Synod would constantly be reviewed and difficulties ironed out. Since its inauguration a number of amendments to Canon 52 were approved making for greater effectiveness and clarity.

With the objective of simplifying the Canons many administrative details which were formerly part of the Canon itself were moved to a separate body of 'Resolutions'.

Prior to 1983 it had been canonically required of clergy that they wear a cassock at meetings of Synod. In pursuit of a more relaxed atmosphere this requirement was deleted from the Canon in that year. This decision was symbolic of a shift in the general feel about synodical formalities. Some questioned whether such informality had, perhaps, gone too far!

It was always realised that many matters remained, and would continue to remain in need of improvement. Three particular problems remained.
(a) A constant concern that agenda at every level are overloaded. In the face of this General Synod often felt rushed and forced into a rubber-stamping role, and dioceses and congregations felt swamped. Against that must be set the experience of many invaluable debates of matters of substance.

(b) There was the perennial problem of engaging the informed interest of the Church at large.
(c) Behind these two questions lies the third, which the very creation of the General Synod brought to the fore – that is the question of Authority. It seems likely that this subject will exercise the mind of the Anglican Communion for some time to come. It is a far cry from those days of stability when the Provincial Synod met but once in twenty-two years (1929-1951).

8.2 The Election Of Bishops : Canon 4

The meeting of the four diocesan Bishops in 1727 first set the pattern for the election of a Bishop. Since then the search for an improved pattern has emerged at fairly regular intervals. The process in force up to 1972 had certain fundamental premises: viz.

(a) The electoral body is diocesan containing clergy and laity.
(b) The electoral process is private and confidential.
(c) The other diocesan Bishops of the Province have the duty of confirming or setting aside an election.

During the 1970s a growing number of people felt uneasy about these premises. A committee of the then Provincial Synod, after widespread consultation, published a set of underlying principles, which were adopted by the Synod of 1979 by substantial majority. Their basis was the radical one of giving to the diocesan Bishops a realistic and responsible role in the election process and, thereby, of avoiding the potentially invidious function of confirming or setting aside after the election.

Subsequently, in 1980, a revised Canon 4 'Of The Election Of Bishops to Vacant Sees' based on these principles, was submitted to Synod, and at its first reading received an equally substantial majority. However, at that meeting, only three Bishops were present and when the Canon came up for second reading in 1981 it failed to attain the necessary two-thirds majority in the House of Bishops.

The quest continued and a further set of proposals was put to General Synod in 1985 but was rejected.

The problem was, at heart, a matter of finding the right balance between the proper concern of the diocese for its freedom of election and the equally proper concern of the College of Bishops to witness to and safeguard the role of a Bishop in the world-wide Church.

Anxious to achieve a more satisfactory solution the General Synod of 1991 authorised the Committee on Canons to proceed with a further revision of Canon 4 using certain agreed principles. These included that of making provision for the presence of a provincial element at an early stage in the process and the question of confidentiality recognising that leaks do happen, and asking to what extent confidentiality serves a useful purpose.

At the same time, in 1991, deacons were admitted without restriction to the electoral body. This was seen to be not only a matter of justice in view of the number of permanent deacons but also a significant matter in view of the special relationship between Bishop and deacon in the doctrine of the ministry.

The resulting Canon, adopted in 1993, was a comprehensive rewriting which incorporated the following core principles.

(a) The principle of confidentiality was maintained except that the list of proposed candidates was to be made public after presentation to the Electors.
(b) The Provincial dimension was introduced through the creation of the Vacancy-in-See Committee to which was given responsibility for all preparations for the Electoral Meeting. Membership of this Committee was to include a representative of the College of Bishops and elected representatives of the clergy and laity both of the Province and of the Diocese concerned. A clear distinction was drawn between Meetings of the Electors and the Electoral Meeting. The Vacancy-in-See Committee was empowered to play a full part in all Meetings of

the Electors but those who were not Electors were to have no part in the Electoral Meeting. The confirmation of Election by the Primus, with the support of a majority of the other diocesan Bishops, was retained.
(c) The Vacancy-in-See Committee was responsible for preparing and distributing to all Electors adequate information on each proposed candidate.
(d) If there were more than three proposals the list of candidates would be reduced to three by a series of votes before the election took place.

In other respects the Canon reflected the tenor of its predecessors.

8.3 Ministry : Canons 11, 14, 17 and 57

The recognition of the important place of women in the Church began, tentatively, in 1911, when they achieved equal status with men in the process of electing Lay Eectors. In 1929 the office of Deaconess was recognised and, in 1972, the appointment of lay-readership was opened to women. Previously, in 1961, membership of the Provincial Synod had been opened to women.

It was not until 1978 that the question of the ordination of women into the three-fold ministry was brought before the Provincial Synod. At that stage it was clear that Synod was not ready to discuss the ordination of women to the presbyterate though a study of the question was then commissioned. At that stage the matter of the episcopate and women had scarcely risen above the horizon. But much debate ensued about the diaconate in general and in regard to women's possible place in it. In this debate it was generally accepted that arguments against the ordination of women to the presbyterate did not apply to the diaconate.

What the debate helped to sharpen up, however, was the wider question of what the place of the diaconate is in the Church. It was recognised that its role as a 'probationary' year prior to ordination to the presbyterate is unsatisfactory on a number of counts. A study of this question had been undertaken in the early 1950s with little impact and a fresh study was now commissioned. It reported in 1987. Discussion of this paper along with that of the Multilateral Conversations entitled 'Deacons for Scotland', (1990), will doubtless occupy the Church for some time to come.

Though some wished that discussion to be undertaken before decisions about women and the diaconate were made their view did not prevail, and an amendment to Canon 57 'Of Notices provided for by this Code of Canons and of the Interpretation of the Code' authorising such ordination was passed at its second reading by General Synod in 1986.

Meanwhile, following on the study of the report on the ordination of women to the presbyterate which had been commissioned in 1978, motions to authorise such ordinations were defeated on a number of occasions in Provincial and General Synods.

However, in 1988, the issue of 'sacramental hospitality' was raised. By this time a number of women had been canonically ordained priest in other provinces of the Anglican Communion and it was felt that provision should be made for them to exercise their ministry in Scotland. Such provision, termed 'sacramental hospitality', if made, was not to be taken as constituting a precedent in any subsequent considerations of the question of the ordination of women to the presbyterate in Scotland. In 1989 it was agreed to move the issue from the area of canonical action into that of a Resolution of Synod remitting the question to the jurisdiction of each diocesan Bishop. In adopting this route the Synod drew upon a model previously used in the development of Local Ecumenical Parishes which is referred to later in this account.

In 1994 a further revision of section 6 of Canon 57 was passed with significant two-thirds majorities in each of the three Houses of General Synod. It affirmed that phrases in Canons and Ordinals which referred to male laity, deacons or presbyters (priests) 'shall be deemed to include persons both male and female'.

The development and growth of the ministry of non-stipendiary clergy was a marked feature of the Church's life in the fourth quarter of the 20th century. Stimulated by the experience of the Disciples of Christ, by the writings of Vincent Allen and by the economic pressures of the 1970s, the Church encouraged this growth and drew up canonical provisions and regulations by which their training and authorisation to spheres of ministry would be governed.

To this end in 1979 Canon 14 'Of Clergy who are not Incumbents' was amended so as to allow for a diverse level of involvement by such clergy. Three levels were provided for

(a) A Commission where there was active participation in the worship and pastoral life of a charge. It was to carry an obligation to attend Diocesan Synod with a right to speak and vote.
(b) A Warrant where the pastoral responsibility was less. It carried a right to attend and speak at Synod but not to vote.
(c) Permission to Officiate authorised a specified sphere of duty for a limited period. It carried only permission to speak at Synod and that by invitation only.

Because of the increasing diversity of training courses it was agreed in 1975 to amend Canon 11 'Of the Qualifications, Age, and Title of Candidates for Holy Orders' to allow for a wider range of qualifications required of ordinands. At the same time the Canon was abbreviated.

During this period there also developed lay training programmes of varying intensity.

Thus, canonical provision, Resolutions and regulations in the last quarter of the 20th century saw a very striking growth in varieties of ministry and a considerable shift from what was a largely male and clerical body of ministry into one which was, with the exception of the episcopate, more balanced between male and female and which was increasingly seen as one involving the whole community of the baptised.

8.4 Worship : Canons 2 and 22

In 1976 a radical review of the Eucharistic and Ordination rites of the Church was begun. The intention was not, primarily, to introduce modern English, though that was asked for. It was, rather, to incorporate into these rites theological insights gained from the international and interdenominational scholarship of the past three hundred years and, more particularly, of the previous fifty years. This implied completely new texts.

The Eucharistic Liturgy: The first product of this process was an Experimental Rite authorised in 1977. In the light of experience gained from its use in worship a revised text was prepared, the Scottish Liturgy 1982, together with a commentary. This rite was authorised for further experimental use and, in 1987, was designated an 'authorised service' of the Scottish Episcopal Church along with the 1970 Liturgy.

The Ordination Rites: Similarly, draft rites, with commentary, were published in 1983 and received full authorisation in 1984, subject to the proviso that they should be construed as being consistent with the terms of Canon 2 'Of the Ordering of Bishops, Priests and Deacons'. This was added in the interests of ensuring continuity with the Church's historical ministry.

In 1987 a revised Canon 22 'Of Divine Worship and Administration of the Sacraments and other Rites and Ceremonies of the Church' was passed which clarified the status of the various rites authorised for use as well as for experimental use under the existing Canon 23 'Of Regulations affecting Divine Service'. A distinction was drawn between those which are specifically the expression of the faith and worship of this Province and those which were merely taken over from other parts of the Anglican Communion. The former were designated 'authorised services' and the latter 'permitted services'.

The English Book of Common Prayer (1662) ceased to be one of the normative standards for worship in the Scottish Episcopal Church.

This distinction marked a further stage in the long history of tension within the Scottish Episcopal Church between the Scottish and English rites, a tension which, at the local level, usually arose from a congregation's historical roots. Canon 24 'Of the Use of Authorised Offices for Holy Communion' had laid down a complicated process of consultation and voting when a congregation was considering the substitution of one rite for another.

The process had many defects, not least that it made no provision by which a congregation might experience the alternative rite before reaching a decision. By the late twentieth century these historical roots had in most cases ceased to be living issues and the passing of the new Canon 22 was accompanied by the repeal in 1987 of Canons 23 and 24. The new provision created a more flexible system whereby changes in the conduct or form of worship must be discussed by the clergy, vestry and congregation, with preparation and explanation, in order to ascertain that the proposed change is 'not unacceptable to the congregation generally'.

Provision was also made in Canon 22 for the College of Bishops to authorise services for experimental use for a limited period.

The Scottish Calendar: In 1991 the General Synod approved a radical revision of the Calendar to replace that contained in the Scottish Prayer Book. The principles guiding the Liturgy Committee were four: universality, inspiration, healing and celebration.

8.5 Marriage : Canon 31

In 1975 the Provincial Synod placed on its agenda the exploration of the possibility of an amendment to Canon 31 'Of the Solemnisation of Holy Matrimony' so as to provide for the marriage in Church of a couple, one or both, of whom had a previous partner still living. The path towards that goal was set out in 1977 and a draft Canon introduced in 1979.

Two ways forward were studied.

(a) The path leading to a declaration of Nullity, mirroring the Roman Catholic practice. This commended itself as avoiding a direct conflict with the Markan prohibition[25]. Yet many felt that it was flawed in that it could lead to confusion or conflict with the civil courts; that it was difficult to prove; that it was open to abuse; and that it was not pastorally satisfactory because it gave support neither to those who were seeking new beginnings nor to those who were persevering in a marriage fraught with pain.

(b) The other path envisaged a recognition of the civil court's judgement of irretrievable breakdown and sought a solution through pastoral rather than legalistic channels. This commended itself because it seemed more honestly to face the reality of failure and to offer a new beginning in forgiveness and in a process where faith and hope and love were the dominant factors rather than legal niceties. Its flaw was, of course, that it seemed to be a

[25] Mark 10.9

denial of our Lord's injunctions. This would have been an insuperable obstacle if it were it not for the Matthean exceptions[26] which were interpreted as giving the Church authority to follow that line.

The debate in 1978 gave a clear indication of the Church's preference for the latter path and a revised Canon was approved in 1980.

In doing so the Synod agreed to certain principles, viz. -

(a) In the Canon there should be a clear affirmation of the Church's adherence to the principle that marriage is a lifelong union.
(b) An affirmation of the role of civil law.
(c) The service to be held in church should be the same as that for a first marriage. This in spite of strong representations that there should be some, however sensitive, element of contrition.
(d) There should be justice for all. The couple concerned should have an absolute right to have their case put to the Bishop; the clergy involved should not be obliged to officiate at such a service when authorised, though they would not be allowed to inhibit the use of a church building where they had jurisdiction.

8.6 Lay Electors : Canon 5 and Lay Representatives : Canon 63

In 1984 the minimum age in Canon 5 for a Lay Elector was reduced to eighteen from twenty four.

Provision was made in 1978 for any body of communicants of not less than thirty to elect a Lay Elector. Thus was recognised the way in which the Church grows in new areas.

A 1992 amendment to abolish the requirement that the Lay Elector 'be a communicant member of the Episcopal Church and of no other ecclesiastical body not in full communion with the same' was carried. This on two counts: first that if obeyed to the letter the Canon as it stood disenfranchised congregations which were members of a Local Ecumenical Parish, and, secondly, that it was contrary to the spirit of ecumenical relationships in general.

Whereas, in 1980 a move to link the offices of Lay Representative and Lay Elector was defeated, in 1990 it was agreed that, if, in a given congregation, the office of Lay Elector should, in certain specified circumstances outwith the Church's control, fall vacant during a vacancy-in-see, the Lay Representative of that congregation should act as Lay Elector until the see was filled.

Since the abolition of the Representative Church Council there had been no provincial rules covering the appointment of Lay Representatives. A new Canon 63 'Of the Office of Lay Representative', drawn largely from the former Representative Church Council Constitution, was passed in 1993.

8.7 Deans And Synod Clerks : Canons 43 and 44

In 1984 Canon 43 'Of the Office of Dean' was fundamentally altered. The work load of Deans had greatly increased over the years and their relationship with the Bishop of the diocese had become more important. It was therefore decided that a five year tenure of office should be the norm with possible extensions by mutual consent, and provision for the incumbent to remain in office for one year after the installation of a new Bishop was included. These provisions were not retrospective.

[26] Matthew 5.32 and 19.7

In 1993 Canon 44 'Of the Office of Synod Clerk' was amended and the tenure of office of the Synod Clerk was similarly altered and provision was made for the incumbent to act for the Dean in certain circumstances.

In 1994 a revision of Canon 43, Section 5 received its second reading. It authorised the Dean, under the direction of the Primus, to administer the Diocese, during a vacancy in the see.

8.8 Admission To Holy Communion : Canon 25

From time to time during the period under review the pastoral needs of children who have not been confirmed but who regularly attend Holy Communion had exercised the mind of Synods. It was decided that the question was best left to the Bishops' Regulations since Canon 25 'Of Admitting to Holy Communion' already made their admission to Holy Communion lawful. It was emphasised that children so admitted in any congregation should carry that authorisation with them if and when they moved.

8.9 Ecumenical Relationships : Canon 15

In 1984 The Church of South India was added to the list of Churches with which the Scottish Episcopal Church is in full communion. This move represented a considerable change in the Scottish Episcopal Church's approach to matters involving the unification of ministries between parties in a uniting Church.
Subsequently it was considered that the Church of North India's method, whereby all existing ministries were re-authorised within a newly formed church, was less desirable than a recognition of one another's ministries as each entered a united (episcopally ordered) church.

The fact that, apart from Canons 5 'Of Lay Electors' and 52 'Of the General Synod' already noticed, no canonical changes affecting relations with other churches had occurred in the twenty years under review should not be taken to indicate no progress. Various Resolutions, most notably concerning Local Ecumenical Parishes, were adopted in recognition of the changing climate in this field from one of a degree of exclusiveness to one of co-operation and openness.

8.10 Rolls and Registers : Canons 41 and 42

Revisions to Canons 41 'Of Communicants' And Other Rolls' and 42 'Of Church Registers' were approved in 1992. These were mainly of a clarifying and tidying up nature but a new clause was added making it mandatory for the cleric in charge to make the communicants' roll available to members of the congregation on the two Sundays before the annual meeting.

8.11 Clergy Retirement : Canon 62

During the 1970s a number of attempts were made to set a fixed retirement age. Draft Canons to effect this were passed at a first reading but were not confirmed. The main arguments against were that such a rule would be contrary to the principle of clergy 'freehold' *ad vitam aut culpam*[27], and that it would inhibit that flowering of a pastoral ministry which so often came with 'the wisdom of age'. However a new Canon 62 'Of Retiral of Clergy' was passed in 1991 setting seventy as the mandatory retirement age for stipendiary clergy whilst recognising that sixty-five was the retirement age for pension purposes. The Canon was not retrospective.

[27] 'For life or until [found guilty of] serious offence'

8.12 The Repeal Of The Scottish Episcopalian Relief Act Of 1792 : Canon 12

This was finally accomplished in 1977 thereby removing the last of the civil penalties ensuing upon the Episcopal Church's involvement in the Jacobite Risings. This had one quite significant consequence for the Episcopal Church, regarding the status of the 'Thirty-nine Articles of Religion', adherence to which had been a statutory requirement 'of all who should be ordained or appointed to clerical office in the Scottish Episcopal Church'. Certain of the Articles had for long been an offence to many and the Provincial Synod of 1979 removed them from Canon 12 Of Subscription to the Scottish Book of Common Prayer and Promise of Obedience to the Canons and Tribunals of this Church. They remain as one of our historical documents.

9. THE CODE OF CANONS 1995[28]

It became clear in the early 1990s that a wholesale revision of the Code was needed in order to remove inappropriate gender-specific language which was no longer considered acceptable. This task led to the approval, for the first time since the eighteenth century, of a complete set of Canons. At the same time a number of changes were also agreed by General Synod, which had come to light in the process of revision. It was no longer expected that ordinations would take place only in the Ember season (in Canon 2 'Of the Ordering of Bishops, Priests and Deacons', Section 2 was repealed); and the provision for the Episcopal Clerk of the Episcopal Synod was removed from Canon 51 'Of Episcopal Synods and the College of Bishops' , Section 1, as this official no longer had any function. It was also decided to restructure Canon 15 'Of the Admission of Clergy of Other Churches, Provinces and Dioceses to Officiate', Section 1, which listed those churches in full communion with the Scottish Episcopal Church, so that such churches were named in a Schedule attached to the Canon, the content of which was the responsibility of the Episcopal Synod, subject to the consent of the General Synod.

Two other changes took place as a result of this revision: the numbering of the Canons was altered from Roman to Arabic numerals; and the opportunity was taken to publish the Code in a ring binder, containing all the Canons, with the date of promulgation on every page, and with a dated list of Canons at the front of the binder, to ensure that it was clear whether any particular set was up to date.

10. AMENDMENTS FROM 1995 TO 2003[29]

The years following the issue of the new Code saw a number of major revisions and additions, which reflected the synodical nature of the church and the need to respond to changes in the society in which it was placed

10.1 The Episcopate : Canons 4 and 57

The revision of Canon 4, 'On the Election of Bishops to Vacant Sees', which took place in 1993 was still considered problematic, and further changes were introduced in 1997 to enable the electors to meet with the candidate before the election took place. A more radical change was approved in 2000, which transferred elections to a specially convened meeting of the Diocesan Synod, thereby removing the office of Lay Elector, which had first been introduced in 1863. The process whereby a list of candidates was presented to the electoral synod was placed in the hands of a Preparatory Committee, comprising both diocesan and provincial representatives, convened by the Primus. The meeting of electors with candidates before the election was retained and further defined; and a new element was introduced whereby the Electoral Synod could determine that none of the candidates proposed by the preparatory

[28] This chapter was first published in 2004
[29] This chapter was first published in 2004

committee was acceptable. In view of the new process of producing the list of candidates, the College of Bishops were required to give their assent to all those on the list before the election took place.

Another, and more fundamental, change took place in 2003, when, after much discussion at diocesan and provincial levels, the General Synod agreed that the episcopate should also be open to women. This was achieved by amending Canon 57 'Of Notices provided for by this Code of Canons and of the Interpretation of the Code', Section 6.

10.2 Discipline and pastoral breakdown : Canons 53 and 54

The provisions of Canon 54 'Of Accusations' were regarded as unsatisfactory, not least because it placed the Bishop of an accused cleric in the position of investigator, judge and executioner, a role which made almost impossible the normal pastoral functions of the Bishop. A revision of the Canon was approved in 1998, which set up a preliminary committee to receive accusations, which, if considered valid, would proceed to a hearing before a new Clergy Discipline Tribunal. At that tribunal, the church would be represented by a Procurator, who was to be a practising solicitor or advocate.

The process under the new Canon 54 was set alongside another new Canon, 53 'Of the Resolution of Situations of Pastoral Breakdown and Other Differences an Disputes', which replaced the former Canon 55 'Of Differences and Disputes and of Appeals' . This was to deal with cases in which there was no question of an accusation but within which the situation within a congregation had reached a point at which normal pastoral ministrations were impossible. Mechanisms were provided for reconciliation of the various parties, failing which the relevant Bishop was to set up an enquiry, undertaken by a Provincial Advisory Board, and to take appropriate action to resolve the situation, based on the report of the Board.

10.3 Diocesan and congregational structures : Canons 8, 13, 15 and 35

In 1997 a major change was made to Canon 8 'Of the Separation, Subdivision or Union of Dioceses, and of Altering the Limits thereof', which took the matter of diocesan boundaries out of the sole control of the Episcopal Synod and placed it under the ultimate agreement of the General Synod, with the initiative for any change still coming from the Bishops.

An attempt was made, also in 1997, to deal with the situation of incumbencies which no longer had the resources to maintain a cleric, whereby the status of the incumbency could be suspended for a period of three years, to enable the congregation to restore the position before the status of the charge was changed. This was incorporated into Canon 13 'Of the Conditions and Mode of Institution to, and of the Resignation and Vacation of, an Incumbency'.

At the same time, a change was made to Canon 15 'Of the Admission of Clergy of Other Churches, Provinces and Dioceses', to enable the position of Local Ecumenical Projects and other joint ventures with other denominations to be recognised within the Code.

The need to further define the church's procedures with regard to its buildings, and in an attempt to ensure that ecclesistical buildings continued to be exempt from some of the procedures under planning laws and regulations, led to changes in 2000 to Canon 35 'Of the Structure, Furniture and Monuments of Churches, and the Due Care thereof', and the setting up of Diocesan and Provincial Buildings Advisory Committees.

10.4 Clerical incapacity and other issues : Canons 64, 3, 7, and 17

In 2002 a wholly new Canon 64 ‘Of Clergy who become Incapacitated’ was agreed by the General Synod, in order to systematise the treatment of such persons, and this was extended in 2003 to cover the Primus and other Bishops with changes to Canons 3 ‘Of the Election and Office of the Primus’ and 7 ‘Of the Resignation of Bishops and Vacating of Sees’.

Also in 2002 a change was made to Canon 17 ‘Of Clerical Studies and Manner of Life’, Section 6, reducing the period of time that a cleric could be absent from a charge without specific episcopal permission from nine to six weeks.

10.5 General Synod : Canon 52

Finally a number of small but not insignificant changes were made to the way in which the General Synod operated. In 1996, the point at which any new canonical material became operative was more clearly defined (Canon 52 ‘Of the General Synod’, Sections 18 and 19); in 1999, the size of the majority within the General Synod required to allow discussion of a motion proposed from the floor was reduced from three-quarters to two-thirds; and in 2001 any members of the church who were appointed as representatives to the Anglican Consultative Council were automatically to be members of the Synod.

This prayer first published in the Code of Canons 1972 is still appropriate-
May this new edition of the Code of Canons be accompanied by the prayers of all faithful Church-people, that it may prove to be to the glory of God, and to the just, wise and peaceful government of the Scottish Episcopal Church.

CANON ONE

OF PRESERVING THE EPISCOPAL SUCCESSION AND THE THREEFOLD MINISTRY

1. The Scottish Church, being a branch of the One Holy Catholic and Apostolic Church of Christ, retains inviolate in the sacred ministry the three orders of Bishops, Priests and Deacons, as of Divine Institution. The right to consecrate and ordain Bishops, Priests and Deacons belongs to the Order of Bishops only. In accordance with the law and custom of the ancient Church, Bishops shall be consecrated by not fewer than three Bishops in all ordinary cases and Priests and Deacons shall be ordained by one Bishop. In the ordination of Priests, the Priests present shall join in the laying on of hands.

CANON TWO

OF THE ORDERING OF BISHOPS, PRIESTS AND DEACONS

1. The Ordering of Bishops, Priests and Deacons shall be according to the authorised Ordinals of the Scottish Episcopal Church. At the consecration of Bishops, in the absence of the Primus the senior Bishop present shall preside, unless it be otherwise unanimously agreed by the Bishops present.

CANON THREE

OF THE ELECTION AND OFFICE OF THE PRIMUS

1. The Episcopal Synod shall elect one of the Diocesan Bishops to be Primus, when a vacancy occurs in that office. During a vacancy, or in cases where the Primus is personally concerned, the senior Bishop shall have the powers attached to the office, except as otherwise provided in these Canons.

2. The Primus shall have no powers or prerogatives other than those expressly conferred by these Canons.

3. Unless otherwise unanimously agreed by the Bishops present, or otherwise provided in a deed of trust or other writing, or resolution of the General Synod, the Primus shall preside at all Provincial Liturgical Functions and at all meetings of the General Synod, the Episcopal Synod and the College of Bishops and, unless otherwise provided, shall have a casting as well as a deliberative vote. The Primus shall declare and carry out the resolutions of the General Synod, the Episcopal Synod and the College of Bishops; shall perform the functions and duties assigned to the office of Primus in these Canons, and shall represent the Scottish Episcopal Church in its relation to all other Churches of the Anglican and other Communions and on its behalf correspond with the Primates and Metropolitans and the Secretary General of the Anglican Consultative Council.

4. Unless otherwise unanimously agreed, in the absence of the Primus the senior Bishop present shall preside and act in place of the Primus, but shall not have a casting vote, except as provided in these Canons.

5. The Primus may delegate the functions of the office of Primus, only with the consent of all the other Diocesan Bishops.

6. The Primus may resign the office of Primus by written notice to the senior Bishop. The Office of Primus shall automatically become vacant if the Primus ceases to be a Diocesan Bishop of the Scottish Episcopal Church.

7. *Repealed 2003*

8 The acting Primus, subject to the provision of Canon 51, Sections 3 and 4, shall convene a Synod for the election of a Primus within three months of the date of the vacancy, one month's notice of place and date of the Synod being given. The election shall be determined by the majority of votes given. Vote by proxy shall not be allowed, but no Bishop shall be elected Primus who has not received the votes of a majority of the whole number of those entitled to vote in an Episcopal Synod. An extract from the minutes of the Synod, certified by the Bishop presiding at the election or by the Lay Clerk, shall be sufficient evidence of the appointment. The College of Bishops may (if it seem good to a majority) extend the three months mentioned in this section to six months. In the event of the acting Primus failing to convene a Synod within the said three months, or within six months if the time has been extended as aforesaid, any three Diocesan Bishops may jointly convene it.

9. The Primus shall be designated by the style and title of

"The Most Reverend_____ Bishop of
_____, Primus of the Scottish Episcopal Church".

CANON FOUR

OF THE CALLING AND ELECTION OF BISHOPS TO VACANT SEES

1. DEFINITIONS

In this Canon

“Bishop-Elect” means the person stated in the Declarations referred to in Sections 28 and 30 of this Canon as the person elected as the Bishop of the Diocese in question;

“Candidate” means any person whose name shall have been included by the Preparatory Committee in the list of candidates for the vacant bishopric at the conclusion of its work in terms of Section 16 of this Canon, and "Candidates" shall be construed accordingly;

"Commentary" means the Commentary adopted by the General Synod under Resolution 2 of this Canon, which Commentary is at all times subordinate to this Canon;

“Convener of the Preparatory Committee” means the person so specified to act as the Convener of the Preparatory Committee in terms of Section 15 of this Canon;

“Convener of the Electoral Synod” or "Convener" means the person so specified to act as the Convener of the Electoral Synod in terms of Section 6 of this Canon;

“Description of the Diocese” means the document or other method of presentation describing the diocese in question referred to in Section 4 of this Canon;
"Electoral Process" means the process for the election of a Bishop-Elect contained in this Canon;

“Electoral Synod” means the body constituted in Section 8 of this Canon; “Electoral Meeting” means the electoral meeting of the Electoral Synod;

“Electors” means the members of the Electoral Synod present at any meeting;

"Electronic Means" means any method of transmission of information, sound or images between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions and which allows the recipient to reproduce the information, sound or images transmitted in a tangible medium of expression;

"Guidelines" means the Guidelines adopted by the General Synod under Resolution 1 of this Canon, which Guidelines are at all times subordinate to this Canon;

“the List” means the list of names of candidates prepared by the Preparatory Committee in terms of Section 16 of this Canon;

“Majority” means, where the context so provides in this Canon, an absolute majority of all those members of Electoral Synod, recorded as present and admitted in terms of Section 22 of this Canon, and voting;

“Mandate” means the document in terms of Appendix 1 to the Code of Canons;

“Preliminary Meeting" means the Preliminary Meeting of the Electoral Synod being the meeting referred to in Section 10 of this Canon;

“Preparatory Committee” means the body constituted in Section 15 of this Canon;

“Provincial Panel for Episcopal Elections” means the standing body constituted under Section 3 of this Canon;

"Stage" means the First Stage, Second Stage and Third Stage of the electoral process specified in Section 12 of this Canon and "Stages" shall be construed accordingly.

PRELIMINARIES

2. CONFIDENTIALITY AND DISPOSAL OF DOCUMENTATION

(a) All documents and proceedings arising under this Canon shall be subject to a duty of confidentiality such that they shall be treated as strictly confidential by all persons involved in all or any of the proceedings arising under the Canon and who are subject to the Canons of the Church.

(b) At the conclusion of the Electoral Process all documentation issued to the Electoral Synod and the Preparatory Committee shall be disposed of in such a way as the Convener shall direct.

3. PROVINCIAL PANEL FOR EPISCOPAL ELECTIONS

(a) There shall be a Provincial Panel for Episcopal Elections.

(b) The Diocesan Synod of each diocese shall elect from among its own number two persons, one lay and one clerical, to serve on the Provincial Panel for Episcopal Elections.

(c) The period of office of such persons shall be not more than four years in the first instance, but they may be re-elected for a second term of office.

(d) The Standing Committee of the Diocese shall have the power to fill any casual vacancies arising in the membership including a clerical member disqualified in terms of Section 16, on the condition that such person appointed will hold office until the next Diocesan Synod.

(e) If, before the next Diocesan Synod, an Electoral Process under this Canon has commenced, the person shall continue in office until the Diocesan Synod following the completion of the Electoral Process.

(f) The person shall be entitled to stand thereafter for such office for the full period of four years.

(g) Any member of the Panel who has been appointed to a Preparatory Committee shall continue to serve on that Committee notwithstanding an expiry of period of office.

4. OVERSIGHT DURING VACANCY AND DESCRIPTION OF THE DIOCESE

(a) During the vacancy of the see, until the newly elected Bishop is installed, a Bishop nominated by the College of Bishops shall act as Bishop of the Diocese, with full powers.

(b) As soon as the intention of the Bishop to resign has been intimated in terms of Canon 7, or after the death of the Bishop, or the removal of the Bishop due to incapacity in terms of Canon 64, or the removal of the Bishop in terms of Canon

54, the Standing Committee of the Diocese shall complete and circulate a Description of

the Diocese, together with such future plans and intentions for the work of the Diocese as seem relevant to said Standing Committee.

(c) It shall also promote training on the Electoral Process and discernment for the calling of a Bishop.

(d) The Description of the Diocese shall be circulated to all members of the Electoral Synod, the College of Bishops, the Preparatory Committee and the Candidates.

5. ISSUE OF THE MANDATE

(a) Within twenty-one days of a Diocese becoming vacant, the Primus shall issue the Mandate to the Dean of that Diocese with a copy to each of the Chancellor of the Diocese, the Clerk to the Episcopal Synod and the Convener of the Standing Committee of the General Synod.

(b) The date of issuing the Mandate may be extended by the College of Bishops for a period not normally exceeding six months.

(c) In the event of there being a vacancy in the office of Dean, the Mandate shall be issued to the Synod Clerk of that Diocese.

(d) The issue of the Mandate shall inaugurate the Electoral Process.

THE ELECTORAL SYNOD

6. CONVENERSHIP OF ELECTORAL SYNOD

(a) The meetings of the Electoral Synod shall be convened by the Primus.

(b) The Convener shall have no vote in the deliberations of the Electoral Synod.

(c) The organisation of the meetings of the Electoral Synod shall be the responsibility of the Convener with the assistance of the Standing Committee of the Diocese.

(d) Notwithstanding Section 5 of Canon 3, if the Primus is unable or unwilling to act for any part of the procedures set out in this Canon, another Diocesan Bishop at the request of the Primus or on the instruction of the College of Bishops shall act in place of the Primus.

(e) If a Bishop is appointed to replace the Primus in the conduct of the Electoral Process, that Bishop shall act in place of the Primus in all subsequent matters concerning that Electoral Process.

(f) Should the Bishop so appointed become unable or unwilling to act, the College of Bishops shall appoint another of their members to act.

7. ASSESSOR

(a) The Convener of the Electoral Synod shall appoint the Chancellor of the Diocese, whom failing the Registrar of the Diocese or a legally qualified person to act as Assessor to the Electoral Synod and Assessor to the Preparatory Committee.

(b) The Assessor shall attend all meetings of Electoral Synod and the Preparatory Committee.

(c) If the Assessor is not able to attend any meeting, the Convener shall be entitled to excuse such non-attendance, and at the Convener's sole discretion appoint a legally qualified person to act as Assessor.

8. MEMBERSHIP OF THE ELECTORAL SYNOD

(a) The membership of the Electoral Synod shall comprise the members, as defined in Sections 3 and 4 of Canon 50, of the Diocesan Synod who as at the date of the Mandate are qualified to vote at that Synod.

(b) Any cleric who has allowed their name to appear on the List at any Stage may not participate in the Electoral Process at that Stage.

(c) Such cleric shall not be excluded from participation at a Stage when their name does not appear on the List.

(d) Any Lay Representative who ceases to be a communicant member of the congregation by which that Lay Representative was elected shall be ineligible to serve, in which case that person's place at the Electoral Synod shall be taken by the Alternate Lay Representative of that congregation in office at the date of the Mandate.

(e) In the event of any Lay Representative being unable to attend any Meeting of the Electoral Synod, the Alternate Lay Representative may attend any such Meetings as a voting member of the Electoral Synod and shall continue as a voting member of the Electoral Synod in place of the Lay Representative until the election has taken place.

(f) Written confirmation of such substitution should if possible be made by the Lay Representative or the Vestry Secretary of the congregation to the Convener of the Electoral Synod within 10 days of the date of the next Meeting, to ensure inclusion in the roll of Electors for such meeting.

(g) In unforeseen circumstances where any Lay Representative or the Alternate Lay Representative has suddenly become indisposed, the Convener has a discretion to allow the Lay Representative or the Alternate Lay Representative to attend later meetings of the Electoral Synod.

(h) The roll of Electors shall be amended accordingly.

9. DIVISION INTO HOUSES

(a) It shall be competent for the Electoral Meeting held under this Canon to divide into a house of Clergy and a house of Laity for discussion, should that be the wish of a majority of the members of either house present and voting, for such time as the Convener shall decide.

(b) If before the two houses reassemble together, a majority of either house considers it advisable that the trend of their discussions should be transmitted to the other, the Convener shall arrange for this.

(c) During such separate meetings, each house shall elect one of their number to take the chair for that meeting.

10. PRELIMINARY MEETING OF THE ELECTORAL SYNOD

(a) The Convener shall summon a Preliminary Meeting of the Electoral Synod.

(b) The Summons can be by Electronic Means or by letter.

(c) The Preliminary Meeting shall take place within 21 days of the issuing of the Summons.

(d) Recipients of the Summons should also receive a copy of the Mandate, the Guidelines and the Commentary with a copy of this Canon attached.

(e) All members of the College of Bishops shall normally attend the Preliminary Meeting.

(f) They may contribute to the discussion but shall have no vote in the deliberations.

(g) All members of the Preparatory Committee already appointed shall normally attend the Preliminary Meeting.

(h) They may contribute to the discussion but shall have no vote in the deliberations unless they are members of the Electoral Synod in their own right.

11. PROCEDURES OF THE PRELIMINARY MEETING

(a) The Preliminary Meeting shall start with a celebration of the Eucharist at which the Convener of the Electoral Synod shall preside, following which the Convener shall constitute the Preliminary Meeting.

(b) Following the reading of the Mandate, the roll of clerical and lay members of the Electoral Synod shall be called.

(c) Immediately thereafter, objection may be stated to the inclusion of any name on that roll, and any person claiming to be a member may ask to be included on that roll.

(d) Such objection or claim shall be disposed of forthwith and shall not be competent at a later stage of the proceedings.

(e) The Convener, acting on the advice of the Assessor, shall decide on any such objection or claim, and the Convener's decision shall be final and not subject to appeal.

(f) At the Preliminary Meeting the Convener shall explain to the members of the Synod the working of the process under this Canon.

(g) The Preliminary Meeting may discuss, in whatever manner may be directed by the Convener or chosen by the Meeting, all procedures to be followed in the implementation of this Canon, the Description of the Diocese or the subjects which it might have been expected to cover and all matters relating to the election of a Bishop under this Canon.

(h) If not already elected at the last Diocesan Synod prior to the issue of the Mandate, the Preliminary Meeting shall, from its own membership, elect two additional clerical members and two additional lay members to join the Preparatory Committee.

(i) No congregation shall be represented by more than one member on the Preparatory Committee.

12. TIMETABLING BY PRELIMINARY MEETING AND STAGES

(a) The Preliminary Meeting shall approve a provisional timetable for all possible meetings of the Electoral Synod under a single Mandate including all of the Stages.

(b) The Electoral Process shall be completed within one year of the date of the Mandate being issued even if it is necessary to engage in all three Stages.

(c) The provisional timetable may be extended at the discretion of the Convener with the support of a majority of the Electoral Synod.

(d) Consultation may be carried out by Electronic Means or letter and notice of a decision shall be transmitted by the same method to all members of the Electoral Synod.

(e) The three Stages of the Electoral Process are as follows:-

FIRST STAGE
ELECTION BY ELECTORAL SYNOD AT FIRST ATTEMPT

- The Preparatory Committee sends the List to the Electoral Synod.
- The Meeting of the Electoral Synod with the Candidates.
- The Electoral Meeting at which the Bishop-Elect is elected.

SECOND STAGE (Should there be no List or no successful election)
ELECTION BY ELECTORAL SYNOD AT SECOND ATTEMPT

- Further Meeting of Electoral Synod.
- The Preparatory Committee sends the List to the Electoral Synod.
- The Meeting of the Electoral Synod with the Candidates.
- The Electoral Meeting at which the Bishop-Elect is elected.

THIRD STAGE (Should there be no List or no successful election at the second Stage)
ELECTION BY EPISCOPAL SYNOD

- A meeting between members of the Episcopal Synod and the Diocesan Members of the Preparatory Committee.
- The Meeting of the Episcopal Synod at which the Bishop-Elect is elected.

13. QUORUM

(a) The quorum for all meetings of the Electoral Synod shall be as defined in the Diocesan Constitution or, should no quorum be specified, it shall be one half of those entitled to vote.

(b) Should circumstances make it difficult to ensure a quorum, the Convener shall have the discretion to extend the periods within which such meetings may be held.

14. VALIDITY OF PROCEEDINGS

(a) The validity of the proceedings at any meeting under this Canon shall not be affected by the failure of any of the members of the Electoral Synod, Preparatory Committee or Episcopal Synod to attend.

PREPARATORY COMMITTEE FOR A DIOCESAN EPISCOPAL ELECTION

15. MEMBERSHIP

(a) The preparation of all documentation for meetings of the Electoral Synod, other than the Preliminary Meeting, shall be the responsibility of a Preparatory Committee.

(b) The Preparatory Committee shall comprise

(i) the Convener of the Electoral Synod who shall act as Convener of the Preparatory Committee,

(ii) one other bishop, nominated by the College of Bishops,

(iii) five members of the Provincial Panel for Episcopal Elections chosen by the Standing Committee of the General Synod (of whom at least two shall be laity and at least two shall be clerics, including both members from the diocese concerned), and

(iv) two further lay and two further clerical members chosen by the last Diocesan Synod prior to the issuing of the Mandate, which failing the Electoral Synod from among its own members at the Preliminary Meeting.

16. WORK OF THE PREPARATORY COMMITTEE

(a) All meetings of the Preparatory Committee shall take place within the Diocese concerned.

(b) Where it is not possible or permissible to meet in person, or it is easier for members to participate, meetings can be held using Electronic Means.

(c) The Convener and six members shall constitute a quorum of the Preparatory Committee provided that this includes at least two diocesan members and one provincial member.

(d) The Preparatory Committee shall prepare a List consisting of not less than three and not more than five names.

(e) In determining the content of this List, the Preparatory Committee shall consult interested parties, including the Diocesan Standing Committee and the College of Bishops.

(f) In determining the content of this List, the Preparatory Committee may receive suggestions from whomsoever wishes to make them; may interview prospective Candidates; and may use such other means as it sees fit to employ.

(g) Any suggestions submitted shall include an indication of the willingness of the person suggested to be considered for candidacy by the Preparatory Committee.

(h) In addition to the List, the Preparatory Committee shall provide

(i) a *curriculum vitae*, prepared by each Candidate,

(ii) a statement from each, in the form of responses to a questionnaire prepared by the Preparatory Committee and completed by each Candidate, and

(iii) a form of assent to nomination as Candidate (in terms of Appendix No.2) from each Candidate.

(i) The List shall not be made public and shall be treated as confidential by all those who receive it.

(j) If a clerical member of the Preparatory Committee declares a willingness to be considered for inclusion on the List, that member shall immediately cease to be a member of the Preparatory Committee.

(k) If the member concerned is a member of the Provincial Panel for Episcopal Elections but not the member for the Diocese in question, the Standing Committee of the General Synod shall select a replacement from the Provincial Panel for Episcopal Elections.

(l) If the member concerned is one of the additional clerical members chosen by either the Diocesan Synod or the Electoral Synod, the Standing Committee of the Diocese shall nominate a replacement cleric from among those who were members of the Diocesan Synod at the date of the issue of the Mandate.

(m) In the event of the clerical member of the Provincial Panel for Episcopal Elections being the Diocesan member thus disqualified, a replacement shall be appointed in terms of Section 3.

(n) The Preparatory Committee shall endeavour to produce the List within the provisional timetable at both the first and second Stages agreed by the Electoral Synod in terms of Section 12, but if this cannot be done it may seek an extension.

(o) In the second Stage the List shall contain not less than two and not more than five names.

(p) If the Preparatory Committee is unable to produce a List at the Second Stage, or if no Candidate is elected at the Second Stage, the third Stage shall commence and the right of Election shall pass to the Episcopal Synod.

17. ASSENT OF THE COLLEGE OF BISHOPS

(a) Once nominations have been received, but before any interviews take place, the Preparatory Committee shall send details of those nominated to the College of Bishops, who must assent to any names going forward for further consideration.

(b) The name of any person who is not agreed as acceptable by the College of Bishops may not be included in the List.

(c) The reasons for such decisions shall be recorded in the minutes of the College of Bishops, which minutes shall be confidential.

(d) Such members of the Preparatory Committee as are bishops shall be charged by the College of Bishops with informing the Preparatory Committee of the unacceptability of any proposed candidate.

(e) The appearance of any name on the List shall be regarded as evidence that that name is acceptable to the College of Bishops.

18. PROMISES TO AND STATEMENTS BY CANDIDATES

(a) No promises, either written or spoken, other than the subscriptions prescribed in Canon 12 shall be required from or given by any person as a condition of proposal as a Candidate.

(b) No person who has been proposed as Candidate shall make any public statement, spoken or written, relating to that candidacy or the Electoral Process, other than as provided in these Canons.

(c) Any infringement of this provision by a Candidate shall be notified to the Convener and then considered by the Electoral Synod prior to the Electoral Meeting with Candidates and the Electoral Synod may decide that the candidacy shall be treated as having been withdrawn.

THE MEETING OF THE ELECTORAL SYNOD WITH THE CANDIDATES

19. CONVENING

(a) The Convener of the Electoral Synod shall summon the Meeting of the Electoral Synod with the Candidates by Electronic Means or letter.

(b) Recipients of the Summons should also receive confirmation of the date of the Electoral Meeting and receive the List and those other papers prepared by the Preparatory Committee for the use of the Electoral Synod.

20. MEETING OF THE ELECTORAL SYNOD WITH CANDIDATES

(a) The Electoral Synod's meeting with the Candidates shall start with a celebration of the Eucharist at which the Convener shall preside, following which the Convener shall constitute the meeting.

(b) The roll of Electors as constituted under Section 11 shall be checked.

(c) Any amendments to the roll of Electors under Section 8 shall be intimated, and if any objection is raised to the inclusion or omission of a name on the electoral roll, the Convener, on the advice of the Assessor, shall decide on such objection.

(d) The Convener's decision shall be final and not subject to an appeal.

(e) The Candidates shall be introduced to the meeting by the Convener, and the meeting will proceed as the Convener may direct.

THE ELECTORAL MEETING

21. CONSTITUTION AT CELEBRATION OF THE EUCHARIST

(a) The Electoral Meeting shall start with a celebration of the Eucharist, at which the Convener shall preside, following which the Convener shall constitute the Electoral Meeting.

22. READING OF MANDATE AND CHECKING OF ROLL OF ELECTORS

(a) Following the reading of the Mandate, the roll of Electors as constituted under Sections 11 and 20 shall be checked.

(b) The Convener shall have discretion to admit latecomers to the Electoral Meeting on good cause being shown, although no person will be admitted once these initial proceedings have come to an end.

(c) The initial proceedings, consisting of the Eucharist, the reading of the Mandate and the checking of the roll of Electors, shall take place in public.

(d) All subsequent proceedings shall be in private and shall be and shall remain confidential.

(e) Confidentiality as to the result of the election shall be maintained by all members until the Convener formally intimates that the Bishop-Elect has accepted the appointment.

23. VOTE OF “NONE”

(a) Abstentions shall not be counted as votes.

(b) However, any member of the Electoral Synod may vote ‘None’ as a vote or, in the transferable ballot, as an expressed preference, if that member wishes to express the view that none of the Candidates, or none of the remaining Candidates, should be elected.

(c) If at any stage in the voting process in terms of Section 25, Section 26 or Section 27 of this Canon, the number of votes of "None" exceeds one half of the total number of votes cast in either house, the Convener shall declare the Electoral Process unsuccessful.

24. ADJOURNMENTS

(a) On the motion of any member of the Electoral Synod the Electoral Meeting may, before proceeding to any vote, resolve to adjourn to a specified later period of the same day.

25. PROCEDURE FOR INITIAL VOTES

(a) After checking the roll, the Convener of the Electoral Synod shall place before the Electoral Synod the List and may invite discussion.

(b) In due course, the Convener shall call upon the Electoral Synod to vote upon the List.

(c) The vote shall be by ballot by houses, one vote being cast by each member of the Electoral Synod.

(d) No votes may be cast by proxy.

(e) At the end of the vote, the result shall be declared by the Convener.

(f) In the event of a Candidate receiving a majority of the votes of each house of members of Electoral Synod recorded as present and admitted, in terms of

Section 22 of this Canon, and voting, that Candidate shall be declared by the Convener to have been elected.

(g) In the event of no Candidate receiving an absolute majority, the Convener shall call upon the meeting, following any further discussion which the Convener may decide to allow, to vote for a second time upon the List.

(h) This second vote shall also be by ballot by houses, one vote being cast by each member of Electoral Synod.

(i) At the end of the second vote, the result shall be declared by the Convener in the same manner as for the first vote.

(j) In the event of the second vote being inconclusive, where there are more than two Candidates, the Convener shall move to the voting procedure specified in Section 26 of this Canon.

(k) Where there are only two Candidates, the Convener shall move to the voting procedure specified in Section 27 of this Canon.

26. PROCEDURE FOR A TRANSFERABLE VOTE WHERE THERE ARE MORE THAN TWO CANDIDATES

(a) Where there are more than two Candidates, in the event of no Candidate receiving a majority of the votes of each house in any of the previous votes, the Convener of the Electoral Synod shall call upon the Electoral Synod to proceed without further discussion to vote by placing the Candidates in order of preference.

(b) An option for 'None' shall be included on the ballot paper and may be listed as a preference.

(c) This vote shall take place without division into houses and will reflect the votes of the whole Electoral Synod.

(d) The count of first preference votes will be tallied.

(e) The Candidate who receives the lowest number of first preference votes shall be eliminated.

(f) The ballot papers which listed the eliminated Candidate as the first preference shall then be recounted and the second preference votes shall be redistributed amongst the remaining Candidates.

(g) This process will continue until two Candidates remain.

(h) If at any point where a second preference vote on a ballot paper is being counted and that vote is in favour of a Candidate who has been eliminated, the third preference vote shall be counted instead and so on and so forth until a preference is reached in respect of a Candidate who has not been eliminated. That preference vote shall be counted as though it were the second preference.

(i) When only two Candidates remain, a final round of voting will take place.

(j) The vote shall be by ballot by houses, one vote being cast by each member of the Electoral Synod.

(k) No votes may be cast by proxy.

(l) At the end of the vote, the result shall be declared by the Convener.

(m) In the event of a Candidate receiving a majority of the votes of each house of members of Electoral Synod recorded as present and admitted, in terms of Section 22 of this Canon, and voting, that Candidate shall be declared by the Convener to have been elected.

27. FINAL VOTE

(a) If voting has taken place under Section 25 and, where appropriate, under Section 26, and neither Candidate has obtained an absolute majority in both houses, the Convener may call upon the Electoral Synod to adjourn.

(b) This adjournment will last for a period of not less than thirty and not more than ninety minutes.

(c) Following the adjournment, the Convener shall ask the Electoral Synod to vote again on the two Candidates.

(d) This final vote shall be by ballot by houses, one vote being cast by each member of the Electoral Synod.

(e) No votes may be cast by proxy.

(f) In the event of a Candidate receiving a majority of the votes of each house of members of Electoral Synod, recorded as present and admitted, in terms of Section 22 of this Canon and voting, that Candidate shall be declared by the Convener to have been elected.

(g) If at the end of this process no Candidate has an absolute majority in both houses the Convener shall declare the Electoral Process unsuccessful.

28. DECLARATION OF ELECTION BY ELECTORAL SYNOD

(a) When a Candidate has been elected after Stage 1 or Stage 2, a Declaration in triplicate stating the result in terms of Appendix No.3A shall be signed by the Convener of the Electoral Synod in the presence of the Electoral Synod.

(b) One copy of the Declaration shall be transmitted to the Registrar of the Episcopal Synod, one to the Bishop Elect, and one to the Diocesan Registrar for preservation and registration.

29. EPISCOPAL SYNOD RIGHT OF ELECTION

(a) Where the Convener of the Electoral Synod has declared the Electoral Process to be unsuccessful at Stage 2, the right of election shall pass to the Episcopal Synod.

(b) Prior to the Election Meeting of the Episcopal Synod, the members of the Episcopal Synod shall meet with the Diocesan Members of the Preparatory Committee. The purpose of this meeting shall be to consider the reasons why the Electoral Synod was unable to complete the electoral process and also to discuss the particular needs of the diocese, including mission and ministry and spiritual oversight.

30. DECLARATION OF ELECTION BY EPISCOPAL SYNOD

(a) When a Candidate has been elected by the Episcopal Synod, a Declaration in triplicate stating the result in terms of Appendix No.3B shall be signed by the Convener of the Episcopal Synod.

(b) One copy of the Declaration shall be transmitted to the Registrar of the Episcopal Synod, one to the Bishop Elect, and one to the Diocesan Registrar for preservation and registration.

31. ACCEPTANCE BY BISHOP–ELECT

(a) The Bishop-Elect shall give written acceptance of election to the Primus within seven days of the date of the election.

(b) The period of seven days may be extended at the discretion of the College of Bishops.

(c) A verbal acceptance on the day of the Electoral Meeting or of the meeting of the Episcopal Synod is sufficient for the Convener of the Electoral Synod or the Primus to make a public announcement of the election result.

(d) If the Bishop-Elect declines to accept election, or does not accept election within the seven day period or any other period extended at the discretion of the College of Bishops, the election shall proceed to the next Stage.

(e) If all Stages have been exhausted, a Mandate shall be issued for a fresh Election.

EPISCOPAL ORDINATION AND INSTALLATION

32. ORDINATION AND INSTALLATION OF THE BISHOP-ELECT

(a) The College of Bishops shall make provision for the ordination to the episcopate of the person elected, unless already a Bishop, and installation into the vacant see.

(b) The ordination, if required, and the installation shall take place at the latest within one hundred days after the date of acceptance of election, unless the College of Bishops deem it necessary to postpone it beyond that period.

33. JURISDICTION

(a) The newly elected Bishop shall take jurisdiction within the Diocese from the time of the installation.

OBJECTIONS TO PROCEEDINGS OF ELECTORAL SYNOD

34. APPEALS

(a) The Convener of the Electoral Synod shall decide all questions of order or of any issues arising in the course of the proceedings.

(b) There shall be no appeal in relation to decisions about the inclusion or omission of a name on the Electoral Roll.

(c) An appeal against any other decision of the Electoral Synod or the conduct of proceedings in the Electoral Synod shall be competent to the Episcopal Synod.

(d) Any such objections, with reasons, must have been made at the relevant meeting of the Electoral Synod and be supported by not less than one-third of the Electoral Synod members who were present at said meeting.

(e) A written statement of the objections, with the names of the objectors, must be lodged with the Registrar of the Episcopal Synod within four days of the meeting to which they refer.

(f) The decision of the Episcopal Synod shall be final.

35. POWERS OF EPISCOPAL SYNOD

(a) The Episcopal Synod shall hear any appeal under this Canon

(b) Following such hearing, the Episcopal Synod shall declare: **EITHER**

A: that the objection does not affect the validity of the result of the election and that the election stands; **OR**

B: that the objection has affected the validity of the result and that the election is void.

(c) If the election is set aside, the Primus shall forthwith issue a Mandate for a fresh election.

(d) No Bishop who has acted as the Convener in the Electoral Process shall be a member of the Episcopal Synod in any appeal.

RESOLUTIONS UNDER CANON FOUR

Resolution 1

Guidelines

The General Synod shall adopt Guidelines which are to be followed by Electoral Synods for implementation of the Electoral Process. The Guidelines may be adopted or amended from time to time by resolution of General Synod on the recommendation of the Faith and Order Board.

Resolution 2

Commentary

The General Synod shall adopt a Commentary for all parties involved in the Electoral Process. The Commentary may be adopted or amended from time to time by resolution of General Synod on the recommendation of the Faith and Order Board.

CANON FIVE

REPEALED (2000)

CANON SIX

OF DIOCESAN BISHOPS AND THEIR JURISDICTION, AND OF BISHOPS' COMMISSARIES

1. The Bishop appointed to the charge of a diocese shall reside within the bounds of that diocese, or in some place of access convenient thereto, approved by the College of Bishops. If ill-health or other important considerations shall require absence for a longer period than four months in any one year, the consent of the College of Bishops shall be obtained.

2. The Bishop is the Chief Pastor of all within the Diocese and their Father in God. It appertains to the office of Bishop to teach and uphold sound and wholesome doctrine and to banish and drive away all erroneous and strange doctrines contrary to God's word. Each congregation within a Bishop's jurisdiction shall be visited personally by its Bishop at least once in every three years, and formal visitations by the Bishop may from time to time be held in connection therewith.

3. The Bishop is the principal minister of Word and Sacraments in the Diocese, to whom belongs the right of celebrating the rites of Ordination and Confirmation. As Chief Pastor it is competent for the Bishop to administer the Holy Sacraments, preach the Word of God, preside at all liturgical functions, and perform all other duties pertaining to this office, in every church within the Diocese, and notice of intention to do so shall be given by the Bishop to the Rector as may be convenient to the circumstances.

4. No Bishop of one diocese, except as provided in these Canons, shall interfere with the concerns of another diocese.

5. The clergy of a diocese shall take no direction for their official conduct but from their own Bishop, except in the case of a lawful decision of the Episcopal Synod, or of the College of Bishops.

6. No Bishop shall perform any episcopal function in any other diocese without the sanction, nor exercise any other ecclesiastical function against the will, expressed in writing, of the Bishop thereof, except as provided in Section 11 of this Canon.

7. In case of inability or partial inability to act, arising from absence, illness, or other sufficient cause, a Bishop may, in terms of Appendix No.8, appoint a Commissary or commissaries, who shall be Presbyters resident within the diocese, or Bishops, to whom the Bishop may delegate such ordinary administrative powers of the office as the Bishop sees fit; but not so as to affect the canonical rights or duties of the Dean; nor to give power to make appointments, nor to exercise rights of patronage, nor to exercise functions of a judicial or semi-judicial character pertaining to the office of a Diocesan Bishop, nor to dispense with or modify requirements of the Canons, so far as the Bishop is authorised to do so; nor to alter or sanction variations in services; nor to represent the Bishop in or in connection with Synods: provided always that no appointment of a Commissary shall be valid for more than four months, unless

confirmed by the College of Bishops, and then only for such period as may be specified by said College: provided also that successive appointments be treated as one appointment for purposes of confirmation, unless made at intervals of not less than twelve months after the cessation of the previous appointment.

8. In any case where a Bishop's power to delegate is disputed by any person whose interests are injuriously affected, an appeal at the instance of such person shall lie to the Episcopal Synod: provided always that in cases where urgency is claimed, a certificate from the Chancellor of the diocese that there is urgency, and that the Commissary does possess the power to do the act in question, shall validate the act *ad interim.*

9. In the event that a Bishop is subject to proceedings under Canon 54, it shall be competent for the Primus to make an order at any time after an accusation is lodged suspending that Bishop from office without loss of emoluments, and the provisions of Section 11 of this Canon shall apply. Any decision by the Primus to suspend shall be subject to an appeal to the Episcopal Synod.

When an accused Bishop is automatically suspended from office without loss of emoluments in terms of Canon 54 Section 18, the provisions of Section 11 of this Canon shall apply. Any such suspension shall cease on the termination of proceedings brought under Canon 54.

10. In the event that a Bishop is subject to proceedings under Canon 64 it shall be competent for the Primus to suspend that Bishop without loss of emoluments pending the meeting of the Medical Review Panel. In the event that the Medical Review Panel orders suspension from duties, the provisions of Section 11 of this Canon shall apply.

11. During the period of suspension, the Primus, or some other Bishop agreed by the College of Bishops, shall act as Bishop of the Diocese, with full powers. The stipend of the suspended Bishop shall be met by the Diocese concerned.

CANON SEVEN

OF RESIGNATIONS OF BISHOPS AND VACATING OF SEES

1. A Bishop when desiring to resign a See shall give in that resignation to the Primus in writing. The Primus when desiring to resign shall give in that resignation in writing to the senior Bishop. The Primus or senior Bishop upon receipt of such resignation shall forthwith advise the Dean of the Diocese thereof.

2. *Repealed 2003*

CANON EIGHT

OF THE SEPARATION, SUBDIVISION, OR UNION OF DIOCESES, AND OF ALTERING THE LIMITS THEREOF

1. The Episcopal Synod, by a majority of two-thirds of the whole number of Bishops, shall have sole authority to initiate proposals concerning the separation of Dioceses which are united; the subdivision of existing Dioceses; the unification of two or more Dioceses under one Bishop, and the transference of any district from one Diocese to another.

2. Discussion shall proceed on a directive, outlining the proposals of the Episcopal Synod, from the Primus to the Faith and Order Board and the Administration Board. The Faith and Order Board, within six months of receiving said directive, shall prepare in detail, a report outlining its perspective of the advantages and disadvantages of the said proposals. The Administration Board, within a similar period of six months, also shall prepare in detail a Report on the financial consequences of implementing said proposals, together with a comparative report on the current financial position applicable to the status quo.

3. The reports from both Boards last above mentioned shall be sent to all Diocesan Synods which shall submit in writing their views and recommendations to the General Synod at its next meeting. The General Synod shall at its next meeting decide, by a two-thirds majority, on the proposals emanating from the Episcopal Synod, which decision shall be final.

CANON NINE

OF EXTRA-DIOCESAN CHURCH INSTITUTIONS

1. The Episcopal Synod may, by a majority of two-thirds of the whole number of Bishops, declare any Church Institution which in their opinion is general in its character to be extra-diocesan, after giving opportunity to the managing body thereof, and to other parties interested, to be heard, whereupon effect shall be given to such declaration. The Episcopal Synod shall in that event appoint one of its members to exercise Episcopal supervision with such powers as may be arranged, but not exceeding the powers of a Diocesan Bishop. The Episcopal Synod may in like manner rescind such declaration.

CANON TEN

OF CATHEDRAL CHURCHES

1. It shall be in the power of the Bishop of any diocese, with the concurrence of a majority of the Presbyters present in the Diocesan Synod and qualified to vote, to erect a Cathedral, or to appoint any existing church within the diocese (but in such case with the concurrence also of the Rector and of the Vestry) to be the Cathedral Church of the Bishop and of the diocese.

2. In the event of the Bishop of any diocese having appointed any existing church within that diocese to be the Cathedral Church of the Bishop and of the diocese, it shall be in the power of the Bishop, with the concurrence of a majority as aforesaid in the Diocesan Synod, at any time to appoint any other church within the diocese, or a church built for the purpose, to be the Cathedral in lieu thereof.

3. Every Cathedral constituted after 1890 shall be governed in accordance with a code of statutes approved by the Bishop and by a majority of the Presbyters present in the Diocesan Synod and qualified to vote, and sanctioned by the Episcopal Synod; and any breach of these statutes may be dealt with in the same way as if it were a breach of these Canons.

4. The Bishop shall be the head of the Cathedral, and under the Bishop it shall be governed in such way as the statutes of the Cathedral direct. In each Cathedral there shall be a Chapter consisting at least of a statutory number of Canons who shall be Presbyters resident in the diocese. The incumbent of a Cathedral may be appointed and designated Provost of such Cathedral in accordance with the statutes thereof but without prejudice to any provision thereunder for the Bishop of the Diocese acting as Provost.

5. The Bishop shall have the use of the Cathedral for all episcopal acts and diocesan functions, provided that the statutory services be not interrupted except with the concurrence of the Provost or Rector.

6. Any Presbyter appointed to the office of Canon of the Cathedral and resident in the diocese shall while holding that Canonry possess the rights of an instituted Presbyter of the diocese. This section shall not apply to honorary Canons.

7. The statutes of any church constituted a Cathedral before 1890 shall have the canonical force mentioned in Section 3 if they have been approved by the Episcopal Synod, and Section 6 shall apply to all Cathedral Churches; but this Canon shall not otherwise apply to Cathedrals constituted before 1890.

CANON ELEVEN

OF THE QUALIFICATIONS, AND TITLE, OF CANDIDATES FOR HOLY ORDERS

1. Every person to be admitted to the Holy Order of Deacons or of Priests must have obtained such qualifications as the College of Bishops may prescribe.

2. If special and extraordinary circumstances in any case render it inadvisable to exact the requirements of Section 1 of this Canon, these requirements may be dispensed with, and the ordaining Bishop shall be the sole judge of the propriety of granting such dispensation, but the Bishop before granting the dispensation shall report the proposed dispensation, with the reasons therefor, to the College of Bishops.

3. Before any person is accepted as a candidate for the diaconate or the priesthood, the Bishop must be satisfied as to that person's physical and mental fitness, age, and valid baptism and confirmation, and by such testimonials as the Bishop or the College of Bishops may require of the candidate's good life and conversation. The form usually called Si Quis shall be publicly read, in terms of Appendix No.9, in the congregation of which the candidate is a member at such times as may be prescribed by resolution, and opportunity for alleging any impediment given.

4. Before being admitted to the Order of Priests all candidates for that sacred office shall satisfy their Diocesan Bishop of their continuing studies, their spiritual development, and of growth in the exercise of the ministries entrusted to them.

5. No person shall be ordained either Deacon or Priest without a Title setting forth that person's proposed sphere of duty, in terms of Appendix No. 15.

6. No Bishop shall admit any person into Holy Orders whose Title is in any other diocese, unless such person shall bring Letters Dimissory from the Bishop of the diocese wherein that person's ministry is to be exercised, in terms of Appendix No. 10.

RESOLUTIONS UNDER CANON ELEVEN

Resolution 1

The form Si Quis shall be publicly read, as required by Section 3 of Canon 11, not more thanone month, and not less than fourteen days, before the day appointed for the ordination, and a certificate that it has been so read must be sent to the Bishop in terms of Appendix No. 9. The Rector shall, one week before the ordination, inform the ordaining Bishop whether any impediment has been alleged.

Resolution 2

Whenever a Bishop shall ordain a person, either Deacon or Priest, the fact shall forthwith be intimated by the Bishop to the Registrar of the Diocese.

CANON TWELVE

OF SUBSCRIPTION TO THE SCOTTISH BOOK OF COMMON PRAYER AND PROMISE OF OBEDIENCE TO THE CANONS AND TRIBUNALS OF THIS CHURCH

1. No person shall be ordained, licensed, instituted, or collated in the ministry of the Scottish Episcopal Church without first, on each several occasion, subscribing, in terms of Appendix No.11, assent to the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and to the other authorised liturgical formularies of this Church, nor without first promising, in terms of Appendix No.12, to render due obedience to the Code of Canons and to what is lawfully ordered thereunder and to the decisions and judgements of the tribunals of this Church, and to show in all things an earnest desire to promote the peace, unity, and order of that part of the Church of Christ in which that person shall be authorised to minister.

2. Bishops, Priests, or Deacons shall make no promises or lay themselves under any obligation, in connection with their being admitted to any Order or office in this Church, inconsistent with their retaining their lawful liberty of judgment in performing their episcopal or clerical duties so far as not restrained by their canonical subscriptions; provided always that nothing herein contained shall affect (a) the right of a Bishop to make lawful conditions as to the performance of duties by Priests or Deacons acting directly under that Bishop's authority (such as Supernumeraries, Diocesan or Prison Chaplains), or the right of a Rector to make like lawful conditions in the case of Assistant Curates; (b) the lawful obligation of any constitution, title, or other like deed, lawfully assented to or accepted by any Bishop, Priest, or Deacon; or shall prevent (c) a full interchange of opinion as to views and intentions between all parties concerned.

3. The form of subscription promising obedience to the Canons of this Church implies only obedience to their requirements, and not necessarily approval of everything therein contained, or that may be supposed to be inferred therefrom.

CANON THIRTEEN

OF THE CONDITIONS AND MODE OF INSTITUTION TO, AND OF THE RESIGNATION AND VACATION OF, AN INCUMBENCY

1. When an Incumbency or Joint Incumbency becomes vacant, the right of presentation shall be exercised by the person or persons in whom the said right is vested. If any dispute arise as to the person or persons in whom the right of presentation is vested, the question shall be determined by the Bishop of the diocese, subject to an appeal to the Episcopal Synod, provided that in all cases wherein the Bishop of the diocese is one of the parties in such dispute, the question shall go direct to the Episcopal Synod. On the occasion of a vacancy the Bishop shall be consulted on all names that are proposed, before the patrons proceed to the selection of a Rector. Further, no such Institution or Collation shall take place until the Vestry, with the assistance of the Dean if required, shall have produced for the approval of the Bishop a written plan dealing with proposals for the ministry and mission of the congregation; such written plan shall include the proposed financial arrangements for the maintenance of the Rector and the charge. Such a statement, when approved by the Bishop, shall be reviewed by the Rector, the Vestry and the Dean every five years thereafter.

2. No Presbyter shall undertake the pastoral charge of any congregation, nor become entitled to the emoluments of any benefice, until the Bishop of the diocese in which such charge or benefice is situated has either accepted the Deed of Presentation, made in terms of Appendix No.13, and instituted in terms of Appendix No.14, or collated in terms of Appendix No.14, Note, the cleric named therein. Institution shall take place not more than three months after the acceptance of the presentation by the Bishop.

3. No Bishop shall institute any cleric to an Incumbency or Joint Incumbency until such cleric has produced Letters of Orders, showing that cleric to have been episcopally and canonically ordained, and such testimonials as the Bishop may require.

4. No Bishop of this Church shall accept a presentation of a cleric for institution without receiving a direct communication or letter of transfer from the Bishop of the diocese from which that cleric comes.

5. Every Presbyter presented to the Bishop for institution shall, before institution, sign the constitution of the Incumbency or Joint Incumbency and make the subscriptions prescribed in Canon 12.

6. Within three months of receiving it, the Bishop shall accept or refuse, in writing, every presentation; either the presentee or the patron being allowed, in case of refusal, an appeal to the Episcopal Synod, or by consent to the Primus.

7. If no presentation to a vacant Incumbency or Joint Incumbency shall be made within six months after the vacancy has taken place, or within six months after the Bishop has refused to accept the presentation already made, the right of presentation shall, for that turn, lapse to the Bishop of the diocese. But the right of presentation shall not lapse to the Bishop in the case of an appeal, until three months after the date of a decision thereon by the Episcopal Synod or the Primus, or until six months after the Bishop has refused the presentation as aforesaid, whichever is longer. In no case shall the right of

presentation remain with the patrons for that turn after twelve months have passed since the occurrence of the vacancy.

8. If, in any case in which the right of patronage rests with, or has lapsed to, the Bishop, an Incumbency remain vacant for six months thereafter, the appointment shall, for that turn, lapse to the College of Bishops in meeting assembled, in which case, in the absence of the Primus, the presiding Bishop shall have a casting as well as a deliberative vote. On an appointment thus lapsing, the Bishop of the diocese shall forthwith intimate the fact to the Primus, who shall then inform the other Diocesan Bishops.

9. In the event of the right of appointment to an Incumbency lapsing to the College of Bishops under Section 8 of this Canon, and in the event of the said Incumbency being unable to provide the full stipend for a Rector from funds under the control of the Vestry (excluding any funds provided for this purpose by the diocese or the province), the College of Bishops may suspend presentation to the Incumbency for a defined period of not more than three years. In such event, the Bishop of the diocese shall authorise a presbyter or presbyters by means of licence or commission to have charge of that congregation during the period of suspension and to fulfil all the duties which would normally be fulfilled by the Rector. At the end of the period of suspension, the College of Bishops may, with the written agreement of the person or persons in whom the right of presentation is vested and the consent of the Standing Committee of the Diocesan Synod (or such other body as shall have been appointed by the Diocesan Synod for this purpose), renew the suspension for such further defined period or periods, no such individual period to be of more than three years. It shall be competent for the College of Bishops, on the advice of the Bishop of the diocese, to terminate a period of suspension at any time. At the end of the period or periods of suspension, the person or persons in whom the right of presentation is vested shall be entitled to exercise their rights under this Canon, and the Incumbency shall be regarded as having become vacant in terms of Section 1 of this Canon on the day on which the suspension lapsed.

10. Notwithstanding the provisions of Sections 1, 7 and 8 of this Canon, it shall be competent for the College of Bishops, on the application of the vestry and the patrons of a vacant Incumbency, with the assent of the Bishop of the diocese, to suspend rights of presentation and proceed in terms of Section 9 of this Canon.

11. A Rector desiring to resign an Incumbency shall do so in writing, which that Rector has signed, addressed to the Bishop of the diocese; and the Rector shall at once notify this action to the patrons. The vacancy shall not take effect, except with the sanction of the Bishop, until three months after the intimation to the Bishop and to the patrons has been made.

12. *Repealed 2002 [see new Canon 64].*

13. No Deacon shall be presented to an Incumbency.

14. If the Rector shall be absent for any Sunday without providing for the adequate performance of the customary services, and without giving to the Bishop satisfactory explanations therefor, the Bishop may cause a notice to be affixed to the principal entrance of the church, and a copy of the same to be delivered at the Rector's ordinary place of abode, intimating that the Rector is meantime suspended from officiating, and that the Bishop may proceed, with the consent of a majority of the members present in

the Diocesan Synod and qualified to vote, to declare the charge vacant on a stated day not less than two months subsequent to the date of the notice, unless the Rector shall in the interval explain the cause of the said absence to the satisfaction of the Bishop. In the event of no explanation being made, the Bishop may on the appointed day, or thereafter, with the consent of a majority of the members present in the Diocesan Synod and qualified to vote, as aforesaid, declare the charge to be vacant; and shall notify the same to the patrons, who shall proceed to a new presentation as if the vacancy had occurred by death or resignation. The same course shall be taken as soon as may be in the event of an explanation being tendered which the Bishop decides to be so unsatisfactory as to call for a declaration that the charge is vacant; but in this case an appeal at the instance of the Rector shall lie to the Episcopal Synod.

15. The care of all vacant charges both in the provision of services and the pastoral care of the people shall remain in the hands of the Bishop, who may appoint a priest to act as "locum tenens" or place the charge in the care of a Diocesan Chaplain, or invite a neighbouring priest to take services and attend to other pastoral duties. The Bishop shall require to be satisfied that emoluments and expenses during a vacancy are provided either by the Vestry concerned or from other sources.

RESOLUTIONS UNDER CANON THIRTEEN

Resolution 1
Whenever a vacancy occurs the Bishop shall give formal notice to the patrons of the terms of Section 1 of Canon 13.

Resolution 2
Whenever a Bishop shall institute or collate a Presbyter, or declare a charge to be vacant in terms of Canon 64 or a charge becomes vacant by death or resignation or in terms of Section 10, the fact shall be notified by the Bishop to the Registrar of the diocese.

CANON FOURTEEN

OF CLERGY WHO ARE NOT INCUMBENTS

1. Any Rector may present, in terms of Appendix No.15, to the Bishop of the diocese a person in Holy Orders, or one who is ready to be admitted thereunto and who has satisfied the requirements of Canon 11, to be licensed as Assistant Curate.

2. The conditions of the appointment of an Assistant Curate shall be communicated to the Bishop in writing for approval or otherwise at the same time when the application is made for the licence to be granted.

3. The appointment of an Assistant Curate is terminable on three months' notice given after consultation with the Bishop by either party to the other, unless otherwise agreed by the parties with the approval of the Bishop, and the Bishop shall then cancel the licence; but if the appointment is conferred by a Title to the Diaconate, it is only terminable during the next two years by mutual consent of both parties, and with the sanction of the Bishop, or if by a Title to the Priesthood, during the year following ordination to that office with like consent and sanction. But if the Rector die or resign before the termination of the said periods the Bishop shall deal with the matter as that Bishop thinks fit. A licence shall not be voided by the death or resignation of the Rector but it shall be terminable only as aforesaid, provided that during a vacancy of the charge, notice shall be given to or by the Bishop.

4. The Bishop shall grant licence, in terms of Appendix No.16, in all cases where the person so nominated fulfils the requirements of Canon 11, so far as they are applicable, but may, for reasons which appear to the Bishop to be sufficient, object to granting the licence, in which case the Rector may require the Bishop to obtain the approval of the majority of the other Bishops to refusal to grant the licence, failing which an appeal shall lie to the Episcopal Synod. Every Assistant Curate, before being licensed, shall produce to the Bishop the appropriate Letters of Orders and testimonials as required by Canon 13, Section 3, and make the subscriptions prescribed by Canon 12. The provisions of Canon 13, Section 4, shall also apply, where appropriate, to those clerics who are presented to the Bishop to be licensed.

5. The Bishop may license in terms of Appendix No.16 Priests or Deacons employed as Diocesan Supernumeraries, and as Chaplains or Staff of a University, College, School, Hospital, Prison or Institution.

6. The Bishop may authorise a cleric in terms of Appendix No.16(A) by means of a commission to perform non-stipendiary duties, involving active participation in Church worship and pastoral duties including the obligation to attend the Diocesan Synod with the right to vote and speak.

7. The Bishop may authorise a cleric in terms of Appendix No.16(B) by means of a warrant to perform non-stipendiary duties, which would have insufficient pastoral responsibility to justify the cleric having a vote in the Diocesan Synod, though it shall confer the right to attend and speak thereat.

8. The Bishop may authorise a cleric to work for a limited period in a specified sphere of duty in terms of Appendix No.17 by giving permission to officiate. That cleric may be invited to attend the Diocesan Synod and speak as a participant observer.

9. Pastoral responsibility is sufficient active participation in worship, involving the Ministry of Word and Sacrament, including the presidency at the Eucharist, together with pastoral responsibilities in the corporate life of the congregation or pastoral charge.

10. The authorisation (licence, commission, warrant or permission to officiate) may be withdrawn by the Bishop at any time for any cause which the Bishop shall judge to be good and reasonable, after having given the Rector and the cleric concerned sufficient opportunity of showing reason to the contrary, but an appeal shall lie to the Episcopal Synod. Pending the decision of an appeal against the withdrawal of an authorisation, except the cause assigned shall be immoral conduct or behaviour unbecoming the office of a cleric, the authorisation shall be held to be valid. In case of the exceptions named the authorisation shall be held to be suspended from the date of the Bishop's written decision.

RESOLUTION UNDER CANON FOURTEEN

Resolution 1

Whenever a Bishop shall grant, withdraw or cancel any licence, commission or warrant, or shall grant or withdraw permission to officiate, the fact shall be notified by the Bishop to the Registrar of the Diocese.

CANON FIFTEEN

OF THE ADMISSION OF CLERGY OF OTHER CHURCHES, PROVINCES AND DIOCESES TO OFFICIATE

1. CHURCHES OF THE ANGLICAN COMMUNION AND CHURCHES LISTED IN SCHEDULE ONE

(a) The Scottish Episcopal Church recognises as in full communion with itself the Churches of the Anglican Communion, the other Churches which are listed in Schedule One to this Canon and such other Churches as shall be added from time to time to Schedule One by the Episcopal Synod with the prior consent of the General Synod.

(b) No person other than the clergy of these Churches shall be permitted to minister in any congregation of this Church except as hereinafter provided.

(c) Should any Church listed in Schedule One to this Canon take such action as shall have rendered itself, in the opinion of the Episcopal Synod, in a state of impaired communion with the Scottish Episcopal Church, the Episcopal Synod shall have the power, subject to the consent of the General Synod, to determine its removal from said Schedule.

2. CHURCHES LISTED IN SCHEDULE TWO

(a) The Scottish Episcopal Church has in addition entered into Agreements, endorsed by General Synod, which permit limited exchange of ministries with a number of Churches which are listed in Schedule Two to this Canon.

(b) Clergy or authorised lay people of these Churches may give addresses, lead prayers and worship and assist in the distribution of Holy Communion in services in the Scottish Episcopal Church, as authorised by their own Church.

(c) Clergy may preside at a service of Holy Communion in a charge in the Scottish Episcopal Church subject to the provisions of Section 5 of this Canon and as authorised by their own Church.

(d) Other Churches may be added from time to time to Schedule Two by the Episcopal Synod subject to the signing of similar Agreements and with the prior consent of the General Synod.

(e) Should any Church listed in Schedule Two to this Canon take such action as shall have rendered itself, in the opinion of the Episcopal Synod, no longer to be in a relationship with the Scottish Episcopal Church, the Episcopal Synod shall have the power, subject to the consent of the General Synod, to determine its removal from said Schedule.

3. MINISTERS/MEMBERS OF TRINITARIAN CHURCHES NOT INCLUDED IN SCHEDULES ONE AND TWO

Bishop may grant permission for an ordained minister or a member of a Trinitarian Church, not included in Schedules One or Two, to give addresses, lead prayers and worship and assist in the distribution of Holy Communion in any charge within the Diocese, if the College of Bishops has previously determined that the relation of the Scottish Episcopal Church to the Church in question makes such action desirable.

4. LOCAL ECUMENICAL PARTNERSHIP OR ECUMENICAL PARISH

Notwithstanding the further provisions of this Canon, where one or more Congregations of other Trinitarian Churches are closely associated in mission with a congregation of the Scottish Episcopal Church, the General Synod may, at the request of the Synod of the Diocese of which the said Episcopalian congregation is part, approve the creation of a Local Ecumenical Partnership or Ecumenical Parish, within which members of participating congregations will be welcome to share in the Eucharist in each other's congregations under the presidency of any of the duly ordained clergy of those congregations who have received the requisite authority of their own denomination to preside at the Eucharist, subject always to the pastoral oversight and canonical authority of the Bishop of the Diocese.

5. PERMISSION FOR CLERGY OF OTHER CHURCHES TO OFFICIATE AT A SERVICE

(a) Subject to the provisions of Canon 16 Section 1, no Rector or Priest-in Charge shall permit any cleric to officiate in any church of which that Rector or Priest-in-Charge has charge without ascertaining that the said cleric has been episcopally ordained to the Order to which the said cleric professes to belong, or that said cleric is ordained and licensed or authorised to minister in one of the Churches listed in either Schedule One or Schedule Two to this Canon.

(b) When so officiating, the cleric shall not act or speak in a manner contrary to the doctrine and discipline of the Scottish Episcopal Church.

(c) An ordained minister from one of the Churches listed in Schedule Two of this Canon may be invited to preside at a Eucharist in a charge of the Scottish Episcopal Church according to a rite normally used in and within the tradition of their own Church. The service should be advertised as a service of Holy Communion in the tradition of the Church to which they are licensed.

6. PERMISSION TO ASSIST AT A PASTORAL OFFICE FOR CLERGY OF CHURCHES OUTWITH THE ANGLICAN COMMUNION

A Bishop may, at the request of the Rector or Priest-in-Charge give permission for a minister of a Trinitarian Church outside the Anglican Communion to assist at a wedding, funeral or memorial service or at a service or occasion of an ecumenical character in a charge within the diocese.

7. RECOMMENDATION PRIOR TO APPOINTMENT

No cleric of any other Church or Province shall be given any appointment in the Scottish Episcopal Church unless that cleric is able to produce to the Bishop of the diocese concerned a recommendation from the Bishop of the diocese in which that cleric last served.

8. INVITATION TO CLERIC OR AUTHORISED LAY PERSON FROM ANOTHER CHURCH

(a) Any invitation to a cleric or authorised lay person not already instituted or licensed or holding written permission to officiate in the Scottish Episcopal Church to lead worship or to give an address in a charge of the Scottish Episcopal Church should normally be notified to and approved by the Bishop of the diocese prior to the service.

(b) Such a person must be in good standing with their own Church and authorised in their own Church to undertake the responsibilities which they are being asked to exercise within the Scottish Episcopal Church.

(c) No Rector or Priest-in-Charge shall invite or allow any cleric or authorised lay person not already instituted or licensed or holding written permission to officiate in the Scottish Episcopal Church to conduct services within the charge committed to that Rector or Priest-in-Charge for more than two Sundays in any one year without previously informing the Bishop of the diocese.

(d) No Cleric from another diocese or another Church shall officiate in any diocese of the Scottish Episcopal Church for more than five Sundays in any one year without permission in writing under the hand of the Bishop of the diocese in terms of Appendix No.17.

9. POWER TO INHIBIT

(a) The Bishop of any diocese shall have power to inhibit, in terms of Appendix No.18, any Bishop or any Priest or any Deacon from outwith the diocese from preaching or performing any ecclesiastical function within the diocese.

(b) If the person so inhibited should disregard the inhibition, the Bishop inhibiting shall report the action to that cleric's ecclesiastical superior, and shall also report the inhibition, with the grounds of the same, to the next Episcopal Synod.

10. DISREGARDING OF INHIBITION

Any cleric of the diocese, knowingly disregarding such inhibition by allowing the inhibited person to officiate, shall be liable to admonition, and if the admonition be disregarded, the Bishop may take proceedings against that cleric in Synod.

RESOLUTION UNDER CANON FIFTEEN

Resolution 1

The Inter-Church Relations Committee shall, in terms of this Canon, act on behalf of General Synod to issue approval of Local Ecumenical Partnerships. These partnerships will be reviewed ecumenically every five years from date of signing.

General Synod 2024 gave its consent to the adoption by the Episcopal Synod of Schedules One and Two below. The Episcopal Synod adopted the Schedules on 20 June 2024.

SCHEDULE ONE

In addition to The Church of England, The Church of Ireland, The Church in Wales, The Episcopal Church in the United States of America, and all other Churches of the Anglican Communion as defined by the Anglican Communion Office (which include The Church of North India, The Church of Pakistan, The Church of Bangladesh, The Church of South India, The Spanish Reformed Episcopal Church and the Lusitanian Catholic Apostolic Evangelical Church), the Scottish Episcopal Church recognises as in full communion with itself The Old Catholic Churches in communion with the Metropolitan See of Utrecht (through the Bonn Agreement), The Mar Thoma Church of Malabar, the Philippine Independent Church ; and with The Church of Norway, The Church of Sweden, The Evangelical Lutheran Church of Estonia, The Evangelical Lutheran Church of Finland, The Evangelical Lutheran Church of Iceland, The Evangelical Lutheran Church of Lithuania, The Evangelical Lutheran Church in Denmark, The Latvian Evangelical Lutheran Church Worldwide, The Lutheran Church in Great Britain and The Evangelical Lutheran Church in the Faroe Islands (through the Porvoo Common Statement).

SCHEDULE TWO

The Scottish Episcopal Church has entered into agreements of limited exchange with the following Churches: the Church of the Augsburg Confession of Alsace and Lorraine, the Reformed Church of Alsace and Lorraine, the United Protestant Church of France (formerly the Evangelical-Lutheran Church of France and the Reformed Church of France) (through the Reuilly Agreement), the Methodist Church of Great Britain, United Reformed Church (through the EMU Partnership) and the Church of Scotland (through the St Andrew Declaration).

CANON SIXTEEN

OF OTHERS WHO MAY BE PERMITTED TO OFFICIATE IN CHURCHES

1. INVITATION TO REPRESENTATIVES OF OTHER CHURCHES TO PARTICIPATE AT A SERVICE
The Rector or Priest-in-Charge of a charge of the Scottish Episcopal Church may invite representatives of other Communions and Churches to give an address or assist at a service, subject to the provisions of Canon Fifteen, and provided that the Bishop of the Diocese consents to the invitation being given.

2. PERMISSION TO A LAY PERSON TO PARTICIPATE AT A SERVICE
(a) A Bishop, on the application of a Rector or Priest-in-Charge of any charge within the diocese, may grant permission to any lay person in communion with the Scottish Episcopal Church to address the congregation in that church or to conduct any service which does not require the ministrations of a Priest.

(b) Nothing in this Section shall be held to limit the functions of Lay Readers and Deaconesses as defined in the Code of Canons.

3. PERMISSION TO A LAY PERSON TO ASSIST AT ADMINISTRATION OF COMMUNION
A Bishop may, in view of a large number of communicants or for any other good or sufficient reason, at the request of a Rector or Priest-in Charge, give permission to a lay person in communion with the Scottish Episcopal Church to assist at the administration of Communion.

4. REGULATIONS
This Canon is subject to such Regulations as the College of Bishops may from time to time enact and publish.

CANON SEVENTEEN

OF CLERICAL STUDIES AND MANNER OF LIFE

1. Every Bishop, Priest and Deacon is under obligation to say daily, either publicly or privately, unless hindered by sickness or other urgent cause, Morning and Evening Prayer as ordered in the Prayer Book, or in such alternative form as may be authorised in terms of Canon 22; to be present at or, except in the case of a Deacon, to celebrate the Holy Communion on all Sundays and Greater Festivals: and to be diligent in prayer and intercession and in self-examination.

2. The teaching of the Scottish Episcopal Church is grounded on revelation and reason, on the Holy Scriptures and the Fathers. The clergy of this Church shall apply themselves to the reading of Holy Scripture, to such studies as help to the knowledge of the same, and to such other studies as pertain to their clerical duties. They shall follow such courses of studies as may be decided upon from time to time by the College of Bishops.

3. All clergy having a cure of souls shall be diligent in visiting those committed to their charge, and in mission and service to the community, and shall provide opportunity for those who may wish to come to them for spiritual counsel and advice or absolution.

4. Every Rector shall reside in the house provided, unless exempted from doing so for sufficient reason approved by the Bishop, or if there be no house provided, in some place approved by the Bishop.

5. The Bishop may require any cleric licensed to a definite sphere of duty to reside in some place conveniently situated for the performance of such duty, to be approved by the Bishop.

6. No cleric having a charge shall be absent from it without providing care for the adequate performance of the duties of that charge, nor shall any cleric be absent for more than six weeks in any consecutive period of twelve months without obtaining the written consent of the Bishop.

CANON EIGHTEEN

OF CLERGY WHO ABANDON THE EXERCISE OF THEIR MINISTRY IN THE CHURCH

1. No Bishop, Priest or Deacon, who after holding office or a licence to officiate in this Church shall have abandoned the exercise of this ministry in the Church, or shall have intimated, in the case of a Diocesan Bishop to the Primus, or in the case of any other Bishop, Priest or Deacon to the Diocesan Bishop, a decision to abandon the service of the Church, shall be allowed to resume the exercise of any ministerial office in this Church until restored thereto, in the case of a Bishop by the College of Bishops and in the case of a Priest or a Deacon by the Bishop in whose diocese such ministry is to be exercised.

CANON NINETEEN

OF CLERGY WHO DESIRE TO ENGAGE IN ANY SECULAR WORK

1. Any Bishop, Priest or Deacon holding office or a licence to officiate in this Church and desiring to engage at the same time in any secular work, shall be entitled to do so with the consent, in the case of a Diocesan Bishop, of the College of Bishops and, in the case of any other Bishop, Priest or Deacon, of the Diocesan Bishop. Any cleric already engaged in secular work may officiate in any church subject to the restrictions set out in Canon 15, Section 5.

CANON TWENTY

OF LAY READERS

1. The Bishop of any diocese may appoint men or women Lay Readers to serve in that diocese as that Bishop may deem expedient, always subject to the limitations laid down in Canon 37, Section 3.

2. The Bishop shall require every Lay Reader to sign a declaration in terms of Form B, Appendix No.19, and may thereafter issue a licence in terms of Form C, Appendix No.19, or in such other form as the Bishop may deem right.

3. Every Lay Reader so appointed shall be subject to the regulations bearing on the discharge of duties of Lay Readers prescribed by the Bishop of the diocese, and the licence given may be cancelled at any time at the discretion of the Bishop.

4. No Lay Reader shall be appointed to serve in any part of the diocese in which there is a Rector without the consent of that Rector. A newly appointed Rector may apply to the Bishop within twelve months of taking up the appointment to have the licence terminated.

RESOLUTION UNDER CANON TWENTY

Resolution 1

A Rector who desires to have a Lay Reader appointed, shall, with the permission of and subject to the approval of the Bishop of the diocese, make a nomination in terms of Form A, Appendix No.19, such nomination to be accompanied by the names of two adult communicants ready to testify to the character and fitness of the proposed Lay Reader, should confidential inquiry be made of them by the Bishop.

CANON TWENTY-ONE

OF DEACONESSES

1. The Order of Deaconesses is an order of ministry to which women are admitted by prayer and the laying on of hands by the Bishop according to a form approved from time to time by the College of Bishops.

2. It belongs to the office of a Deaconess, in the place where she is licensed, to serve under the direction of the Rector to lead the people in public worship, to exercise pastoral care, to instruct the people in the Christian faith and to prepare them for the reception of the sacraments.

3. The Bishop of a Diocese may permit a Deaconess in any Church or Chapel within the diocese at the invitation of the Rector thereof:

   a) to read the services of Morning and Evening Prayer and Compline save for the Absolution;

   b) to instruct and to preach;

   c) to read the Epistle and Gospel and to assist at the administration of the Holy Sacrament;

   d) to conduct the Service of the Thanksgiving of Women after Childbirth and in the absence of the priest to baptise;

   e) to conduct the Burial Service with the consent of the persons responsible for the burial.

4. A Deaconess may accept membership of any assembly as a lay person without prejudice to her Order.

5. The requirements to be demanded of candidates for the Order of Deaconesses shall be such as the College of Bishops may from time to time direct.

6. Before any person is admitted to the Order of Deaconesses, the Bishop shall be satisfied that she has fulfilled the requirements of the College of Bishops, that she has been nominated to a proposed sphere of duty within the Bishop's diocese in terms of Form A, Appendix No.20, and that she has subscribed the Declaration of Assent and Obedience in terms of Form B, Appendix No.20.

7. Subject to the provisions of this Canon, any Rector may apply to the Bishop to license a Deaconess as a ministerial colleague, and the Bishop, after ascertaining in such way as the Bishop sees fit that the proposal is not unacceptable to the congregation, may give her a licence in terms of Form C, Appendix No.20.

8. Subject to the provisions of this Canon, any Bishop, after ascertaining in such way as the Bishop sees fit that the proposal is not unacceptable to the congregation, may license Deaconesses to serve where there is no Rector, or in any part of the diocese which lies outside the limits assigned to cures of souls.

9. The conditions of the appointment of a Deaconess shall be communicated to the Bishop in writing for approval or otherwise at the same time as the application is made for the licence to be granted.

10. The appointment of a Deaconess is terminable on three months' notice given by either party to the other, after consultation with the Bishop, unless otherwise agreed by the parties with the approval of the Bishop, and the Bishop shall then cancel the licence.

11. The licence shall be withdrawn by the Bishop at any time for any cause which the Bishop shall judge to be good and reasonable, after having given to the Rector and the Deaconess sufficient opportunity for showing reason to the contrary.

CANON TWENTY-TWO

OF DIVINE WORSHIP AND ADMINISTRATION OF THE SACRAMENTS AND OTHER RITES AND CEREMONIES OF THE CHURCH

1. Except in so far as sections 3 and 4 hereof otherwise provide the conduct of divine worship and the administration of the sacraments and other rites and ceremonies of the Church shall at all times be in accordance with the authorised services.

2. The authorised services are those listed in the schedule to this Canon. Any proposed addition, deletion or other alteration shall be initiated only on the recommendation of the Faith and Order Board and shall proceed by way of the process set out in Canon 52, section 17 and by no other process.

3. The College of Bishops may authorise the use for a defined experimental period of other services.

4. A bishop may in the exercise of the powers traditionally vested in the episcopal office permit the use of services other than those specifically authorised under this Canon if that Bishop deems such use to be pastorally appropriate. The Episcopal Synod may, however, restrain such exercise of these powers or impose conditions thereon and may do so either generally or with reference to particular localities, cases or circumstances.

5. It shall be within the competence of the College of Bishops to determine from time to time what hymns, litanies, translations into Gaelic and other languages, versions of the Psalter and the Bible, and lectionaries shall be authorised.

6. In every congregation the Holy Communion shall be celebrated, when in the opinion of the Bishop it is reasonably practicable, at least on every Lord's Day, on the Great Festivals, and on Ash Wednesday, and appropriate provision shall be made for public worship on Good Friday.

7. Subject to the rights and duties of the Bishop, responsibility for divine worship in every congregation shall rest with the Rector, and shall extend to overall control of all aspects of divine worship, including organ, music and choir. Before making any material change to the conduct of worship or form thereof, it shall be the duty of the Rector to consult with the Vestry and congregation in order to ensure that any proposed change is adequately prepared and explained, and is not unacceptable to the congregation generally. Should any serious difference arise within a congregation regarding the matters to which this Section relates, the Rector shall endeavour to resolve the same and, if requested to do so by the Vestry, shall refer the matter to the Bishop to be determined as the Bishop may think best.

8. The celebration of Festivals and the observance of Holy Days shall be according to the Scottish Calendar (1991), and the commemoration of the Saints and Heroes of the Faith shall be as prescribed therein. The Scottish Calendar (1991) may be amended from time to time by Resolution of the General Synod on a motion approved by the Faith and Order Board. A Diocesan Bishop may authorise additional commemorations within the Diocese, subject always to any restraint imposed by the Episcopal Synod.

SCHEDULE TO CANON TWENTY-TWO

The General Synod authorises the undernoted services in terms of Canon 22, Section 2:

1 The Scottish Book of Common Prayer as approved by the Provincial Synod in 1929 and amended in 1952 and 1967.

2 Services for Lent and Holy Week (Scottish Episcopal Church) (1967).

3 Baptism of Infants (1968).

4 Burial of the Dead (1969).

5 The Liturgy (Scottish Episcopal Church) (1970).

6 Scottish Ordinal (Scottish Episcopal Church) (1984, amended 2006).

7 Funeral Rites (Scottish Episcopal Church) (1987).

8 Daily Prayer (Shorter Form) (Scottish Episcopal Church) (1988).

9 Daily Prayer (Longer Form with Canadian Psalter) (Scottish Episcopal Church) (1989).

10 Communion from the Reserved Sacrament (administered by a Deacon or Lay person) (Scottish Episcopal Church) (1997).

11 Holy Baptism and Affirmation of Holy Baptism (Scottish Episcopal Church) (2006).

12 Propers for Sundays, Holy Days and Saints Days (2006 amended 2013).

13 The Marriage Liturgy (Scottish Episcopal Church) (2007).

14 A Service of the Word (Scottish Episcopal Church) (2015).

15 Scottish Liturgy 1982 (Revised 2022).

16 Pastoral Offices for Priests (2023).

17 Pastoral Offices for Deacons (2023).

18 Pastoral Offices for Readers and Authorised Lay Ministers (2023).

19 Services for Lent, Holy Week and Easter (2024).

20 Blessing of a Marriage (2026).

CANON TWENTY-THREE

REPEALED (1987)

CANON TWENTY-FOUR

REPEALED (1987)

CANON TWENTY-FIVE

OF ADMITTING TO HOLY COMMUNION

1. The Sacrament of Baptism is the full rite of initiation into the Church, and no further sacramental rite shall be required of any person seeking admission to Holy Communion. Subject to any Regulations issued by the College of Bishops concerning the preparation of candidates, the admission of any baptized person to Holy Communion shall be at the discretion of the cleric having charge of the congregation of which that person is a member, always providing that a person who has been admitted to Holy Communion in one congregation shall be accepted as a communicant in any other congregation of this Church.

2. The Scottish Episcopal Church recognizes as eligible to receive Holy Communion any baptized person who is a communicant of any Trinitarian Church.

3. Any person baptized and duly admitted as a communicant in another Trinitarian Church wishing to become a member of the Scottish Episcopal Church shall be accepted upon receipt of evidence of that baptism and admission in the said Church as a communicant-member of this Church.

CANON TWENTY-SIX

OF REPELLING FROM HOLY COMMUNION

1. For the safeguarding of the Holy Mysteries and for the wellbeing of the Church, it is declared that it is the inherent right of the Bishop of a diocese to repel offenders from Communion, for good and sufficient causes.

2. If a person be living in open and unrepented sin, the following procedure shall be observed. The Priest of the charge in which the case occurs shall without delay give warning to such person, and, if that person be unrepentant, shall report the whole matter to the Bishop, and thereafter proceed as the Bishop may direct, provided (a) that the Priest in an unforeseen urgent case, if satisfied of urgency, may refuse Communion to such person until the matter can be brought before the Bishop; (b) that the Bishop shall give such person an opportunity of being heard by the Bishop before giving a decision; and (c) that in deciding the case the Bishop shall observe any regulations that may have been made on the subject by the College of Bishops.

3. A person repelled may require the Bishop to consult the College of Bishops as to whether or not the order of repulsion from Communion should be recalled, and the College, after such informal inquiry as they think right, shall give their opinion on the subject to the Bishop, who shall give effect to it. The opinion shall be communicated to the person aggrieved. The Bishop has the right, before repelling from the Communion, to seek the opinion of the College of Bishops as to the course that should be pursued; in which case the Bishop shall follow that opinion, and no further appeal shall be allowed. In this case also the College shall make such reasonable inquiry as they think right.

CANON TWENTY-SEVEN

OF THE ADMINISTRATION OF HOLY BAPTISM

1. In the administration of the Sacrament of Baptism, the sponsors must have been themselves baptised, and shall, if possible, be communicants.

2. In default of others, the parents of the child may be admitted as sponsors, and in cases of necessity, of which the cleric administering the Sacrament shall be judge, one sponsor shall be deemed sufficient.

3. While the Sacrament of Baptism shall normally be administered in church, the clergy may baptise elsewhere when, by reason of some impediment, the child cannot be brought to church.

4. When there is reasonable doubt of the validity of the Baptism of a person who applies to be admitted into the communion of this Church, the cleric to whom the application is made may baptise the person in the form of words prescribed in the authorised Service Books of this Church in cases of doubt: `If thou art not already baptised, N. I baptise thee In the Name of the Father, and of the Son, and of the Holy Ghost. Amen.' But if satisfied that the proper matter and form of words have been used at the baptism the validity of which is doubted, the cleric shall not baptise that person.

CANON TWENTY-EIGHT

OF CHRISTIAN EDUCATION AND NURTURE

1. The clergy and Vestry of each congregation shall make appropriate provision for the nurture in prayer, Bible-study, doctrine and Christian living of the members of that congregation, as well as providing instruction in the Faith for enquirers, persons seeking Baptism, and those wishing to be admitted to Holy Communion. It shall be the duty of the Bishop and any relevant Committee or Board of the Diocesan Synod to offer such assistance as is reasonably practicable in fulfilling this responsibility.

2. In each congregation the clergy and Vestry shall make appropriate provision for the instruction and nurture in the Faith of children and young persons, before, during or after public worship on Sundays, or on other convenient days. The Bishop may recommend the use of particular catechetical materials for this purpose, and has the power also to prohibit the use of specified materials in any congregation in the Diocese.

CANON TWENTY-NINE

OF THE ADMINISTRATION OF SACRAMENTAL CONFESSION AND ABSOLUTION

1. All priests who are eligible by reason of holding a pastoral charge in the Scottish Episcopal Church, or by permission granted by the Diocesan Bishop, shall make themselves available for the ministration of the Sacrament of Penance as may be convenient, and no priest may refuse to hear a confession unless able to direct the penitent to some other competent priest.

2. A priest may not divulge anything that has been revealed in Confession, nor refer subsequently to such matter without leave of the penitent. The seal is absolute and is not abrogated on the death of the penitent.

CANON THIRTY

OF THE ADMINISTRATION OF CONFIRMATION OR LAYING ON OF HANDS

1. Confirmation shall be administered by the Bishop of each diocese at least once in three years in every charge in the diocese where there are candidates, and as much more frequently as the circumstances of each charge may require. A Bishop who is unable to perform this duty personally at any time shall commission some other bishop to fulfil this ministry.

2. Every cleric shall earnestly endeavour to prepare those who are desirous of receiving Confirmation and before presenting any candidate shall be satisfied that the candidate has been baptised.

3. Not less than seven days before the Confirmation, unless the Bishop dispense with notice, the cleric shall give to the Bishop a list of the persons to be presented for Confirmation, and shall answer any question that the Bishop may put respecting their ages and qualifications.

4. Each candidate for Confirmation shall, whenever possible, have a Witness present as Godparent at Confirmation.

5. A certificate of Confirmation, signed by the Bishop, shall be given to each of the newly confirmed.

CANON THIRTY-ONE

OF THE SOLEMNISATION OF HOLY MATRIMONY

1. In the light of the fact that there are differing understandings of the nature of marriage in this Church, no cleric of this Church shall be obliged to conduct any marriage against their conscience. Any marriage which is to be conducted by a cleric shall be solemnised strictly in accordance with the civil law of Scotland for the time being in force and provided said cleric is satisfied, after appropriate enquiries, that the parties have complied with the necessary preliminaries as set forth in the civil law. No cleric shall perform the Marriage Service, nor permit it to be performed in Church, for parties who are within the forbidden degrees as specified in Appendix 26. No cleric shall solemnise a marriage between persons of the same sex unless said cleric shall have been nominated on behalf of the Church to the Registrar General for Scotland.

2. No cleric shall perform the Marriage Service, nor permit it to be performed in Church, for parties who are within the forbidden degrees, as specified in Appendix No.26. No cleric shall perform the Marriage Service, nor permit it to be performed in Church for parties, for one or both of whom a decree of Nullity of Marriage Ab Initio has been pronounced by a Civil Court, nor for parties, either of whom has had a previous marriage dissolved quoad civilia in a Civil Court, so long as the other spouse in the marriage so dissolved remains alive, unless that cleric shall have been given a Certificate of Authorisation on the grounds that there is no ecclesiastical impediment to the marriage in terms of Section 3.

3. In cases where a decree of Nullity of Marriage Ab Initio has been pronounced by a Civil Court, or in any case where either or both parties to a proposed marriage has, or have had, a previous marriage dissolved quoad civilia in a Civil Court, but the other spouse to that marriage remains alive, any cleric to whom an approach is made by or on behalf of either party with a view to the solemnising of such proposed marriage shall refer the matter to the Diocesan Bishop. Upon receiving such reference, the Diocesan Bishop shall make such enquiries into the circumstances of the case, and take such pastoral and legal advice, as shall seem appropriate, and thereafter may issue, or decline to issue, to an officiating cleric, a Certificate of Authorisation in terms of Appendix No.27 authorising and approving that cleric's officiating at the Solemnisation of Holy Matrimony of the parties concerned according to the Rites and Ceremonies and Canons of the Scottish Episcopal Church. No Bishop shall entertain an application which has already been before another Diocesan Bishop of the Scottish Episcopal Church without the agreement of the Bishop of that other Diocese and the Episcopal Synod.

4. A cleric may use the form of Benediction provided in the Scottish Book of Common Prayer (1929) to meet the case of those who ask for the benediction of the Church after an irregular marriage has been contracted or after a civil marriage has been legally entered into, provided only that the cleric be satisfied that the marriage is not contrary to Sections 2 and 3 of this Canon.

5. The solemnisation of Marriage shall take place in Church except with the written sanction of the Bishop.

RESOLUTION UNDER CANON THIRTY-ONE

Resolution 1

Where a cleric is to be nominated on behalf of the Church to the Registrar General for Scotland for the purpose of solemnising marriages between persons of the same sex, the person to make such nomination shall be the cleric's diocesan bishop or, in the absence of a diocesan bishop, the dean of the diocese.

CANON THIRTY-TWO

OF THE VISITATION OF THE SICK

1. It shall be the duty of every cleric having a cure of souls to visit the sick members of that charge, and to administer all suitable comfort and instruction, either according to the Order of the Visitation of the Sick, as appointed in the authorised Service Books of this Church, or in such other way as shall seem most needful and convenient.

CANON THIRTY-THREE

OF THE BURIAL OF THE DEAD

1. At the burial of the dead the rubrical directions of the authorised Service Books of this Church shall be complied with so far as the circumstances permit.

CANON THIRTY-FOUR

OF THE VESTURE OF PRIESTS AND DEACONS

1. In the performance of the public services of the Church it shall suffice that Priests and Deacons be vested in surplices. With regard to the use of other vestures instead of or in addition to the surplice, seeing that sundry inconveniences do often arise from sudden changes in local uses thereof, if objection in writing be made by any considerable number of communicants in any congregation to the introduction or proposed introduction of vestures other than those previously in use, or to the disuse or proposed disuse of vestures customary in that congregation, the matter shall be referred to the Bishop, who may forbid or modify such introduction or disuse, subject to an appeal to the Episcopal Synod.

2. Nothing in the preceding Section shall be taken to prohibit the clergy from wearing a stole or a scarf, or prohibit graduates of Universities, or any who have passed through recognised Theological Colleges, from wearing their proper hoods.

CANON THIRTY-FIVE

OF THE STRUCTURE, FURNITURE AND MONUMENTS OF CHURCHES, AND THE DUE CARE THEREOF

1. With the exception of minor works identified by the Provincial Buildings Committee, no change (whether by introduction, alteration or removal) shall be made in the structure, ecclesiastical furniture or ornaments, monuments, mural tablets or painted or stained windows of any Church used for public worship or within the curtilage thereof, nor shall any scheme of redecoration or any alteration of lighting or heating system be undertaken unless the Vestry of the same with the consent of the Rector shall have obtained the approval in writing of the Bishop and of the Diocesan Buildings Committee. In considering whether to grant such approval, the Bishop and the Diocesan Buildings Committee must take account of the Scottish Episcopal Church Net Zero Guidance endorsed by the Provincial Buildings Committee and satisfy themselves that the proposal does not violate any restrictions contained in the Constitution or titles of the Church. Subject to the Constitution or titles of the Church, a Vestry or twenty per cent of the members of the Communicants' Roll, as defined in Canon 41, Section 2, of the charge concerned shall have a right of appeal against the decision of the Diocesan Buildings Committee or of the Bishop to the Provincial Buildings Committee. Notwithstanding the above, the Vestry with the consent of the Rector, may undertake re-ordering of the ecclesiastical furniture or ornaments of the Church for an experimental period.

2. None of the holy vessels or ecclesiastical furniture or ornaments of any church shall be sold, exchanged, or otherwise disposed of without the written consent of the Bishop, Dean, and Registrar of the Diocese.

3. The Vestry with the Rector shall cause all proper and reasonable care to be taken of the places of worship within its charge, including the curtilage thereof, and of the furniture and ornaments thereof, and shall use every endeavour to keep them decent, clean, and in good repair. The Vestry shall make provision for the adequate protection and insurance of all Church fabric and property.

4. No church that is consecrated or set apart for public worship shall be used for any purpose not religious or ecclesiastical without the consent of the Bishop.

RESOLUTIONS UNDER CANON THIRTY-FIVE

1. The Vestry, unless the duty is placed under the constitution of the charge on Churchwardens or others, shall be responsible for seeing that a detailed inventory of all church goods and ornaments, registers and other property belonging to the charge in accordance with the print in use with the authority of the Bishops, which has been issued by the General Synod, subject to any adjustments thereof which may be approved from time to time by the Standing Committee of the General Synod, shall be prepared and kept up to date, and a copy of such inventory, amended from time to time as necessary, shall be sent by the Vestry to the Registrar of the diocese.

2. Experimental reordering of the ecclesiastical ornaments and furniture of a church may be carried out for a period of not less than three months nor longer than nine months, provided that all work is fully reversible and no structural alteration is involved. Notification of intention to undertake such reordering must be given in writing to the Bishop and the Diocesan Buildings Committee through the Diocesan Secretary, or such other person as may be designated by the diocese, at least two weeks before any work is undertaken. When the period of experimental reordering comes to an end the Vestry shall notify the Bishop and the Diocesan Buildings Committee through the Diocesan Secretary, or such other person as may be designated by the diocese.

3. In the case of a building included in the statutory List of Buildings of Special Architectural and Historic Interest the Vestry shall, before making a formal application to the Bishop and the Diocesan Buildings Committee for any change under this Canon, advertise the proposals to the congregation and Historic Environment Scotland, and in the case of exterior works the local planning authority, allowing members of the congregation and these bodies four weeks in which to make written representations on the proposals. Any representations received shall be considered by the Vestry before a formal application for consent is made. At the same time as the proposals are advertised they shall be notified to the Bishop and the Diocesan Buildings Committee through the Diocesan Secretary, or such other person as may be designated by the diocese. The Vestry shall also comply, where appropriate, with the Voluntary Scheme to Apply Listed Building Control to the Exterior of Churches in Ecclesiastical Use.

4. In the case of a building not included in the statutory List of Buildings of Special Architectural and Historic Interest the Vestry shall, before making a formal application to the Bishop and the Diocesan Buildings Committee for any change under this Canon, advertise the proposals to the congregation, allowing members of the congregation four weeks in which to make written representations on the proposals. Any representations received shall be considered by the Vestry before a formal application for consent is made. At the same time as the proposals are advertised they shall be notified to the Bishop and the Diocesan Buildings Committee through the Diocesan Secretary, or such other person as may be designated by the diocese.

5. After advertisement and notification as laid down in Resolutions 3 or 4 the Vestry may, within six months of the end of the period allowed for written representations, make a formal application for consent to carry out the alterations, either as originally proposed or as amended in response to representations received, to the Bishop and the Diocesan Buildings Committee through the Diocesan Secretary, or such other person as may be designated by the diocese, and shall send to the Diocesan Secretary, or such other person as may be designated by the diocese, copies of all written representations received following the advertisement of the proposals together with full extracts from the Minutes of the Meetings of the Vestry at which the application was discussed and a note of the date on which the proposals were advertised to the congregation. The Bishop and the Diocesan Buildings Committee may discuss the application but shall separately decide whether to grant consent, with or without conditions or refuse consent within six weeks of the formal application being received by the Diocesan Secretary, or such other person as may be designated by the diocese. In the event of one body deciding to grant and the other deciding to refuse consent the application shall be deemed to have been refused.

The decision of the Bishop and Diocesan Buildings Committee shall be communicated to the Vestry by the Diocesan Secretary, or such other person as may be designated by the diocese, together with the procedures for appeal in terms of Appendix 30. The Vestry in turn shall communicate these to the congregation.

6. The Provincial Buildings Committee may publish, from time to time, in consultation with the Convenors of the Diocesan Buildings Committees, a list of minor works for which consent from the Bishop and the Diocesan Buildings Committee is not required.

7. Within six weeks of a decision having been made by the Bishop and Diocesan Buildings Committee, an appeal, lodged in writing with the Secretary General of the General Synod, may be made to the Provincial Buildings Committee either by the Vestry against one or more conditions attached to a consent or against a refusal of consent, or by not less than twenty per cent of communicant members of the congregation against a granting of consent. Such an appeal shall be decided within twelve weeks by the Provincial Buildings Committee whose decision shall be final.

8. If work for which consent has been granted has not been begun within three years the consent shall lapse. The Bishop and the Diocesan Buildings Committee may, however, extend the duration of consent for a period not exceeding three years following a request by the Vestry prior to the expiry of the original three year consent.

9. The Bishop and the Diocesan Buildings Committee may require the Vestry to carry out a full or partial reinstatement if any works have been carried out without consent or contrary to any conditions issued at the time of consent.

10. The Bishop and the Diocesan Buildings Committee may inspect the works, together or independently, at any reasonable time. When the works have been completed the Vestry shall notify the Bishop and the Diocesan Buildings Committee through the Diocesan Secretary, or such other person as may be designated by the diocese.

CANON THIRTY-SIX

OF INCUMBENCIES, JOINT INCUMBENCIES AND LINKED CHARGES

1. No congregation shall hereafter be constituted an Incumbency until a church or suitable building for Divine Worship shall have been provided to the satisfaction of the Bishop, nor until a constitution for the said church shall have been sanctioned by the Bishop in writing; nor until the Board or Committee of the General Synod responsible therefore has granted a certificate that the requirements of the General Synod as to title-deeds of property and provision for the maintenance of the ministry have been complied with. The Bishop on receiving application from any congregation, or from any persons in the Bishop's judgment representing the same, that the said congregation shall be declared an Incumbency, and on receiving the foresaid certificate shall submit the said application and certificate to the next meeting, stated or special, of the Diocesan Synod, and after giving the members of Synod an opportunity of being heard, shall announce a decision thereon. If the decision of the Bishop shall not agree with that of a majority of the Members present and qualified to vote, an appeal to the Episcopal Synod, or by consent to the Primus, shall be competent at the instance of the applicants or of the said majority.

2. Subject to the provisions of this Canon, two or more congregations which desire the same may be linked together to form a Joint Incumbency. In the event that such a Joint Incumbency comes into existence as hereinafter provided for, the clergy in charge of the original Incumbency or Incumbencies shall be deemed to have demitted office and a new incumbent shall thereafter be instituted or collated as the case may be by the Bishop to the new Joint Incumbency. No Joint Incumbency shall exist without the prior written consent of the cleric or clerics in charge of the original congregations and unless the Bishop issues a Declaration of an Intention to Create a Joint Incumbency addressed to the Vestries concerned and their presbyters and always contingent upon the adoption or imposition of a Constitution and the creation of a Joint Vestry together with office bearers as hereinafter provided for and as approved by the Diocesan Synod.

3. Within three months, or such other date as the Bishop shall agree, of the issuing of Declarations of an Intention to Create a Joint Incumbency, the members of the existing Vestries shall require to produce and invite the adoption by their respective congregations of a new and single Constitution. In the event that no Constitution shall be produced and adopted (for whatever reason) within the time provided, the Declaration made by the Bishop of an Intention to Create a Joint Incumbency shall be of no further force and effect unless the terms of Section 5 are invoked by the Bishop. The members of the existing Vestries shall arrange for the election of members and office bearers as appropriate for the first Joint Vestry for the Joint Incumbency. In the arrangements for elections to the first Joint Vestry care shall be taken to ensure that there is a fair and equitable representation having regard to the relative sizes of the charges concerned. In the event of a dispute regarding such election arrangements, the Dean shall act as arbiter whose decision on the matter shall be final and binding. For the avoidance of doubt, said Constitution shall include provisions for a Lay Representative for each participating congregation and for a single set of office bearers (being as a minimum, the Secretary, the Treasurer and the Paying Officer) to serve the Joint Incumbency. The fair and equitable representation with regard to the relative sizes of the charges shall be reviewed every five years and may be reviewed more frequently at the request of the sub-committee of any particular charge. The Joint Incumbency shall

come into effect as a separate entity only upon adoption of the Constitution by each participating congregation; approval of the Constitution by the Bishop; and ratification of the Constitution by the Diocesan Synod. Upon ratification of the new Constitution the separate Constitutions of the original charges and their original vestries shall be deemed to be of no further force and effect and members of their respective Vestries and office bearers shall be deemed to have resigned office. Members of the original separate charges and their original Vestries shall be entitled to be considered for election to the single Joint Vestry as ordinary members or as office bearers. With the approval of the Joint Vestry, individual charges within a Joint Incumbency may create sub-committees of the Joint Vestry to deal with matters which relate to the said charge and said sub-committee shall report at least annually to the Joint Vestry.

4. At any point in the process of forming a Joint Incumbency (but so long as prior to ratification by the Diocesan Synod), the Joint Vestry, in consultation with the Bishop, may decide to halt the process whereupon no Joint Incumbency can come into existence.

5. In the event that no agreement can be reached upon the terms of an appropriate Constitution for a Joint Incumbency or that no Constitution shall be produced and adopted (for whatever reason) within the time provided for in Section 2 of this Canon, the Bishop shall have the option of requiring that the model Constitution of the Scottish Episcopal Church as recommended for use by General Synod shall have immediate effect upon a direction by the Bishop delivered to the appropriate presbyter or presbyters of the proposed Joint Incumbency.

6. In the event that no Joint Vestry for the Joint Incumbency is elected the Declaration of an Intention to Create a Joint Incumbency by the Bishop shall be of no further force and effect.

7. In the event that two or more Incumbencies wish to collaborate in order to provide for ministry to each and do not wish to form a Joint Incumbency under Sections 1 to 5 of this Canon, the Vestries of such Incumbencies may apply to the Bishop for permission to form a Linked Charge.

   In the event that such a Linked Charge comes into existence as hereinafter provided for, the clergy in charge of the original Incumbency or Incumbencies shall be deemed to have demitted office and a new incumbent shall thereafter be instituted or collated as the case may be by the Bishop to the new Linked Charge. No Linked Charge shall exist without the prior written consent of the cleric or clerics in charge of the original congregations and unless the Bishop issues a Declaration of Intention to create a Linked Charge addressed to the vestries concerned and their presbyters.

8. Within one month, or such other date as the Bishop shall agree, of the Declaration of Intention to create a Linked Charge, the Vestries of the Incumbencies concerned present a Memorandum of Agreement to the Bishop on the terms of the co-operation between the Incumbencies during the tenure of the Rector once appointed. Such Memorandum shall include a note of the proportion of the stipend of the Rector of the Linked Charge to be provided by each of the Vestries concerned; of the nature of the expenses of the Linked Charge and of the proportion to be provided by each Vestry; of the housing to be provided for the Rector and the apportionment of the costs and maintenance of such housing between the Vestries concerned; and of the means by which Vestries of the Incumbencies within the Linked Charge shall discuss and decide on such other matters as shall relate to the Linked Charge. The Vestries of the several Incumbencies shall

remain responsible for such costs and management of each Incumbency as are not included in the Memorandum. The Bishop may require such other matters as seem appropriate to the Bishop to be included in the Memorandum; and shall only proceed with the formation of the Linked Charge and the appointment of a Rector once the Bishop is satisfied with the Memorandum and the Vestries concerned have agreed to implement and uphold it.

The constitution of each church of the proposed Linked Charge shall be amended, so as to make them subject to the Memorandum of Agreement. A Linked Charge shall be regarded as a single charge with reference to Canon 17, Section 6.

9. The Memorandum of Agreement and the Linked Charge shall lapse upon the resignation or death of the Rector. It shall be reviewed every five years in terms of Canon 13, Section 1; and may be reviewed more frequently, at the request of any of the Vestries of the Incumbencies concerned. Any alteration in the Memorandum shall require the approval of the Bishop before it is implemented.

10. The right of presentation under Canon 13, Section 1 shall be exercised jointly by all those persons in whom such rights are vested in the Incumbencies concerned. Such rights may not be exercised until the Memorandum of Agreement has been approved by the Bishop.

11. In the event of disagreement occurring between the Vestries of the Incumbencies concerned about the meaning or implementation of the Memorandum of Agreement, appeal may be made by any of the Vestries to the Bishop, whose decision shall be final.

12. If at any time it shall happen that an Incumbency or a Joint Incumbency, shall become so reduced in numbers or in financial resources that the constitution of the church can no longer be kept in operation, nor provision be made for the maintenance of the ministry, it shall be competent for the Bishop, with the consent of the majority of the members present in the Diocesan Synod and qualified to vote (and a Certificate under the hand of the Diocesan Registrar recording the numbers voting shall be sufficient evidence thereof), to declare that such charge shall cease to be an Incumbency or Joint Incumbency; due provision being at the same time made by the Bishop for the preservation of registers, title-deeds, and all other property belonging to the church, and for the maintenance of trusteeships connected with the same. After due consultation the Bishop may amalgamate or link a charge or charges remaining after the dissolution of an Incumbency or Joint Incumbency with a neighbouring congregation; invoke the provisions of Sections 2 to 11 of this Canon or make such other provision as seems best for the pastoral care of the people.

13. The Declaration by the Bishop of decisions under Section 12 shall be notified to each congregation concerned either at a special meeting of the congregation or at a meeting of the Vestry summoned for such purpose, as the Bishop may consider appropriate in the circumstances. Any persons whose interests may be injuriously affected by any decision may appeal to the Episcopal Synod within thirty days from the date of such notification, and any decision shall take effect at the expiry of that period or on determination of such appeal.

RESOLUTIONS UNDER CANON THIRTY-SIX

Resolution 1
In the event that a Memorandum of Agreement has been made between the Vestries two or more Incumbencies under Section 8 of this Canon, a copy of the said Memorandum shall be attached to the Constitution of each of the Incumbencies concerned before those Constitutions are signed by a priest due to be instituted as Rector of the Linked Charge.

Resolution 2
No change, under this Canon, in the congregational status of any charge shall have effect until the next vacancy following the promulgation of this Canon consequent upon General Synod 2008.

Resolution 3
Any charge which held the status of Independent Congregation before promulgation of this Canon consequent upon General Synod 2008 shall continue to hold that status as defined under Canon 37 (repealed June 2008, see appendix to this canon) until the next vacancy in that charge.

APPENDIX TO CANON 36

CANON 37: OF INDEPENDENT CONGREGATIONS OTHER THAN INCUMBENCIES (repealed June 2008)

1. Independent Congregations not being Incumbencies shall be under the control of the Bishop. The appointment of the Priest-in-charge of such a congregation shall be made by the Bishop, unless there is an existing constitution or other deed regulating the patronage.

2. If any sufficient number of persons living in a locality at an inconvenient distance from any existing church shall desire to form themselves into a congregation, and shall undertake to build a church or obtain a suitable building, and to provide an adequate stipend for the Priest, they shall make application to the Bishop of the diocese, who shall deal with the application in terms of Section 3 hereof. In the event of the Bishop's refusing the application, the applicants may appeal to the Episcopal Synod. The Synod may, if it see fit, remit the application to the Bishop to deal with in terms of Section 3.

3. It shall be competent to the Bishop, after notice in writing to the Incumbents and Priests-in-charge in the neighbourhood of the proposed congregation, to sanction the formation of an Independent Congregation in any part of the Diocese, whenever it may seem to the Bishop desirable. But if any Rector or Priest-in-charge whose interest, or the interests of whose congregation, may appear to be injuriously affected by such proposed congregation shall within fourteen days after receipt of such notice object in writing to such proposed congregation, the Bishop shall not proceed therein until the objector has been given full opportunity to state the case for such objection to the Diocesan Standing Committee on Boundaries, and until the majority of the Committee in meeting assembled has expressed its approval of the proposed congregation.

4. The conditions of the appointment of the Priest-in-charge of a congregation constituted under Section 3 shall be settled by agreement between that cleric and the Bishop. A constitution for the said congregation shall be provided to the satisfaction of the Bishop.

5. Every cleric appointed to such congregations shall be licensed by the Bishop, in terms of Appendix No.16, having first produced Letters of Orders and testimonials as required in Canon 13, Section 3, and having signed the constitution (if any) of the congregation, and made the subscriptions prescribed by Canon 12. If the cleric is, at the date of the appointment, instituted or licensed in terms of the Canons within this Church, the Bishop may dispense with testimonials. The provisions of Canon 13, Section 4, shall apply also to clerics who are appointed to such congregations.

6. The licence may be withdrawn by the Bishop at any time (subject to the limitation to the power to do so specified in the next section), for any cause which the Bishop shall judge to be good and reasonable, after having given to the cleric sufficient opportunity of showing reason to the contrary; but an appeal shall lie to the Episcopal Synod. Pending the decision of an appeal against the withdrawal of a licence, if the cause assigned be immoral conduct or behaviour unbecoming the office of a cleric, the licence shall be held to be suspended; otherwise it shall remain in force.

7. When such a congregation has for three years and upwards had a district assigned to it, and has for the same period been continuously under the charge of a Priest whose usual place of residence is within the district, and has been united to this Church, either through the title-deeds of its church or other property belonging to it, or through being governed in accordance with the terms of a provisional constitution approved by the Bishop, the communicants thereof may elect a Lay Representative to the Diocesan Synod. Priests who have been in charge of such congregations for a period of five years shall, at the end of said five years' service in that capacity, attain to the status and possess the canonical rights of instituted clergy of the diocese, but subject to the provisions of Canon 13, Sections 11 and 14 and Canon 64: Provided that any such Priest who has lived in the neighbourhood of the district, though outside its limits, with the written approval of the Bishop, shall be deemed for the purposes of this Canon to have had residence in the district.

CANON THIRTY-SEVEN

REPEALED (2008)

CANON THIRTY-EIGHT

OF DISTRICTS ASSIGNED TO CONGREGATIONS

1. Every congregation which has been, or shall hereafter be, duly constituted an Incumbency or Joint Incumbency shall have a district assigned to it. In the event of it being found necessary or desirable to work two or more congregations as a Linked Charge in terms of Canon 36, Sections 7 to 11, each of them shall retain its existing boundaries unless these be altered as hereinafter provided.

2. The determination and alteration of the boundaries of all such districts within each diocese shall be entrusted to a Diocesan Standing Committee on Boundaries to be appointed triennially by the Diocesan Synod, but its decisions shall not be binding till they be approved by a majority of the Diocesan Synod. The Bishop and Dean shall always be members of this Committee.

3. No district shall be assigned to a congregation, nor after it has been assigned shall any alteration in its limits be carried into effect, without reasonable opportunity being afforded to the Clergy and Vestries or Committees of Management of the congregations affected, to represent their opinions to the Bishop and the Diocesan Synod Standing Committee on Boundaries.

4. It shall be the duty of the cleric having charge of the congregation to supply as diligently as possible spiritual ministrations to all persons resident in the district who may apply for the same, provided that they be members of this Church, and have not attached themselves to any other congregation of this Church as members thereof. It shall also be that cleric's duty to endeavour to find out, and establish pastoral relations with, the lapsed and spiritually destitute throughout the district assigned to that charge.

5. Nothing in the preceding section shall be held to exclude any cleric having the pastoral care of a congregation of this Church from ministering to members of that congregation in a district other than that assigned to the said charge, nor from ministering privately to sick persons who desire that cleric's services.

6. Nothing in this Canon shall prevent the Bishop of a diocese from allowing any cleric to hold a public service in any assigned district of the diocese for a special assemblage on a special occasion, with the consent of the Rector.

7. Where a Priest has been licensed by the Bishop in terms of Canon 14, Section 5, to minister to the members of the Anglican Communion in a University, College, School, Hospital, Prison or other Institution, the sphere of duties to which such licence applies shall be deemed to be the pastoral charge of such Priest, who shall be responsible for the conduct of that ministry to the Bishop alone.

CANON THIRTY-NINE

OF DEPENDENT CONGREGATIONS, AND OF THE SEPARATION THEREOF FROM THE DISTRICT AND CURE OF SOULS TO WHICH THEY ARE ATTACHED

1. Any Rector may, with the sanction of the Bishop, provide within the district assigned to that charge a church or other building where services of public worship may be conducted (in addition to those in the original or mother church of the district) under the control of the Rector of the mother church. Such congregations shall be known as Dependent Congregations.

2. Members and communicants attending such church or building shall be deemed members and communicants of the mother church of the district, in respect of the election of Lay Representatives and of all canonical rights and privileges allowed to those, except in such matters as are purely congregational in their nature; provided always that in a Dependent Congregation which has been for three years and upwards under the charge of a Priest whose usual place of residence is within the district, and which has been united to this Church either through the title-deeds of its church or other property belonging to it, or through being governed in accordance with the terms of a provisional constitution approved by the Bishop, the communicants thereof may elect a Lay Representative to the Diocesan Synod, if the Bishop and a majority of the Members present in the Diocesan Synod and qualified to vote signify their assent thereto, such assent holding as long as the conditions are fulfilled. In such cases the communicants of the congregation shall take no part in the election of a Lay Representative for the mother church.

3. When it shall be deemed expedient that a Dependent Congregation shall be formed into an Incumbency, part of a Joint Incumbency or part of a Linked Charge, the Rector, or a majority of the Vestry, or (where this has not been constituted) of the Committee of Management, of the mother church, or a majority of the communicants attending the said church or building, may petition the Bishop to that effect; but no such petition shall be entertained until the Diocesan Synod, or a Committee appointed by it for the purpose, has considered the financial position of the congregation. The Bishop, after consultation with the Committee of the Diocesan Synod appointed under Canon 38, Section 2, as to the alterations in the district or districts affected by the proposal, shall submit the petition to the next meeting, stated or special, of the Diocesan Synod, and, having given the other members of Synod an opportunity of expressing their opinions, shall announce a decision thereon. If the decision of the Bishop shall be at variance with the opinions of a majority of the Presbyters present and qualified to vote, an appeal to the Episcopal Synod shall be competent at the instance of the petitioners, or of the Rector, whether or not a petitioner.

4. The Bishop may take the initiative in forming a Dependent Congregation into a separate and independent congregation, provided that all the parties mentioned in Section 3 hereof are given an opportunity of expressing their opinion; and the matter shall then come before the Diocesan Synod in the same way as if a petition had been presented to the Bishop, and there shall be the same right of appeal to the Episcopal Synod.

CANON FORTY

OF PRIVATE CHAPELS

1. By a private chapel is meant a place of worship the structure and the services of which are maintained at the cost and charge of an individual, a family, or a society of persons in communion with this Church.

2. No private chapel shall be recognised as being in connexion with this Church unless the Priest or other person ministering therein has the licence or sanction in writing of the Bishop of the diocese.

3. A private chapel shall ordinarily be for the exclusive use for worship of the persons residing in the house or institution to which it is annexed and of others forming part of the family or society to which the chapel appertains, such as servants or employees, but on application being made to the Bishop by the proper person or persons, the opening of a private chapel for public worship may be sanctioned by the Bishop; provided that the Priest or other person conducting such worship shall have the licence or sanction in writing of the Bishop. If the private chapel be within an existing district, and the Rector objects, the Bishop shall only proceed with the consent of the Committee mentioned in Canon 38, Section 2, and of a majority of the members present in the Diocesan Synod and qualified to vote.

4. The Communicants of private chapels which have been sanctioned under Section 3, and have been for three years at least open for public worship, and in which the regular services of the Church (conducted by a duly licensed Priest whose usual residence is within five miles of the chapel) are held on at least the Sundays and greater festivals and fasts throughout the year, may (if not less than twenty in number exclusive of the family or community to which the chapel belongs) elect a Lay Representative to the Diocesan Synod.

5. Where any religious community in Scotland has a private chapel, it shall not be recognised as a community working in connexion with this Church unless its chaplains, wardens, and other clergy ministering therein have the licence or sanction in writing of the Bishop of the diocese, and the Bishop shall have the same jurisdiction in the chapel of such community as in the ordinary congregations of the diocese.

6. The administration of Baptism and the solemnisation of Matrimony in private chapels shall be subject to the regulation of the Bishop.

CANON FORTY-ONE

OF COMMUNICANTS' AND OTHER ROLLS

1. Every cleric of this Church in charge of a congregation shall keep, regularly revise, and carefully preserve, in a manner approved by the Bishop, a list of the names and addresses of the baptised members and the adherents of that congregation. In case of a vacancy arising, these rolls shall be held by such person and in such manner as the Bishop may direct.

2. In each church the cleric having charge of that congregation shall continuously keep and regularly revise at least annually a list of the names and addresses of those members of that congregation who have communicated in that church during the twelve months preceding, or who for good and sufficient reasons having been unable to do so shall have satisfied the cleric that they have so communicated in the Scottish Episcopal Church or in some Church in full communion therewith. This list shall be called the Communicants' Roll, and the names thereon may be indicated on the Roll of members referred to in Section 1 hereof. Any question arising as to the omission or removal of any person's name from the roll shall be decided by the Bishop, subject to an appeal to the Episcopal Synod. No person whose name is not on a Communicants' Roll of the Scottish Episcopal Church shall have the privileges or rights given by these Canons to communicants.

RESOLUTIONS UNDER CANON FORTY-ONE

Resolution 1

The cleric shall keep privately the Communicants' Roll and may exhibit it to the members of the congregation at large or to individual members thereof only after the cleric is satisfied that to do so would not infringe any applicable laws relating to data protection. Subject to compliance with such laws, the Roll shall be exhibited to the Bishop upon request or to the Dean as provided by Resolution under Canon 42.

Resolution 2

When persons leave a congregation it shall be the duty of the cleric having charge of that congregation to endeavour to commend them to the pastoral care of another.

CANON FORTY-TWO

OF CHURCH REGISTERS

1. Every cleric of this Church in charge of a congregation shall keep and safely preserve in a manner approved by the Bishop correct registers of Baptisms, Confirmations, Marriages, Funerals and Burials, and a register of the number of persons who have communicated publicly or privately on each separate occasion. In case of a vacancy arising these registers shall be held by such person and in such manner as the Bishop may direct.

2. All such registers shall be the property of this Church, held on behalf of the congregation to which they refer by the cleric in charge thereof, subject to any direction given by the Bishop of the diocese as to the custody of non-current registers, and shall be exhibited to the Bishop or to the Dean for their inspection upon request. Anyone wishing to inspect any such register or record may apply to the cleric, who shall have discretion to grant access, and in what circumstances, to the parts of those registers relevant to each application. In the event of any dispute arising over access to such registers, the matter shall be referred to the Bishop for decision subject to an appeal to the Episcopal Synod.

RESOLUTION UNDER CANON 42

Resolution 1

It shall be the duty of the Dean of the Diocese to inspect the registers, inventories and records (including the risk register and risk assessment records) of the congregation, including the Communicants' Roll and the Roll of members as defined by Canon 41, at least once in every four years and to report the result of the inspection to the Bishop in Synod unless the Bishop shall have stated publicly in Diocesan Synod that this duty, or a specified portion thereof, will be undertaken by the Bishop. Without prejudice to the foregoing requirement, the Dean shall inspect the registers, records, reports and inventories together with the Communicants' Roll and Roll of Members, as soon as possible after the intimation of the resignation, or the death of a cleric in charge, so as to have them in order for the person succeeding to that charge.

CANON FORTY-THREE

OF THE OFFICE OF DEAN

1. The Bishop of each Diocese shall appoint a Dean, who shall be a Priest instituted as a Rector within the Diocese, or a Priest (not being an assistant curate) licensed in terms of Canon 14, Section 5, to perform such duties as these Canons shall prescribe and the Bishop may lawfully determine.

2. The Dean shall hold office for a period of five years, renewable for a further period or periods of five years by mutual consent. On the See becoming vacant the Dean shall continue in office for one year after a new Bishop has been installed, regardless of whether the term of office be thereby lengthened to more than, or shortened to less than, five years.

3. Notwithstanding the provisions of Sections 1 and 2 hereof, the Dean's appointment may be terminated by agreement between the Bishop and the Dean. It shall be ipso facto cancelled if the Dean shall become Bishop, or shall cease to be qualified in terms of Section 1 hereof, or shall be sentenced to suspension after canonical trial, or shall be found, in the judgement of the Bishop and a majority of two-thirds of the Presbyters present in the Diocesan Synod and qualified to vote, incapable from age or infirmity of discharging the duties of this office.

4. Anyone appointed Dean shall not retain any Canonry previously held in the Cathedral of that Diocese, unless that Canonry is annexed ex officio to that person's principal ministerial appointment.

5. During the vacancy of the See the Dean shall administer the diocese under and in accordance with the direction of the Primus.

6. The Dean shall be ex officio a member of the Diocesan Standing Committee on Boundaries.

7. Except as otherwise provided in these Canons or as directed by the Bishop for specific circumstances the Synod Clerk shall act for the Dean should the Dean be unable to perform any duties in respect of that office laid out in these Canons.

CANON FORTY-FOUR

OF THE OFFICE OF SYNOD CLERK

1. In every diocese there shall be a Synod Clerk elected by the voting Presbyters and Deacons present in the Diocesan Synod. Any voting Presbyter, other than the Dean, shall be eligible to be Synod Clerk. The person elected must have a majority of the votes given, but the Dean shall, as presiding officer in such elections, have a casting vote as well as a deliberative vote.

2. The appointment of any Synod Clerk after the date at which this Canon comes into force shall be for five years terminating at the conclusion of the fifth annual Diocesan Synod following the election. A Presbyter may be re-elected as Synod Clerk. The appointment shall be terminated if the Synod Clerk shall become Bishop or Dean of the diocese, or shall cease to be a voting member of the Diocesan Synod, or shall be sentenced to suspension after canonical trial, or if in the judgment of a majority of the Presbyters and Deacons present in Diocesan Synod and qualified to vote shall be found inefficient in the discharge of the duties of this office.

3. Anyone elected Synod Clerk shall not retain any Canonry previously held in the Cathedral of that Diocese unless that Canonry is annexed ex officio to that person's principal ministerial appointment.

4. During a vacancy in the office of Synod Clerk, or when the Synod Clerk is unable to act, a substitute may be appointed at the discretion of the Bishop for a specified occasion.

CANON FORTY-FIVE

REPEALED (1984)

CANON FORTY-SIX

REPEALED (1984)

CANON FORTY-SEVEN

REPEALED (1984)

CANON FORTY-EIGHT

OF THE OFFICE OF REGISTRAR OF THE EPISCOPAL SYNOD

1. The Episcopal Synod shall appoint a Registrar who shall act as Lay Clerk at each meeting of the Synod and take the Minutes of such meeting in accordance with Canon 51, Section 7. All registers and documents pertaining to the Primus and to the Episcopal Synod, the minute book of episcopal conferences, the records of all consecrations of Bishops, of decisions of the Primus and of the Episcopal Synod on appeals, and of all other acts of the Episcopal Synod and of the College of Bishops shall be committed to the custody of the Registrar of the Episcopal Synod.

2. The Registrar shall hold office during the pleasure of the Episcopal Synod.

CANON FORTY-NINE

REPEALED (1984)

CANON FIFTY

OF DIOCESAN SYNODS

1. An annual Diocesan Synod, consisting of the Bishop, all instituted, licensed and commissioned clergy of the diocese, the diocesan officials as specified in Canon 61, and the lay members specified in Section 3 hereof shall be held in every diocese at such time and place as the Bishop (or the Dean empowered by the Bishop) shall appoint.

2. Special meetings of Synod shall be held whenever the Bishop sees cause, but for such business only as the notices may specify.

3. The lay members of the Diocesan Synod shall consist of a Lay Representative for each congregation within the diocese, as provided in Canon 63, the lay members of the General Synod elected by the lay members of the Diocesan Synod under Canon 52, Section 5, the alternate members of the General Synod elected under Canon 52, Section 7, such lay persons authorised for lay ministry under Canon 66 as the Bishop shall deem appropriate by virtue of the sphere of duty they perform and such additional members as the Diocesan Synod may elect. All lay members other than the additional members shall be entitled to vote except that only Lay Representatives of congregations shall vote in elections for members of the General Synod.

4. The clergy entitled to vote in Diocesan Synod shall be (first) all clergy instituted to a cure of souls within the diocese; and (second) all clergy who have their ordinary place of residence within the diocese and hold a formal licence under the hand of the Bishop to a definite sphere of duty involving regular pastoral work within the diocese, in terms of Appendix No.16, or hold a commission in terms of Appendix No.16(A): Provided that any such cleric living in the neighbourhood of the diocese though outside its limits with the written approval of the Bishop shall be deemed for the purposes of this Canon to have residence in the diocese.

5. All instituted, licensed and commissioned clergy of the diocese are required to attend meetings of their Diocesan Synod, those not entitled to vote being entitled to give their opinions on any subject which comes before the Synod. Any cleric who may be hindered from attending the Synod shall intimate the cause of that absence to the Bishop, who shall be the judge of its sufficiency, and if possible this intimation shall be made before the meeting of the Synod. If no such intimation be given, or if the cause for absence be deemed insufficient by the Bishop, the absentee shall be subject to the admonition of the Bishop. The Bishop may proceed in Synod for neglect of duty against any cleric who repeats the offence after such admonition.

6. Previous to the meeting of the Synod at a time appointed by the Bishop, the Holy Communion shall be celebrated, and also, if it shall have been so ordered by the Bishop, a sermon shall be preached, the preacher being appointed by the Bishop.

7. At meetings of the Synod, the Bishop shall preside. In the absence of the Bishop the Dean of the Diocese shall preside, but should the Dean also be absent, the meeting shall appoint one of its own members to preside.

8. At the annual Diocesan Synod, a Standing Committee, which the Dean shall chair, shall be appointed to consider and determine subject to Canon 38, sections 2 and 3, upon all questions relating to the boundaries of congregations.

9. The Diocesan Synod shall appoint a Diocesan Buildings Committee which shall include the Dean ex officio and persons with expert knowledge of architecture, ecclesiastical artefacts and liturgy to consider and determine proposals relating to all changes to the fabric of Church Buildings as provided for under Canon 35, Section 1.

10. The proceedings of every Diocesan Synod shall be open to communicants of full age resident in the diocese, except under special circumstances of which the Bishop shall be judge, and any communicant qualified as above may, at the discretion of the Bishop, be allowed to address the Synod upon the subject which may happen to be under discussion. Notice of the date and place of the Diocesan Synod and of its being open to communicants as aforesaid shall be given during Divine Service, at least one Sunday immediately preceding, by each Rector.

11. No resolution of the Synod shall have any force or effect if the Bishop intimate disagreement therewith, which intimation must be made, if the Bishop be present, before the close of the Synod: if the Bishop be not present, the resolutions of the Synod shall forthwith be transmitted to the Bishop by the Secretary of the Diocesan Synod, and the Bishop shall be held as concurring in the same, unless within seven days of their receipt the Secretary of the Diocesan Synod be advised of the Bishop's disagreement therewith. But if the resolution be supported by two-thirds of the members present in the Synod and qualified to vote an appeal shall be competent to the Episcopal Synod, if assented to by a majority of two-thirds as aforesaid.

RESOLUTIONS UNDER CANON FIFTY

Resolution 1
Notice of the time and place of meetings of the Synod shall be transmitted to the members of the diocese by the Secretary of the Diocesan Synod, in the case of annual Synods not less than one month, and in the case of special Synods not less than ten days, before the day appointed for holding the same.

Resolution 2
Every cleric having charge of a congregation and every cleric licensed to a private chapel, shall, within ten days after the close of the statistical year of the Scottish Episcopal Church, transmit to the Secretary of the Diocesan Synod a return of the state of the congregation on a form approved by the Episcopal Synod. A summary of these returns shall be made by the Secretary of the Diocesan Synod, and a copy of the same be laid before it. It shall also be laid, along with the schedules before the Diocesan Synod at its annual meeting, and be included in the Minutes. Not more than three days after the meeting of the Synod, a copy of the summary shall be transmitted to the Primus by the Secretary of the Diocesan Synod.

Resolution 3
Every motion to be brought forward at the annual Synod must be intimated to the Bishop, and also to the Secretary of the Diocesan Synod not less than twenty-one days before the meeting of Synod; and the Secretary of the Diocesan Synod shall communicate every motion so notified to all the members of the Diocesan Synod, not less than fourteen days before the meeting. The Bishop, however, may on emergencies allow the introduction of a motion without previous

notice. Motions can only be submitted by members of Synod qualified to vote. The Bishop may veto the discussion of any motion, though otherwise competent, unless at least five members of Synod qualified to vote express their desire that it should be discussed.

Resolution 4

At all meetings of Synod, the Secretary of the Diocesan Synod shall take notes of the proceedings, and when the draft Minutes shall have been revised by the President they shall be entered in the Minute book; and at the next Synod these minutes, unless previously circulated, shall be read: and if they be approved they shall be signed by the President of that meeting. When the Secretary of the Diocesan Synod is absent, the Synod shall appoint a substitute at its discretion.

CANON FIFTY-ONE

OF EPISCOPAL SYNODS, AND OF THE COLLEGE OF BISHOPS

1. The Episcopal Synod shall consist of all Diocesan Bishops of this Church.

2. A stated meeting of the Episcopal Synod shall be held once in every year, on such day and at such place as the Primus, with the concurrence of at least one-half of the other Diocesan Bishops, shall determine.

3. The Primus shall have the power of calling a special meeting of the Episcopal Synod whenever the circumstances of the Church in the Primus's judgement require it, and, with the concurrence of at least one half of the other Diocesan bishops, of fixing the time and place at which such meetings shall be held.

4. The Primus shall call a meeting of the Episcopal Synod on receiving a written requisition so to do from a majority of the other Diocesan Bishops, the time and place of such Synod being fixed as provided in Section 3 of this Canon; and if the Primus fail to call such Synod within two months after receiving such requisition, a majority of the other Bishops may call such Synod and meet and act without the Primus, due notice being given by them to the Primus and to the other Bishops of the time and place of said Synod.

5. Before the holding of any Episcopal Synod the Primus shall publish for the information of the Church generally a statement of the time, place, and purpose of such Synod, the form and content of such notification to be at the discretion of the Primus.

6. Unless a majority of Bishops entitled to vote be present at the meeting of an Episcopal Synod, no business shall be transacted.

7. The Registrar of the Episcopal Synod shall act as Lay Clerk at each meeting of Synod, and take the minutes of such meeting.

8. All Episcopal Synods shall be open to the public, under such regulations as the Synod may adopt; but it shall be in the power of the Synod, by a resolution entered in its minutes, to exclude the public during the whole or any part of its proceedings: Provided always that all judgments and other deliverances of the Synod shall be announced in public.

9. Intimation in writing of all business to be brought before any Episcopal Synod shall be given by the Primus to each Bishop not less than ten days before the meeting; but other business, if urgent, shall be admissible by consent of a majority consisting of at least two-thirds of the Bishops present and entitled to vote.

10. Except as provided in these Canons, every matter brought before the Episcopal Synod shall be decided by the majority of the Bishops present and entitled to vote. Except also as provided in these Canons, in the case of an equality of votes, the Primus when present shall have a casting as well as a deliberative vote, but in the absence of the Primus the resolution or motion shall be deemed negatived.

11. The Episcopal Synod shall receive and finally determine all appeals allowed in these Canons, except such as may be brought before and decided by the Primus.

12. Except as provided in these Canons the College of Bishops may act after such informal consultation as they see fit. The rules as to voting shall be as in the Episcopal Synod.

CANON FIFTY-TWO

OF THE GENERAL SYNOD

1. MEETINGS

The General Synod shall be called at least annually by its Standing Committee and whenever the circumstances of the Church may appear to the College of Bishops to require it. The time and place of the meeting of such General Synod shall be determined by its Standing Committee and the said General Synod shall be convened by the Convener of its Standing Committee by notice at least sixty days before the meeting, except that for a meeting convened for the purposes of Section 20 hereof the notice shall be such as in the circumstances the College of Bishops may consider at the time to be reasonable.

2. AGENDA

The notice convening the meeting of the General Synod shall intimate the date, not less than thirty days from the time the notice is issued, by which resolutions may be submitted to the Standing Committee for inclusion on the Agenda of the General Synod. The Standing Committee shall issue the Agenda of the General Synod at least fourteen days before the meeting is due to take place.

Any resolution which has been submitted to the Standing Committee but not included in the Agenda shall be notified to the Synod members when the agenda is sent out but will not be open to discussion or determination at the Synod except with the consent of the requisite majority as prescribed in Rules adopted from time to time regulating the procedure of the General Synod.

3. MEMBERSHIP

The General Synod shall consist of the Diocesan Bishops, the Conveners of the main Provincial Boards specified in Section 23 hereof not otherwise members of the General Synod, the members of the Standing Committee of the General Synod not otherwise members of the General Synod, any person elected to represent the Scottish Episcopal Church on the Anglican Consultative Council and the elected members as set forth in Sections 4 and 5 hereof. The General Synod shall normally meet as one body but at the request of a majority of any House, shall meet in separate Houses. There shall be three Houses of the General Synod, namely: The House of Bishops, comprising the Diocesan Bishops; the House of Clergy, comprising the presbyters and deacons who are members of the General Synod; and the House of Laity, comprising the lay members of the General Synod.

4. ELECTED MEMBERSHIP AND DIOCESAN REPRESENTATION

The total number of elected members of the General Synod shall be determined by resolution of the General Synod, as shall the numbers to be elected from each diocese.

5. QUALIFICATIONS FOR ELECTED MEMBERSHIP

The presbyters or deacons elected from each diocese shall, unless the General Synod determines otherwise, be elected from their own numbers by the clerical members of the Diocesan Synod, who in terms of Canon 50, Section 4, are entitled to vote and shall hold office only so long as they are members of the Synod of that Diocese.

The lay members elected from each diocese shall, unless the General Synod determines otherwise, be elected by the lay members of the Diocesan Synod as provided in Canon 50, Section 3. Lay members and alternates, as defined in Section 7 hereof, must have attained the age of sixteen years, and be communicant members of this Church, and have signed a declaration in terms of Appendix No.23. Those elected need not be members of the electing body but must be resident with the diocese, or communicant members of congregations within the diocese, or hold office within the diocese. Lay members of the General Synod are for their period of office members of the Diocesan Synod.

6. CLERICAL ALTERNATES

Instituted, licensed or commissioned presbyters or deacons shall be elected by the clerical members to serve as alternates in case of unavoidable absence of any clerical elected member. They shall receive all relevant papers. Each Diocese shall elect one alternate for every three clerical elected members or part thereof, provided that no Diocese shall elect fewer than three alternates. Alternates will be called upon to serve in the order of the number of votes cast, highest first.

7. LAY ALTERNATES

Lay members shall be elected by the lay members to serve as alternates in case of unavoidable absence of any lay elected member. They shall receive all relevant papers. Each Diocese shall elect one alternate for every three lay elected members or part thereof, provided that no Diocese shall elect fewer than three alternates. Alternates will be called upon to serve in the order of the number of votes cast, highest first.

8. RULES FOR ELECTION OF CLERICAL AND LAY MEMBERS

Elections of the members and alternates of the General Synod in accordance with Sections 4-7 hereof, shall be held at a duly constituted meeting of the Diocesan Synod. For the purposes of such elections the Dean shall preside over the Synod, or, in the absence of the Dean, a member of the Synod elected by the Synod.

For the purposes of such elections cumulative voting shall not be allowed and voting shall be by ballot. It shall be lawful to vote by proxy, provided that a medical certificate accompanies the written proxy in terms of Appendix No.22. When any two or more members receive equal votes for the last place or places among those whose names have been submitted for election, there shall be a further ballot to determine who shall be elected.

9. DELEGATION OF ELECTION BY DIOCESAN SYNOD

A Diocesan Synod may delegate the task of election to other bodies in that diocese as it may determine as appropriate provided the distinction between clerical and lay electors and the stated qualifications for electors as provided in Canon 50, Section 4, and for those elected are maintained.

10. RETIRAL OF MEMBERS

The General Synod shall make provision by resolution for those who are elected to retire at stated periods to ensure both rotation and continuity of membership within the Synod.

11. POWERS OF STANDING COMMITTEE

Should any doubt arise in the operation or interpretation of this legislation the Standing Committee of the General Synod shall have full powers to resolve the question on an interim basis until the General Synod can determine.

12. IRREGULARITIES IN PROCEDURE AT ELECTIONS

Any irregularity in procedure in regard to the election of clerical or lay members of a General Synod, or in convening the same, shall not be held to invalidate the proceedings of the General Synod or to bar it from transacting business, unless the General Synod itself by a majority shall have decided that the alleged irregularity is of such a character to make it unjust or unfair to transact business until the irregularity be corrected.

13. CONSTITUTION OF MEETING

On the day appointed for the meeting of the General Synod and previous to the sitting thereof, Holy Communion shall be celebrated; and also, if it shall have been so ordered by the Primus, a sermon shall be preached, the preacher being appointed by the Primus. At the close of the celebration the General Synod shall be constituted.

14. PROLOCUTORS

At the beginning of each General Synod the House of Clergy shall elect one of its members to be clerical Prolocutor and the House of Laity shall elect one of its members to be lay Prolocutor, each of whom shall preside over the House of which that person is a member when it meets separately. When so meeting the Prolocutor in each case shall have a casting as well as a deliberative vote. Each House shall also elect a Vice-Prolocutor who shall fulfil the functions and possess the privileges of the Prolocutor, should the Prolocutor be absent.

15. OBJECTIONS TO ELECTIONS OF MEMBERS

Immediately after the election of the clerical and lay Prolocutors any objection that may be made in regard to the election of any clerical or lay member of the General Synod shall be disposed of with the advice (if any House so desire) of the legal Assessor, who shall be a member of the Faculty of Advocates or a solicitor admitted in Scotland, appointed by the Primus on the nomination of the Standing Committee of the General Synod with the approval of the College of Bishops. The finding of the General Synod shall be final.

16. SYNOD HAS NO JUDICIAL POWER

The General Synod shall have no judicial power, either primarily or on appeal.

17. ALTERATIONS TO THE CODE OF CANONS

The General Synod shall have power, by a simple majority of the members of each of the three Houses present and voting, to propose alterations to the Canons from time to time in force, including modification or abrogation of or addition to any Canon or part thereof and the enactment of new Canons; but no alteration shall take effect until it shall have been confirmed by a two-thirds majority of the members of each House present and voting at a subsequent meeting of the General Synod to be held after an interval of time sufficient to give Diocesan Synods opportunity of considering the proposed alteration, provided that such an interval shall not exceed fifteen months after the close of the previous meeting of the General Synod. Before confirming any alterations the General Synod shall consider any opinions received from Diocesan Synods. An alteration confirmed at such a subsequent meeting may incorporate amendments made at that

meeting provided such amendment is not, in the judgment of the person presiding, irrelevant to, beyond the scope of or inconsistent with the general subject-matter and purport of the alteration as submitted to Diocesan Synods for consideration and is passed by a two-thirds majority of the members of each House present and voting. No amendment which, in the judgment of the person presiding does not substantially reflect an opinion communicated to the General Synod by a Diocesan Synod or is not merely a verbal or drafting amendment, may be moved for the purposes of this section unless due notice has been given or the person presiding grants leave to dispense with notice. The requirements for due notice, for the circulation of proposed alterations to Diocesan Synods and for the communication of the opinions of Diocesan Synods to the General Synod and the form thereof shall be prescribed by resolution.

18. PROMULGATION OF ALTERATIONS TO CODE OF CANONS

Where any alteration has been proposed and confirmed in accordance with Section 17 of this Canon it shall come into effect forty days from the end of the meeting at which it was enacted unless the General Synod at that meeting directs otherwise. It shall be authenticated by the signature of the Primus within fourteen days of the conclusion of the meeting at which it was enacted, except as provided in Section 19 of this Canon. The Standing Committee (as constituted in Section 23) shall cause such alteration, together with such other parts of the proceedings as the General Synod shall have directed, to be promulgated within twenty-one days of the conclusion of the meeting of the General Synod by sending a copy of the authenticated enactment to the Secretary of each Diocesan Synod. It shall be the responsibility of the Standing Committee to make provision for the safe custody of authenticated texts.

19. DELEGATION OF POWERS TO FAITH AND ORDER BOARD

The General Synod may by a specific resolution relating to an identified text remit to its Faith and Order Board with such detailed instructions as it sees fit the responsibility for the final wording of liturgical texts.

The General Synod shall have the power when confirming any alteration to the Canons to delegate, by the same majorities as would be required for the confirmation of such alteration, to its Faith and Order Board the responsibility for agreeing the precise wording of a canonical change consistent with the expressed intention of the General Synod. The Faith and Order Board shall agree by a two-thirds majority of its members present and voting the definitive wording of the alteration within four months of the close of the meeting of the General Synod, and it shall then be authenticated by the signature of the Primus within fourteen days thereafter, and shall be promulgated mutatis mutandis as provided in Section 18, coming into effect forty days from the end of the said meeting of the Faith and Order Board. If in the judgement of the Primus the text submitted by the Faith and Order Board is inconsistent with or goes beyond the instruction of the General Synod, the Primus shall refuse to authenticate it until it shall have been submitted on a further occasion to the General Synod for confirmation in accordance with Section 17 hereof, in which case, notwithstanding the time limit specified in Section 17, the final confirmation by the General Synod of the alteration must take place within twenty-seven months after the close of the meeting of the General Synod at which the proposed alteration was originally approved, and it shall then be authenticated in the normal manner.

20. RELATION OF COLLEGE OF BISHOPS TO SYNOD

The Primus may at any time, when requested to do so by the College of Bishops, take counsel with the General Synod on any matter; and thereafter the College of Bishops may make, if they see fit, a pronouncement on such a matter, or, if the College of Bishops so decide, they may submit a proposed pronouncement by them for approval, amendment, or other action by the General Synod.

21. RELATION TO REPRESENTATIVE CHURCH COUNCIL & PROVINCIAL SYNOD

The whole powers and functions previously vested in the Provincial Synod or in the Representative Church Council are hereby vested in the General Synod and any reference in any constitution, deed of trust or other deed to the Provincial Synod or to the Representative Church Council shall be construed as if it were a reference to the General Synod and any reference to a Committee or Board of the Provincial Synod or Representative Church Council shall be construed as a reference to the equivalent Committee or Board of the General Synod as the General Synod shall, in case of doubt, in its absolute discretion determine.

22. RESOLUTIONS OF GENERAL SYNOD

The General Synod may by resolution provide for the implementation of these Canons for procedures thereunder, and for the regulation of its own procedure and of all matters of property, finance and general administration throughout this Church including provision for the holding of property under trust, the appointment of trustees and the raising and defending of legal proceedings and references to arbitration. The Synod may, by resolution, delegate to its Boards and Committees the making of rules within the terms laid down by the resolution. Nothing in this Section shall authorise the passing of any resolution or the making of any rule which is inconsistent with these Canons or which, except in so far as these Canons so provide or is necessary for their implementation or for the regulation of procedures properly falling thereunder, encroaches on any matter of doctrine, order or discipline or pertaining to anything within the exclusive province of bishops, the College of Bishops or the Episcopal Synod, and any resolution or rule which purports so to do shall be null and void. Notwithstanding the foregoing the Synod may pass resolutions on any matter provided that they are merely expressions of view or advisory only or instructions to Boards or Committees to prepare proposals for the enactment of Canons or to undertake some lawful executive act and do not, except as such instructions, have binding effect. Except as provided in this section the Synod shall so act as to bind the Church, its dioceses, congregations and members or any of them, only by Canons passed in accordance with Section 17 hereof. Resolutions may be passed by a simple majority of those present and voting at any meeting of the General Synod.

23. BOARDS AND COMMITTEES

Without prejudice to its right of appointment of Special Committees, the General Synod shall appoint with such duties as it sees fit, a Standing Committee, a Faith and Order Board, a Mission Board, an Administration Board, a Board of the Scottish Episcopal Institute (to be known as the Institute Council), and the Provincial Buildings Committee as provided for under Canon 35, Section 1 and which shall include persons with expert knowledge of architecture, ecclesiastical artefacts and liturgy.

RESOLUTIONS UNDER CANON FIFTY-TWO

Resolution 1 - DRESS OF MEMBERS

At the Celebration of the Holy Communion, and during sessions of the Synod, the Bishops and clerical members shall wear such dress appropriate to their order as the College of Bishops or the Primus on its behalf may from time to time direct.

Resolution 2 - CHAIRING MEETINGS

The Primus shall normally preside at the General Synod. In the absence of the Primus or in the event that the Primus deems it appropriate that another should preside, the Convener of the Standing Committee, after consultation where practicable with the Primus, shall choose a person to preside from a panel appointed for this purpose by the Standing Committee from the members of the General Synod. The Primus or other person presiding shall have a deliberative but not a casting vote.

Resolution 3 - TERMS OF OFFICE OF MEMBERS AND ALTERNATES

Members of the General Synod shall be elected to serve a term of four years. Each Diocese shall elect annually the requisite number of clerical and lay alternate members. Alternates shall be elected annually. Full Members may be elected for not more than two consecutive terms, and shall not be eligible for election to the General Synod until at least the Annual Diocesan Synod of the year following that in which their second term of office expired. Terms will be counted from 1st April, 1983. Elected Members shall take office on 1st April following the Diocesan Synod at which they were elected.

Resolution 4 - PERIODIC REVISION OF DIOCESAN REPRESENTATION

The total number of members and the formula for diocesan representation shall normally be revised decennially, and shall remain constant until the next such review.

[Note: General Synod 2023 resolved that the next decennial review of the formula for diocesan representation and the number of members on the General Synod to be undertaken in accordance with Resolution 4 under Canon 52 be deferred until the communicant membership statistics for the Church for 2025 are available.]

Resolution 5 - DIOCESAN REGISTERS OF MEMBERS

The Secretary of each Diocesan Synod shall maintain a register of the names and addresses of those elected as Members or Alternate Members, together with the date of their election, and shall notify the same to the Secretary General of the General Synod. In the case of Alternate Members, these must be listed in the order of votes cast.

Resolution 6 - CALLING OF ALTERNATES

In the event of any Member being unable to attend any one meeting of the General Synod, the first Alternate, whom failing the next Alternate in the order of votes cast, either clerical or lay as required, shall take that Member's place.

Resolution 7 - MID-TERM VACANCIES

When a vacancy occurs in mid-term, the vacancy will be filled for the remaining period of the term by election at the next Diocesan Synod, and the person elected will take up office on the 1st April following that Diocesan Synod. The person elected will continue to be eligible to serve

two full terms following the end of the remaining period of the term for which he or she has been elected. In the period between the vacancy occurring and 1st April, the first listed Alternate Member, either clerical, or lay, as required, shall act.

Resolution 8 - FORMULA FOR DIOCESAN REPRESENTATION

The total number of members of General Synod to be elected by each diocese shall be in accordance with the undernoted formula, based on the declared total number of communicant members of that diocese published in the latest Annual Report of the General Synod available at the time of the review required under Resolution 4 above of the number of members and of the formula for diocesan representation.

In each diocese the number of clerical members of the General Synod and the number of lay members of the General Synod elected by the Diocesan Synod shall be the same.

Formula: Each diocese, whether or not its total communicant membership exceeds 2,000, shall have twelve members of the General Synod. Each diocese shall have additional members of the General Synod in proportion to the number by which its total number of communicant members exceeds 2,000, on the basis of 2 for every 600, which number shall be rounded to the nearest even number, be it up or down.

[Note: On the basis of the declared figures for communicant membership for 2013, the diocesan representation on General Synod shall be:-

Aberdeen	2861		14
Argyll	717		12
Brechin	1652		12
Edinburgh	8232		32
Glasgow	5161		22
Moray	2353		14
St. Andrews	3876		18
		Total	124]

Resolution 9 - SUBMISSION OF PROPOSED CANONICAL ALTERATIONS TO DIOCESAN SYNODS

As soon as practicable after any alteration to the Canons has been proposed and passed provisionally by the General Synod in pursuance of Section 17 of Canon 52, and in any event not later than three months thereafter, the Secretary General shall communicate the precise terms of the proposed alteration to the Secretary of each Diocesan Synod and shall at the same time indicate the final date, no earlier than three months thereafter, which has been determined by the Standing Committee for communication to the Secretary General of any opinions on the proposed alteration expressed by Diocesan Synods. Any opinion of a Diocesan Synod communicated to the Secretary General by that date shall be submitted in full to the General Synod with the Agenda. Diocesan Synods should observe the guidelines set out in the Appendix to this Resolution.

APPENDIX

In communicating to the Secretary General, Diocesan Synods should identify clearly the opinion of the Synod as a whole, or where the Synod has been divided, of a majority. The opinion should be ascertainable without the necessity of reference to extraneous sources or supporting papers. Reasons given for the opinion should be those which the Synod, or a majority, endorsed and should be distinguished from those of individuals or a minority group. The communication

should not take the form of a record of individual views. If a vote has been taken, voting figures may be given and it is useful for these to be given separately for clergy, laity and the Diocesan Bishop. If the opinion of the Synod is that the proposed alteration should be amended the specific terms of the amendment must be stated.

Resolution 10 - NOTICE UNDER SECTION 17

Notice of an amendment given within such time as is provided for notice of a Resolution by Section 2 of Canon 52 shall constitute due notice for the purposes of Section 17 of that Canon.

Resolution 11 - CONVENERS OF PENDANT COMMITTEES

The Conveners of all the pendant Committees of the Boards of the General Synod who are neither elected members, nor members ex officio of the Synod shall have the right to be present and to speak, but not to vote, at meetings of the General Synod.

Resolution 12 - RESTRICTION OF DISCUSSION

The General Synod shall have the power when considering for confirmation a canonical alteration to restrict discussion to the opinion received from the several Diocesan Synods in relation to the said alteration, and to any observations by the Faith and Order Board on the alteration or on any of these opinions. Any member present in Synod, including the person presiding, may propose that the Synod so restrict discussion of specified business under consideration at that meeting, and such proposal shall be implemented on receiving the support of a two-thirds majority of the members present and voting.

CANON FIFTY-THREE

OF THE RESOLUTION OF SITUATIONS OF PASTORAL BREAKDOWN AND OTHER DIFFERENCES AND DISPUTES

1. RESOLUTION OF SITUATIONS OF PASTORAL BREAKDOWN

It is the duty of each diocesan bishop and of each cleric, to whom the charge of a congregation within that diocese has been committed, to maintain the pastoral relationship between that cleric and the congregation committed to that cleric's charge, and the maintenance of that relationship is part of the ordinary work of bishops and clergy. When the pastoral relationship between a cleric and a congregation is perceived to have broken down to such an extent that it cannot be restored by such means, the following process may be employed to achieve a resolution.

2. INITIATION OF THE PROCESS

A Request for an enquiry into a perceived situation of pastoral breakdown may be made to the diocesan bishop by

(a) the cleric having charge of the congregation concerned;

(b) a majority of not less than two thirds of the lay membership of the vestry of the charge present and voting at a specially convened meeting; or

(c) the Synod Clerk of the diocese; or, if the Synod Clerk is involved in the perceived breakdown, the Dean of the diocese.

The person or persons intending to make such a Request shall advise the Bishop by Notice in writing that a Request for an Enquiry will be made to the Bishop concerning a perceived situation of pastoral breakdown not less than six and not more than twelve months after the date of the notice. No Request shall be received unless such Notice has been given in due time.

3. Upon receipt of such a Notice, the Bishop shall attempt to resolve the matter by discussion with the parties concerned. The Bishop will also explain to the parties the implications and possible consequences of a formal enquiry.

4. APPOINTMENT OF A CONCILIATOR

Should it prove impossible to reconcile the parties by discussion, the Bishop shall, with the agreement of the parties concerned, appoint a conciliator to attempt such a resolution. The conciliator shall, by means of interviews with and by instituting dialogue between the parties, attempt to bring the matter to a resolution within six months of the date of the Notice of Intention to make a Request for an Enquiry.

Should the conciliator fail to bring about a resolution, a report shall be submitted to the Bishop by the conciliator of the steps that have been taken, any progress made, and of the extent of co-operation of each of the parties to the process of conciliation. Copies of this report shall be sent to each of the parties.

Should it prove impossible to appoint a conciliator, or should the conciliator's attempt to resolve the situation not succeed, the Bishop shall have discretion to take further steps before receiving the Request for an Enquiry.

5. PRELIMINARIES TO THE ENQUIRY

On receiving a Request for an Enquiry, the Bishop shall require the Dean of the diocese to report within six months whether an enquiry would be in the interests of the incumbent and of the congregation. Should the Dean be a party in the matter, the Synod Clerk of the diocesan synod shall act in the Dean's place; and should both the Synod Clerk and the Dean be parties in the matter, the Bishop shall require another cleric of good standing within the diocese to act.

6. If the report described in Section 5 should recommend that an Enquiry is appropriate, the Bishop shall either (i) institute such a hearing of the matter, as described in Section 7 of this Canon; or (ii) dismiss the matter, notwithstanding the report; or (iii) recommend that the matter is of sufficient seriousness that proceedings under Canon 54 are appropriate. In each case, the Bishop shall send a decision in writing to the parties concerned.

7. THE ENQUIRY

If the Bishop shall decide that an enquiry is appropriate, the parties concerned shall within twelve months of the receipt the Notice of Intention to make a Request for an Enquiry present their cases to a body, to be called the Provincial Advisory Board on Pastoral Breakdown, whose convener and membership shall be chosen when required by the College of Bishops from among those persons appointed under Canon 54, Section 31. This Board will recommend to the Bishop the appropriate means of resolving the matter. The Bishop shall have discretion as to whether to make this report public.

8. Following the report of the Provincial Advisory Board, the Bishop shall provide such pastoral advice to the cleric and the vestry as seems appropriate, and may

a) if and only if the Board so advises, declare the cleric's charge vacant at a specified date. The Board may recommend that the cleric undergo a medical examination, in terms of Canon 64, to determine fitness to continue as incumbent before such a declaration is made;

b) rebuke the incumbent or any other cleric, and, at discretion, disqualify that incumbent or cleric from the performance of specified duties for a specified period;

c) rebuke a member or members of the congregation, and, at discretion, disqualify such member or members from holding office within the congregation or the diocese for a period not exceeding five years.

The Bishop shall issue to all parties a decision in writing, made within one month of the date of the Board's report.

9. APPEALS AGAINST THE BISHOP'S ACTION

Any party to the Enquiry may appeal to the Episcopal Synod against any decision taken by the Bishop under Section 8 of this Canon within one month of the issuing of the note of that decision. Such appeal shall be dealt with in terms of Sections 14 and 15 of this Canon.

10. GRIEVANCE PROCEDURE

If any cleric should have a grievance against any person entitled by the Code of Canons or by the Digest of Resolutions to issue instructions to the said cleric, that cleric may invoke the Grievance Procedure, as adopted by General Synod and as amended from time to time thereafter, set out in Appendix 29. The raising of a grievance under this Procedure shall not be permitted in relation to any accusation of an offence under Canon 54 (Of Offences and Trials) until after the matter of the accusation has been resolved.

11. THE RESOLUTION OF OTHER DISPUTES AND DIFFERENCES

In the case of all appeals to the Bishop of a Diocese or the Episcopal Synod (other than those arising under Canon 54) or which may be made in terms of the Constitution of any Congregation or body related to the Scottish Episcopal Church or any part of it or in any Trust or other Deed similarly applying, the following procedure shall apply, unless specific provision for a special appeal procedure has been made. This procedure shall also apply to all disputes between clergy or other members of this Church as to questions affecting Congregations, Dioceses or the Province (other than those arising under Canon 54 or Sections 1 to 8 of this Canon).

12. All such appeals and disputes shall be referred to the Bishop of the Diocese in which the appeal or dispute has arisen; or, if the Bishop is directly concerned or the matter is extra-diocesan or affects more than one diocese, to the Episcopal Synod. In cases where the Bishop of the Diocese is concerned, the Episcopal Synod may, at the request of any of the parties involved, appoint another Bishop to handle the matter, in which case that Bishop shall exercise the same powers as the Bishop of the Diocese.

13. In dealing with all such references the Bishop shall have full power and absolute discretion to regulate procedure and generally to deal with the matter to hear parties to a dispute or to dispense with hearing them; to require parties to submit their contentions orally or in writing; to take such evidence as seems fit to the Bishop, formally or informally; and generally to control the process of the hearing.

14. APPEALS AGAINST THE DECISION OF THE BISHOP

In the cases of all references under the procedure, all decisions of the Bishop shall be final, unless there is express provision under the Canon, Constitution or Deed for appeal to the Episcopal Synod, or leave to appeal to the Episcopal Synod is allowed by the Bishop. Where leave to appeal to the Episcopal Synod is required, it shall be asked of the Bishop making the decision within one month of that decision.

If the Bishop refuses the application for leave to appeal, an application for leave to appeal may be made in writing to the Episcopal Synod within one month of the Bishop's refusal. Such application shall be addressed for this purpose to the Clerk of the Episcopal Synod.

In the case of reference to the Episcopal Synod under Section 12 of this Canon, when the Episcopal Synod itself makes a decision, that decision shall be final.

15. In the hearing of appeals against the decision of a Bishop, the Episcopal Synod shall have full power and absolute discretion to regulate procedure and generally deal with the appeal; to hear parties to a dispute if any of the parties so desire or with the consent of the parties to dispense with hearing them; to require parties to submit their contentions orally or in writing; to take such evidence as seems fit to the Synod, formally or informally; and generally to control the process of the appeal. In such an appeal hearing, the Primus or presiding Bishop shall have a casting as well as a deliberative vote. All parties shall be entitled to be legally represented whether by counsel or solicitor. The Episcopal Synod shall have discretion to make an award of reasonable expenses against such party or parties the Episcopal Synod deems responsible. The Episcopal Synod may appoint a legal assessor for the purpose of consultation at any stage of the process.

RESOLUTION UNDER CANON FIFTY-THREE

Resolution 1

Reasonable Expenses of the cleric shall include the reasonable expenses by way of professional fees, outlays, travelling and subsistence charged to the cleric or otherwise incurred. Legal expenses shall be paid at the equivalent of Scottish Legal Aid Board or their successor's rates.

Where professional fees other than legal fees are sought, these may not exceed the standard fees recommended by the relevant professional body. Where travelling expenses are sought, these may include, where applicable, the standard ferry fare but otherwise may not exceed the standard second class rail fare, where rail travel is available, the standard applicable bus fare or, in other cases, the standard mileage allowance at the rate payable by General Synod. Air fares may not be claimed except with the prior written approval of the Clerk to the Episcopal Synod. Subsistence costs must be approved in advance by the Clerk to the Episcopal Synod.

CANON FIFTY-FOUR

OF OFFENCES AND TRIALS

PART I - OFFENCES AND ACCUSATIONS

It is preferable that any complaints against clergy be dealt with pastorally by the Diocesan Bishop or by a fellow Bishop; but whereas it is recognised that pastoral resolution of a complaint or dispute may not be achieved, and that recourse should be had to rules for the good order of the Church and the discipline of the clergy, the following Canon provides therefore.

1. DEFINITIONS

In this Canon

'accusation' means a complaint brought in terms of Section 3 of this Canon;

'accused' means a person against whom an accusation has been made in accordance with Section 3 of this Canon;

'the complainer' means a person who makes an accusation in accordance with Section 3 of this Canon.

'the Church' means the Scottish Episcopal Church;

'the Tribunal' means The Clergy Discipline Tribunal of the Scottish Episcopal Church as established in Section 31 of this Canon;

'offence' means behaviour or conduct as specified in Section 2 of this Canon;

'party' means the Procurator of the Church or any accused person as the context requires;

'the Preliminary Proceedings Committee' (hereinafter referred to as 'the P.P.C.') means the committee comprised of the persons specified in Section 5 of this Canon;

'the President of the Tribunal' means the member of the Tribunal so nominated under Section 31 of this Canon;

'the Procurator of the Church' (hereinafter referred to as 'the Procurator') means the person appointed under Section 20 of this Canon to try accusations on behalf of the Church;

'verdict' means an order pronounced by the Tribunal of either Guilty or Not Guilty in relation to an accusation.

2. OFFENCES

Any of the following shall constitute an offence where committed by a Bishop, Priest or Deacon:

(a) behaviour or conduct in a manner unbecoming a member of the clergy, or in a way which causes or is likely to cause scandal or to bring the Church into disrepute. Such

behaviour or conduct may, without prejudice to the foregoing generality, include, but shall not be limited to,

(i) behaviour or conduct which is the subject of a criminal conviction by a secular court;
(ii) sexual immorality or gross indecency;
(iii) habitual abuse of alcohol or other drugs.

(b) habitual or wilful neglect of the duties of clerical office, or of any position of trust or responsibility connected with such office to which the offender has been appointed or elected, or habitual carelessness or gross inefficiency in the discharge of such office.

(c) knowing violation of the Code of Canons or of anything lawfully ordered thereunder.

(d) teaching or publicly advocating doctrines or beliefs subversive of or incompatible with the teaching of the Church as expressed in its formularies.

The following shall constitute an offence when committed by a Priest or Deacon:

(e) disobedience of Episcopal authority, or conduct or behaviour disrespectful to or showing contempt for the diocesan Bishop.

3. BRINGING OF ACCUSATIONS

Any person admitted to the Roll of Communicants of a congregation in terms of Canon 41, Section 2, or who is entitled to be so admitted, or the Provincial Officer for the Protection of Children and Vulnerable Adults appointed under Canon 65 may bring an accusation in the form prescribed in Section 4 of this Canon against a Bishop, Priest or Deacon holding any form of authorisation to minister in the Scottish Episcopal Church alleging that an offence has been committed by such accused under Section 2 of this Canon.

4. INITIATION AND FORM OF ACCUSATION

Accusations shall be lodged, in writing, with the Secretary to the P.P.C., who shall forthwith transmit all such received to all members of the P.P.C., constituted as hereinafter provided, and to the Clerk to the College of Bishops.

The accusation shall set out, in Form A of Appendix No.24 or as nearly as may be, the following detail relating thereto in respect of each offence alleged:
(a) The offence allegedly committed, which, in the case of an offence under (c) of Section 2 of this Canon, shall include reference to the Canon and Section thereof allegedly contravened;
(b) The name of the cleric concerning whom the allegation or complaint is made, together with such other information concerning the identity of the cleric (e.g. address, appointment held, churches served) as is known to the complainer;
(c) The conduct complained of and how it is alleged to constitute an offence or, in the case of an offence under (c) of Section 2 of this Canon, contravene the said Canon;
(d) The date or dates of the alleged offence, and the place or places of the commission of the offence, where known;
(e) The basis of the complainer's knowledge of the alleged offence, or, where the facts thereof are not within the personal knowledge of the complainer, the grounds on which the complainer believes the alleged offence to have taken place;
(f) The signature of the complainer and the date of that signature;

(g) The full name, address and, where applicable, the telephone number and occupation of the complainer.

Where an accusation concerns more than one cleric, the complainer shall set out the details listed above in relation to each cleric accused.

PART II - PRELIMINARY PROCEEDINGS COMMITTEE

5. PRELIMINARY PROCEEDINGS COMMITTEE

The Preliminary Proceedings Committee, constituted to investigate all accusations lodged with it, shall be a committee of the General Synod, comprising five members and a Secretary, of whom three members and the Secretary shall be appointed by the General Synod on the recommendation of the Standing Committee thereof every five years, two of whom shall be practising lawyers, one at least being an admitted solicitor, and the third of whom shall be a lay person, who is an adult communicant member of this Church. In addition an alternate lay member shall be appointed who is resident in a Diocese other than that in which the said lay person resides. The remaining two members shall be a Diocesan Bishop, nominated by the College of Bishops, and a cleric of the same order as the cleric accused, appointed by the Standing Committee of the General Synod, both of whom shall be appointed for each accusation and the procedures arising therefrom. Any close personal or business connection with the accused cleric shall render a person ineligible to serve on this Committee, and none of the aforesaid Diocesan Bishop, cleric or lay person shall hold office or reside in the same diocese as the accused at the time of the alleged offence or offences. Where accusation is made concerning clerics of different orders, the clerical member of the P.P.C. shall be a priest.

The P.P.C. shall at its first meeting appoint a Convener from among its members.
The Standing Committee shall have the power to fill any casual vacancies occurring in the membership of the Committee, or to appoint a suitable person to fill the place of anyone disqualified in terms of the foregoing provision from service thereon.

Once the process of investigating an accusation has been initiated, the members of the P.P.C. shall continue to serve, as far as is possible, until the Committee reaches the decision required by Section 15 of this Canon, regardless of whether new appointments have been made by the General Synod in accordance with the aforementioned provisions. Should the Procurator require further action by the P.P.C. in respect of that accusation, as provided in Section 21, the members of that Committee shall be, as far as is possible, those who undertook the initial investigation.

The P.P.C. shall sit in private, and may sit in any location in Scotland.

6. JURISDICTION OF COMMITTEE

The P.P.C. shall have jurisdiction to consider an accusation concerning any cleric holding any form of authorisation to minister, whether temporary or non-temporary, within the Scottish Episcopal Church or any diocese thereof.

7. NOTIFICATION OF ACCUSATION

As soon as possible after the receipt of an accusation, the P.P.C. shall forward a copy of the accusation to the cleric or clerics accused therein, and a like copy to the Clerk to the Episcopal Synod and, except when the accused is a Diocesan Bishop, to the Diocesan Bishop or Bishops of the accused.

8. ACCUSATION AGAINST MORE THAN ONE CLERIC

The P.P.C., upon receiving an accusation or accusations concerning more than one cleric, in relation to which it considers that there is a relationship in time, place, nature or manner of misconduct alleged, may proceed to consider the complaints together, and to investigate, if necessary the said complaints together.

9. FINDING OF NO OFFENCE

If at any time in considering an accusation, the P.P.C. finds that no offence under Section 2 of this Canon has been committed, it shall determine that no further action shall be taken, and shall notify the cleric or clerics accused, the complainer and the Diocesan Bishop or Bishops concerned of that decision within two weeks of said decision being taken.

10. INVESTIGATION BY COMMITTEE

In investigating an accusation or accusations the P.P.C. shall have power to take statements from witnesses and to request sight and retention of all documents held by any person or body within or on behalf of the Church or the General Synod or any board or committee thereunder. Any such person or body holding such records shall allow sight of them or deliver them up to the P.P.C., if requested to do so.

11. INVESTIGATION REVEALS EVIDENCE OF OTHER OFFENCE

If, on investigation, the P.P.C. finds evidence of an offence under Section 2 of this Canon which is not included in the original accusation, it shall proceed to consider the evidence of such offence and to investigate it as if an accusation of the said offence had been made, and for all purposes hereafter that evidence shall be held to constitute an accusation. The P.P.C. shall as soon as possible thereafter notify the cleric or clerics accused, and the Clerk to the Episcopal Synod and (except when the accused is a Diocesan Bishop) the Diocesan Bishop or Bishops of the accused of the additional offence.

12. REQUEST FOR WRITTEN EXPLANATION

Within two weeks of the completion of its investigations, the P.P.C. shall request in writing that the cleric or each of the clerics accused submit to the Secretary of the P.P.C. a written explanation in relation to the said accusation. At the same time, the P.P.C. shall inform the said cleric or clerics of any evidence of an offence which it is treating, under Section 11 of this Canon, as an accusation in respect of the same offence; and shall provide the said cleric or clerics with a summary of the evidence relating to each alleged offence. Such request for a written explanation shall be in terms of Form B of Appendix No.24, or as nearly as may be, and shall be sent by First Class Recorded Delivery Post to the cleric's home address.

The said written explanation shall be forwarded by the cleric concerned by First Class Recorded Delivery Post to the P.P.C. within twenty-one days of the date of posting by the P.P.C. of its request therefor.

The P.P.C., or the Convener thereof on its behalf, may, on reasonable cause shown, and if requested in writing by or on behalf of the cleric accused received before the expiry of the last-mentioned period, extend the period for submitting a written explanation to the P.P.C. by a further period not exceeding twenty-one days, which extended period shall run from the expiry of the original twenty-one day period.

Any such explanation provided by an accused cleric shall be inadmissible in any subsequent trial before the Tribunal.

13. FAILURE TO PROVIDE WRITTEN EXPLANATION

If, after expiry of the initial twenty-one day period or further extended period where granted, the cleric accused fails to submit to the P.P.C. a written explanation, as requested, the P.P.C. may proceed to take a decision upon said accusation in the absence of the written explanation by the cleric.

14. REPRESENTATIONS OF COLLEGE OF BISHOPS

At any time before the expiry of the initial or extended period the College of Bishops may make written representations to the P.P.C. or provide any relevant representations or information concerning the accusation or concerning the cleric or clerics accused, and the P.P.C. shall consider any such representations or information which they receive from the College of Bishops.

15. DECISIONS COMPETENT TO THE COMMITTEE

The decisions which the P.P.C. may competently make are:-
(a) to refer the accusation for trial to the Procurator;
(b) if the accused is not a Diocesan Bishop, to refer the accusation to the cleric's Diocesan Bishop for the Bishop to issue to the said cleric a Warning or Advice Letter;
(c) to decide that no further action shall be taken;
(d) to refer the accusation and the results of its investigations to the police or to any other relevant public body.

Where the P.P.C. makes a decision in terms of (b) above, it shall notify the Diocesan Bishop of the cleric accused, who shall issue the said letter to the said cleric in consultation with the P.P.C..

16. NOTIFICATION OF DECISION

When the P.P.C. has made its decision regarding an accusation, it shall notify it to the cleric accused, that cleric's Diocesan Bishop, and the complainer. The notification of the decision will be in terms of Form C of Appendix No.24, or as nearly as may be, and shall contain the following information:-
(a) The name of the complainer and the date of signature of the accusation;
(b) The offence allegedly committed, which, in the case of an offence under (c) of Section 2 of this Canon, shall include reference to the Canon and Section thereof allegedly contravened;
(c) Any offence in respect of which the P.P.C. found evidence of a commission, and in respect of which it proceeded under Section 11 of this Canon;
(d) The decision of the P.P.C. in relation to each alleged offence, including offences under Section 11 of this Canon.

This notification shall be sent by First Class Recorded Delivery Post within five days of the conclusion of the meeting of the P.P.C. at which the P.P.C. has made decisions

concerning all accusations against the said cleric and any other cleric in respect of whom allegations were investigated along with that cleric.

PART III - THE PROCURATOR OF THE CHURCH

17. REFERRAL TO PROCURATOR OF THE CHURCH

Where the P.P.C. has decided in accordance with Section 15(a) of this Canon to refer the accusation to the Procurator for trial, it shall send to the Procurator, at the same time as it sends notification of its decision to the cleric in terms of Section 16 of this Canon, a copy of the said notification, together with the principal accusation, all documents, statements and other information ingathered by the P.P.C. during its investigation, the written explanation submitted by the cleric in terms of Section 12 of this Canon, and the minutes of all relevant meetings of the P.P.C..

18. SUSPENSION FROM OFFICE OF ACCUSED

When an accusation is lodged against a cleric other than a Diocesan Bishop, the Bishop of the Diocese in which the accused cleric serves shall consider whether to suspend that cleric from office pending the outcome of proceedings under this Canon. Where the accused is a Diocesan Bishop, the provisions of Canon 6, Section 9 shall apply.

If the accusation has been lodged by the Provincial Officer for the Protection of Children and Vulnerable Adults and alleges conduct that might render the cleric unsuitable for working with children or vulnerable adults, the Bishop or the Primus or Senior Bishop as appropriate shall immediately suspend the accused cleric from office pending the outcome of proceedings under this Canon.

When the P.P.C. makes a decision in terms of Section 15 (a) or (d) of this Canon, the accused shall automatically be suspended from office without loss of emoluments.

When an accused cleric other than a Diocesan Bishop is suspended from office in terms of this Canon, the accused cleric shall be entitled, if in stipendiary ministry, to be paid the stipend and to receive the other emoluments pertaining to the said office which are paid by a congregation or a Diocese or the General Synod of the Scottish Episcopal Church. In particular any accused cleric other than a Diocesan Bishop shall be entitled to reside in the accommodation provided, unless given the location of said accommodation and the nature of the accusation, the Bishop shall require the accused cleric to reside in alternative accommodation. During the period of Suspension the care of any Charge entrusted to the accused cleric both in the provision of services and the pastoral care of the people shall be in the hands of the Bishop as if the Charge were vacant. The responsibility for paying the stipend of the accused cleric shall fall upon the Vestry or Vestries concerned. The cost of alternative pastoral and liturgical provision including any fees payable for such duties, travelling expenses and accommodation shall be paid for out of the funds of the General Synod as shall the cost of any necessary alternative accommodation for the accused cleric. Where the accused is a Diocesan Bishop, the provisions of Canon 6, Section 9 shall apply.

Any suspension imposed in terms of this Canon shall cease on the termination of the proceedings brought under this Canon.

19. SUBSEQUENT COMPLAINT AGAINST SAME CLERIC

If at any time within the period of two years after the P.P.C. has decided not to refer an accusation for trial, the P.P.C. receives a further accusation of misconduct against the same cleric, it shall be open to the P.P.C. to reconsider the original accusation along with the subsequent one, and to disregard the decision made upon the original accusation.

20. THE PROCURATOR OF THE CHURCH

The Procurator of the Church, appointed to serve for a period of seven years by the Standing Committee of the General Synod in consultation with the College of Bishops, shall have been in practice as an advocate or solicitor for at least the previous ten years. At the expiry of the aforementioned term of office the Procurator shall be eligible for re-appointment to the office. In the event of the Procurator ceasing to practise as an advocate or solicitor, the appointment shall terminate forthwith, or at the end of any current trial procedure, whichever is the later.

21. PROCURATOR REQUIRES ADDITIONAL INFORMATION

The Procurator may require that the P.P.C. make further investigation or obtain additional information in respect of an accusation, and the P.P.C. shall conduct such further investigations and endeavour to obtain such additional information.

If, as the result of such further investigations, evidence is obtained of the commission of a further offence relating to a matter in which the P.P.C. has made a decision, an allegation concerning such further offence may be included by the Procurator in the Notice of Trial, notwithstanding that the cleric accused was not asked to submit a written explanation in terms of Section 12 of this Canon in respect of that allegation. The Procurator shall notify the cleric or clerics accused, and the Clerk to the Episcopal Synod and (except when the accused is a Diocesan Bishop) the Diocesan Bishop or Bishops of the accused, of the additional alleged offence and shall request a written explanation, in terms of Sections 12 and 13 of this Canon. Such request, so far as reasonably practicable, shall be made at least one calendar month before the issue of any Notice of Trial under Section 23 of this Canon.

22. DECISION NOT TO PROCEED TO TRIAL

At any time after referral to the Procurator for trial and prior to the issue of a Notice of Trial in terms of Section 23 of this Canon, the Procurator may decide that no trial shall take place in relation to any accusation referred to the Procurator.

The Procurator shall not so decide without first having given notice to the College of Bishops of intention so to do, and before making a decision shall take into consideration any view which the College of Bishops may express on the matter.

At any time after referral to the Procurator for trial and prior to the issue of a Notice of Trial in terms of Section 23 of this Canon, the College of Bishops may request the Procurator that an accusation should not proceed to trial, and the Procurator shall consider such request.

In the event that the Procurator decides that an accusation shall not proceed to trial, the Procurator shall so inform the cleric accused, the P.P.C., the Clerk to the College of Bishops and the complainer in terms of Form D of Appendix No.24, or as nearly as may be.

PART IV - PRE-TRIAL PROCEDURE

23. NOTICE OF TRIAL

A Notice of Trial shall be issued by the Procurator to the cleric or clerics accused at least two calendar months prior to the date fixed for the trial. The said cleric or clerics may apply to the President of the Tribunal for a later date for the trial on cause shown.

The Notice of Trial shall be in terms of Form E of Appendix No.24, or as nearly as may be, and shall specify in respect of each alleged offence to be tried:

(a) The offence allegedly committed, which, in the case of an offence under (c) of Section 2 of this Canon, shall include reference to the Canon and Section thereof allegedly contravened;
(b) The nature of the alleged offence, that is, the alleged facts on which the offence is based;
(c) The date or dates on which the offence is alleged to have occurred, and the place or places of the said offence;
(d) The date and place of trial;
(e) The date of issue of the Notice of Trial.

The Notice of Trial shall in addition require the parties to furnish to the Clerk of the Tribunal and to any other party a list of all documents on which they propose to rely, and also a list of all witnesses whom they propose to examine. Every such list shall, unless otherwise ordered by the Tribunal, be furnished by the parties at least fourteen days before the date fixed for the trial and shall be accompanied by a copy of the documents referred to therein, provided that if any such list is not furnished as aforesaid, the Tribunal at the trial hearing may have regard to all circumstances concerning the non-timeous delivery of such list.

The Procurator may include in the Notice of Trial an accusation in relation to which no allegation was included in the original accusation, and in relation to which no decision was made by the P.P.C..

24. CLERIC TO LODGE ANSWER TO NOTICE OF TRIAL

Not later than one calendar month from the date of issue of the Notice of Trial, the cleric named therein shall lodge with the Clerk of the Tribunal an Answer to the Notice in terms of Form F of Appendix No.24, or as nearly as may be, which shall be signed by the cleric and shall specify:
(a) whether in relation to each of the accusations listed in the Notice of Trial the cleric pleads Guilty or Not Guilty;
(b) in relation to any accusation to which a plea of Not Guilty is entered, the nature of that cleric's defence to such accusation, that is, the facts upon which that defence is to be based.

25. ACCEPTANCE OF PLEAS OF GUILTY

Where the Procurator accepts a plea of Guilty intimated in an Answer, in terms of Section 24 of this Canon, to the Notice of Trial, or where the cleric named in the said Notice, at any time after the issue thereof and before the commencement of the trial, intimates in writing, signed by the said cleric and lodged in process, a plea of Guilty to any accusation contained in the said Notice, and the Procurator accepts that plea, the Procurator shall, within seven days of the lodging of the said Answer or intimation in

writing, lodge in process an Acceptance of the said plea in terms of Form G of Appendix No.24, or as nearly as may be. A copy of the said Acceptance shall be sent to the accused cleric.

26. ACCEPTANCE OF PLEAS OF GUILTY TO SOME ACCUSATIONS

Where the Procurator has lodged an Acceptance of Plea in terms of Section 25 of this Canon in relation to an accusation, but there remain outstanding accusations in respect of which a plea of Not Guilty has been tendered, those accusations shall proceed to trial. Sentence on all accusations will be deferred until the conclusion of the trial.

27. EARLY DIET WHERE PLEAS OF GUILTY ARE ACCEPTED BEFORE TRIAL

Where the Procurator has lodged an Acceptance of Plea in terms of Section 25 of this Canon in relation to any accusation, and there remain no outstanding accusations in respect of the cleric accused or a co-defender, the Tribunal shall sit within two weeks of the date of the lodging of the said Acceptance in order to pronounce sentence in respect of any pleas of Guilty.

Upon receipt of the Acceptance of Plea, the Clerk of the Tribunal shall notify the accused of the date and place at which the Tribunal shall sit under this Section

28. DECISION NOT TO LEAD EVIDENCE

At any time after the cleric accused has lodged an Answer in terms of Section 24 of this Canon to the Notice of Trial and prior to the leading of evidence at the said trial, the Procurator may decide that no evidence be led in relation to any accusation.

29. COLLEGE OF BISHOPS MAY REQUEST THAT CASE NOT PROCEED TO TRIAL

At any time after the cleric accused has lodged an Answer in terms of Section 24 of this Canon to the Notice of Trial and prior to day of the said trial, the College of Bishops may request that the Procurator shall not lead evidence in relation to any accusation, and the Procurator shall consider this request.

30. RESIGNATION IN FACE OF TRIAL

Where, following referral by the P.P.C. to the Procurator for trial of any accusation and prior to the conclusion by sentence or otherwise of all outstanding accusations against a cleric that cleric resigns from or otherwise demits every office held in this Church, the College of Bishops shall issue to whomsoever it considers appropriate a Notice in terms of Form H of Appendix No.24, or as nearly as may be, that the said cleric should not be given any further appointment or position within the Church without due consideration being given to the circumstances of that cleric's resignation or demission of office.

PART V - THE CLERGY DISCIPLINE TRIBUNAL OF THE SCOTTISH EPISCOPAL CHURCH

31. COMPOSITION OF TRIBUNAL

There shall be established a tribunal to be known as The Clergy Discipline Tribunal of the Scottish Episcopal Church (hereinafter referred to as the Tribunal).

The Tribunal shall comprise eleven members, namely:
(a) three practising lawyers of at least ten years standing, appointed by the General Synod;
(b) three clerics from the order of Priest or Deacon, appointed by the General Synod;
(c) three communicant lay members of the Church, appointed by the General Synod;
(d) two Bishops, appointed by the College of Bishops.

It shall be the responsibility of the Standing Committee of the General Synod to ensure that at least one nomination be made for each position to which the General Synod has the power to appoint.

The members of the Tribunal shall hold office for three years from the date of their appointment, and may be re-appointed to serve for further terms of office.

The Standing Committee of the General Synod shall nominate one of the practising lawyers appointed to serve as a member of the Tribunal to be the President of the Tribunal.

The Standing Committee of the General Synod shall have the power to fill any vacancy on the Tribunal (or, where the member concerned is a Bishop, the College of Bishops shall have such power of appointment).

The administrative functions of the Tribunal shall be undertaken by a Clerk of the Tribunal to be appointed by the Standing Committee of the General Synod. The Clerk of the Tribunal shall hold office during the pleasure of the Standing Committee of the General Synod.

Where any member of the Tribunal is the subject of an accusation in respect of which a Notice of Trial is issued under Section 23 of this Canon, that member shall be suspended from the membership of the Tribunal until the termination of proceedings under this Canon in relation to that accusation. Where a verdict of Guilty is returned or a plea of Guilty accepted in respect of such an accusation, the member shall forthwith cease to be a member of the Tribunal.

Where any such suspension occurs whilst such a member of the Tribunal is participating in a hearing of the Tribunal, such member shall cease to be present at such hearing and to participate in the deliberations of the Tribunal, but the proceedings of the Tribunal shall not be rendered invalid by reason of the absence of such member.

32. RULES OF THE TRIBUNAL

The Tribunal shall have power to adopt and to amend its own Rules (hereinafter referred to as 'the Rules') which shall govern all matters relating to the procedure and conduct of the trial or appeal, including evidential matters, not already provided for in the Code of Canons. The Tribunal shall cause to be published an up-to-date copy of the Rules so adopted and amended. In all matters not otherwise specified in the Rules,

the Tribunal shall be regulated by the Civil Law Rules of the Court of Session currently in force.

The Tribunal shall have power to award such expenses (if any) to either party as are allowed by the Rules.

33. JURISDICTION OF THE TRIBUNAL

(a) The Tribunal shall have a jurisdiction to hear and determine at first instance all accusations under Section 2 of this Canon referred to it by the P.P.C.. When hearing such accusations the Tribunal shall sit with three of its members present at the hearing, namely, one practising lawyer, one cleric from the order of Priest or Deacon, and one member of the laity.

(b) The Tribunal shall have an appellate jurisdiction to hear appeals referred to it under Section 38 of this Canon. When hearing such appeals, the Tribunal shall sit with five of its members present at the hearing, namely one practising lawyer, two clerics from the order of Priest or Deacon, and two members of the laity.

(c) Where the accused is a Bishop, a member of the Tribunal who is a Bishop shall sit at the hearing in place of the cleric (or one of the clerics, as the case may be) from the order of Priest or Deacon.

(d) Subject to the provisions of (a) to (c) above, the President of the Tribunal shall determine which members of the Tribunal shall sit in relation to any particular proceedings under this Canon and which of those members shall preside at the hearing.

PART VI - TRIALS

34. THE TRIAL

A trial may be held at any location in Scotland. The location for a trial shall be determined by the President of the Tribunal. The Clerk of the Tribunal shall transmit the details of such location to the Procurator for inclusion in the Notice of Trial to be sent under Section 23 of this Canon to the cleric or clerics accused.

The trial shall normally be held in public, unless determined otherwise by the Tribunal.

At the trial, in cases where evidence is led, the evidence shall be recorded in such way as the Tribunal may direct, which evidence shall be certified in such way as the Tribunal may direct. The Tribunal may accept a conviction of the accused of a criminal offence by a secular court having jurisdiction, as sufficient evidence of the fact that the accused committed the offence, and may accept a duly authenticated record of evidence given in any court of the United Kingdom in any cause affecting the accused, as evidence in any case under this Canon: provided always that the accused shall have the opportunity to adduce evidence before the Tribunal accepts a conviction as conclusive, as well as in all other cases.

Any accused person may be legally represented at any trial or appeal under this Canon.

PART VII - JUDGEMENT AT FIRST INSTANCE

35. VERDICT AFTER TRIAL

The Tribunal shall pronounce its verdict in respect of each accusation on the last day of the trial or at some later date. The accused may be found guilty or not guilty of each accusation. The verdict of the Tribunal in respect of any accusation may be by unanimous or majority decision of the Tribunal. The Tribunal shall give reasons for its verdict in terms of Section 37.

The Tribunal may retire for due deliberation before its verdict is pronounced.

36. SENTENCE OF THE TRIBUNAL

In respect of each verdict of Guilty the Tribunal may pronounce sentence in terms of one or more of the following, as it sees fit:

(a) Absolute discharge, notwithstanding a verdict of Guilty;
(b) Rebuke;
(c) Injunction to perform or refrain from performing a specified act or acts;
(d) Removal from office;
(e) Disqualification from holding office;
(f) Prohibition from the exercise of the ministry of a Bishop, Priest or Deacon.

After the sentence of removal from office, disqualification from holding office or prohibition from the exercise of holy orders has been pronounced, the accused shall have no right or claim to any income from any office held at that date, or to perform the duties pertaining thereto. The accused shall be required to vacate any property occupied by reason of office within three months from the date of the sentence being pronounced.

In cases where the sentence of disqualification from office or prohibition from the exercise of holy orders has been pronounced, the accused may, after the lapse of a period of three years from the pronouncement of the sentence, apply to the College of Bishops for restoration of the capacity to hold office or exercise a ministry.

37. WRITTEN COPIES OF THE VERDICT

A written copy of the verdict of the Tribunal together with its reasons and sentence shall be sent to each accused cleric, and to the Procurator. The verdict shall be entered by the Clerk of the Tribunal in the records of the Tribunal, and shall be available for inspection by any person showing due cause to the Clerk of the Tribunal.

PART VIII – APPEALS

38. APPEALS

A cleric convicted of any accusation by the Tribunal may appeal against verdict or sentence or both on the basis of any alleged miscarriage of justice in the proceedings in which the cleric accused was convicted, including any alleged miscarriage on the basis of an error of law made by the Tribunal, an unreasonable finding of fact made by the Tribunal, or the existence and significance of additional evidence which was not heard at the trial and which was not available and could not reasonably have been made available at the trial.

The individual grounds of an appeal shall be stated in a Note of Appeal in terms of Form A of Appendix No.25, or as nearly as may be, and shall be sent to the Clerk of the Tribunal and received within 21 days of sentence being passed upon the cleric accused. Failure to send such Note timeously shall entail loss of the right to appeal. The Clerk of the Tribunal shall send a copy of the Note of Appeal to the Procurator within 7 days of its receipt by the Clerk of the Tribunal.

The Clerk of the Tribunal shall send to the accused and to the Procurator a Notice of Appeal Hearing in the form of Form B of Appendix No.25, or as nearly as may be, which shall include the date and place of the Appeal Hearing.

The Tribunal may hear additional evidence relevant to any alleged miscarriage of justice, where such additional evidence was not heard at the trial and was not available and could not reasonably have been made available at the trial, and may make such findings in relation to such evidence as it sees fit.

Having heard an appeal against conviction, the Tribunal may

(a) affirm the verdict and uphold the conviction;
(b) set aside the verdict and cancel the sentence;
(c) affirm the sentence;
(d) set aside the sentence and substitute an amended sentence, whether more or less severe.

Where a sentence is cancelled under (b) above, the Tribunal may order a retrial of the appellant cleric. Where such a retrial is ordered, a new Notice of Trial in terms of Section 23 of this Canon shall be sent to the accused cleric within two months of the order for retrial.

PART IX - JUDGEMENT ON APPEAL

39. JUDGEMENT ON APPEAL

The Tribunal may pronounce judgement on appeal on the last day of the appeal hearing or at some later date. The Tribunal may retire for due deliberation before judgement on appeal is pronounced. Judgement on appeal shall be made in respect of each individual ground of appeal and may be by unanimous or majority decision of the Tribunal

A copy of the written judgement on appeal of the Tribunal shall be sent to each appellant cleric, and to the Procurator. The judgement on appeal shall be entered by the Clerk of the Tribunal in the records of the Tribunal, and shall be available for inspection by any person showing due cause to the Clerk of the Tribunal.

RESOLUTIONS UNDER CANON FIFTY-FOUR

Resolution 1

The reasonable expenses of the Procurator of the Church, Members of the Preliminary Proceedings Committee, and The Clergy Discipline Tribunal shall be met from the funds of General Synod.

Resolution 2

The outlays of the Episcopal Synod under this Canon shall be met from the funds of General Synod.

Resolution 3

In interpreting Canon 54, the Provincial Committee for the Protection of Children and Vulnerable Adults shall mean the Safeguarding Committee; and the Provincial Officer for the Protection of Children and Vulnerable Adults shall mean the Provincial Safeguarding Officer.

CANON FIFTY-FIVE

REPEALED (1999)

CANON FIFTY-SIX

OF THE SECULARISATION OF EX-MEMBERS OF RELIGIOUS COMMUNITIES

1. The College of Bishops shall have authority to release from the obligations of the Religious State any ex-member of an Anglican Religious Community having its central House in Scotland, who has with the consent of the Visitor been released from his or her obligations to the Community, or been expelled therefrom by due authority in the said Community.

CANON FIFTY-SEVEN

OF NOTICES PROVIDED FOR BY THIS CODE OF CANONS, AND OF THE INTERPRETATION OF THE CODE

1. Notices, including intimations and citations, shall be sufficiently served or given if sent by recorded delivery to the last known place of residence within the United Kingdom of the person to whom the notice, intimation or citation falls to be given. Notwithstanding the foregoing, notice convening the meeting of the General Synod under Canon 52, section 2 or the meeting of a Diocesan Synod under Canon 50 may also be sufficiently served if sent by email communication to the last known email address of the person to whom the same falls to be sent or by ordinary post to the last known place of residence of the person to whom the same falls to be sent. The sending of the agenda for General Synod under Canon 52, Section 2 may be sufficiently served if sent by ordinary post to the last known place of residence of the person to whom the same falls to be sent.

2. No objection shall be taken to the service of any notice which has duly reached the person to whom it fell to be given.

3. In cases where a notice falls to be given, or a paper to be lodged, within a prescribed time, the same shall be deemed duly given or lodged, provided it is posted by recorded delivery so as in due course of post to reach its destination before the expiry of the prescribed time. Notice sent by email communication under section 1 of this Canon shall be deemed to have been duly given within 24 hours of its having been sent and notice or paper sent by ordinary first class post under Section 1 of this Canon shall be deemed to be duly given provided it is posted 24 hours before expiry of the prescribed time and if sent by ordinary second class post shall be deemed to be duly given provided it is posted 72 hours before expiry of the prescribed time.

4. The College of Bishops and the Bishop may authorise in special cases substituted or other service or notice, and, in case of any injustice being sustained by any party in respect of failure of receipt of notice, they may make such remedial provision in connexion therewith as they see fit.

5. The various forms in the Appendix shall be used as nearly as may be, but in no case shall variation in form affect the validity of any deed or act, unless the deviation has caused substantial injustice in which case such remedy shall be given as is deemed expedient.

6. In this Code of Canons, unless the context otherwise requires, the following words shall have the following meanings:

   Words in the plural shall include the singular and 'vice versa'.
   Words in both the Canons and Ordinals importing the masculine gender shall include the equivalent words importing the feminine gender.
   'Month' shall mean 'Calendar Month'.
   'Primus', 'Bishop', 'Dean', 'Synod Clerk', and the like, shall include persons authorised to act and acting in these capacities.
   'Senior Bishop' shall mean the Bishop, other than the Primus, senior by appointment to a diocese in this Church and capable of acting.

The ‘College of Bishops’ shall mean the Bishops of this Church acting in a corporate capacity.
‘Episcopal Synod’ shall mean the Bishops of this Church, assembled as a Synod duly convened and constituted.
‘Instituted Clergy’ shall mean those instituted in terms of Canon 13, and ‘licensed’ and ‘commissioned’ clergy shall mean those respectively licensed or commissioned in terms of Canon 14. Any reference to instituted clergy shall comprehend those collated in terms of Canon 13, Section 2, unless the context otherwise requires.
The term ‘Rector’ shall include any Priest-in-Charge of an Independent Congregation, appointed before 24th July 2008.
The term ‘Vestry’ shall include the managing body of a congregation by whatever name known.
‘Canonical services’ shall mean the services of Morning and Evening Prayer, Litany, and Holy Communion, and the Offices for Baptism, Confirmation, Matrimony and Burial.
‘Communicant’ or ‘Communicant Member’ shall mean a communicant whose name is on the Communicants' Roll of a congregation as defined by Canon 41.
‘Adherents’ shall mean all communicants and other persons (including children) who have such an attachment to a congregation as to receive the ministrations of the Church.
‘Charge’ shall mean ‘Congregation’, whether Incumbency, Independent Congregation or Dependent Congregation.
‘Adult’ or ‘full age’ shall mean a person who has attained the age of sixteen years.
‘Resolution’ means resolution of the General Synod passed in accordance with Canon 52.

CANON FIFTY-EIGHT

OF THE APPLICATION OF THE CODE OF CANONS

1. The Code of Canons shall be binding on all members, congregations and dioceses of the Church, and, in the case of members, shall so apply whether they are acting as individuals or corporately as Vestry Members, Trustees or Patrons. In the event of any inconsistency as between the terms of the Canons and the Constitution of any charge or diocese, the terms of the Canons shall supersede the provision of the Constitution. Resolutions of the General Synod passed in implementation of the Canons or of a regulatory nature and rules made under such resolutions shall be binding in the same manner and to the same effect as the Code of Canons. Nothing in these Canons shall be construed as empowering the General Synod to alter the terms of any Deed of Trust or the terms on which any property outwith its control is held.

CANON FIFTY-NINE

REPEALED (1984)

CANON SIXTY

OF VESTRIES

1. The Vestry shall co-operate with and generally assist the Rector in all matters relating to the spiritual welfare of the congregation and the mission of the whole Church, subject always to the canonical rights and duties of the clergy.

2. With the Rector the Vestry shall, unless the duty is placed under the Constitution of the charge on Church Wardens or others, have the care of the property and fabric of the Church including the parsonage house or houses, halls, offices and any other properties acquired in connection with the Church and gifts and bequests, unless otherwise directed, accruing to the Church for whatever purpose, and shall see to the safe custody, maintenance, insurance, use and administration of the same.

3. The Vestry shall make such reports on and compile such inventories of the matters committed to its charge as may be prescribed by resolution, and shall take whatever steps it considers necessary or which shall be required by the Bishop in Synod for the safe custody and preservation of such reports and inventories.

4. All such reports and inventories shall be made available to the Bishop when required, or to the Dean as provided in Canon 42, or by resolution thereunder, or to any Diocesan Official upon the Bishop's instruction.

5. Any communicant member having attained the age of sixteen years shall be entitled to stand for Vestry membership.

CANON SIXTY-ONE

OF DIOCESAN OFFICIALS

1. There shall in every diocese be a Chancellor and a Registrar, and such other Diocesan officials, including a Secretary and a Treasurer of the Diocesan Synod and an Auditor, as may by resolution of the Diocesan Synod be prescribed. The duties, tenure and qualifications of these officials and all other matters pertaining to their respective offices shall be such as may be prescribed by resolution except in so far as prescribed by these Canons and except also that the Chancellor and Registrar shall hold office during the pleasure of the Bishop and, on the See becoming vacant, until the See be filled.

RESOLUTIONS UNDER CANON SIXTY-ONE

Resolution 1

The Secretary of each Diocesan Synod shall be appointed by that Synod and hold office during its pleasure. The duties of the Secretary shall include summoning the members to meet in the Diocesan Synod according to the directions of the Bishop, or of the Dean, as the case may be, keeping the minutes, being responsible, subject to the directions of the Synod, for the custody of the Minute books, keeping a copy of the roll of the Clergy instituted, licensed and commissioned in the Diocese as supplied by the Diocesan Registrar and otherwise, in addition to any duties imposed by the Canons and Resolutions of the General Synod, carrying out such duties pertaining to the office of a secretary as the Diocesan Synod may direct.

Resolution 2

The Treasurer of each Diocesan Synod shall be appointed by that Synod and hold office during its pleasure. The duties of the Treasurer shall include responsibility for the oversight of the financial affairs of the Diocese, the annual preparation and submission to the Diocesan Synod accounts thereof and, in addition to any duties imposed by the Canons and Resolutions of the General Synod, carrying out such duties pertaining to the financial affairs of the Diocese as the Diocesan Synod may direct.

Resolution 3

Each Diocesan Synod shall make appropriate arrangements to ensure that where a congregation or vestry within the Diocese, or an organisation responsible to the Diocesan Synod, or any person acting under authority of such congregation, vestry or organisation, or any office-bearer thereof, or any cleric within the Diocese, has collected money or otherwise intromitted with money or property for a church purpose, or has intromitted with money or property belonging to such congregation, vestry or organisation, a duly vouched account of these intromissions, including an account of any money raised and of its disposal, is submitted to the Treasurer of the Diocesan Synod.

Nothing in this Resolution shall be construed as requiring the Diocesan Synod to make such arrangements where, in relation to congregational monies or property there is, by virtue of the Constitution of the Congregation or otherwise, appropriate and effective provision for audit or where there is an obligation to account to the General Synod or to a recognised charitable organisation or trust.

Resolution 4
The Bishop of each diocese shall appoint a discreet lay person learned in the Law and being a communicant in this Church to be Chancellor for the diocese, to advise the Bishop in legal matters and to act when required by the Bishop (or by the Dean) as assessor at Diocesan Synods.

Resolution 5
The Bishop of each diocese shall appoint a Registrar, who shall be an admitted solicitor in Scotland, to whose custody shall be committed all deeds of consecration of churches and burial grounds, all constitutions of churches and all titles of ecclesiastical property connected with the diocese, or authenticated copies thereof, together with detailed inventories of all church goods and ornaments, registers, and other property belonging to the several charges of the diocese.

Resolution 6
The Registrar shall keep a record of all Letters of Orders and licences of the clergy of the diocese, and a record of all ordinations, consecrations, and appointments to the office of Dean, Secretary of the Diocesan Synod, Chancellor, Registrar and Auditor, the particulars of all of which shall be sent by the Bishop to the Registrar within one month of their respective dates to be recorded, and shall also keep a record of all rights of patronage, and shall submit these to the Diocesan Synod when required. On the election of a Bishop the Registrar shall act in accordance with Canon 4, Section 27.

Resolution 7
It shall be the duty of every Rector, or others responsible for the custody of the deeds, to cause the deeds of consecration, constitutions, titles and inventories connected with that charge, as specified in this Canon, or at least certified copies of the same, to be committed to the custody of the Registrar, and where only copies are so deposited the name and address of the custodian of the principal documents shall be intimated to the Registrar, as also from time to time any change in the custodian. A copy of these inventories shall be exhibited by the Rector to the Bishop and the Dean on their visitations. The inventories shall be revised to date at least every five years.

Resolution 8
All documents committed to the custody of the Registrar in terms of this Canon shall be preserved in a fire-proof safe, which shall be provided by the Diocesan Synod.

Resolution 9
Each Diocesan Synod shall appoint an Auditor to the Diocesan Synod who shall hold office during its pleasure. Such Auditor shall be duly qualified to act as an Auditor and shall each year at or prior to the Annual Meeting of each Diocesan Synod report in writing to the Synod on the whole of the Accounts for the preceding year.

CANON SIXTY-TWO

OF RETIRAL OF CLERGY

1. Subject to Section 3 of this Canon but without prejudice to a cleric's right to retire at an earlier age and draw a pension, no person shall continue to hold office in this Church who has attained the age of seventy years and no cleric who has attained the age of seventy years shall be appointed to any such office or be granted such licence. 'Office' in this Canon shall mean the offices of diocesan bishop, provost of a cathedral church, rector, priest-in-charge, assistant curate and any holder of a licence under Canon 14, section 5.

2. Anyone who shall have been appointed to any office in this Church or hold such licence referred to in subsection 1 after the date at which this Canon comes into force shall vacate that office on the date on which that person attains the age of seventy years. The Bishop shall give notice of impending retirement to such office-holders and, where appropriate, to the Vestry, not less than six months before that date. Any office-holder receiving such notice may apply to the Bishop in writing for an extension of office under Section 3 of this Canon.

   In the case of a Bishop, notice shall be given as provided in Canon 7, Section 1, not less than six months before that Bishop attains the age of seventy years.

   Anyone who on 15th July 1991 held any stipendiary office in the Scottish Episcopal Church is not subject to compulsory retirement on account of age in terms of this Canon whilst they continue to hold the office they held on 15th July 1991.

3. A Bishop who considers that

   (a) the pastoral needs of a congregation within the Diocese make it desirable that a person
   (i) who has already attained the age of seventy years should be appointed to an office within this Church; or
   (ii) holding office should continue in that office after the date on which that person would otherwise retire in accordance with the provisions of this Canon; or
   (b) the needs of such a person described in (a)(ii) above make continuance in that office desirable, may, subject to the consent of the Vestry of that congregation to which the cleric is to be appointed, make such appointment or authorise the continuance in office of that person as the case may be after that date for a period not exceeding one year. Any such extension granted in writing shall be deemed to include notice of impending retirement of the office-holder at the end of such period of extension. Any such office-holder may apply to the bishop in writing for a further extension of office. The aggregate of any such extensions granted may not exceed three years save with the consent of the Episcopal Synod.

4. Any person who has retired from office in accordance with the provisions of this Canon shall nevertheless be eligible, with the consent of the Bishop of the Diocese and subject to Canon 14 *(Of clergy who are not incumbents)*, to serve as a non-stipendiary priest or deacon in terms of Canon 14, Sections 6 and 7, and for services in such capacity to receive payment of travelling expenses and repayment of outlays in accordance with the provisions then in force, and to retain any honoraria which may be payable in consequence thereof.

CANON SIXTY-THREE

OF THE OFFICE OF LAY REPRESENTATIVE

1. In every Incumbency or Joint Incumbency and in private Chapels qualified under Canon 40 Section 4, in such Dependent Congregations as are qualified under Canon 39 Section 2, and in every body of communicants permitted under section 2 below to elect a Lay Representative, the cleric in charge or, in the event that there is a vacancy or no cleric in charge, such person as the Bishop shall direct, shall once in every year convene a meeting of the lay communicants of each congregation for the election of a Lay Representative to represent that congregation in the Diocesan Synod together with an Alternate Lay Representative who, in the absence of the Lay Representative from any meeting, shall be entitled to exercise all the powers of the Lay Representative. These office-bearers shall enter office immediately on election.

2. Where, for a continuous period of at least three years in any diocese, there has existed a body or bodies of lay communicant members of that diocese (not less than thirty in number) whether or not comprising a congregation for the purpose of the preceding section, who regularly worship together but have no right to elect a Lay Representative under any other provisions of the Canons, the Bishop may, subject to such conditions as may be prescribed by resolution, and the approval of the Diocesan Synod, sanction a scheme or schemes to enable the members of such a body or bodies to elect a Lay Representative and upon such a scheme being sanctioned the members of each such body may elect a Lay Representative. In the case of a religious community with a private chapel sanctioned under Canon 40, the requirement that the lay communicant members of the diocese belonging to that body number not less than thirty, shall not apply.

3. The Lay Representative and the Alternate Lay Representative shall, unless otherwise provided in the constitution of the congregation concerned, become members ex officio of the Vestry of that congregation.

4. The Lay Representative and Alternate Lay Representative should be members of the congregation electing them, but any lay communicant member, not under sixteen years of age, of a congregation or body as specified in Section 2 above within the diocese and resident within the diocese is eligible to hold office.

5. No person shall hold office of Lay Representative or Alternate Lay Representative for more than one congregation or body, other than a linked charge, in the diocese at the same time.

RESOLUTIONS UNDER CANON SIXTY-THREE

Resolution 1

Notice of the place, day and hour of meeting for the election of a Lay Representative shall be given by the officiating cleric on the two Sundays on which services have been held immediately preceding such a meeting. The meeting may be held on the Sunday on which the notice has been given for the second time. A like notice shall be given in any other congregation, the communicants of which have a right to vote in the election in question. Where the main act of worship takes place other than a Sunday notice of the place, day and hour of meeting for the election of a Lay Representative may, with the permission of the Bishop, be given on other days. Where there is no officiating cleric, notice shall be given by such person as the Bishop shall direct.

Resolution 2

The cleric in charge, if present, shall chair the meeting but shall not have a vote. If the cleric in charge is not present or there is no cleric in charge the meeting shall elect a person to the chair, who shall not have a casting vote.

Resolution 3

In the case of an equality of votes for a Lay Representative there shall be no election, unless on a second vote, which the meeting may resolve on, a different result is arrived at. If there be no election another meeting shall be called.

Resolution 4

It must be ascertained before being nominated that any person to be proposed is willing to act if elected.

Resolution 5

The person chairing the meeting shall, immediately after the election, intimate to the Secretary of the Diocesan Synod the names and addresses of the Lay Representative and Alternate Lay Representative elected, which information should be in the hands of the Secretary of the Diocesan Synod not later than 15 January in each year. If no election shall have taken place by that date, the appointment shall lapse for that year to the Standing Committee of the Diocesan Synod, or to such other body as shall have been appointed by the Diocesan Synod for such purpose, which shall nominate in time for the Annual Meeting of the Diocesan Synod a Lay Representative to serve for the congregation in question, and shall forthwith advise the cleric in charge and the Secretary to the Vestry of that congregation of the appointment it has made.

Resolution 6

Vacancies occurring in the office of Lay Representative and Alternate Lay Representative shall be filled by a special meeting of the congregation convened as laid down in Resolution 1 above, and notification of the new election then made shall be sent immediately afterwards to the Secretary of the Diocesan Synod.

CANON SIXTY-FOUR

OF CLERGY WHO BECOME INCAPACITATED

It is preferable that where clergy become incapacitated through mental or physical ill health the situation should be dealt with pastorally by the Bishop and Vestry (and any other clergy concerned) in the first instance. It is recognised that situations may occur when recourse to a formal procedure is desirable: it is for these that this canon seeks to provide.

1. DEFINITIONS

In this Canon

"Independent Assessor" shall mean the medical practitioner chosen by the Selector to the Panel to conduct the independent assessment specified in Section 5 of this Canon;

"Medical Review Panel" shall mean the body referred to in Section 3 of this Canon;

"physical and mental health" shall include all aspects of physical, mental, and cognitive health;

"Secretary to the Panel" shall mean the Registrar of the Episcopal Synod acting in the capacity of secretary to the Medical Review panel;

"Selector" shall mean the person appointed by the Standing Committee of the General Synod in terms of Section 3 of this Canon.

2. INCAPACITY OF CLERIC

If, in the opinion of one of the parties specified in Section 4 of this Canon as entitled to make a referral to the Medical Review Panel, a cleric may through physical or mental incapacity have become unfit to fulfil the responsibilities of ministry, the provisions of Section 4 of this Canon shall apply.

3. MEDICAL REVIEW PANEL

The Medical Review Panel shall consist of at least ten medically or otherwise appropriately qualified practitioners currently in practice who have been in practice for at least five years. Appointment to the Panel shall be made by the Secretary to the Panel, who, in making such appointment, shall endeavour to ensure that the Panel is representative of the dioceses of this Church. The Secretary to the Panel shall endeavour to ensure that appointment is made across a range of professional expertise, including physical and psychiatric medicine and general medical practice. The members of the Medical Review Panel shall hold office for three years from the date of their appointment, and may be re-appointed to serve for further terms of office.

The Standing Committee of the General Synod shall appoint one of the members of the Panel to be the Selector of the Panel, whose function it shall be to make the selection of members of the Panel specified hereinafter in this Section and in Section 10 of this Canon.

Three members of the Panel, to be selected by the Selector, shall convene to act as an Assessment Panel in a referral made under Section 4 of this Canon. It shall be the task of the Assessment Panel to consider the circumstances of the cleric referred to them and to conduct an independent assessment of the state of the physical and mental health of that cleric with a view to determining whether that cleric is fit to fulfil the responsibilities of the ministry currently entrusted to the cleric.

4. REFERRAL TO THE MEDICAL REVIEW PANEL

Where the circumstances specified in Section 2 of this Canon apply, referral of a cleric's circumstances to the Medical Review Panel shall be made:

(a) by the Bishop or Dean in the diocese in which the cleric exercises ministerial duties, or, where the cleric to be referred is a bishop, by the Primus, whom failing, the senior bishop*;* or

(b) by the Bishop of the diocese where the Vestry of a congregation in which a cleric exercises ministerial duties requests in writing that the Bishop refer said cleric. In any case where such request requires to be approved by vote of the Vestry, the cleric concerned shall not be entitled to cast a vote; or

(c) by the Bishop of the diocese if a cleric requests the Bishop for a referral of the cleric's personal circumstances to the Medical Review Panel.

In all cases of referral under this Section, the cleric so referred shall be informed in writing of the referral by the Secretary to the Panel.

All referrals shall be transmitted to the Secretary to the Panel and shall remain confidential until the decision of the Assessment Panel is communicated. All reports received by the Assessment Panel together with all proceedings of the Panel shall remain confidential to the members of the Panel, the referring Bishop, the cleric and the cleric's supporters as defined in Section 7 of this Canon .

The Bishop may suspend the cleric without loss of emoluments pending the meeting of the Medical Review Panel.

5. *MODUS OPERANDI* OF THE ASSESSMENT PANEL

Following a referral under Section 4 of this Canon, the Selector shall select the three practitioners who shall constitute the Assessment Panel referred to in Section 3 of this Canon. The Selector shall further select one of these three practitioners, being a medical practitioner, to undertake an independent assessment of the medical circumstances of the cleric referred as specified further in Section 6 of this Canon. The Secretary to the Panel shall obtain a written report from the cleric's general medical practitioner as to the physical and mental health of the cleric and obtain further written specialist medical reports as may be stipulated by the Independent Assessor. The cleric concerned shall co-operate with the persons requested to produce such

reports in order that they are able to carry out the requests made of them and shall be entitled to a copy of them.

6. INDEPENDENT ASSESSMENT OF THE CLERIC

Within three weeks of receipt of the referral by the Secretary to the Panel, the Independent Assessor shall meet with the cleric concerned at a time and place to be agreed between the cleric and the Independent Assessor, or, in the event that no agreement can be reached, at a time and place intimated in writing by the Independent Assessor. The purpose of this meeting shall be for the Independent Assessor to assess the physical and mental health of the cleric.

7. MEETING OF THE PANEL WITH THE CLERIC

Within five weeks of the receipt of the referral by the Secretary to the Panel and after the meeting referred to in Section 6 of this Section, the Assessment Panel shall meet with the cleric concerned at a time and place to be mutually agreed between the Assessment panel and the cleric, or, in the event that no agreement can be reached, at a time and place intimated in writing by the Assessment panel.

At the commencement of the meeting, the members of the Assessment Panel shall select one of their number to chair the meeting and any subsequent meetings held in terms of this Section. The Secretary to the Panel shall act as a minute keeper of the meeting.

The cleric may bring up to two supporters to this meeting and any subsequent meeting held in term of this Section, one of whom may, if the cleric considers this appropriate, be legally qualified. However, no legal representations shall be entertained at the meeting.

The Assessment Panel shall discuss with the cleric the state of the cleric's physical and mental health. The Assessment Panel may obtain further independent written medical reports if it considers that these are required to enable it to reach a decision. Any such further written reports shall be produced to the Assessment Panel within three weeks . The cleric shall co-operate with any persons requested to produce such further reports in order that they are able to carry out the requests made of them and shall be entitled to a copy of them.

Reasonable expenses incurred by the cleric in attending any meeting of the Assessment Panel with the cleric shall be paid to the cleric out of the funds of the General Synod.

8. DECISION OF THE ASSESSMENT PANEL

The Assessment Panel may reach a decision as to the fitness for ministry of the cleric following the conclusion of the meeting referred to in Section 7 of this Canon, or, where it has instructed further medical reports under that Section, it shall meet again within four weeks of the first meeting to reach its decision. In either case, the Assessment Panel shall prepare a written report outlining the reasons for its decision. This report, together with the decision of the Assessment Panel, shall be communicated to the Secretary to the Panel. The Secretary to the Panel shall

communicate the decision of the Assessment Panel to the cleric and to the person or body by whom the referral was made within two weeks of receipt of the decision by the Secretary to the Panel. If the original referral was made by the Bishop following a request for such by the Vestry, the Bishop shall inform the Vestry of the decision.

9. DECISIONS COMPETENT TO THE ASSESSMENT PANEL

The Assessment Panel may reach one of the following decisions in relation to any referral:

(a) that the fitness for ministry of the cleric is satisfactory;

(b) that the cleric's ministerial duties should be reduced to a level specified by the Assessment Panel;

(c) that the cleric should be required to undertake a period of leave from ministerial duties, the length of such period to be specified by the Assessment Panel. Where the cleric holds a stipendiary post, the Assessment Panel shall direct whether or not such leave is to be paid sick leave;

(d) that, in light of the cleric's physical or mental health, the cleric is unfit to continue in the current ministerial post. The Assessment Panel may, if it sees fit, make a recommendation to the Bishop or, as the case may be, the Episcopal Synod, as to the fitness of the cleric to hold any further ministerial post. Such recommendation shall not preclude a Bishop making a subsequent referral to the Assessment Panel for reassessment of the cleric's fitness to resume ministerial duties.

In any case where the cleric concerned has failed, without reasonable excuse given, to attend a meeting with the Assessment Panel specified in Section 7 of this Canon, the Assessment Panel shall be entitled to immediately suspend the cleric from ministerial duties until such time as the cleric has met with the Assessment Panel. If the cleric holds a stipendiary post, any such suspension shall be without entitlement to any stipend pertaining to said post or to working expenses for the period of the suspension. The Bishop, in a case where the cleric concerned is not a Bishop, or the Primus, in a case where the cleric concerned is a Bishop, shall make appropriate pastoral and financial arrangements for the cleric's immediate family if the cleric is suspended from duties without stipend for failing to meet with the Assessment Panel. Any decision to suspend a cleric shall be subject to an appeal within seven days to the Episcopal Synod.

In reaching any of the decisions specified above, the Assessment Panel shall be entitled to recommend additionally that the cleric attend such course of treatment or counselling as the Assessment Panel may specify. The costs of any such course of treatment or counselling shall be met from the funds of the General Synod.

Where decision (b) above is reached by the Assessment Panel, the Bishop or, as the case may be, the Episcopal Synod, shall appoint a person to supervise the reduction in the cleric's duties. An appeal shall lie to the Episcopal Synod against the appointment by the Bishop of any particular individual as the person appointed to supervise the reduction of ministerial duties. Such appeal shall be lodged within fourteen days of receipt of the Bishop's decision as to the appointment by the cleric. An appeal to the

Bishop and thereafter to the Episcopal Synod shall lie against any unreasonable directions given the said person appointed to supervise the workload reduction. Such appeal shall be lodged within fourteen days of receipt by the cleric of the directions which form the subject of the appeal.

Where decision (c) above is reached or a recommendation to undertake a course of treatment or counselling has been made, the Assessment Panel shall meet with the cleric shortly prior to the end of the specified period of leave or after a reasonable time for attendance at the course of treatment or counselling has elapsed to assess whether the cleric is now fit to return to ministerial duties. As soon after this meeting as is reasonably practicable the Assessment Panel shall be entitled to make a further decision as to the cleric's fitness for ministry.

Where decision (d) above is reached, the Bishop or, as the case may be, the Episcopal Synod shall declare the post vacant at a date specified by the Bishop or Episcopal Synod.

Where decision (c) or (d) above is reached, the Bishop or, as the case may be, the Episcopal Synod shall ensure that the cleric (and immediate family) is provided with appropriate pastoral and financial support. An appeal shall lie to the Episcopal Synod by the cleric or any member of the cleric's immediate family affected by the decision as to the reasonableness of any decision made by the Bishop in assessing the appropriate pastoral and financial support to be provided. Such appeal shall be lodged within fourteen days of receipt of the decision of the Bishop by the cleric.

When decision (c) above is reached regarding a cleric with charge of a congregation or if any such cleric is suspended pending appearance before the Assessment Panel or for failing to appear before the Assessment Panel, the care of the charge both in the provision of services and the pastoral care of the people shall be in the hands of the Bishop, who shall make appropriate temporary arrangements. The responsibility for paying the stipend of any cleric during the period of leave or suspension shall rest upon the Vestry or Vestries concerned. The Bishop shall require to be satisfied that any other expenses arising from such decision or suspension are provided from appropriate sources.

10. REVIEW OF DECISION OF THE ASSESSMENT PANEL

Both the cleric and the person or body making the referral under Section 4 of this Canon may appeal in writing against the decision of the Assessment Panel within twenty one days of receipt by the person making the appeal.

In the event of such appeal, the Selector shall select a further panel consisting of three members of the Medical Review Panel, not having been members of the Assessment Panel, to act as an Appeal Panel, whose task it shall be to review the decision. The Appeal Panel may affirm the decision of the Assessment panel, or may set it aside and make an alternative decision.

No appeal shall be competent in respect of the findings of the Appeal Panel as to the state of the cleric's physical or mental health. Where the Appeal Panel recommends a period of leave, any direction that such leave shall be unpaid shall be subject to an

appeal to the Episcopal Synod. Where the Appeal Panel directs that a cleric is unfit to continue in the current ministerial post, such direction shall be subject to an appeal to the Episcopal Synod. Any appeal to the Episcopal Synod shall be lodged within fourteen days of receipt of the decision of the Appeal Panel by the cleric. The decision of the Episcopal Synod shall be final.

RESOLUTIONS UNDER CANON SIXTY-FOUR

1. Reasonable expenses of the members of the Assessment and Appeal Panels shall be met from the funds of General Synod. Costs of medical and other reports obtained in pursuance of the Canon shall be paid for at the appropriate professional level out of the funds of the General Synod.

2. The "Reasonable Expenses" of the cleric shall include the reasonable expenses by way of professional fees, outlays, travelling and subsistence charged to the cleric or otherwise incurred by anyone engaged as lawyer, doctor, personnel officer or otherwise acting as the cleric's supporter, and that the engagement or involvement of that supporter was reasonable in all the circumstances.

   Where professional fees are sought, these may not exceed the standard fees recommended by the relevant professional body. Where travelling expenses are sought, these may not exceed the standard second class rail fare, where rail travel is available, or, in other cases, the standard mileage allowance for petrol at the rate payable by General Synod. Air fares may not be claimed except with the prior written approval of the Secretary to the Panel. Subsistence costs must be approved in advance by the Secretary to the Panel.

3. The outlays of the Episcopal Synod under this Canon shall be a charge upon the funds of General Synod.

CANON SIXTY-FIVE

OF SAFEGUARDING IN THE CHURCH

1. DUTY TO SAFEGUARD

(a) The Scottish Episcopal Church must promote at all times a safe and protective environment for all people who participate in the activities of the Church, with a particular focus on preventing harm and abuse.

(b) Those in authorised ministry and all dioceses, vestries, and congregations of the Scottish Episcopal Church must uphold and comply with the Church's safeguarding Policies set out in the Schedule and the procedures adopted by the Safeguarding Committee from time to time.

(c) Any person working in the Scottish Episcopal Church, whether on a paid or on a voluntary basis, must uphold and comply with the Church's safeguarding Policies set out in the Schedule and the procedures adopted by the Safeguarding Committee from time to time.

2. SPECIFIC DUTIES AND RESPONSIBILITIES OF CHURCH BODIES

(a) This Section applies to each body within the Scottish Episcopal Church which has charitable status in its own right and which has the power to make appointments.

(b) Each body must uphold and comply with the Church's safeguarding Policies set out in the Schedule and the procedures adopted by the Safeguarding Committee from time to time.

(c) Each body must implement guidance issued from time to time by or on behalf of the Safeguarding Committee on safe recruitment including submitting applications to the Provincial Safeguarding Officer for criminal record disclosures for all relevant positions.

(d) Each body must prepare and submit an annual safeguarding return in accordance with guidance issued from time to time by or on behalf of the Safeguarding Committee and participate in any safeguarding audit as and when required.

3. PROVINCIAL SAFEGUARDING COMMITTEE

(a) There shall be a Safeguarding Committee, whose members shall be appointed by the Standing Committee of the General Synod.

(b) The Safeguarding Committee is responsible for promoting a safe and protective environment for all people who participate in the activities of the Church, with a particular focus on preventing harm and abuse.

(c) The Safeguarding Committee is responsible for promoting safe recruitment practices within the Church.

(d) The Safeguarding Committee is responsible for monitoring the Church's compliance with all relevant safeguarding legislation.

(e) The Safeguarding Committee is to perform the functions and duties allocated to it under this Canon or by the Policies set out in the Schedule.

(f) The Safeguarding Committee is to tender such advice to the Provincial Officer as it sees fit when the Provincial Officer seeks its advice or consults it.

(g) The Safeguarding Committee has the power to monitor the operation of this Canon and to propose amendments to the Canon and to any or all of the Policies set out in the Schedule and to Resolutions under the Canon.

4. PROVINCIAL SAFEGUARDING OFFICER

(a) The Standing Committee of the General Synod is to appoint a Provincial Safeguarding Officer who shall carry out the functions and duties set out in this Canon.

(b) The Standing Committee also has the power to appoint one or more Assistant Provincial Safeguarding Officers to assist the Provincial Safeguarding Officer.

(c) The Standing Committee of the General Synod has the power to appoint an Acting Provincial Safeguarding Officer, who shall have all the duties, powers and authority of the Provincial Safeguarding Officer when that Officer is absent or unavailable or when that post is vacant.

(d) All appointments made under this Section shall be on such terms and conditions as the Standing Committee determines.

5. AUTHORITY OF THE PROVINCIAL SAFEGUARDING OFFICER IN RELATION TO SAFE RECRUITMENT

(a) The Provincial Safeguarding Officer has authority to apply for a criminal record disclosure, in so far as permitted or required by any relevant legislation, in respect of any person holding, applying for or proposed for appointment to a position in the Church, being a position to which the relevant legislation applies.

(b) The Provincial Safeguarding Officer shall make decisions about the suitability of a person holding, applying for or proposed for appointment to a position in the Church in respect of which a check of criminal conviction, vetting or listing information is available.

(c) The Provincial Safeguarding Officer has authority to provide advice about the suitability of any person holding, applying for or proposed for appointment to a position of trust and responsibility in the Church.

(d) The Provincial Safeguarding Officer must seek the advice of the Safeguarding Committee on complex and difficult questions regarding the suitability of any person.

(e) When providing advice under subsection (d) in a particular case the Safeguarding Committee may delegate the matter within the Committee as it sees fit.

6. AUTHORITY OF THE PROVINCIAL SAFEGUARDING OFFICER TO RECOMMEND SUSPENSION

(a) This Section applies to any person holding a position in the Scottish Episcopal Church other than a Bishop, Priest or Deacon holding any form of authorisation to minister in the Scottish Episcopal Church.

(b) In the event that a decision is made by the Provincial Safeguarding Officer under Section 5(b) of this Canon that a person is not suitable to continue to hold a position within the Church, the Officer may recommend that the person be suspended from their position.

(c) When the Provincial Safeguarding Officer recommends suspension of such a person, the Officer must give notification of the recommendation to the body responsible for the person's appointment.

7. AUTHORITY OF THE PROVINCIAL SAFEGUARDING OFFICER IN RELATION TO SAFEGUARDING CONCERNS

(a) The Provincial Safeguarding Officer has the authority to provide advice on all matters relating to safeguarding.

(b) The Provincial Safeguarding Officer has the authority to consult generally on any safeguarding matter with whomever the Officer considers appropriate, including but not restricted to Assistant Provincial Safeguarding Officers and members of the Safeguarding Committee.

(c) The Provincial Safeguarding Officer has the authority to carry out investigations into safeguarding allegations, including those in respect of any Bishop, Priest or Deacon holding any form of authorisation to minister in the Scottish Episcopal Church, as the Officer considers appropriate; and the Officer may delegate parts of such investigatory work to suitably qualified persons.

(d) The Provincial Safeguarding Officer has the authority to assist with any investigatory work commissioned by or under the procedures set out in Canon 54 in matters relating to safeguarding issues.

8. RISK ASSESSMENT

(a) A risk assessment to evaluate the level of safeguarding risk, if any, that a person may pose to other people may be undertaken by the Provincial Safeguarding Officer or by an Assistant Provincial Safeguarding Officer.

(b) A risk assessment may also be undertaken by a suitably qualified person chosen by the Officer or Assistant Officer, where it is considered that the person has expertise appropriate to a particular assessment.

(c) The Provincial Safeguarding Officer has the authority to require that a person seeking or holding a position in the Scottish Episcopal Church, including a Bishop, Priest or Deacon holding any form of authorisation to minister in the Church, undergoes a risk assessment in relation to safeguarding matters.

(d) The Provincial Safeguarding Officer may seek the advice of the Safeguarding Committee about whether a risk assessment is required in a particular case, and if so, who should carry it out.

(e) When a risk assessment under this Canon has been carried out in relation to a person seeking a position in the Church, the Provincial Safeguarding Officer may use the assessment to inform a decision under Section 5(b).

(f) When a risk assessment under this Canon has been carried out in relation to a person holding a position in the Church (other than a Bishop, Priest or Deacon holding any form of authorisation to minister in the Church), the Provincial Safeguarding Officer may recommend suspension of that person under Section 6.

(g) When a risk assessment under this Canon has been carried out in relation to a Bishop, Priest or Deacon holding a position in the Church, the Provincial Safeguarding Officer may use the assessment to inform proceedings under Canon 54.

9. PROVINCIAL SAFEGUARDING OFFICER'S DECISIONS BINDING

(a) All decisions taken by the Provincial Safeguarding Officer or the Acting Provincial Safeguarding Officer under this Canon shall be binding upon all persons or bodies to whom they relate, subject only to the Appeal provisions set out below.

10. PROVINCIAL SAFEGUARDING APPEALS COMMITTEE

(a) The members of the Provincial Safeguarding Appeals Committee shall be appointed by the Standing Committee of the General Synod.

(b) The Provincial Safeguarding Appeals Committee shall determine its own procedures and rules for the disposal of appeals.

11. APPEALS AGAINST SECTION 5(b) DECISIONS

(a) Any person who is dissatisfied with a decision under Section 5(b) of this Canon regarding their fitness to hold or continue to hold a position in the Church may appeal against that decision to the Provincial Safeguarding Appeals Committee.

(b) An appeal must be lodged in writing with the Secretary General of the General Synod within 21 days of the date of the intimation of the decision.

(c) Where an appeal is lodged after 21 days, it may be accepted late if there is a good reason for doing so.

(d) The decision about whether to accept a late appeal shall be made by the Chair of the Provincial Safeguarding Appeals Committee.

(e) The decision of the Provincial Safeguarding Appeals Committee on the appeal shall be final.

SCHEDULE TO CANON SIXTY-FIVE

The Policies adopted by the General Synod in relation to Safeguarding matters comprise the following:-

1. Safeguarding Policy: Principles and Commitments adopted by the General Synod in December 2020.
2. The Code of Practice in connection with the use of Disclosure Information and with the functions of Registered Persons (8 February 2011 edition) promulgated by Disclosure Scotland and adopted by the General Synod in June 2012.
3. The policy on the Secure Handling, Use, Storage and Retention of Disclosure Information adopted by the General Synod in June 2012.
4. The policy on the Recruitment of Ex-Offenders adopted by the General Synod in June 2012.

RESOLUTION UNDER CANON SIXTY-FIVE

Resolution 1

The Safeguarding Committee has the power to adopt detailed safeguarding procedures and to amend them to ensure compliance with legislation and good safeguarding practice.

CANON SIXTY-SIX

OF THE AUTHORISING OF LAY MINISTRIES

1. Bishops may, with the approval of the Episcopal Synod, authorise for ministry in their diocese, for a period of 5 years, renewable with the approval of the Episcopal Synod, such lay persons as listed in the Schedule hereto, and who have completed an appropriately validated course of pastoral or theological study approved by the College of Bishops.

2. The Schedule hereto may be amended from time to time by resolution of General Synod on the recommendation of the Faith and Order Board.

SCHEDULE

Church Army Officers

APPENDIX No. 1

FORM OF MANDATE FOR THE ELECTION OF A BISHOP

(Canon 4, section 5)

Since the Bishopric of _____ [*insert name of Diocese]* has become vacant, I _____ [*insert name of Primus]*, Bishop of _____ [*insert name of Diocese of Primus*], as Primus and on behalf of my colleagues the Bishops of the Scottish Episcopal Church, do hereby issue this mandate in terms of section 5 of Canon 4 for an election for said vacant Bishopric, and do hereby request and require that:

(i) the Electoral Synod, as constituted in said Canon and being properly convened, carry out the deliberations necessary to elect a Bishop to said vacant Bishopric and all other duties incumbent upon it;

(ii) the Preparatory Committee for a Diocesan Episcopal Election convene to carry out the duties incumbent upon it in terms of said Canon;

(iii) all other persons specified in said Canon perform the functions and duties allotted to them in order that, through the workings of the Holy Spirit, a person above reproach, orthodox in the faith, a good teacher, an able leader, and of good reputation in the wider community as well as within the Church, may be elected as Bishop for said vacant Bishopric.

I urge every member of the Electoral Synod to study, in the period prior to your meeting, what is said in the Ordinals of our Church concerning the nature of the episcopal office and the ministry of a Bishop; to ponder the trust reposed in you by your fellow members of the Church; and to renounce all partiality and prejudice arising from any personal feeling, remembering that your choice will necessarily affect the interests, not of your Diocese only, but also of the Church throughout Scotland and (because each Bishop belongs to the world-wide Episcopal College, expressing and serving the unity of the Church Catholic) of the Anglican Communion and Church Catholic throughout the world.

It is with a view to the mission and unity of the Diocese that the election of a Bishop is entrusted to the members of the Electoral Synod of this Diocese, and to considerations of such mission and unity I exhort all upon whom responsibility is placed in the electoral procedure. God has called each of you to serve the Body of Christ by exercising your ministry as a member of the Electoral Synod of the Diocese to which you belong. The Bishops pray that his Holy Spirit may guide you as you carry out the duty committed to you.

_____*Signature of Primus*
_____*Date of signing*

APPENDIX No. 2

FORM OF ASSENT TO NOMINATION AS EPISCOPAL CANDIDATE

(Canon 4, section 16)

I, _____ [*insert name of candidate*], do hereby assent to being a candidate in the episcopal election for the Bishopric of _____ [*insert name of vacant Bishopric*] called in terms of mandate dated _____ [*insert date of mandate calling election*].

I do solemnly promise that, should I be elected as Bishop of said Diocese, I will give all due obedience to the Code of Canons of the Scottish Episcopal Church, and to all decisions and judgements of the tribunals of said Church, and will show in all things an earnest desire to promote the peace, unity and order of said Church, and will render due obedience to the decisions of the ecclesiastical authorities in all questions falling under their spiritual jurisdiction.

Furthermore, I do solemnly declare that I assent to the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests and Deacons, and to the other authorised liturgies of said Church, and that I believe the doctrine of the Church as therein set forth to be agreeable to the Word of God, and, should I be elected as Bishop of said Diocese, I hereby solemnly promise that in public prayer and administration of the Sacraments I will use the form in said Book and liturgies prescribed and none other except so far as shall be allowed by lawful authority in the said Church.

_____*Signature of candidate*

_____ *Date of signing*

APPENDIX No. 3A

DECLARATION OF EPISCOPAL ELECTION BY ELECTORAL SYNOD

(Canon 4, Section 28)

I, _____ [*insert name of Convener of the Electoral Synod*], Convener of the Electoral Synod duly convened at _____ [*insert place of meeting*] on _____ [*insert date of meeting*], do hereby declare that, at the meeting of said Electoral Synod, _____ [*insert name of candidate elected as Bishop*] was elected as Bishop of _____ [*insert name of Bishopric*] in accordance with the provisions of Canon 4.

IN WITNESS WHEREOF these presents are subscribed by me at the place and date above mentioned in the presence of said Electoral Synod.

_____ *Signature of Convener of the Electoral Synod*

_____ *Date of signature*

NOTE: This form is to be signed in triplicate by the Convener of the Electoral Synod in the presence of the Electoral Synod. One copy is to be transmitted to the Registrar of the Episcopal Synod, one to the Bishop-Elect and one to the Diocesan Registrar for preservation and registration.

APPENDIX No. 3B

DECLARATION OF EPISCOPAL ELECTION BY EPISCOPAL SYNOD

(Canon 4, Section 30)

I, _____ [*insert name of Primus/Presiding Bishop*], Convener of the Episcopal Synod duly convened at _____ [*insert place of meeting*] on _____ [*insert date of meeting*] do hereby declare that, at the meeting of said Episcopal Synod, _____ [*insert name of candidate elected as Bishop*] was elected as Bishop of _____ [*insert name of Bishopric*] in accordance with the provisions of Canon 4.

IN WITNESS WHEREOF these presents are subscribed by me at the place and date above mentioned in the presence of the Episcopal Synod.

_____ *Signature of Convener of the Episcopal Synod*

_____ *Date of signature*

NOTE: This form is to be signed in triplicate by the Convener of the Episcopal Synod in the presence of the Episcopal Synod. One copy is to be transmitted to the Registrar of the Episcopal Synod, one to the Bishop-Elect and one to the Diocesan Registrar for preservation and registration.

APPENDICES 4, 5, 6 AND 7

REPEALED (2000)

APPENDIX No. 8

FORM OF APPOINTING A COMMISSARY

_____ by Divine permission Bishop of _____ , to our well-beloved in Christ _____ greeting.

We hereby appoint you our Commissary for _____ months, from *(date)*, to perform such acts within our diocese as are permitted to a Commissary by the Canons of this Church [and are competent to your Order].

NOTE: *The words in square brackets are to be omitted if the Commissary is a Bishop. If the Commission is not a general one, the sentence* to perform, etc. *shall be altered so as to state the purpose of the Commission.*

APPENDIX No. 9

FORM OF SI QUIS

TO BE READ AT THE CUSTOMARY TIME FOR GIVING NOTICES AT MORNING SERVICE, OR IF THERE BE NO MORNING SERVICE AT EVENING SERVICE, ON SOME SUNDAY NOT MORE THAN ONE MONTH AND NOT LESS THAN FOURTEEN DAYS BEFORE THE DAY APPOINTED FOR THE ORDINATION, AND OF THE CERTIFICATE OF THE SAME HAVING BEEN PUBLISHED IN THE CHURCH OF WHICH THE CANDIDATE IS ORDINARILY A MEMBER.

Whereas _____ , a member of this congregation, has applied to _____ , Bishop of _____ , to be admitted into the Holy Order of Deacons (*or* Priests), and the Bishop has appointed the _____ day of _____ for that purpose, This is to give notice, that if you, or any of you, know any just cause why the said person should not be ordained, you are hereby required to declare the same to me (*or* to the Rector [*or* Priest-in-charge] of this church), or to the Bishop aforesaid, ten days at least before the day fixed for the ordination.

FORM OF CERTIFICATE THAT THE SI QUIS HAS BEEN READ

We do hereby certify that the above notice was publicly and audibly read in the church of _____ , in the diocese of _____ during Divine Service, on Sunday the _____ day of _____ , and that no impediment has been alleged.

Witness our hands this _____ day of _____ .

_____ *, Minister*

_____ *, Member or Churchwarden*

APPENDIX No. 10

FORM OF LETTERS DIMISSORY FOR ORDINATION

Whereas our well-beloved in Christ _____ , has been presented to us as a candidate for ordination and admission into the Holy Order of Deacons (*or* Priests), and has produced the requisite testimonials, and has made the subscriptions required by the Canons of this Church, and after due examination touching knowledge of Holy Scripture and general learning has been found sufficiently qualified for the holy office of a Deacon (*or* Priest), We, being prevented by sundry weighty causes from administering Holy Orders at this present time, and knowing that the Right Reverend the Bishop of _____ , is about to administer Holy Orders, do, by these presents, grant our Letters Dimissory, commending the said person to the said bishop for admission into the Holy Order of Deacons (*or* Priests).

In witness whereof, we have subscribed these presents at _____ , on this _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

APPENDIX No. 11

FORM OF SUBSCRIPTION TO THE SCOTTISH BOOK OF COMMON PRAYER

I, _____, do solemnly make the following Declaration.

I assent to the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and to the other authorised liturgical formularies of this Church. I believe the doctrine of the Church as therein set forth to be agreeable to the Word of God, and in public prayer and administration of the Sacraments I will use the form in the said Book and formularies prescribed and none other except so far as shall be allowed by lawful authority in this Church.

(Signature and date) _____

APPENDIX No. 12

FORM OF SUBSCRIPTION PROMISING OBEDIENCE TO THE CANONS

I, _____ , do hereby solemnly promise that I will give all due obedience to the Code of Canons of the Scottish Episcopal Church and to the decisions and judgments of the tribunals of the said Church, and I, in like manner, promise [that I will pay due and canonical obedience to the Right Reverend the Bishop of _____ , and] that I will show, in all things, an earnest desire to promote the peace, unity, and order of the said Church, and will render due obedience to the decisions of the ecclesiastical authorities in all questions falling under their spiritual jurisdiction.

(Signature and date) _____

NOTE: *The words within square brackets shall be omitted in the case of a Diocesan Bishop-Elect or Designate subscribing.*

APPENDIX No. 13

FORM OF DEED OF PRESENTATION TO AN INCUMBENCY, JOINT INCUMBENCY OR LINKED CHARGE

To the Right Reverend _____ , by Divine permission Bishop of _____ .

We, the undersigned, being the persons in whom the right of presentation is vested, in our own names, and in the name of the congregation assembling for the public worship of God in the church of _____ at _____ , do hereby present to you, the Reverend _____ to be admitted to the pastoral charge of the said congregation, due provision for whose support having been made as in terms intimated to you.

In witness whereof, we have subscribed these presents dated the _____ day of _____ ,in the year of our Lord _____ .

NOTE: The date to be inserted shall be that on which the latest signature was adhibited.

NOTE: If this form is used for Presentation to a Joint Incumbency or Linked Charge, for for the public worship of God in the church of _____ at _____ *substitute* for the public worship of God in the churches of _____ at _____ *, naming all the churches within the Joint Incumbency or Linked Charge.*

APPENDIX No. 14

FORM OF DEED OF INSTITUTION OR COLLATION TO AN INCUMBENCY, JOINT INCUMBENCY OR LINKED CHARGE

_____ , in Christ's service, Bishop of _____ to our well-beloved in Christ _____ .

WHEREAS:
The Patrons of the charge of _____ at _____ in the District of _____ and _____ Region within our Diocese have presented you to us by a Deed of Presentation dated _____ which we have accepted; and

You have solemnly made and subscribed your canonical assents to the teachings of the Scottish Episcopal Church, particularly those contained in its authorised liturgical formularies;

You have pledged and subscribed your obedience to the Canons of the Scottish Episcopal Church and promised to pay true and canonical obedience to us and our successors, and

You have signed the Constitution of this charge;

THEREFORE:
We do by these presents admit and canonically institute you to the said charge;

We commit to you the pastoral care of all those who are members and adherents of the said charge;

We assign to you the oversight of the work of ministry undertaken by this Church within the district canonically assigned to the said charge;

We authorise you to administer the sacraments, to preach the word and to perform every other sacred office competent to a priest according to the rites and ceremonies of the Scottish Episcopal Church;

We prohibit every other cleric from performing any function or sacred office within the said church or from interfering directly or indirectly with the pastoral charge now committed to you, except with your consent and approval; and

We expressly reserve to us and our successors in the episcopal office the right to perform all pastoral duties in the said incumbency committed to you as provided in the Canons of this Church.

In testimony whereof we have subscribed these presents and caused our episcopal seal to be affixed thereto, at _____ the _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

NOTE: If the person signing the Deed of Institution be not the Bishop of the Diocese, for within our diocese substitute in the diocese of_____ ; for us and our successors substitute the Bishop of _____ and his successors (twice).

NOTE: If the person signing be a Commissary, for our episcopal seal substitute the episcopal seal of the said Bishop, and omit and of our consecration the _____ .

NOTE: If the patronage has been exercised by the Bishop personally the Deed of Institution shall be styled the Deed of Collation, and the first section shall begin thus:

WHEREAS:
A vacancy presently exists in the charge of _____ at _____ in the District of _____ and _____ Region within our Diocese, the right of presentation to which is vested in (or has lapsed to) the Bishop of the said Diocese; and
You have solemnly made.....

APPENDIX No. 15

FORM OF NOMINATION OF AN ASSISTANT CURATE, OR OF TITLE

To the Right Reverend _____ , Bishop of _____ .
I, Rector (*or* Priest-in-charge) of _____ in your diocese, do hereby nominate _____ * to perform the office [*or* to the Title] of Assistant Curate in the said church [*or* churches], at a yearly stipend of_____ , payable in _____ instalments, for which stipend the Vestry of the said church + has agreed to be responsible.
Witness my hand this _____ day of _____ , in the year of our Lord _____ .

(Signed) _____ .

* *State if Priest or Deacon, and the University degree if any.*

\+ *If some body other than the Vestry is to be responsible for stipend delete* the Vestry of the said church *and substitute the name of the body assuming responsibility.*

NOTE: Written evidence of this agreement (eg in the form of a certified extract from the relevant minutes) of the body assuming responsibility for the stipend should accompany this Nomination.

I agree to accept the Assistant Curacy of the church [*or* churches] of _____ on the above terms.

(Signed) _____ .

In the case of a Title to any sphere of work directly under the Bishop, the nomination shall be after the following form:

We, by Divine permission Bishop of _____ , do hereby nominate _____ to the Title of _____ in our diocese, at the yearly stipend of _____ , payable in _____ instalments, for which we are hereby for two years *[or, in the case of a Title to the Priesthood,* one year], unless otherwise mutually agreed, made responsible.

Given under our hand at _____ this _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

(Signed) _____ .

I agree to accept the Title of _____ on the above conditions.

(Signed) _____ .

APPENDIX No. 16

FORM OF LICENCE TO A DEACON OR PRIEST TO A DEFINITE SPHERE OF DUTY INVOLVING REGULAR PASTORAL WORK

We, _____ , by Divine permission Bishop of _____ , to our well-beloved in Christ, the Reverend _____ Greeting. We hereby license you to perform all the duties competent to your Order as _____ in our diocese, you having in our presence subscribed your assent to the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and to the other authorised liturgical formularies of this Church, and made promise of obedience to the Canons of the Scottish Episcopal Church, and having produced to us your Letters of Holy Orders.*

In witness whereof we have affixed our signature and episcopal seal at _____ this _____ day of _____ , in the year of our Lord _____ and of our consecration the _____ .

* *Delete* and having produced to us your Letters of Holy Orders *in the case of a Deacon licensed at the time of his Ordination.*

NOTE: *If the person signing be a Commissary, omit* and of our consecration the _____ .

APPENDIX No. 16(A)

FORM OF COMMISSION TO A DEACON OR PRIEST TO NON-STIPENDIARY DUTIES INVOLVING SOME ACTIVE PASTORAL WORK

We, _____ , by Divine permission Bishop of _____ ,to our well-beloved in Christ, the Reverend _____ Greeting. We hereby commission you to perform all the duties competent to your Order as_____ , in our diocese, you having produced to us your Letters of Holy Orders and having in our presence subscribed your assent to the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and to the other authorised liturgical formularies of this Church, and promised obedience to the Canons of the Scottish Episcopal Church.

In witness whereof we have affixed our signature and episcopal seal at _____ this _____ day of _____ , in the year of our Lord _____ and of our consecration the _____ .

*Signed*_____

NOTE: In terms of Canon 14, Section 6 this Commission **requires** you to attend Synod with the right to speak and vote.

* Delete and having produced to us your Letters of Holy Orders *in the case of a Deacon commissioned at the time of his Ordination.*

NOTE: *If the person signing be a Commissary, omit* and of our consecration the _____.

APPENDIX No. 16(B)

FORM OF WARRANT TO A DEACON OR PRIEST TO NON-STIPENDIARY DUTIES

We, _____ , by Divine permission Bishop of _____ , to our well-beloved in Christ, the Reverend _____ Greeting. We hereby give you a Warrant to perform all the duties competent to your Order as _____ , in our diocese, you having produced to us your Letters of Holy Orders and having in our presence subscribed your assent to the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and to the other authorised liturgical formularies of this Church, and promised obedience to the Canons of the Scottish Episcopal Church.

In witness whereof we have affixed our signature and episcopal seal at _____ this _____ day of _____ , in the year of our Lord _____ and of our consecration the _____ .

*(Signed)*_____

NOTE: In terms of Canon 14, Section 7 this Warrant gives you a right to attend and speak in Synod, but **not** to vote.

* *Delete* and having produced to us your Letters of Holy Orders *in the case of a Deacon warranted at the time of Ordination.*

NOTE: *If the person signing be a Commissary, omit* and of our consecration the _____.

APPENDIX No. 17

FORM OF PERMISSION TO OFFICIATE

Diocese of _____ .

The Reverend _____ has my permission to officiate

at _____ in this diocese, from _____ to

_____ 19_____ .

(Signed) _____ .

[Add date and place of signing.]

APPENDIX NO 18

FORM OF INHIBITION OF A BISHOP, PRIEST OR DEACON

_____ by Divine permission Bishop of _____ , to _____ .

Whereas we are informed that you purpose to officiate or preach within our diocese and jurisdiction, and whereas you have not been licensed by us, nor allowed to officiate or preach; We do therefore hereby admonish you not to officiate or preach within our diocese, and we do inhibit you from so officiating or preaching.

Given under our hand at _____ , this _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

APPENDIX NO. 19

NOMINATION, DECLARATION, AND LICENCE OF LAY READERS

FORM A

To the Right Reverend _____ , Bishop of _____ .

These are to certify that I, Rector [*or* Priest-in-charge] of _____ Church _____ , in your diocese, do hereby nominate _____ , residing at _____ , to perform the office of Lay Reader in the congregation attending the church aforesaid, and do humbly pray that you will be pleased to grant him/her your licence to perform the duties of the said office.

A.B., residing at _____ , and C.D., residing at _____ , being adult communicants, are ready to testify to his/her character and fitness.

Witness my hand this _____ day of _____ , in the year of our Lord _____ .

FORM B

I, being a regular communicant of the Scottish Episcopal Church, do hereby declare my adherence to the doctrine of that Church as set forth in the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and in the other authorised liturgical formularies of that Church, and my earnest desire to be engaged under their authority in the service of Christ, and I promise:

1 That I will abide by such doctrine in my teaching.

2 That I will endeavour, as far as in me lies, to promote peace and unity in the Church, and to conduct myself as becomes a worker for Christ, for the good of his Church, and for the spiritual welfare of others.

3 That I will act under the direction of the Bishop (or cleric in charge of _____ Church, _____) in respect of the work for which I am licensed.

4 That I will submit myself to the provisions of Canon 20 and of any rules or regulations imposed by the Bishop of the diocese.

_____ *(Communicant)*

Declared before me _____
Rector [*or* Priest-in-charge] of _____
(Date) _____

FORM C

_____ , by Divine permission Bishop of _____ , to our well-beloved in Christ _____ .

We do by these presents give unto you our licence and authority to perform the office of Lay Reader [in the district *or* church of _____] within this our diocese, and we do authorise you accordingly to teach in the schools, to visit the sick, to read and explain the Holy Scriptures, to exhort and to pray in private households, to hold such services as we shall approve, and generally to render aid [to the clergy serving there] in all ministrations which do not require the services of a minister in Holy Orders:

[Provided always that this licence shall not authorise anything to be done in the district except at the request and with the consent of the cleric in charge of the said district or church.]

(The words within square brackets above to be omitted where there is no cleric.)

In witness whereof, we have subscribed these presents at _____ on the _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

NOTE: *This licence is revocable by the Bishop at pleasure, and the form may be altered by the Bishop to suit individual cases.*

NOTE: *If the person signing be a Commissary, omit* and of our consecration the _____ .

APPENDIX No. 20

NOMINATION, DECLARATION, AND LICENCE OF DEACONESSES

FORM A

To the Right Reverend the Bishop of _____ .

These are to certify that I, Rector [*or* Priest-in-charge] of _____ Church, _____ , do hereby nominate _____ , residing at _____ , to perform the office of Deaconess in the congregation attending the church aforesaid, and do humbly pray that you will be pleased to grant your licence to her to perform the duties of the said office.

Witness my hand this _____ day of _____ , in the year of our Lord _____ .

FORM B

I, being a regular communicant of the Scottish Episcopal Church, do hereby declare my adherence to the doctrine of that Church as set forth in the Scottish Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and in the other authorised liturgical formularies of that Church, and my earnest desire to be engaged under their authority in the service of Christ, and I promise:

1 That I will abide by such doctrine in my teaching.

2 That I will endeavour, as far as in me lies, to promote peace and unity in the Church, and to conduct myself as becomes a worker for Christ, for the good of his Church.

3 That I will act under the direction of the Bishop (*or* cleric in charge of _____ Church, _____) in respect of the work for which I am licensed.

4 That I will submit myself to the provisions of Canon 21 and of any rules or regulations imposed by the Bishop of the Diocese.

_____ *(Deaconess)*

Declared before me _____
Rector [*or* Priest-in-charge] of _____
(Date) _____

FORM C

_____ , by Divine permission Bishop of _____ , to our well-beloved in Christ _____ .

We do by these presents give unto you our licence and authority to perform the office of Deaconess in the district [*or* church] of _____ within our diocese, and we do authorise you accordingly to perform such duties as pertain to a Deaconess.

[Provided always that this licence shall not authorise anything to be done in the district except at the request and with the consent of the Rector or Priest-in-charge.]

In witness whereof, we have subscribed these presents at _____ on the _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

(The words within square brackets above to be omitted where there is no cleric.)

NOTE: *If the person signing be a Commissary, omit* and of our consecration the _____ .

In witness whereof, we have subscribed these presents at _____ on the _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

NOTE: *This licence is revocable by the Bishop at pleasure, and the form may be altered by the Bishop to suit individual cases.*

NOTE: *If the person signing be a Commissary, omit* and of our consecration the _____ .

APPENDIX No. 21

FORM OF APPOINTING A DEAN OF A DIOCESE

We, _____ , by Divine permission Bishop of _____ , do, by these presents, constitute and appoint the Reverend _____ to be Dean of the diocese of _____ , in room of the Very Reverend _____ , late (*or* formerly) Dean, with power to perform such acts as belong to the office of Dean according to the Canons of the Scottish Episcopal Church, and subject to the conditions thereof.

In witness whereof, we have subscribed these presents and caused our episcopal seal to be affixed thereto, at _____ , on the _____ day of _____ , in the year of our Lord _____ , and of our consecration the _____ .

APPENDIX No. 22

FORM OF PROXY TO BE GRANTED BY A PRESBYTER/ DEACON/LAY REPRESENTATIVE ENTITLED TO VOTE, BUT UNABLE ON ACCOUNT OF ILLNESS TO ATTEND THE MEETING FOR THE ELECTION OF MEMBERS TO A GENERAL SYNOD, AND RELATIVE MEDICAL CERTIFICATE

I, _____ , a Presbyter/Deacon/Lay Representative of the diocese of _____, do hereby authorise _____ , a Presbyter/Deacon/Lay Representative of the said diocese entitled to vote, being a member of the same House of the Diocesan Synod as myself, to vote on my behalf at the meeting of the Diocesan Synod to be held at _____ on the _____ day of _____ , for the election of the clerical/lay members of the said diocese to the General Synod.

(Signature and date)

NOTE: *Two witnesses are required to the signature if the Proxy be not holograph of the granter.*

FORM OF CERTIFICATE TO ACCOMPANY THE PRECEDING

I, a registered Medical Practitioner, residing at _____ , do hereby certify that _____ is at present suffering from illness, and is unable to attend a meeting on business at _____ *(place)* on _____ *(date)* without risk of injury to health.

(Signature and date)

APPENDIX No. 23

FORM OF DECLARATION TO BE SIGNED BY LAY MEMBERS OF GENERAL SYNOD

I, _____ , of _____ , a lay member of the General Synod, hereby declare that I have attained the age of 16 years, and that I am a communicant member of the Scottish Episcopal Church.

(Signature and date)

APPENDIX No. 24

FORMS FOR USE UNDER CANON 54, PARTS I TO VII

Form A

Form of Accusation against a Bishop, Priest or Deacon
(Canon 54, Section 4)

Name of cleric or clerics against whom the accusation is made (and any other information concerning the identity of the cleric or clerics, such as address, appointment held or churches served):

_____
_____

The offence(s) allegedly committed by the cleric or clerics accused (specify which offences relate to which cleric):

_____
_____
_____
_____
_____

Specify the conduct forming the substance of the offence(s) alleged:

_____
_____
_____
_____
_____

Date or dates of each offence alleged (specify which dates relate to which offence):

_____
_____
_____

Specify the basis of your knowledge of the alleged offence(s), or where the facts are not within your personal knowledge, the grounds on which you believe the alleged offence(s) to have taken place:

_____
_____
_____
_____

Signature: _____

Your full name (please print): _____
_____

Your full address: _____
_____
_____
_____

Your telephone number
(if applicable): _____

Your occupation (if any): _____

NOTE: If you require further space to complete any of the details above then please provide these on a sheet firmly attached to this form, stating to which of the above sections the additional information relates.

A copy of this form will be sent to the Clerk to the College of Bishops.

Form B

Request for Written Explanation from accused cleric(s)
(Canon 54, Section 12)

The Preliminary Proceedings Committee of
the Scottish Episcopal Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Date _____

To _____

Address _____

_____

_____

_____

The Preliminary Proceedings Committee ("PPC") is required to investigate the offence(s) alleged against you in the Form of Accusation dated (*insert date of Form of Accusation*) of which a copy has been sent to you. In order to facilitate this investigation, you are requested to provide the PPC with a written explanation in relation to the said accusation. In this explanation you should disclose all facts and any other information known to you which you consider relevant to the offence(s) alleged.

In terms of Canon 54, Section12 you are required to provide such written explanation within 21 days of the date of posting of this request. Your explanation must be sent to us by First Class Recorded Delivery Post. You should address it to the Secretary of the PPC at the address shown at the top of this letter.

(*Insert the following where evidence of a further offence is being treated by the PPC as an accusation in terms of Canon 54, Section 11:*

You should also note that the PPC, in terms of Canon 54, Section 11), is treating the evidence outlined in the attached paper as evidence of an offence (or offences as the case may be) under Canon 54, Section 2 though not notified in the original accusation against you.)

Yours faithfully,

Secretary

Preliminary Proceedings Committee

[SHEET TO BE ATTACHED TO FORM B WHERE CANON 54, SECTION 11 APPLIES:]

Evidence of further offence(s)

Offence(s):

_____

_____

_____

_____

_____

Evidence relevant thereto:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Form C

Notification of Decision concerning accusation
(Canon 54, Section 16)

The Preliminary Proceedings Committee of
the Scottish Episcopal Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Date _____

To _____

Address _____
_____
_____
_____

The Preliminary Proceedings Committee ("PPC") has now reached a decision concerning the accusation(s) made against you in the Form of Accusation dated [insert date of Form of Accusation] of which a copy has been sent to you.

The Committee's decision in respect of the offence(s) alleged is as follows:

Name of the complainer and the date of the accusation: _____

Offence(s) specified in the Form of Accusation:
_____
_____
_____
_____
_____

Offence(s) of which evidence was found subsequent to the Form of Accusation:
_____
_____
_____
_____
_____

Decision of the PPC (*specify in relation to each offence*):
_____
_____
_____
_____
_____

Yours faithfully,

Secretary
Preliminary Proceedings Committee

A copy of this form will be sent to your Diocesan Bishop and to the complainer.

Form D

Decision not to proceed to Trial
(Canon 54, Section 22)

Office of the Procurator of the Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Date _____

To _____

Address _____
_____
_____
_____

With reference to the decision of the Preliminary Proceedings Committee of [insert date of Form C] notified to you to refer the matters stated therein to me for trial, I have decided that the following accusations shall no longer proceed to trial (*Specify the relevant accusations*):
_____
_____
_____
_____
_____
_____
_____
_____

It is my intention that the following accusations remaining shall still proceed to trial (*Specify the remaining accusations. If none, state 'None'.*):
_____
_____
_____
_____
_____
_____

Yours faithfully,

Procurator of the Church
A copy of this form will be sent to the Preliminary Proceedings Committee and to the Clerk to the College of Bishops.

Form E

NOTICE OF TRIAL
(Canon 54, Section 23)

Office of the Procurator of the Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Date _____

To _____

Address _____
_____
_____
_____

Trial Reference Number
_____

Take note that a trial, in respect of the undernoted offences, allegedly committed by you, will take place at _____ (*specify venue*) on _____ (*specify date*) commencing at _____ (*specify time*).

Offence(s) allegedly committed

_____
_____
_____
_____
_____
_____

Nature of alleged offence(s) (*specify alleged facts relating to alleged offence(s)*)

_____
_____
_____
_____
_____

Date(s) on which the alleged offences are alleged to have occurred (*indicate which date(s) refer to which offence(s)*)

_____

_____

_____

_____

Place(s) at which the alleged offences are alleged to have occurred (*indicate which place(s) refer to which offence(s)*)

_____

_____

_____

_____

Yours faithfully,

Procurator of the Church

YOU MUST DO THE FOLLOWING THINGS IN RESPONSE TO THIS NOTICE OF TRIAL:

YOU ARE REQUIRED (in terms of Canon 54, Section 23) to furnish the Clerk to the Clergy Discipline Tribunal of the Scottish Episcopal Church ("the Tribunal") and myself with the following:
(1) A list of all the documents on which you or your legal representative propose to rely
(2) A copy of every such document
(3) A list of all witnesses whom you or your legal representative propose to examine.
The above should reach the Tribunal and myself at least fourteen days prior to the date of trial referred to above.

YOU ARE REQUIRED to complete the Answer to Notice of Trial (Form F) attached to this Notice of Trial and to lodge this with the Clerk of the Tribunal. This should be lodged with the Clerk of the Tribunal within **one month** of the date of this Notice of Trial at the Office of the Clerk of the Tribunal, 21 Grosvenor Crescent Edinburgh EH12 5EE.

Note:
(1) You have the right to petition the President of the Tribunal for a postponement of the Trial Date on cause shown.
(2) You have the right to be legally represented at the trial and at any appeal following thereon.
(3) You will receive the Procurator's list of documents and witnesses at least fourteen days prior to the date of trial.

Form F

Answer to Notice of Trial

(Canon 54, Section 24)

This form should be returned to:

The Clerk of the Clergy Discipline
Tribunal of the Scottish Episcopal Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Clerk of the Tribunal to complete the following details:

Trial Reference Number) _____

Name of accused _____

Address _____
_____
_____

Accused to complete the following details:

In relation to the numbered accusation(s) specified in the Notice Of Trial in respect of Trial Reference Number _____ I wish to enter the following plea(s) (*State the number of each accusation and indicate clearly in relation to each whether you wish to plead GUILTY or NOT GUILTY*):

_____
_____
_____
_____
_____
_____

(*If you have pled NOT GUILTY to any of the accusations, please state in relation to each such accusation, a brief summary of your defence to each such accusation, including the facts supporting your defence*):

Signature _____

Date_____

NOTE: If you require further space to complete any of the details above then please provide these on a sheet firmly attached to this form, stating which of the above sections the additional information relates to.

Form G

Acceptance of Guilty Plea
(Canon 54, Section 25)

Office of the Procurator of the Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Date _____

Trial Reference Number _____

To : The Clerk of the Tribunal of the
Scottish Episcopal Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Dear Sir/Madam,

Take note that in relation to the trial of _____ (*insert Cleric's name*), in respect of the accusations listed hereafter to which the accused has pled guilty I intend to accept such plea:

_____
_____
_____
_____
_____

Please lodge this Notice of Acceptance of Pleas of Guilty in process.

Yours faithfully,

Procurator of the Church.

Note: A copy of this form is to be sent to the cleric(s) accused.

Form H

Resignation of Accused Cleric
(Canon 54, Section 30)

The College of Bishops
The Scottish Episcopal Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Date _____

TO WHOM IT MAY CONCERN

Take note that _____ (*enter Cleric's name*) ("the accused"), who held the post of _____ (*enter Cleric's position(s) prior to resignation*) residing at _____ (*enter cleric's address*) was the subject of the undernoted accusations. Prior to Trial being held on these accusations, the accused resigned the above-noted position(s) on _____ (*enter date(s) of resignation*). The accused should not be appointed to any position within the Church until due consideration has been given to the circumstances of the accused's resignation. Further details of this matter may be obtained by concerned parties upon application to the College of Bishops at the above address.

Primus,
On behalf of the College of Bishops

Accusations referred to above (specify):

_____

_____

_____

_____

_____

APPENDIX No. 25

FORMS FOR USE UNDER CANON 54, PART VIII

Form A

Note of Appeal
(Canon 54, Section 38)

Trial Reference Number _____

Date _____

To: The Clerk of the Tribunal of the
Scottish Episcopal Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Name of convicted cleric: _____
Address _____
_____
_____

In respect of the verdict of the Tribunal in the trial referred to above, in which sentence was pronounced upon _____ (*insert date*) and the written copy of which verdict is dated _____, I hereby appeal against the undernoted outcome(s) in the undernoted accusation(s):

State the relevant accusation(s):
_____
_____

For each accusation state whether you are appealing against the VERDICT or the SENTENCE or the VERDICT AND THE SENTENCE (indicate clearly which accusation you are referring to):
_____
_____
_____
_____

For every appeal against verdict, sentence, or verdict and sentence, give an outline of the grounds of your appeal (indicate clearly which accusation you are referring to):

_____
_____
_____
_____
_____
_____
_____
_____
_____

Signed _____

NOTE: This Note of Appeal must be sent to the Clerk of the Tribunal at the above address within TWENTY-ONE DAYS of the date of sentence being passed upon you. Failure to do so may entail loss of your right to appeal.

NOTE: If you require further space to complete any of the details above then please provide these on a sheet firmly attached to this form, stating which of the above sections the additional information relates to.

A copy of the above form will be sent to the Procurator of the Church.

Form B

Notice of Appeal Hearing
(Canon 54, Section38)

The Clerk of the Tribunal of the
Scottish Episcopal Church
The Office of the General Synod
21 Grosvenor Crescent
Edinburgh EH12 5EE

Trial Reference Number _____

Date _____

To _____

Address _____

_____

_____

Take note that with respect to your Note of Appeal dated _____ in the matter of the above noted Trial, an Appeal Hearing will be held at _____ (*insert location*) on _____ (*insert date*), commencing at _____(*insert time*).

Yours faithfully,

Clerk of the Tribunal

Note: You have the right to attend this hearing and you may be legally represented at it.

A copy of this form will be sent to the Procurator of the Church.

APPENDIX No. 26

A TABLE OF KINDRED AND AFFINITY, WHEREIN WHOSOEVER ARE RELATED ARE FORBIDDEN BY OUR ECCLESIASTICAL LAWS TO MARRY TOGETHER

1. Relationships by consanguinity
    - Parent
    - Child
    - Grandparent
    - Grandchild
    - Sibling
    - Aunt or uncle
    - Niece or nephew
    - Great-grandparent
    - Great-grandchild
2. Relationships by affinity
    - Child of former spouse
    - Child of former civil partner
    - Former spouse of parent
    - Former civil partner of parent
    - Former spouse of grandparent
    - Former civil partner of grandparent
    - Grandchild of former spouse
    - Grandchild of former civil partner
3. Relationships by adoption
    - Adoptive parent or former adoptive parent
    - Adopted child or former adopted child

APPENDIX No. 27

CERTIFICATE OF AUTHORISATION

(CANON 31)

PRIVATE AND CONFIDENTIAL

_____ , by divine permission Bishop of _____ , to our well-beloved in Christ, the Reverend _____ of the Church of _____.

Greeting.

By the exercise of our pastoral office, we declare that after due enquiry we find there to be present at this date no ecclesiastical impediment to your officiating at the Solemnisation of Holy Matrimony according to the Rites and Ceremonies of the Scottish Episcopal Church between

_____

and

_____

you having first received the necessary civil authorisation so to do.

(Signed) _____

at _____

on _____

The marriage of the above named persons took place in _____

on _____ .

(Signed) _____
Officiating Minister

THIS DOCUMENT MUST BE RETURNED TO THE BISHOP IMMEDIATELY AFTER THE MARRIAGE HAS BEEN SOLEMNISED

APPENDIX No. 28

FORMS FOR USE UNDER CANON 53

Form A

Form of Notice of Intention to make a Request for an Enquiry
(Canon 53, Section 2)

To: The Right Reverend [*Specify Bishop's name and address*]

[*Insert date*]

I/We hereby intimate my/our intention to submit to you a formal Request for an Inquiry into a perceived situation of pastoral breakdown concerning the charge of [*Insert the name of the charge*].

The perceived situation of pastoral breakdown concerns the following circumstances: [*Specify in brief the background to the perceived situation of pastoral breakdown*].

Yours faithfully,

[*Those sending the Notice of Intention should sign here*]
[*Those sending the Notice of Intention should print their names and addresses here*]

Form B

Form of Notice of Request for an Enquiry
(Canon 53, Section 5)

To: The Right Reverend [*Specify Bishop's name and address*]

[*Insert date*]

Further to my/our Notice of Intention to submit a Request for an Enquiry dated [*Insert date of Notice of Intention to submit a Request for an Enquiry*], I/we hereby request that you conduct an enquiry into a perceived situation of pastoral breakdown concerning the charge of [*Insert the name of the charge*].

The perceived situation of pastoral breakdown concerns the following circumstances: [*Specify in brief the background to the perceived situation of pastoral breakdown*].

Yours faithfully,

[*Those sending the Notice of Request should sign here*]
[*Those sending the Notice of Request should print their names and addresses here*]

Form C

Form of Appeal against the Bishop's Action
(Canon 53, Section 9)

To: The Clerk to The Episcopal Synod of the Scottish Episcopal Church
General Synod Office
21 Grosvenor Crescent
Edinburgh EH12 5EE

[*Insert date*]

I/We hereby appeal against the decision of the Right Reverend [*Specify Bishop's name*], Bishop of [*Insert name of Diocese*], dated [*Insert date of the decision of the Bishop issued under Canon 53, Section 8*], in the matter of [*Specify the matter concerned, stating whether it concerned a Request for an Enquiry into a perceived situation of pastoral breakdown or another matter*].

The ground of this appeal is that [*Specify in brief the grounds of the appeal*].

Yours faithfully,

[*Those sending the Notice of Appeal should sign here*]

[*Those sending the Notice of Appeal should print their names and addresses here*]

Form D

Form of Request for Leave to Appeal
(Canon 53, Section 13)

To: The Right Reverend [*Specify Bishop's name and address*]

[*Insert date*]

I/We hereby request leave to appeal to the Episcopal Synod against your decision dated [*Insert date of Bishop's decision*] in the matter of [*Specify the subject of the decision against which leave to appeal is being sought*].

Yours faithfully,

[*Those sending the Request for Leave to Appeal should sign here*]
[*Those sending the Request for Leave to Appeal should print their names and addresses here*]

Form E

Form of Request for Leave to Appeal after Refusal of Leave to Appeal by Bishop
(Canon 53, Section 13)

To: The Clerk to The Episcopal Synod of the Scottish Episcopal Church
General Synod Office
21 Grosvenor Crescent
Edinburgh EH12 5EE

[*Insert date*]

I/We hereby request leave to appeal to the Episcopal Synod in regard to the decision of the Right Reverend [*Specify Bishop's name*], Bishop of [*Insert name of Diocese*], dated [*Insert date of the decision of the Bishop issued under Canon 53, Section 8*], in the matter of [*Specify the matter concerned*]. Leave to appeal was refused by the said the Bishop of [*Insert name of Diocese*] in this matter.

Yours faithfully,

[*Those sending the Request for Leave to Appeal should sign here*]

[*Those sending the Request for Leave to Appeal should print their names and addresses here*]

APPENDIX No. 29

GRIEVANCE PROCEDURE

1. INTRODUCTION

Attempts should always be made to resolve in an informal way any matters which give rise to a sense of grievance. In the first instance, the person aggrieved should discuss the grievance with the person responsible for the matters which have given rise to concerns. It is recommended that serious consideration is given, at this stage, to making use of alternative dispute resolution through an external mediation service, in preference to entering the formal grievance procedure. Details of individuals trained in church-based mediation including those in the Churches Mediation Network Scotland are available from the General Synod Office. However, it is recognised that such informal attempts may not always achieve a resolution of the matter and that recourse may be necessary to authorised procedures which aim to lead to solutions based on agreement and reconciliation at an early stage.

This Grievance Procedure deals with the treatment of complaints with respect to both the person bringing the grievance (referred to as "the Complainant") and the person(s) complained against. The aim of this Procedure is to settle the complaint fairly, as quickly as possible and as near as possible to the source of the grievance. Any grievance should be treated seriously because of its significance to the person concerned. At any stage of the procedure it may be appropriate for the person responsible for the process to ask the parties to consider utilising an alternative dispute resolution (i.e. formal mediation) process to facilitate the satisfactory conclusion of the grievance. Also, no one should be disadvantaged, for example in relation to new appointments or access to training, by bringing a grievance or by acting as a "friend" to someone who has brought a grievance.

Sometimes despite everyone's best efforts, a grievance may remain unresolved. In such cases it may be possible to acknowledge that and move on to reconciliation. It is central to the teaching of Jesus that those who are reconciled to God must be open to being reconciled to those who have offended them or those they have offended. Reconciliation involves clarification of what has happened, how it is perceived by the other person and acknowledgement of the depth of anger and hurt. Reconciliation, for both parties, involves the rebuilding of damaged relationships.

All parties concerned should respect the confidentiality of the proceedings and should act in good faith to seek a resolution of the issue(s) at an early a stage as possible. It is hoped that most issues will be resolved at the informal stages of the proceedings.

2 SCOPE

2.1 Application

This Grievance Procedure is available to all clergy who are incumbents or who are licensed as assistant curates or appointed as Cathedral Canons or who hold a commission or warrant to minister or permission to officiate in the Scottish Episcopal Church. It is not available to any clergy who are employed under a contract of

employment for whom grievance arrangements should be provided for in the terms of employment.

The Procedure applies to grievances brought under Canon 53.10 against a person entitled to issue instructions or make decisions, affecting a cleric under the Code of Canons or Digest of Resolutions.

It should be recognized that within the complex structure of the Church, responsibility for certain matters is dispersed and whilst, for example, a grievance may be lodged with the Diocesan Bishop in relation to matters of clergy housing, since the local vestry normally has responsibility for the rectory the power of the Diocesan Bishop to compel action is limited.

2.2 Interrelation with Disciplinary Procedures

This Procedure is designed for the settlement and reconciliation of grievances. It is not designed for disciplinary purposes of any other kind.

In the event of an allegation concerning misconduct, bullying, harassment or discriminatory treatment, if a complaint proceeds to Stage 1 as set out below, the Diocesan Bishop/Primus' Appointee will consider whether the allegation appears to be one of conduct falling within the scope of Canon 54. If it does so appear, he or she shall rule that the matter may be dealt with only in accordance with that Canon. If it does not so appear then the matter may proceed under this Procedure but in the event that the allegation relates to conduct on the part of a third party who is not subject to Canon 54, the Bishop/Primus' Appointee shall seek the permission of the Complainant before discussing the matter with the third party. The third party is entitled to be accompanied at any meeting to discuss the allegations and this shall equally apply at any further stages of the Procedure.

For the avoidance of doubt, the raising of a grievance shall not operate to delay the process of any accusation under Canon 54.

3. GENERAL PRINCIPLES

It should be emphasized that the principles of good faith, confidentiality, fairness, representation and equal opportunities should guide all parties involved in grievance proceedings towards seeking solutions based on agreement and reconciliation**.**

Good faith: – that all parties should work together to reach an equitable solution as quickly as possible.

Confidentiality: - that information relating to the substance of the complaint should not be divulged to a third party, without the permission of the person raising the grievance. It is also expected that the person raising the grievance will treat the matter with appropriate sensitivity and tact.

Fairness: - that all parties will be treated even-handedly, and all parties are entitled to be heard with courtesy and respect.

Representation: - that the person raising the grievance and the person(s) complained against are entitled to be accompanied at all meetings concerning the grievance by a

friend or colleague or Trade Union official at the choice of the individual. Legal representation will not be permitted. The accompanier should be allowed to address the hearing to put and sum up the case of the Complainant, respond on behalf of the Complainant to any views expressed at the hearing and confer with the Complainant during the hearing. The accompanier does not, however, have the right to answer questions on the Complainant's behalf, address the hearing if the Complainant does not wish it or prevent the person against whom the grievance is raised from explaining their case.

Equal opportunities: - that all members with a grievance have the right to be heard without any distinction as to gender, sexual orientation, race, ethnic or national origin, colour, disability, age, political belief, membership of or activities as part of a Trade Union.

4. WHERE A GROUP OF MEMBERS ARE AGGRIEVED

Where a number of members are aggrieved about the same issue(s), an individual member may pursue the matter on behalf of the group. In such circumstances the members will be required to confirm in writing the details of the issue(s) and that they have nominated an individual member to proceed on their behalf.

5. TIME LIMITS

Time limits for action are provided throughout the Procedure and should be adhered to except that the person responsible for issuing a decision at the completion of any stage of the Procedure may notify the parties of an extension of time where, in the opinion of that person, there are reasonable grounds for such an extension being considered necessary.

6. RECORDS

Individuals will be advised that notes of interviews will be kept and a formal record written up as soon as possible after interviews at each stage have taken place. It is advisable to have a person attending the meetings solely to record the discussions. Files will be maintained at diocesan or provincial level within the Church in relation to any grievance, depending on whether the matter is handled at diocesan or provincial level.

7. WITNESSES

Witnesses called to provide evidence must be advised of the context which their evidence will address and that their statement(s) will be recorded.

8. THE TWO STAGES OF THE PROCEDURE

8.1 Discussion with the Diocesan Bishop / Primus' Appointee (as defined in section 8.4): Stage 1

8.2 The Appeal Stage: Stage 2

8.3 All grievances must be addressed speedily and, if possible, within the informal arrangements. This is likely to produce solutions which are effective and minimise embarrassment and the risk of breaching confidentiality.

8.4 The grievance should be raised in the first instance with the Diocesan Bishop. If the Diocesan Bishop is the subject of the grievance, or is the Complainant, then the Complainant should raise the issue initially with the Primus who may choose to conduct Stage 1 of the procedure him/herself or may appoint another individual to do so. The Primus will inform the Diocesan Bishop in writing of the grievance that has been reported and of his/her decision regarding the person who will conduct Stage 1. (If the Primus appoints another individual to act that person should not be resident in the diocese of the Diocesan Bishop against whom the grievance is made.) If the Primus is the subject of the grievance then the Complainant should raise the issue with the Senior Bishop who may choose to conduct Stage 1 of the Procedure him/herself or may appoint another individual to do so. In such circumstances, the Senior Bishop will inform the Primus in writing of the grievance that has been reported and of his/her decision regarding the person who will conduct Stage 1. (If the Senior Bishop appoints another individual to act that person should not be resident in the diocese of which the Primus is the Diocesan Bishop.) In this Procedure, the person conducting Stage 1 of the Procedure in the event of the grievance being against the Diocesan Bishop or the Primus (or by the Diocesan Bishop) shall be known as the "Primus' Appointee". In the event that the Primus is the Complainant, the role otherwise envisaged for the Primus under the provisions of this Procedure shall be taken by the Senior Bishop.

8.5 A grievance must be stated in writing, providing concise details of the nature and circumstances of the allegation(s), including supporting evidence, making it clear that this is the Discussion (Stage 1) or the Appeal Hearing (Stage 2) as the case may be.

8.6 The Complainant may provide details of a preferred workable solution for consideration at any stage.

9. DISCUSSION WITH THE DIOCESAN BISHOP / PRIMUS' APPOINTEE – STAGE 1

9.1 The Diocesan Bishop/Primus' Appointee will investigate the complaint and should interview both parties and their witnesses if requested to do so by either party. It is recommended that a Senior Secretary / Administrator is present at all meetings and interviews to take notes. The Diocesan Bishop/Primus' Appointee may recommend formal mediation to the parties. If this is acceptable to the parties then the process of formal mediation will replace the process described in paragraph 9.2.

9.2. The Diocesan Bishop/Primus' Appointee will consider the evidence, including any preferred workable solutions put forward, and give a decision in writing to both parties simultaneously within 28 days of the date of receipt by the Diocesan Bishop/Primus' Appointee of the written statement of grievance invoking this Procedure.

9.3 If the decision is not acceptable to both parties either party may make a request to the Diocesan Bishop/Primus' Appointee that the matter be referred to Stage 2. Such request must be made in writing within 28 days of the issue of the decision of the Diocesan Bishop/Primus' Appointee under 9.2 above and must state the reasons for

requesting that the matters be referred to Stage 2. Unless the matter proceeds to Stage 2, the Procedure ends.

10. THE APPEAL HEARING STAGE – STAGE 2

10.1 If either party makes a request to the Diocesan Bishop/Primus' Appointee under *9.3*, the Diocesan Bishop/Primus'Appointee shall invite the Convener of the Provincial Administration Board to appoint a Diocesan Chancellor or Registrar to hold an Appeal Hearing (Stage 2). Any such request must state the reasons for requesting that the matters be referred to Stage 2. The appointed Diocesan Chancellor/Registrar must be from outwith the Diocese in which the original Grievance arose.

10.2 The appointed Diocesan Chancellor/Registrar may recommend formal mediation to the parties if this was not used in the previous stages. If this is acceptable to the parties then formal mediation will take place. If the outcome of the mediation provides a suitable solution, no further action is required. If mediation is not successful in finding a solution then the appointed Diocesan Chancellor/Registrar will investigate the complaint; take evidence from both parties and reach a decision. The Diocesan Chancellor/Registrar may take new evidence which was not presented at Stage 1.

10.3 It is recommended that a Senior Secretary/Administrator be present at all meetings and interviews to take notes.

10.4 The decision reached following the Appeal Hearing will be conveyed to both parties, in writing, simultaneously, by the Diocesan Chancellor/Registrar within 28 days of the date of receipt by the Diocesan Chancellor/Registrar of the written appointment by the Convener of the Administration Board of the Diocesan Chancellor/Registrar in question to conduct the hearing. This decision is final and exhausts the Grievance Procedure.

Notes:

Summary of the Procedure

1. Stage 1: Grievance arises and is notified in writing to the Diocesan Bishop. If the Bishop is the person complained against the notification is to Primus or, if the Primus is the person complained against, the Senior Bishop. After investigation by the Diocesan Bishop/Primus' Appointee and discussion with both parties a proposed resolution is offered, in writing, to both parties within 28 days of the grievance being lodged. If this resolution is acceptable to both parties the Grievance Procedure ends.

2. Stage 2: If there is no resolution at this stage, the Appeal Hearing Stage may be launched within 28 days.

3. The decision of the appointed Diocesan Chancellor/Diocesan Registrar as Chair of the Appeal Hearing at Stage 2 is notified to both parties by the Diocesan Chancellor/Diocesan Registrar within 28 days. The decision is final and exhausts the Provincial Grievance Procedure.

APPENDIX No. 30

FORM FOR COMMUNICATING THE DECISION OF THE BISHOP AND DIOCESAN BUILDINGS COMMITTEE FOLLOWING AN APPLICATION UNDER CANON 35, RESOLUTION 5

Either - (in the case of Approval)

Your Application for Approval for – *(Insert nature of alterations)* at – *(Insert name of Church)* has been approved. *(If condition(s) have been attached include the following)* The following condition(s) has/have been attached – *(Insert condition(s))*

Within six weeks, an appeal, lodged in writing with the Secretary General of the General Synod, may be made to the Provincial Buildings Committee either by the Vestry against one or more conditions attached to this consent, or by not less than twenty per cent of communicant members of the congregation against the granting of consent. Further information about this is available from me. Such an appeal shall be decided within twelve weeks by the Provincial Buildings Committee whose decision shall be final.

Please bring this decision to the attention of members of your congregation, either by intimation at Sunday worship, or by placing this letter on your notice board.

Please note that you are required to notify me when the works have been completed. The Bishop and the Diocesan Buildings Committee may inspect the works, together or independently, at any reasonable time.

Or - (in the case of Refusal)

Your Application for Approval for – *(Insert nature of alterations)* at – *(Insert name of Church)* has been refused.

Within six weeks, an appeal, lodged in writing with the Secretary General of the General Synod, may be made to the Provincial Buildings Committee by the Vestry against this refusal of consent. Further information about this is available from me. Such an appeal shall be decided within twelve weeks by the Provincial Buildings Committee whose decision shall be final.

Please bring this decision to the attention of members of your congregation, either by intimation at Sunday worship, or by placing this letter on your notice board.

Revised Dates

The Code of Canons is reviewed annually and amendments and corrections are made in June of each year.

Subject	Date of Revision
Canon 1	2009
Canon 2	2006
Canon 3	2003
Canon 4	2000, 2007, 2023. 2025
Canon 5	Repealed 2000
Canon 6	2004, 2008
Canon 7	2003
Canon 8	1997, 2010
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Canon 17	2002, 2008
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Canon 23	Repealed 1987
Canon 24	Repealed 1987
Canon 25	1995, 2005
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Canon 43	1995, 2008
Canon 44	1995
Canon 45	Repealed 1984
Canon 46	Repealed 1984
Canon 47	Repealed 1984
Canon 48	1995
Canon 49	Repealed 1984
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