

**THE CONSTITUTION  
RULES OF ORDER  
AND  
CANONS**



**of the  
Synod of the Diocese of Kootenay**

**APRIL 2015**

The Canons contained herein are effective as amended from the adjournment of  
Diocesan Synod April 26, 2015

**CONSTITUTION, RULES OF ORDER, AND CANONS 2015**  
*The Synod of the Diocese of Kootenay*

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**AN ACT TO INCORPORATE THE ANGLICAN SYNOD  
OF THE  
DIOCESE OF KOOTENAY  
(June 4th, 1903)**

WHEREAS under and by virtue of the Act 64 Victoria, Chapter 45 of the Statutes of British Columbia, entitled “An Act to Amend an Act to Incorporate the Anglican Synod of the Diocese of New Westminster”, all that portion of the Province of British Columbia lying to the East of the 120th Meridian of West Longitude was severed from the said Diocese of New Westminster.

AND WHEREAS a new Diocese has been created under the style and title of “The Diocese of Kootenay”, which comprises that portion of the said Province which is described as follows, namely:—

Commencing at a point on the forty-ninth parallel of North Latitude, part of the International Boundary Line between Canada and the United States, where the said parallel intersects the said one hundred and twentieth meridian, thence to that point of the said meridian at which it becomes the Eastern Boundary Line of the Province of British Columbia; thence South-Easterly and along the boundary line between the said Province of British Columbia and the North West Territories until such last mentioned boundary line intersects the said forty-ninth parallel, thence Westerly along the said forty-ninth parallel to the point of commencement.

AND WHEREAS a petition has been presented from the Synod of the Diocese of Kootenay praying that it may be incorporated, and it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

- 1: The Synod of the Diocese of Kootenay shall be, and the same is hereby made and constituted a body politic and corporate, under the name of “The Synod of the Diocese of Kootenay” hereinafter called the said Synod.
- 2: The said Synod shall consist of the Lord Bishop of the said Diocese and his successors, to be from time to time appointed in such manner as is or shall be provided by the said Synod, and of such other persons as are or may hereafter become members thereof according to the Constitution and Canons of the said Synod.
- 3: The said Synod shall have perpetual succession and a common seal, with power to change and renew the same when and so often as they shall think proper, and the said Synod may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Synod shall be able and capable in law, respectively, to purchase, take, hold, give, receive, enjoy, possess, and retain all messuages, lands, tenements, and immovable property, money, goods, chattel and movable property, which have been or hereafter shall be paid, given, granted, appropriated, devised or bequeathed to it, or purchased or acquired by it, in any manner or way whatsoever,

to, for, or in favor of the eleemosynary, ecclesiastical, or educational uses and purposes, within the Province of British Columbia, of the Church of England, or otherwise, including thereby the uses and purposes of any church, parish, mission, institution, school, or hospital connected with the Church of England in British Columbia.

- 4: The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this Act, have power to sell, convey, exchange, alienate, mortgage, lease, or demise or otherwise deal with any real or personal estate or property held by the said Synod, whether simply by way of investment or not, and the said Synod may also, from time to time, invest all or any of its funds and personal property which may be vested in or acquired by the said Synod, for eleemosynary, ecclesiastical or educational purposes as aforesaid, or otherwise, including the Episcopal Endowment Fund, in and upon any real securities in British Columbia, or in the public funds of the United Kingdom, of Canada, or of any Province thereof, or in Municipal Bonds or Debentures of any Municipality within Canada, or in Bonds or Debentures of any Company the payment whereof is guaranteed by Government, or in any security for the time being authorized by law for the investment of trust funds, and generally shall have and enjoy the same, and as large, full, and ample powers and rights, as if it were a private person, able and capable in law.
- 5: The said Synod shall, in case of land being held by it, be able, notwithstanding any trust affecting the same, to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a church building, cemetery, school, hospital, or any public object, freed from any trust affecting the same as aforesaid.
- 6: It shall be lawful for the Corporation of the Bishop of Kootenay, or any other Corporation, or any person, or persons, to transfer any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Synod, to be held in trust for the same purposes.
- 7: The Constitution, Canons and Rules of Order of the Synod of the Diocese of New Westminster, as revised in November, A.D. 1892, shall, until the same be altered or amended in accordance with such Constitution and Canons by the said Synod incorporated under this Act, be the Constitution, Canons and Rules of Order for the said Synod incorporated under this Act.
- 8: The said Synod may exercise all its powers by and through such boards, committees or officers as the said Synod may from time to time appoint for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached.
- 9: The terms "The Church of England," or "The Church of England in British Columbia," or "The Anglican Church," in this Act, and in all deeds, instruments and documents that have been heretofore, or that may hereafter be executed dealing with real or personal property within the Province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments or documents, and so

far as the same affect the said Diocese of Kootenay or the said Synod, that portion of the Church of England or Anglican Church within the Province of British Columbia.

- 10: Any deed or document shall be deemed to be duly executed by the said Synod if the same has affixed thereto the seal of the said Synod and the signatures of the Bishop for the time being of the Diocese of Kootenay or his Commissary duly appointed, and the Lay Secretary for the time being.
- 11: The Bishop for the time being of the Diocese of Kootenay, duly elected or acknowledged by the said Synod, or otherwise duly appointed and consecrated by lawful authority Bishop of the Diocese of Kootenay, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of Kootenay with full power to hold and acquire real and personal estate, and to sell, convey, lease, mortgage, deal with or dispose of the same, or any part thereof.
- 12: Any conveyance of real estate or any interest therein vested in the Corporation of the Lord Bishop of Kootenay, shall hereafter be deemed to be duly executed if the same has affixed thereto the seal of such Corporation, verified by the signature of the Bishop for the time being of the Diocese of Kootenay, or his Commissary duly appointed, and all deeds and documents whatsoever, if executed in the same way, shall be deemed to be properly and effectually executed.
- 13: Until a Bishop has been duly appointed and consecrated as Bishop of the Diocese of Kootenay, the Lord Bishop of New Westminster may exercise all the rights and powers of a Bishop of the Diocese of Kootenay.

*Chapter 86*

1903, c 31

**AN ACT TO AMEND**

**“THE SYNOD OF THE DIOCESE OF KOOTENAY  
INCORPORATION ACT, 1903,”**

*(Assented to 30th March, 1950)*

WHEREAS the powers of investment given to the Synod of the Diocese of Kootenay (hereinafter called “the said Synod”) by the Act of Incorporation of the said Synod, being chapter 31 of the Statutes of British Columbia, 1903, are insufficient to enable the said Synod to provide an income necessary for the proper and decent fulfillment of the various eleemosynary, ecclesiastical, and educational uses and purposes for which it has been incorporated:

And whereas it is expedient that the powers of the Synod for the investment of its trust funds should be enlarged:

And whereas the said Synod has presented a petition praying that the said Act of 1903 be amended to enlarge the powers of investment of the said Synod:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

**SHORT TITLE**

- 1: This Act may be cited as “The Synod of the Diocese of Kootenay Incorporation Act, 1903, Amendment Act, 1950.”

**Section 4**

- 2: Section 4 of the said Act is amended by striking out the words “in and upon any real securities in British Columbia, or in the public funds of the United Kingdom, of Canada, or any Province thereof, or in municipal bonds or debentures of any municipality within Canada, or in bonds or debentures of any company the payment whereof is guaranteed by Government, or in any security for the time being authorized by law for the investment of trust funds” in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth lines thereof, and by inserting in the place thereof the words “in any securities authorized by the laws of the Province of British Columbia, and amendments thereto, for the investment of trust funds, and in any securities authorized by the laws of the Dominion of Canada, and amendments thereto, for the investing or lending by Canadian life insurance companies of their funds.”

## CONSTITUTION

In the Name of the Father, and of the Son, and of the Holy Ghost. - Amen.

WHEREAS the Members of the Anglican Church of Canada in the Diocese of Kootenay have been associated together as a branch of the said Church, and a Synod has been constituted for the government of the same, for the ordering of the affairs, the arrangement of the property, the promotion of the discipline of the Members thereof, and the inculcation and maintenance of a sound doctrine, and true religion in the Diocese, to the glory of Almighty God, and the edifying and increase of the Church of Christ;

Now therefore, we, the Bishop, Clergy, and Laity, do solemnly declare and resolve as follows:

We declare our adherence to the Anglican Church of Canada in the Dominion of Canada, and we accept as our Supreme Governing Body the General Synod of Canada, with its Solemn Declaration, Fundamental Principles, Basis of Constitution, and Constitutions, reserving for it all the objects, which in its Basis of Constitution, are declared to be within its jurisdiction and we hold and maintain the Doctrine and Sacraments and Discipline of Christ, as the Lord has commanded in His Holy Word, and as the Church of England has received and explained the same in "The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the Use of the Church of England, together with the Psalter or Psalms of David, appointed as they are to be sung or said in Churches, and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests and Deacons," and in the Thirty-nine Articles of Religion. And the Synod, herein before constituted, shall hold and maintain the same, and shall have no power to make any alteration in the Authorized Version of Scripture, or in the above-named Formularies of the Church. Provided that nothing herein contained shall prevent the Synod from accepting any alteration of the above-named Version of the Bible and Formularies as may from time to time be adopted by the General Synod of Canada.

Provided also that it shall be lawful for the Synod to frame new, and to modify existing rules (not affecting doctrine), subject to the Canons and Constitution of General Synod.

It shall be lawful for the Bishop, from time to time, to authorize and order to be used any special form of Prayer or Thanksgiving, as he or she shall deem expedient and edifying.

## RULES OF ORDER

- 1: On the first day of the Meeting of the Synod, after prayer for divine guidance and blessing, the Clerical Secretary of the Synod shall call the roll of the Licensed Clergy and Diocesan officials, which shall be furnished by the Bishop. The certificates of the Lay Delegates, having been presented, shall be referred to a committee appointed by the Bishop, and, where found by such committee to be in order, the holders' names shall be recorded, and shall constitute the roll of Elected Lay Delegates, which roll shall then be called by the Lay Secretary.
- 2: The order of general business after prayers at the beginning of synod shall be as follows:
  - A. Calling the rolls.
  - B. Reading and confirming the Minutes of the previous meeting.
  - C. Presenting, receiving, and disposing of memorials, petitions, and correspondence.
  - D. Presenting, receiving and disposing of reports of Committees.
  - E. Giving notices of motion, which must be in writing.
  - F. Taking up unfinished business.
  - G. New business, and consideration of motions.
    - (a) Special Committees may be appointed at any time.
    - (b) An address from the Bishop shall be in order at any time.
    - (c) Notices of motion given by members of the Synod for consideration at a subsequent meeting shall be read at such meeting, and may be taken up by any member present in the same manner as if he or she had himself or herself given the notice.
- 3: When any member is about to speak, he or she shall rise, address the Chair and state name and parish.
- 4: No motion or amendment shall be considered as before the Synod (excepting such as maybe proposed by the Bishop or Committees), unless seconded and reduced to writing.
- 5: No member, save the mover of a resolution, who is entitled to reply, shall speak more than once on the same question, except on a point of order, or in explanation, when he or she shall not introduce new matter.
- 6: When a question is under consideration, no other motion shall be received, except to



adjourn, to lay on the table, to postpone, to divide, to commit, or to amend; and motions for any of these purposes shall have preference in the order here named.

- 7: Motions to adjourn, or to lay on the table, shall be decided without debate.
- 8: When a motion is before the Synod, it shall not be withdrawn without the consent of the Synod.
- 9: Each member shall have the right, except when a member is speaking, to require that the motion or amendment under discussion be read for his or her information.
- 10: A member, called to order whilst speaking, shall sit down until the point of order has been settled.
- 11: All questions of order shall be decided by the Chair, subject to an appeal to the Synod, on the request of three members.
- 12: All amendments to any question or amendment shall be decided before the question or motion on which they arise is put.
- 13: Voting shall be by a show of hands, elections excepted, unless a standing vote be ordered by the Chair, in which case the yeas and nays shall be recorded.
- 14: A question being once determined shall not again be brought into discussion in the same session, without the special sanction of the Chair.
- 15: All Committees shall be appointed by the Bishop, unless appointed by a resolution of the Synod; and the names of the members shall be publicly announced during the sitting of the Synod.
- 16: The reports of Committees shall be in writing, signed by the members of the Committee, or a majority thereof; and if such reports shall recommend any action or contain any expression of opinion, they shall be accompanied by a resolution for the action of the Synod thereon.
- 17: Any proposed Canon shall be introduced upon motion for leave, specifying the title of the same; or upon motion to appoint a Committee to prepare and bring it in.
- 18: When the Synod is about to adjourn, every member shall remain in his or her place until the Bishop, or other person presiding, has concluded the meeting.
- 19: No Rule of Order shall be suspended except by a two-thirds vote of the Synod and the assent of the Bishop (or Presiding Officer).
- 20: When no Rule of Order is provided, Robert's Rules of Order Newly Revised (the most recent edition) shall be the guide in matter of doubt or dispute.

## CANON 1

### DEFINITIONS AND COMPOSITION OF THE SYNOD

#### Definitions

1: In these Canons, the following words and expressions shall have the meanings ascribed to them hereunder, namely:

**Anglican:** means a Baptized person who was baptized in an Anglican service of baptism, or has been confirmed in an Anglican service of confirmation, or has been formally received into the Anglican Communion.

**Average Weekly Attendance:**

means the combined total attendance at all Regular Services of a Congregation in the previous calendar year, divided by the number of weeks in said year in which regular services were held

**Baptized:** means Baptized by water in the name of the Father, the Son and the Holy Spirit.

**Clergy:** means an Anglican bishop, priest or deacon canonically resident in the Diocese, or a member of the Order of Ministry of the United Church of Canada serving as an incumbent of a shared ministry within the Diocese pursuant to a shared ministry agreement, or a member of the Clergy of the Evangelical Lutheran Church in Canada (Waterloo Declaration), licensed by the Bishop for ministry in the Diocese.

**Church Council**

means the duly licensed Clergy, Wardens, and Voting Members appointed or elected under these Canons to conduct the affairs of a Congregation. The use of the term “Church Committee” in the Diocese shall mean a Church Council or Parish Council.

**Congregation:**

means one, or a group of Worshipping Communities established as a Congregation in accordance with the Canons.

**Diocese** means the Synod of the Diocese of Kootenay.

**Home Communion:**

means a celebration of the Eucharist, or the distribution of reserved sacrament, to one or more persons privately in their place of residence.

**Incumbent:** means a person appointed by the Bishop of Kootenay to exercise pastoral jurisdiction over a Parish.

**Lay Delegate:**

means a lay voting member of a Congregation duly elected or appointed to attend a session of the Synod in accordance with these Canons (see Youth Delegate).

**Parish:** means a geographical division of the Diocese containing one or more Congregations and established as a Parish in accordance with the Canons.

**Pastoral Jurisdiction:**

means the responsibility for spiritual leadership, which includes but is not limited to the authority to conduct, authorize, deny, and govern all Religious Acts that may occur within a particular context.

**Region:** means a group of one or more Parishes established as a Region in accordance with the Canons.

**Regular Service:**

means any worship service for which the attendance has been recorded in the Register of the Congregation, including Anglican Services held in medical and long-term care facilities, and Home Communion, and excluding weddings and funerals.

**Religious Act:**

means the administration of any blessing or sacrament, or participating in a religious ceremony in any way that could be construed by a reasonable person as representing the Anglican Church of Canada.

**Voting Member:**

means a Baptized person of the full age of 16 years who has, during the previous 12 months prior to the time in question, attended at least ten Regular Services of a Congregation or has

received regular pastoral care, contributed toward the support of that Congregation, supports the aims and objectives of the Anglican Church of Canada and has not, during the said period, voted at a General Meeting of any other Congregation or church.

**Worshipping Community:**

means a group of people in communion with the Anglican Church of Canada and under the jurisdiction of the Anglican Synod of the Diocese of Kootenay that meets regularly for worship.

**Youth Delegate**

Means a Lay Delegate who is at least sixteen years (16) of age and not more than twenty-five (25) years of age at the date of his/her election.

**Membership of Synod**

2: The Synod shall consist of:

- (a) The Bishop or Diocesan Administrator [Canon 7] or Commissary [Canon 8];
- (b) The Executive Archdeacon or the Executive Officer;
- (c) The members of the Clergy of the Diocese duly licensed by the Bishop for ministry in the Diocese. The definitions of licenses will be formulated by policy and will include Incumbents, Priests-in-Charge, Associate and Assistant Clergy, Deacons and others as defined from time to time;
- (d) The Chancellor, the Vice-Chancellor, the Registrar, the Treasurer and the Lay Secretary;
- (e) The Lay Delegates qualified and elected as provided in the Canons, registered at Synod, and who shall remain members of Synod until the next session.
- (f) Chairs of the Regions;
- (g) One Youth Delegate from each region, elected by the regional council, or failing that, appointed by the regional dean, provided, however, that each such Youth Delegate must be a voting member of a parish within the said Region and who shall remain a member of Synod until the next session;
- (h) Members of the Order of Ministry of the United Church of Canada or of other denominations who are serving as incumbents of shared ministries within the Diocese pursuant to shared ministry agreements;
- (i) Any member or members of the Clergy of the Evangelical Lutheran Church in Canada (Waterloo Declaration) licensed by the Bishop for ministry in the Diocese.

### Retired Clergy and Clergy on Leave

- 3: Members of the Clergy superannuated, retired from work in the Diocese, or who are on approved Leave from the Diocese shall be entitled to a seat on the floor of the Synod but, unless they are licensed by the Bishop for ministry in the Diocese or are otherwise qualified to be delegates pursuant to Section 2 of this Canon, they shall not be entitled to vote.

### Declaration of Submission

- 4: The following Declaration of Submission to the Canons of the Synod shall be subscribed by all Clergy, Lay Delegates and Officers of the Diocese:

#### Declaration of Submission

I, \_\_\_\_\_, do willingly subscribe to and declare that I assent to and will abide by the Canons, which have been, or shall be from time to time be passed by the Synod of the Diocese of Kootenay.

Date \_\_\_\_\_ Signed \_\_\_\_\_

Witness \_\_\_\_\_

### Recording Average Weekly Attendance (AWA)

- 5: All Congregations are required to accurately count and record attendance at all Regular Services. The Average Weekly Attendance (AWA) is a strong determinant of Congregational representation to Synod and must be as accurate as practicable and open to audit.

### Voting Members

- 6: All Voting Members of every Congregation shall form and constitute the Annual General Meeting of the Congregation according to Canon 16. They shall be entitled to vote at all meetings thereof on subscribing to the following Declaration of Voting Members. The subscription of this Declaration by any person is a solemn statement as to the truth of its contents with respect to such person:

### Declaration of Voting Member

I, \_\_\_\_\_, do solemnly declare:

- that I am Baptized and support the aims and objectives of the Anglican Church of Canada;
- that I contribute financially to the Anglican Church of Canada, and/or my Congregation by some generally recognized method and at a level which I conscientiously believe to be adequate in the light of my income and obligations;
- that I have attended at least ten Regular Services of my Parish/Congregation or received pastoral care, in the twelve months prior to this Declaration;
- that I am the full age of sixteen (16) years; and
- that I have not voted as a Voting Member of any other congregation within the said twelve months.

### Lay Delegates and Alternate Lay Delegates to Synod

7(a): A Lay Delegate shall be chosen from the declared Voting Members of a Congregation in the Diocese of Kootenay.

7(b): Lay Delegates shall be elected by the Congregations of the Diocese. Every Congregation shall be entitled to elect Lay Delegates on the following scale of Average Weekly Attendance (AWA):

- Congregations with a combined AWA of 1-99: 2 Lay Delegates
- Congregations with a combined AWA of 100-199: 3 Lay Delegates
- Congregations with a combined AWA of 200 and above: 4 Lay Delegates

The Canon is to be interpreted that congregations are entitled, but not required to have the foregoing numbers, permitting congregations to have fewer representatives (but no less than 1) than indicated.

### Election of Lay Delegates and Terms of Office

8: Lay Delegates will be elected at the Annual General Meetings (Canon 16) of Congregations in the February immediately preceding the next Regular Session of Diocesan Synod. They will be invited to attend and will become Members of Synod when the Regular Session of Synod is opened. As Members they will remain in office, unless otherwise duly replaced (see Alternate Delegates), until the next Regular Session of Synod is opened. They will also attend, as Members, any meetings of Synod duly called between Regular Sessions.

### Alternate Lay Delegates

9: Congregations are required to maintain a slate of duly elected Alternate Lay Delegates equivalent in number to the allowable number of Lay Delegates. Alternate Lay Delegates will normally be elected at Annual General Meetings.

**Lay Delegate Vacancies**

10: If for any reason an elected Lay Delegate or Member of Synod is unable or unwilling to continue in office, or is simply unable to attend a scheduled Synod, the Church Council will invite a replacement from the slate of Alternate Lay Delegates. Upon assuming the vacated position, the Alternate Lay Delegate becomes a Member of Synod and continues in office for the remainder of the term of the Lay Delegate so replaced. If the absenting Lay Delegate has not attended a Synod and thereby has not yet become a Member of Synod, the replacement Alternate Lay Delegate will attend the next Synod and thereby become a Member.

11: If for any reason there are no Alternate Lay Delegates who are willing or able to fill a vacant Lay Delegate position, the Church Council shall call a General Meeting of the Congregation with due notice, for the purpose of electing to that position. In the event the Church Council is unable to convene a timely General Meeting, the Council shall have the authority to appoint duly qualified persons to be Lay Delegates.

**Certification of Election**

12: The Lay Delegates shall be provided with a certificate of their election in the following form:

**Certificate of Election**

This is to certify that the Average Weekly Attendance (AWA) of the Congregation of

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ \* was \_\_\_\_\_, such  
Name of the Congregation

number having been verified from the records of the Congregation

\*(Note: this is to be the same date as is shown in the second section of this  
Certificate, as the date of the meeting of the Voting Members)

This is to further certify that at a meeting of the Voting Members of the Congregation of

\_\_\_\_\_, held on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the following persons,  
Name of the Congregation

duly qualified, were elected Lay Delegates and Alternate Lay Delegates to the Synod of the Diocese of Kootenay:

Lay Delegate Name \_\_\_\_\_

Lay Delegate Name \_\_\_\_\_

Lay Delegate Name \_\_\_\_\_

Alternate Lay Delegate Name \_\_\_\_\_

Alternate Lay Delegate Name \_\_\_\_\_

Alternate Lay Delegate Name \_\_\_\_\_

(Signed) \_\_\_\_\_

*Presiding Officer at Election*

Such Certificate shall be signed by the person who presided at the election or by the Incumbent or one of the Wardens and a copy thereof shall be delivered to the Synod Office within ten days after the date of the election. The Certificate shall state the number of Voting Members on the roll of membership of the Congregation concerned, and that such number has been verified from the records of the Congregation by the Incumbent or by the person subscribing the Certificate.

## CANON 2

### MEETINGS OF SYNOD

- 1: The Synod shall meet on a summons from the Bishop and at such time and place within the Diocese as the Diocesan Council shall direct.
- 2: In the case of a Session of the Synod held for the purpose of electing a Bishop, the procedure shall be in accordance with Canon 6.
- 3: Notice in writing of every Session of the Synod shall be signed by the Secretaries of the Synod and shall be sent by mail or by electronic means to the Clerical Members and Lay Delegates, at least sixty (60) days before the date set for such Session, which shall be sufficient notice, and its non-receipt by any Clerical Member or Lay Delegate for any reason shall not invalidate the proceedings of the Synod.
- 4: The Bishop, or in the event of his or her absence or unwillingness to act, the senior Commissary, or in the event of his or her absence or unwillingness to act, the Chancellor shall preside at the meeting. It shall be in order for the Bishop, at any time, to appoint the senior Commissary or any Officer of Synod to chair the meeting.
- 5: At any time not less than six (6) months after the last session of the Synod, the Diocesan Council shall convene a Special Session on the written demand of not less than 25 percent of the existing members of the Synod, provided such members come from not less than three separate parishes.
- 6: The Bishop, or in his or her absence the senior Commissary, or if there be none, any three members of the clergy and three members of the Laity, being members of the Synod, may call a Special Session of the Synod, at a time and place determined in consultation with the Diocesan Council, when the Bishop, the Commissary or they deem it necessary for the welfare of the Diocese.
- 7: A quorum for the transaction of business of the Synod shall consist of more than fifty percent of each of the Orders of Clergy and Laity, but any fewer may adjourn for one week and meet at the same place at the same time when those present shall constitute a quorum. When once a quorum has been declared, it shall be considered that such quorum is always present throughout the Session of the Synod.



## CANON 3

### CONDUCT OF ELECTIONS BY SYNOD

#### Appointment of a Nominating Committee

- 1: Not less than sixty (60) days before the date set for a regular meeting of the Synod the Bishop shall appoint a Nominating Committee consisting of one person from each Region and shall appoint a Chair for the Committee.
- 2: The Nominating Committee shall receive nominations from Regions and individuals and nominate persons it deems suitable for election to the office of Clerical and Lay Secretary, and Auditor and for election to the Diocesan Council, General Synod, including a youth delegate chosen from the diocese at large, and Provincial Synod. and all other committees and other bodies to which members are required to be elected by the Synod.
- 3: It shall be the duty of the Nominating Committee to obtain the consent of all nominees to their acceptance of nominations.
- 4: The Nominating Committee shall present its report to the Synod at the opening of the first session of its sitting, respecting nominations for the office of Clerical and Lay Secretary.

#### Preparation of Ballots

It shall present the balance of its report to the Synod at the first session of its sitting, or at such other times as the Synod may direct. Immediately after such presentation, or at such other time as the Synod may direct, nominations shall be called from the floor. On the completion of nominations, the Nominating Committee shall prepare ballots for all elections where a vote is required, on which names of all candidates shall be listed in alphabetical order, and shall present them at such time as the Synod directs.

#### Election of Clerical and Lay Secretaries

- 5: (a) The Synod shall, after the adoption of the Minutes, and reception of the first part of the report of the Nominating Committee, elect by ballot one Clerical and one Lay Secretary, to hold office until their successors are elected. Provided, however, that should the current Lay Secretary fail to be re-elected, or should decline to stand for re-election, he or she shall continue to be a full voting member of the said Synod.

#### Election of Auditors

(b) The Synod shall elect an Auditor, who shall be a Chartered Accountant, or a firm of Chartered Accountants, licensed under the Statutes of British Columbia.

## **Elections of General & Provincial Synod Delegates, Diocesan Council Members, and Youth Delegates**

(c) The Synod shall also elect:

(i) By ballot from its own membership, a Diocesan Council and the required number of delegates for General Synod and Provincial Synod,

and

(ii) A Youth Delegate for General Synod chosen from the Diocese at large.

### **Timing of elections**

6: The Synod shall decide the time during its session of which all elections, other than those of Clerical and Lay Secretary, shall be conducted.

### **Voting**

7: At some convenient time, prior to the time set by the Synod for conducting the elections, the Chair shall appoint three members of the clergy and three members of the laity to act as Scrutineers, who need not be members of the Synod.

8: One copy of all necessary ballots, prepared in accordance with section 4, shall be delivered to each person entitled to vote, by the Nominating Committee, assisted by the Secretaries of the Synod, who shall be responsible for their correct distribution.

9: At the time of the election, the Chair shall announce the time at which the ballot shall close.

10: The Scrutineers shall provide ballot boxes, in which all ballots shall be placed. Ten minutes before the time set for the closing of the ballot, the Scrutineers shall remind the Synod of such time. When the time for the closing of the ballot arrives, the Chair shall declare that the ballot is closed and the Scrutineers shall close the ballot boxes and convey them to a separate place where they shall count the votes. Those elected shall be the number of persons required to be elected who receive the most votes regardless of whether this is a majority.

In the case of delegates to Provincial and General Synod the alternate delegates shall be the required number of the remaining candidates with the most votes. If an alternate is required to replace a delegate that alternate shall be chosen in order of votes. The Scrutineers shall deliver to the Chair a written statement of the results of the ballot and he or she shall announce the same to the Synod at the first opportunity.

11: In the case of a tie, the Chair shall have a casting vote, provided that he or she may in the case of a multiple election, order a special ballot to be held between the persons involved in the tie, instead of exercising his or her casting vote.

- 12: In the event of any disagreement or dispute as to any issue whatsoever in an election, the same shall be dealt with by the Chair, whose decision thereon shall be final.

## CANON 4

### RESOLUTIONS AND NOTICES OF MOTION FOR PRESENTATION TO SYNOD

#### Resolutions for Synod

- 1: All resolutions or notices of motion, with the names of the mover and seconder, shall be submitted to the Secretaries of Synod not less than forty-five (45) days before the date set for the Session of the Synod at which it is intended to present them.
- 2: It shall be the duty of the Secretaries of Synod to send copies of the resolutions or notices of motion, received by them, in accordance with section 1 hereof, to all delegates to Synod at least thirty (30) days before the date set for the Session.

#### Late Resolutions

- 3: Late resolutions submitted within forty-five (45) days of the Synod meeting shall be presented in writing with the names of the mover and seconder, to the Secretaries of Synod, who shall require the former to show cause why the procedure in section 1 was not met. If satisfied that the cause justifies such procedure, the Secretaries shall have the resolutions reproduced in sufficient quantity for every delegate present, and have them distributed thereto, prior to the presentation of such resolutions provided that:—
- (a) The provisions of this section may be waived by the Synod at any time, and
  - (b) In the event of undue delay in reproduction of material in accordance with this section, the mover may proceed, with the permission of the Chair, to present the resolution.
- 4: No act or resolution of the Synod (elections excepted) shall become valid without the concurrence of the Bishop and of a majority of the Clergy and Laity present and voting.

#### Voting by Orders

Provided that ordinarily the votes of the whole Synod shall be taken collectively; but that at the desire of the Bishop, or at the request of any three other members of the Synod, the votes of both Orders shall be taken separately and, in this case a majority of those voting in each Order shall be required.

## CANON 5

### THE DIOCESAN COUNCIL

#### Membership and Appointment

1: (a) The Diocesan Council shall consist of:

the Bishop (or his or her Commissary),  
the Dean,  
the Chancellor,  
the Vice-Chancellor,  
the Registrar,  
the Clerical and Lay Secretaries of Synod,  
the Treasurer,  
the Diocesan representative to the Council of General Synod, Anglican Church  
of Canada,

and one member of the Clergy or one member of the Laity from each of the  
Regions, to be elected prior to the Session of the Synod by the Regional Council  
in each Region, to take office immediately following the Session of Synod,

and seven persons elected by the Synod,

and two youth appointed by the Bishop after consultation with the Diocesan  
Youth Councils,

and, at the discretion of the Bishop, two members of the Clergy and two  
members of the Laity appointed by him or her.

#### Vacancies

(b) The Diocesan Council may fill any vacancies occurring among its membership  
between meetings of Synod except for appointments thereto by the Bishop who  
may fill by appointment any vacancy which may occur among those nominated or  
appointed by him and, in the case of a Regional representative, the vacancy shall  
be filled from nominations received from the Region concerned.

#### Quorum

(c) A quorum shall consist of seven (7) members

#### Appointment of Treasurer

(d) The Diocesan Council shall at its first meeting following a meeting of Synod at  
which a new Diocesan Council has been elected, or at any adjourned meeting of  
the Diocesan Council for the purpose, appoint the Treasurer who thereupon shall  
be a member of the Diocesan Council and hold office until the first meeting of the  
Diocesan Council elected by a succeeding meeting of Synod. The Diocesan

Council may at any time terminate the appointment of the Treasurer.

### **Frequency of Meetings**

(e) The Diocesan Council shall meet at least four times a year on a summons from the Bishop at such time and place as may be designated by the Bishop.

### **Chair**

(f) The Bishop, or in the event of his or her absence or unwillingness to so act, the senior Commissary, or in the event of his or her absence or unwillingness to act, the Chancellor shall preside at the meeting and it shall be in order for the Bishop at any time to appoint the senior Commissary or any Officer of Synod to chair the meeting.

### **Powers of the Diocesan Council**

2: The powers of the Diocesan Council shall be:

between the different meetings of the Synod to perform all acts provided for it by the Canons;

to act as agent of the Synod in such business as it shall be competent for it to transact without an express resolution of the Synod;

to appoint all necessary Officers; and to make to each Session of the Synod a report upon its actions since the previous Session.

### **Appointment of an Administration & Finance Committee**

(a) At the first meeting after a Session of Synod, the Diocesan Council shall appoint an Administration Committee. Such Administration Committee to consist of:

the Bishop,  
the Chancellor,  
the Vice-Chancellor,  
the Registrar,  
the Secretaries of Synod,  
the Treasurer,  
two members appointed by the Bishop and  
three members elected by the members of the Diocesan Council.

### **Powers of an Administration and Finance Committee**

(b) The powers of the Administration Committee shall be to carry out policy as may be established from time to time by the Diocesan Council and to do all such things as may be required between meetings of the Diocesan Council, and to carry out such duties with which it may be charged by the Diocesan Council.

### **Quorum of Administration & Finance**

(c) A quorum of the Administration Committee shall consist of four members thereof.

## Officers of Synod

4: (a) The Officers of Synod shall be:

the Bishop or, in the event of his or her absence or incapacity, the Commissary (or, if more than one, the Senior Commissary), or if the See is vacant, the Administrator;

the Chancellor;  
the Vice-Chancellor;  
the Registrar;  
the Treasurer;  
the Clerical Secretary;  
the Lay Secretary.

(b) The Diocesan Council or the Administration Committee may delegate to the Officers of Synod or any of them any or all of the powers conferred herein upon those Committees.

## CANON 6

### ELECTION OF A BISHOP

#### PART I – PROCESS LEADING UP TO THE ELECTORAL SYNOD

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

- 1: The Secretaries of Synod shall notify the Metropolitan of the Province of the vacancy or of the date of the expected vacancy and inform him or her that the Synod is proceeding to an election of a Bishop in accordance with the Canons of the Diocese.
- 2: Upon a vacancy occurring or being expected the Officers of Synod shall become an Episcopal Election Committee to plan and oversee the election process. Any person, on accepting nomination for the office of Bishop, shall be ineligible to be a member of the Episcopal Election Committee.

#### Duties of an Episcopal Election Committee

- 3: The duties of the Episcopal Election Committee shall be as follows:
  - (a) Prepare a process for the election of a Bishop, which shall be submitted to the Diocesan Council for approval. Such process shall include:
    - (i) A plan for consultation with parishes and regional councils,
    - (ii) A procedure for the preparation of a Diocesan Profile which shall be completed and available for distribution on the same date as the deadline for receipt of nominations,
    - (iii) A method of eliciting the expectations of members of parishes regarding a Bishop.
  - (b) Outline a timetable for the election process including:
    - (i) The date for a meeting of the Diocesan Council to set the date for the Electoral Synod and to do those things required by paragraph 3,
    - (ii) The date of the call for nominations which shall be seven days after the meeting of the Diocesan Council,
    - (iii) The deadline for the receipt of nominations which must be not more than 90 days from the date of the call for nominations,
    - (iv) The deadline for the receipt of information from the nominees as set out in paragraph 9,

- (v) The deadline for the mailing of material to delegates as set out in paragraph 11,
  - (vi) Such other dates or deadlines as may be necessary for the proper conduct of the Episcopal election.
- (c) Draft documents required such as:
- (i) Nomination form for nominators,
  - (ii) Acceptance form for nominees,
  - (iii) Ballots, tally sheets for use at the election,
  - (iv) Such other material as may be required.
- (d) Make arrangements for the meeting of Synod according to the procedures set out in this Canon and the appendix thereto.
- (e) Appoint sub-committees or individuals to carry out any or all of the functions of the Committee.

#### **Duties of the Diocesan Council**

4: The Diocesan Council shall meet not later than 60 days after the vacancy has occurred to:

- (a) Set the date of the meeting of Synod to elect a Bishop, which date shall be not later than twelve months after the vacancy has occurred.
- (b) Consider and approve (subject to any changes the Council may wish to make) the process submitted by the Episcopal Election Committee,
- (c) Prepare a notice to delegates:
  - (i) Notifying them of the date of the meeting of Synod,
  - (ii) Outlining the election process, and
  - (iii) Requesting nominations by the date established for receipt of nominations.

Such notice shall be sent to delegates by the date of the call for nominations which is seven days after the Council meeting.

- (d) Prepare a notice to be sent to the Metropolitan:
  - (i) Advising him or her of the date of the meeting of Synod,
  - (ii) Outlining the election process,



(iii) Requesting nominations from the Provincial House of Bishops by the deadline for receipt of nominations, inviting him or her to attend the meeting of Synod as an observer.

### **Nominations for the Office of Bishop**

- 5: Any delegate to the meeting of the Electoral Synod may make a nomination for the office of Bishop before the deadline set by the Episcopal Election Committee (3 b iii). To be valid each nomination must be seconded by two other delegates and the nominee's consent must have been obtained before the nomination is submitted. In addition the House of Bishops of the Province of British Columbia and Yukon may make up to six nominations before the deadline set by the Episcopal Election Committee.
- 6: Delegates to the meeting of the Electoral Synod are those designated by the parishes and by Canon as at the date of the meeting of the Diocesan Council referred to in paragraph 3.
- 7: Within ten days of the deadline for the receipt of nominations from delegates and from the Provincial House of Bishops, the Episcopal Election Committee shall review the nominations received and prepare a list of those nominees who have been properly nominated and who qualify for the office of Bishop in accordance with the Canons of the Diocese and of the Province.
- 8: Within ten days of the deadline for the receipt of nominations the Episcopal Election Committee shall send to each of the nominees on the list referred to in paragraph 7 the following:
  - (a) A copy of the Diocesan Profile prepared for the purpose of this election,
  - (b) A request for information from the nominee which may be in the form of a list of questions,
  - (c) An official acceptance form and a request for a recent photograph of the nominee,
  - (d) A deadline by which the replies to the request for information must be received by the Synod office and a notation that, if such a reply is not received at the Synod office by the deadline, the nominee's name will not be included in the list of candidates for election.
- 9: The deadline for receipt of the official acceptance form with photograph and of the reply from the nominees shall be 45 days from the date the Profile and request for information was sent out. Such reply can be sent by mail, courier, facsimile transmission, e-mail or direct delivery.
- 10: After the deadline for receipt of the replies from the nominees the Episcopal Election Committee shall establish a list of qualified candidates. This list shall consist of all those persons:
  - (a) Who were included in the list of nominees referred to in paragraph 7,

- (b) Who have accepted the nomination, and
- (c) Who have replied to the request for information referred to in paragraph 8.

#### **Information for Delegates**

- 11: At least 45 days prior to the meeting of Synod the following shall be sent to delegates:
- (a) A copy of the list of qualified candidates referred to in paragraph 10,
  - (b) A copy of the acceptance form for each candidate,
  - (c) A copy of the reply received from each candidate,
  - (d) Pertinent information regarding the meeting of the Electoral Synod.
- 12: Notices and documents required to be sent to delegates shall be mailed by regular mail, sent by courier or delivered directly to the last address known to the Synod office which shall be effective delivery for all purposes. Facsimile transmission may be used where that has been requested by the addressee.

#### **PART II – PROCEDURE AT THE ELECTORAL SYNOD**

- 1: The Chancellor or, in the event of his or her absence or unwillingness to act, the Vice Chancellor or, in the event of his or her absence or unwillingness to act, the Registrar shall act as Chair of the meeting of the Electoral Synod.
- 2: The Rules of Order to be followed shall be those outlined in Part II of this document or, if nothing is specified therein, then the Rules of Order contained in the latest edition of Robert's Rules of Order.
- 3: The quorum shall be one-half of the members of each order entitled to be present.
- 4: At the time and place appointed for the meeting of Synod to elect a Bishop, the proceedings shall commence with a celebration of the Eucharist celebrated by the Metropolitan, if present, or by a member of the Diocesan Clergy who is not a candidate to be chosen by the Administrator of the Diocese.
- 5: After the Eucharist the Chair designated by this Canon shall call the meeting to order.

#### **Detailed Voting Procedures**

- 6: All members of the Synod present shall sign their names in a book provided for the purpose. The clerical and lay secretaries of Synod shall present to the Chair the list of clergy and lay delegates respectively who are entitled to attend and who are present and the Chair shall sign the same.

- 7: No person, other than a qualified delegate and the Metropolitan of the Province who may attend as an observer, shall be permitted in the meeting place while the Synod is in session.
- 8: The Chair shall present the list of candidates to the delegates.
- 9: The Chair shall appoint scrutineers to take and count ballots as follows:
  - (a) For the clerical vote, two clergy and one lay delegate,
  - (b) For the lay vote, two lay and one clergy delegate.
- 10: A ballot box and table for voting shall be provided for the clergy on one side of the meeting place and a ballot box and table for voting shall be provided for the lay delegates on the other side of the meeting place.
- 11: The ballots used for the each balloting shall be numbered or otherwise identified as pertaining to that ballot. The ballots used by clergy shall be a different colour from those used by lay delegates.
- 12: As soon as preparations are ready the Chair shall announce that balloting will begin.
- 13: At each ballot, the clergy and lay delegates shall be called by the clerical and lay secretaries respectively and their names shall be checked off the list of delegates. As his or her name is called the delegate shall approach the appropriate scrutineer's table, receive a ballot paper, retire to the table provided for voting and write the name of the person for whom he or she wishes to vote on the ballot paper provided and place it in the ballot box provided.
- 14: The names of the Chair, scrutineers and secretaries shall be called first so that they may cast their ballots before general voting commences.
- 15: At the conclusion of voting on each ballot, the Chair, having first asked if all voters wishing to vote have done so, shall declare the ballot closed.
- 16: The scrutineers shall retire to a place provided for them and shall count the ballots. They shall assure themselves that the number of votes counted by them corresponds to the number of persons voting on the ballot as recorded by the secretaries and shall so report to the Chair.
- 17: When the counting is completed, the scrutineers shall hand a report of the results in each order to the Registrar or, if he or she is absent, to a person appointed by the Chair.

The Registrar shall announce the results in each order to the delegates, at the same time stating the number of clerical and lay votes necessary for an election.
- 18: The ballot papers will be placed by the scrutineers in an envelope after each ballot is

completed with the number of the ballot and the initial of the scrutineers on the outside.

- 19: The Synod may adjourn from time to time until balloting is completed.
- 20: When a candidate has received a majority (more than 50%) of the votes of the clergy and a majority of the votes of the lay delegates that candidate shall be declared by the Chair to have been elected to the office of Bishop of the Diocese.
- 21: On the declaration of an election one of the secretaries shall present a motion to the Synod “that the ballots be destroyed” and, on such resolution being passed, they shall carry out the intent thereof.

### **PART III - AFTER THE ELECTION**

- 1: The result of the election shall immediately be reported to the Metropolitan of the Ecclesiastical Province of British Columbia and Yukon in accordance with the Canons of the Province. The Metropolitan shall be requested to obtain the concurrence of the Bishops of the Province to the election and, if such concurrence is given, make arrangements for the consecration (if necessary) of the Bishop-Elect.
- 2: If such concurrence is not received from the House of Bishops within 30 days of the election it shall be declared null and void and the Synod shall be reconvened at a suitable time with the same procedures to apply, *mutatis mutandi*, for the election of a Bishop.
- 3: The officers of the Diocese shall make arrangements for the installation of the Bishop-Elect following his or her consecration (if necessary).
- 4: The Bishop-Elect shall, before his or her installation and consecration (if necessary), promise obedience to the Canons of the Diocese by subscribing to the Declaration of Submission provided in the Canons of the Diocese. This declaration shall be filed forthwith with the Registrar of the Diocese.
- 5: The Bishop-Elect shall not have jurisdiction in or over the Diocese until his or her installation as Bishop of the Diocese of Kootenay.
- 6: The Bishop shall serve for a term of ten years from the date of installation as Bishop of the Diocese of Kootenay. If the date of termination falls after the Bishop has attained the age of 60 years, then the Diocesan Council in consultation with the Bishop, can extend the term of office to a date not later than the Bishop’s 65<sup>th</sup> birthday. At the end of the ten year term, subject to any applicable Provincial or General Synod Canons or policies, if the Bishop is of the full age of 55 years but has not yet attained the age of 60 years, the Diocesan Council, in consultation with the Bishop, may extend the term in five-year increments, each after a review of Episcopal ministry.

## CANON 7

### THE ADMINISTRATOR

- 1: (a) Upon the See becoming vacant, the administration of its affairs shall devolve upon an Administrator, who shall act until the consecration of a Bishop.  
  
(b) The Administrator shall be the senior Commissary appointed by the former Bishop or if he or she is unable or unwilling to act, the other Commissary or Commissaries in order of seniority or, if there be none or, if none of these is able or willing to act, the Dean of the Cathedral or, if there be none or if he or she is unable or unwilling to act, the Chancellor.
- 2: Without limiting the generality of section 1 of this Canon, the Administrator shall:
  - (a) Preside over all Councils, Boards and Committees of which the Bishop is officially the Chair.
  - (b) Appoint and license Clergy to spheres of work in the Diocese, as needs demand.
- 3: The Administrator shall account and report fully to the Bishop as soon as conveniently possible after his or her consecration, upon all matters and things done or dealt with by him or her in the course of his or her administration.

## CANON 8

### THE COMMISSARY

- 1: The Bishop may, under his or her hand and seal, appoint one or more Priests of the Diocese to be the Commissary within the Diocese to hold office at the pleasure of the Bishop, and if more than one, the senior Commissary shall be designated by the Bishop, or if he or she has failed to do so, the senior Commissary shall be determined by the length of continuous service as Commissary.
- 2: The duties of such Commissary, subject to the terms of his or her appointment by the Bishop shall be:
  - (a) To assist the Bishop at any time in administering the affairs of the Diocese; and
  - (b) During the absence or incapacity of the Bishop, to administer the temporal affairs of the Church with full power to approve of and consent to the sale or lease of any lands where the consent of the Bishop is necessary, and to affix the Seal of the Synod, and to sign and deliver on behalf of the Bishop any instruments affecting real or personal property.
- 3: On the consecration of a new Bishop of the Diocese, the Commissary or Commissaries appointed by the former Bishop shall cease to hold office.

## CANON 9

### LEGAL OFFICERS

The Bishop may appoint a Chancellor, a Vice-Chancellor and a Registrar, each of whom shall be a member of the Law Society of British Columbia, and whose terms of office shall be at the pleasure of the Bishop, and whose duties shall be such as are provided in these Canons.

## CANON 10

### DUTIES OF OFFICERS

#### Duties of Secretaries

- 1: The Secretaries shall keep regular minutes of the proceedings, and attest all public acts of the Synod and the Diocesan Council, and shall carry out such duties as the Synod and the Diocesan Council and the Administration Committee shall direct.

#### Duties of Treasurer

- 2: The Treasurer shall be responsible for the receipt, collection and deposit of all monies belonging to the Synod and any trust or special fund in its holding; the payment of all current expenses of the Synod, subject to such regulations as the Diocesan Council may from time to time provide; the taking and preserving of vouchers for all payments made; the keeping of accurate books of accounts of all receipts and disbursements; the making of such reports and statements as may be ordered by the Diocesan Council; and the preparation of an annual statement for distribution to the regions and congregations and for presentation to the meeting of the Synod, showing the receipts and expenditures of the previous year up to the end of the 31st of December of each year.

#### Duties of Legal Officers

- 3: The Chancellor, the Vice-Chancellor and the Registrar shall give to the Bishop, Diocesan Council and Synod, legal advice and assistance in matters pertaining to the Church, or to the interpretation of Canon law, when called upon to do so.

## CANON 11

### APPOINTMENT AND LICENSING OF CLERGY AND LAY WORKERS TO WORK IN THE DIOCESE

For the purpose of this canon the word “Bishop” means the Bishop of Kootenay.

#### 1. Appointments

The power of appointment of clergy and lay workers to a sphere of work in the diocese resides in the Bishop subject to the following conditions:

- (i) The Bishop shall not appoint without first obtaining the consent of the appropriate personnel commission.
- (ii) If the parish concerned is more than three months in arrears in respect of financial obligations to the Synod, the consent referred to in sub-section (i) above need not be obtained and the Bishop may exercise the power of appointment without such consent.
- (iii) The Bishop may make ad hoc appointments of clergy and lay workers for a period of up to one year without the consent referred to in (i) above.
- (iv) Any appointment made by the Bishop may be limited to function and term.
- (v) Official communication with any member of the clergy or lay worker relative to appointment in the Diocese shall be the prerogative of the Bishop.

#### 2. Vacations

Every member of the clergy and lay workers holding an appointment within the Diocese shall be entitled to a vacation of one calendar month in each year without diminution of remuneration. The expense of providing for the conduct of Sunday and other services during such vacation shall be born by the congregation or congregations served by such member of the clergy or lay worker, provided that re-training periods, retreats, conferences, and diocesan camp chaplaincies authorized by the Bishop shall not be treated as vacation, for the purpose of this section.

#### 3. Licensing

- (a) Every bishop, priest, or deacon, before in any way exercising an ordained ministry in the diocese, shall obtain the licence or temporary permission of the Bishop to do so.
- (b) The Bishop may license lay persons, paid or volunteer, for work in the diocese at his or her discretion.
- (c) A licence issued by the Bishop shall specify:
  - (i) The position to which the licensee has been appointed;

- (ii) The parish or territory or community in which the ministry is to be exercised;
- (iii) The person or persons, if any, under whose supervision the licensed ministry is to be exercised;
- (iv) The party responsible for payment of any stipend or other compensation payable to the licensee in respect of licensed ministry; and
- (v) Any other matter the Canons of the Diocese, the Ecclesiastical Province of British Columbia and Yukon, or the General Synod require.

And may specify:

- (vi) A term at the end of which the licence shall expire;
  - (vii) The time after which the licensed ministry may be reviewed or assessed;
  - (viii) Any other matter the Bishop deems appropriate.
- (d) After ten years all licences of clergy and lay workers issued after the 3rd day of October, 1993, shall be reviewed by the Bishop after consultation with the wardens of the parish concerned.
  - (e) Unless otherwise provided by diocesan canon or the terms of a licence, a licence shall remain in force according to its terms notwithstanding the resignation, death, or removal of the Bishop who granted it, and shall be deemed to be a licence granted by the succeeding Bishop until that Bishop amends or revokes it, or issues a new licence.

#### **4. Inhibition of the unlicensed**

- (a) When the Bishop has reasonable grounds to believe that a bishop, priest, or deacon, who does not hold a licence or temporary permission from the Bishop is officiating, or is about to officiate in the diocese, the Bishop may by notice in writing to such bishop, priest or deacon, inhibit such person from officiating in the diocese.
- (b) The Bishop, issuing a notice pursuant to 3 (a) above, shall cause notice to be recorded in the register, and may advise such other persons as the Bishop considers appropriate that such notice has been issued.

#### **5. Temporary Permission**

- (a) The Bishop may issue temporary permission to a bishop, priest, or deacon of the Anglican Communion in good standing, to function in the diocese of Kootenay, upon such terms and at such place and for such time as the Bishop may state.
- (b) Temporary permission shall be held at the Bishop's pleasure, renewed annually, and may be revoked at any time by the Bishop.



## **6. Deemed Revocation or Suspension**

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

## **7. Revocation of Licence for Cause**

- (a) A licence may be revoked by the Bishop after due inquiry for cause.
- (b) The Bishop shall not revoke a licence for cause without first giving the licensee reasonable opportunity to establish to the Bishop that there is no cause for revocation.
- (c) The cause must be related to the Ecclesiastical offences as found in Canon XVIII of General Synod.
- (d) A bishop, priest, or deacon whose licence has been revoked for cause may appeal the revocation to the Diocesan Court which may, after due inquiry, confirm the revocation, restore the licence, or make any other order which to the court appears just.

## **8. Revocation of Licence With Notice**

- (a) After consultation with the appropriate wardens and church committees, the Bishop may revoke a licence in any circumstances other than those mentioned in 6 and 7 above. These circumstances may include parish dysfunction, differences between the licensee and the people to whom the licensee ministers, financial exigency, or any other matter.
- (b) Before revoking a licence under this section the Bishop shall confer with the licensee:
  - (i) To review the reasons for the proposed revocation, and
  - (ii) To consider possible alternatives to revocation, or
  - (iii) To agree on terms including the length of reasonable notice or the amount of pay and benefits in lieu of notice, upon which the licence may be revoked.
- (c) Where as a result of the conference between the Bishop and the licensee, terms of revocation are agreed to, paragraphs (d) to (h) of this section do not apply.

## **Disagreement on Revocation - Appointment of a Commission**

- (d) If the Bishop after conferring with the licensee, intends to proceed with the proposed revocation, the Bishop shall appoint a Commission of one or more persons to consider

the circumstances surrounding the proposed revocation and to advise the bishop.

Within 30 days of its appointment the Commission shall confer with the Bishop and licensee, and provide both with its advice.

### **Reasonable Notice/Pay in Lieu of Notice**

- (e) If the Bishop is not in a position to provide the licensee with another appointment, the Bishop shall offer the licensee reasonable notice of revocation or reasonable pay and benefits in lieu of notice.

### **Arbitration**

- (f) If the licensee is not satisfied with the length of notice or the amount of pay and benefits offered by the Bishop, the licensee may notify the Bishop in writing of his/her desire to submit the matter to arbitration and the notice shall contain the name of the licensee's appointee to the arbitration board. The Bishop shall, within seven days, appoint a person to the arbitration board and inform the licensee of that arbitrator's name. The two arbitrators so selected shall, within seven days after the Bishop's appointee has been named, appoint a third person who shall be the chair of the arbitration board. If the Bishop fails to appoint an arbitrator, or if the two arbitrators fail to agree upon a chair, the appointment shall be made by the Metropolitan of the ecclesiastical province, or, if the Bishop is the Metropolitan, by the diocesan bishop in the province senior by consecration.
- (g) The arbitration board shall provide an opportunity to the licensee and to the Bishop to make submissions in writing and orally and to respond to the submissions of the other party. It shall determine the length of notice or the amount of pay and benefits to be given to the licensee. The decision of the arbitration board is final and binding on the licensee and the Bishop.
- (h) The arbitration board has no authority to review or to change the Bishop's decision to revoke the licence.
- (i) When a licence is revoked under this section as above, the Bishop shall endeavour to assist the licensee to obtain employment.

## **9. Termination of Appointment**

### **Adequate Notice**

- (a) Clergy or lay workers desiring to terminate their appointment must give three months notice. Such notice is to be given to the Bishop in the first instance, who shall then communicate the information to the regional dean, the wardens, church committee and parish concerned, or other appropriate persons or bodies. The person resigning shall not leave his/her charge until the expiration of the period of notice, without the written consent of the Bishop.
- (b) Should a parish desire to terminate an appointment, the Wardens shall communicate a

resolution of the church committee requesting the same to the Bishop immediately upon it being made. The Bishop shall, as soon as possible thereafter, meet with the church committee or church committees concerned, and shall investigate the reasons for such resolution, with both the church committee and with the person concerned and discuss possible alternatives. Should the Bishop and church committee agree to terminate the appointment, the Bishop shall proceed according to sections 7 or 8 above, whichever is the most appropriate.

## **CANON 12**

### **RESERVED**

## **CANON 13**

### **PENSION FUND**

Canon VIII of the General Synod of the Anglican Church of Canada, as the same may from time to time be amended, shall be the Canon respecting Pensions of the Synod, and the provisions thereof shall be binding upon the Synod, the Clergy and the Laity of the Diocese.

## **CANON 14**

### **GROUP INSURANCE**

- 1: There shall be a plan of Group Insurance for the Bishop, Clergy and paid Lay workers of the Diocese.
- 2: The amount of insurance shall be determined by the Diocesan Council from time to time.
- 3: Membership in the Group Insurance Plan shall be mandatory upon all eligible Clergy.
- 4: Each member shall be required to contribute annually an amount to be set out in a schedule published from time to time by the Diocesan Council.
- 5: The Synod may participate in the Group Insurance Plan established by the General Synod of the Anglican Church of Canada, or any modification thereof, or other plans substituted therefore. In case of such participation, the provisions of such plans shall apply in all particulars to the Diocese, and shall replace the provisions of sections 2, 3 and 4 of this Canon.

## CANON 15

Deleted

## CANON 16

### REGIONS, PARISHES AND CONGREGATIONS

#### Regions, Regional Deans, and Regional Councils

- 1: The Bishop and the Diocesan Council may divide the Diocese into Regions, establish their boundaries, and authorize them to commence operation. A resolution to establish a Region shall include the name of the Region, the date of establishment, and the component Parishes. The Bishop and Diocesan Council may, from time to time, change, amalgamate, disestablish, or otherwise deal with such Regions as they see fit, in consultation with the Regional Council or Councils concerned.
- 2: Upon the establishment of any Region in accordance with Section (1) hereof, the Bishop may appoint a Regional Dean for the same from among the Incumbents within it. The duties of the Regional Dean shall be set out by the Bishop and the Diocesan Council, after due consultation with the Regional Council.
- 3: As soon as possible after his or her appointment under Section (2) hereof, the first Regional Dean appointed to a Region shall convene a meeting of all the clergy and of at least one lay representative of every Congregation within the Region. Such meeting, or any adjourned session thereof, shall settle and agree upon the constitution of the Regional Council. The constitution of each Regional Council and any subsequent amendments, shall become effective immediately upon its ratification by the Bishop and Diocesan Council for such purpose.

#### Parishes

- 4: The Bishop and the Diocesan Council shall define all Parishes within the Diocese. A resolution to establish a Parish shall include the name of the Parish, its geographical boundaries and the effective date of establishment. From that date, the parishes concerned shall have, and be entitled to exercise all the rights conferred upon parishes by the Canons of the Diocese. The Bishop and the Diocesan Council may at any time amalgamate, disestablish, separate or change the bounds of any parish after due consultation with the members thereof and the Regional Council concerned.

#### Pastoral Jurisdiction

- 5: The Bishop holds primary Pastoral Jurisdiction for the Diocese, including jurisdiction over any Parish, Congregation or other body of, or within, the Diocese.

Where a Parish has an Incumbent, the Incumbent shall have Pastoral Jurisdiction within the geographical boundaries of the Parish, subordinate to that of the Bishop. Where a Parish has no Incumbent, the Pastoral Jurisdiction reverts to the Bishop.

When a Priest-in-Charge has been appointed to a Parish, the Priest-in-Charge shall exercise all the rights and responsibilities of an Incumbent under this Canon.

The rights and responsibilities of an Incumbent under this Canon are subject to the direction of the Bishop, and may be exercised by the Bishop directly at any time.

## **Congregations**

6: A Congregation may be established, disestablished or have its name altered by the Bishop and Diocesan Council:

(a) A resolution to establish a Congregation shall include the name of the Congregation, the effective date of establishment, a description of all real property entrusted by the Diocese for Congregational use, and the names of the initial Incumbent's Warden and People's Warden of the Congregation.

(b) A Congregation may be disestablished by the Bishop and Diocesan Council only if one or more of the following conditions applies;

(i) the General Meeting of the Congregation approves a motion to request disestablishment of the Congregation, or;

(ii) the Congregation declares itself to be not in communion with the Anglican Church of Canada, or;

(iii) the Congregation fails to comply with the Canons, or is delinquent in its financial or legal obligations, after having been given reasonable notice and opportunity for compliance by the Diocese.

(c) A Congregation shall be subject to the Pastoral Jurisdiction of the Incumbent of the Parish in which its place of worship is geographically situated, unless otherwise specified by Canon or in its resolution of establishment.

## **General Meetings of Congregations**

- 7: The General Meeting is the highest policy-setting body within a Congregation, subject to the Canons and Policies of the Diocese.

### **(a) Appointment of Chair**

A General Meeting may be convened by the Bishop, in which case the Bishop shall appoint the Chair of the meeting. A General Meeting may be convened by the Executive Committee of the Church Council, in which case the Incumbent shall appoint the Chair. A General Meeting can be convened by a Warden with the written consent of the Bishop and ten (10) Voting Members of the Congregation, in which case the Warden shall appoint the Chair.

Notwithstanding appointments under 7(a), the Bishop has the right to chair any General Meeting.

### **(b) Notice of Meeting**

Written notice of any General Meeting shall be posted at least 21 days prior to the meeting, and remain posted until the meeting, in a conspicuous place where it will come to the attention of the members of the Congregation. Notice of meeting shall also be given at all regular services of the Congregation within the 21 days preceding the said meeting. All reasonable efforts should be made to notify all voting members. The non-receipt of such notice by any Congregational member shall not invalidate the proceedings at the meeting.

### **(c) Quorum**

A quorum for a General Meeting shall be a number of Voting Members of a Congregation equal to at least 15% of the Average Weekly Attendance(AWA) of the Congregation and must include a Warden, and the Incumbent or the Bishop. Only Voting Members of a Congregation may participate in a General Meeting, unless said privileges be extended to others by resolution of the meeting.

### **(d) Annual General Meeting**

A General Meeting shall be convened by the Executive Committee of the Church Council, or by the Bishop, no later than the last day of February, in each calendar year.

## **Order of Business at Annual General Meetings**

- 8: The Order of Business at the Annual General Meeting shall be as follows:
- (a) Opening Prayer
  - (b) Determination and declaration of the number of Voting Members present.
  - (c) Adoption of the Minutes of the previous Annual General Meeting and of any

other General Meeting held since the last Annual Meeting.

- (d) Receipt and consideration of Reports.
- (e) Receipt of financial statements and approval of the Annual Budget
- (f) Election of Lay delegates and Alternate Lay Delegates to Synod in accordance with Canon 1.
- (g) Announcement of the appointment of the Incumbent's Warden.
- (h) Election of the People's Warden, and members of the Church Council.
- (i) Other business.
- (j) Closing Prayer.

### **Special General Meetings**

- 9: A Special General Meeting of a Parish may be held at any time. Notice in writing of such meeting, signed by the Incumbent and at least one of the Church Wardens of the relevant Congregation, or by the Incumbent at the request of ten (10) duly qualified Voting Members shall be given as provided in sections 7(a) and 7(b) of this Canon.

### **Wardens**

- 10: Every congregation shall have two Wardens.

A Warden shall be a Voting Member of not less than nineteen (19) years of age, except with the approval of the Bishop. The two Wardens of a Congregation may not be members of the same household. One Warden, called the Incumbent's Warden, shall be appointed by the Incumbent, provided that, if there is no Incumbent, the Bishop or the Commissary shall appoint. The other Warden, called the People's Warden, shall be elected at the Annual General Meeting. If the Incumbent does not wish to exercise the right of appointment the Annual General Meeting shall elect both Wardens.

### **Duties of Wardens**

- 11: The duties of the Wardens shall be:-
- (a) To co-operate with the Incumbent, the members of the Congregation, the region and the Diocese, in the strengthening of the life of the Church and in the growth and development of its people.
  - (b) To give to the Incumbent at all times their support, help and counsel.
  - (c) To assist the Congregation in discerning the Mission of God in the world, and to encourage the Congregation in that Mission.

- (d) To appoint and oversee a Treasurer, and when necessary be responsible for the removal of the Treasurer.
- (e) As members of the Executive Committee (see section 12), to be responsible at all times for the care and maintenance of the property of the Congregation, both real and personal, and in particular to have custody of the funds of the Congregation and to account for them regularly to the Church Council and in consultation with the Treasurer, to produce to the Annual General Meeting financial statements for the previous fiscal year (including a Statement of Receipts and Expenditures and a Balance Sheet) and an operating budget for the current year.
- (f) If there is no Incumbent, to be responsible, in consultation with the Bishop, for the continuing life of the Congregation.
- (g) With the Incumbent, to execute contracts and other documents on behalf of the Congregation.
- (h) With the Incumbent, to be responsible for communication between the Congregation and the Diocese.
- (i) To consult with the Bishop with respect to appointments of Clergy to serve the Congregation.
- (j) To report regularly to the Church Council
- (k) To assist the Incumbent in the supervision of Lay employees.

### **Executive Committee**

- 12: The Church Council shall establish an Executive Committee to consist of the Wardens, the Incumbent, the Chair of the Church Council, and the Treasurer.

The Executive Committee shall have general responsibility for the continuing life of the Congregation and will act between meetings of the Church Committee and carry out its policy decisions, and perform such duties as may from time to time, be delegated by the Church Council. The Executive Committee shall report and be accountable to the Council, and shall abide by the policies of the Parish and the Diocese.

### **Church Councils**

- 13: Every Congregation shall have a Church Council which shall be responsible for the oversight and policies of the Congregation, subject to General Meetings of the Congregation, and the Canons and policies of the Diocese.

The Chair of the Council shall be the Incumbent unless the Incumbent declines the position. In such instances, the Chair will be elected by the Council from among its members.



### **Membership of the Church Council**

- 14: The Church Council shall consist of all Clergy licensed in the Congregation, the Wardens, the Delegates to Synod, those members elected by the Annual General Meeting, and the Treasurer. The Annual General Meeting may, by resolution, set the maximum number of members to be elected to the Church Council.

### **Secretary of the Church Council**

- 15: The Church Council may select a Secretary either from its own members or otherwise but the Secretary if not an elected member, shall not be entitled to vote.

### **Duties of the Church Council**

- 16: The duties of the Church Council shall be:
- (a) To act on behalf of the Congregation between General Meetings.
  - (b) To support and assist the Incumbent and Wardens in the execution of their duties.
  - (c) To clarify the long and short-term goals and objectives of the Congregation and to develop the means to achieve them.
  - (d) To interpret the goals and objectives of the Congregation to its members, and to encourage them to support the same.
  - (e) To insure that all necessary furnishings and equipment are available and in good condition for the proper conduct of worship and other functions of the Congregation.
  - (f) To appoint and set the terms of employment of all lay persons employed by the Congregation, whether full-time or part-time, honorary or paid.
  - (g) To maintain an inventory of all the property of the Congregation.
  - (h) To establish such sub-committees as the Church Council may decide.

### **Independent Financial Review**

- 17: The Church Council will appoint an independent person not related to the Treasurer, and not a member of the Church Council, but with a reasonable understanding of financial records, who will review the financial records of the Congregation and report to the Council prior to the Annual General Meeting.

### **Meeting Quorum**

- 18: A quorum shall be a simple majority of the Church Council membership and must include the Incumbent or a Warden.

### **Church Council Members Terms of Office**

- 19: The Wardens and members of the Church Council shall continue in office until their successors are appointed or elected as the case may be. The Wardens and those elected to the Church Council, or those appointed to replace them, shall not hold any one office for more than three consecutive years without the approval of the Council. Any vacancy occurring among the elected members of the Church Council shall be filled by the Church Council. Any member absent from three successive meetings without good cause as determined by the Church Council, shall be deemed to have resigned.

### **Signing Officers**

- 20: The Signing Officers of the Congregation shall be any two of the Wardens, the Treasurer, the Incumbent, or any other person appointed to such duty by the Church Council, provided that no two signing officers may be members of the same household.

### **Congregational Music**

- 21: The Incumbent shall be primarily responsible for the music of the Congregation in consultation with the Wardens and the Church Council.

### **Alterations to Building and Property**

- 22: No new structure of a permanent nature shall be erected on any Church property, or additions made to any existing structure, or changes of a significant nature to the grounds or the use of the grounds, until the plans and specifications thereof, and the methods proposed for meeting the costs thereof, have been submitted to and approved by the Bishop and the Administration & Finance Committee.

## **CANON 17**

### **MEMORIALS IN CHURCHES**

#### **Removal of Memorials**

- 1: No memorial heretofore placed in or on any Church property shall be removed, discarded or destroyed except with the permission of the Bishop given pursuant to the request of the Incumbent, Church Wardens and Church Committee concerned.

#### **New Memorials**

- 2: The property in all memorials heretofore placed in or on any Church property shall be vested in the Incumbent and Wardens and shall be shown in the Inventory of Church property. No new or additional memorials of any kind shall be placed in or on any Church property without the consent of the Bishop and the Administration Committee.

### **Memorials from Deconsecrations**

- 3: In the case of any Church being demolished or deconsecrated on ceasing to be used for Divine Worship, the disposal of all memorials shall be decided by the Bishop and the Administration Committee on the recommendations of the parish or congregation concerned. Any person or persons desiring to place a memorial in or on a Church building shall be informed of section 2 above and shall be encouraged to make a donation to a Memorial Fund.
- 4: The word “memorial,” wherever used in this Canon, shall be deemed to include decoration, fittings, furniture, furnishings, plaques, and ornaments of every description. All donations to the Memorial Fund shall be recorded in a Memorial Book.
- 5: The disposition of the Memorial Fund shall be in the hands of the Church Committee.

## **CANON 18**

### **CEMETERIES AND GRAVEYARDS**

#### **Compliance**

- 1: The provisions of this Canon are subject to the Cremation, Interment and Funeral Services Act SBC 2004 Chapter 35 (the “Act”) and the definitions therein shall apply to this Canon. In the event the terms of this Canon conflict with the Act, the Act shall supersede this Canon.

#### **Cemetery Committee**

- 2: The Incumbent and Wardens of a congregation or congregations in whose control any cemetery or columbarium lies shall be the committee to manage such cemetery and columbarium, subject to the superintendence of the Bishop (the “Cemetery Committee”). The Cemetery Committee may at its discretion, add additional parishioners to its number.

#### **Cemetery Establishment and Enlargement**

- 3: Every cemetery shall be surveyed, and mapped into spaces of interment by burial of remains, or for the interment of ashes after cremation (the “Burial Plots”). Upon the completion of such survey the Cemetery Committee shall petition the Bishop of the Diocese for the consecration of the ground within the survey, and such petition shall be accompanied by a certified copy of the survey and a copy of the certificate of public interest issued by a Director as defined in the Act, for the establishment or enlargement of the Cemetery. Upon such consecration the area will become the Cemetery of the Congregation (the “Cemetery”).

#### **Interment by Inurnment**

- 4: For the interment of ashes after cremation, a columbarium of an appropriate size and

dimension may be, with the prior permission of the Bishop and the Administration and Finance Committee of the Diocese, constructed or installed in the cemetery or within the church (“Columbarium Niche”).

### **Cemetery Fund for Perpetual Care**

- 5: Rights of interment in the interment spaces referred to in this Canon may be granted in perpetuity for a fee to be fixed by the Cemetery Committee after consultation with the Church Committee for approval by the Administration and Finance Committee. Fees shall be established having in view the permanent upkeep of the cemetery and the requirements of the Act. The aggregate of such fees, together with other contributions or donations provided for or accepted in the discretion of the Cemetery Committee, shall be paid into a separate account (the “Cemetery Fund”) which shall be reserved for the necessary expenses of the Cemetery as prescribed by the Act including but not limited to repairing, replacement, clearing, enclosing, improving and maintaining the Cemetery in good order.

### **Accounting and Fees**

- 6: The Cemetery Fund shall be kept by ~~in~~ the church wardens’ in a separate account and in no circumstances whatever may these funds be used for any other purposes than those permitted by the Act.

### **Applications for Purchase**

- 7: Applications for the purchase of rights of interment in the form of burial plots or Columbarium Niches shall be made to the Cemetery Committee of the congregation. Persons paying a fee for rights to interment spaces shall receive the following document, signed by the Incumbent and one of the Church Wardens.

“Received this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, from \_\_\_\_\_  
 [print name]  
 (the “Owner”) the sum of \_\_\_\_\_ for the right of interment in the Burial  
 Plot/Columbarium Niche [delete one] being, part of  
 a Cemetery or Church of the Synod of the Diocese of Kootenay, of the Anglican Church  
 of Canada at [insert civic address] \_\_\_\_\_, numbered  
 \_\_\_\_\_ on the map of the Cemetery or Columbarium in the care and control of the  
 Cemetery Committee of the Congregation of \_\_\_\_\_.

The above right of interment to the Burial Plot or Columbarium Niche shall be held by the said Owner subject to this Canon and to the rules from time to time made by the Cemetery Committee for the management of the Cemetery or Columbarium.

### **Use of Interment Space**

- 8: No interment space shall be used for interment without the written authority of the owner of such space, or his or her legal personal representative provided always, that it shall in no case be used contrary to any expressed wish of the owner and subject always to applicable laws of the Province of British Columbia and Canada.

## **Rules**

- 9: The Cemetery Committee may make rules from time to time for the operation and maintenance of the cemetery or columbarium of the congregation (the “Rules”) provided such Rules are consistent with the Act and these Canons, subject always to revision at the discretion of the Bishop.

## **Cemetery Maintenance**

- 10: The Cemetery Committee may remove, at their discretion, any enclosure or fencing which may be in a state of dilapidation, from any burial plot, after due notice of such intended removal has been given, if possible, to the owner of such burial plot, their personal legal representative or an immediate family member.

## **Monuments**

- 11: No monument, grave stone, or erection of any kind, shall be permitted in any cemetery without the consent in writing of the Cemetery Committee nor shall any inscription on any work, monument, gravestone or railing be made without the consent in writing of the Cemetery Committee, subject to an appeal to the Bishop.

## **Disputes**

- 12: In case of any dispute regarding matters concerning the cemetery or columbarium arising among the Members of the Cemetery Committee an appeal may be made to the Bishop, whose ruling will be final.

## **Interment Services**

- 13: Interment Services shall be conducted as far as possible in the Church and interment in consecrated cemeteries shall be made within the prescribed Office for the Burial of the Dead and preferably by the Incumbent. A member of the Laity may officiate by reading the prescribed Office if there is no member of the Clergy available. In unconsecrated cemeteries the grave should be consecrated by the use of the Collect provided.

## **Special Services**

- 14: Special services may be held for persons for whom it is not permitted to use the prescribed Order of Burial after consultation with and approval of the Bishop.

## **Incumbent to Preside**

- 15: No interment service shall be held in the Church except by the Incumbent, or his or her substitute, or in the cemetery except by him or her or with his or her consent.

These changes reflect the inclusion of language that covers columbaria as well as cemeteries. It is designed to facilitate parish compliance with the provincial legislation that governs the management of cemeteries and columbaria.

## CANON 19

### FINANCE

#### **Diocesan Family Budget (DFB) - Apportionment**

- 1: Under the authority of the Synod, the Diocesan Council shall have the control, management and administration of all the funds and property of the Synod.
  - (a) For the support of the Diocese and of objects outside the Diocese, there shall be one annual apportionment.
  - (b) The Diocesan Council shall prepare annually the budget to be known as “The Diocesan Family Budget”, and shall apportion the amount to be raised in a fair and equitable manner among the parishes or, where applicable, the regions of the Diocese.
  - (c) The Diocesan Council shall consult with the Regional Councils on the program of the Diocese, which will be financed through the Diocesan Family Budget, and shall obtain their assistance in the acceptance of apportionments by parishes or, where applicable, by regions.

#### **Synod as Trustee**

- 2: The Synod shall act as Trustee for the Bishopric Fund and all other Trust Funds held for its benefit, and shall administer the same in accordance with the terms upon which they were established.
- 3: The Diocesan Council shall invest all monies belonging to the Trust Funds in the name of the Synod as Trustees.

#### **Rules on Loans Against Real Property**

- 4: In the investment of Trust Funds, the Diocesan Council shall be governed by the Act incorporating the Diocese, and also by the following rules:—
  - (a) No money shall be loaned on any unimproved real estate, nor shall any unimproved real estate be purchased as an investment of Trust Funds.
  - (b) No money shall be loaned on any security until the same shall have been approved by the Diocesan Council.
  - (c) Not more than seventy per cent of the appraised value of any property shall be loaned thereon; all appraisals shall be made in writing by a qualified appraiser and deposited with and retained by the Diocesan Council.

- (d) No loan shall be made upon improved property unless such property is covered by a policy of insurance against fire to the full value thereof, and unless loss under such policy is stated therein to be payable to the Synod.
- (e) No money shall be loaned on a second or any subsequent mortgage.

### **Consolidated Trust Fund**

- 5: (a) The Synod shall have the power to establish a Consolidated Trust Fund, hereinafter called "The Fund", but the granting of such a power shall not authorize the Synod or its Diocesan Council to vary or alter the Trusts upon which the capital or securities are now respectively vested in or held by the Synod or entrusted to it.
- (b) The Fund shall be under the control and management of the Diocesan Council, which may make such lawful investment of the same as one Consolidated Trust Fund as it shall from time to time determine.
- (c) Separate and distinct records of each and every such Trust, showing the Capital of the same, shall be kept, and the Income received and accruing from the several investments so made of the Consolidated Trust Fund shall be divided amongst the several trusts as aforesaid pro rata in the proportion borne by each separated Trust Fund to the Consolidated Fund, after deducting from the receipts an agreed percentage thereof for the expense of management, investment and administration.
- (d) The Diocesan Council may, with the approval of Synod, entrust the management and custody of all Trust Funds and Investments in the hands of or under the control of the Synod to any Trust Company licensed to do business in the Province of British Columbia, and to pay such Company a fee for such work.

### **External Investment of Parish Funds**

- 6: (a) No region or congregation shall invest any funds in stocks, shares, bonds, debentures, funds or other property except with the consent of the Diocesan Council, and then only in such securities as are allowed by law for the investment of Trust Funds.
- (b) Any region or congregation having funds for investment may, with the approval of the Diocesan Council, remit such funds to the Treasurer of the Diocese to be invested, managed and administered by him under the direction of the Diocesan Council.
- (c) All interest and dividends from such investments shall be remitted to the region or congregation in accordance with its wishes, subject to any Deed of Trust or any direction from the donor or other source of the funds.
- (d) The Synod shall be entitled to make the usual charges for collection and management of such funds entrusted to it.

## CANON 20

### PURCHASE, SALE AND TITLE TO REAL PROPERTY

#### Title to Real Property

- 1: The title to all real property of the Diocese, including all buildings, structures, and outbuildings, is and shall be vested in the Synod of the Diocese of Kootenay.

#### Definitions:

- 2: (a) “Diocese” means the Synod of the Diocese of Kootenay;
- (b) “Diocesan Property” means all real property owned by the Diocese pursuant to Section 1 of this Canon plus any personal property owned by the Diocese, including but not limited to chattels, buildings or other improvements not affixed to the land and proceeds from the sale of any Diocesan Property;
- (c) “Diocesan Objectives” means the religious aims and purposes of the Diocese as expressed in its Constitution and Canons.

#### Designated Trust

- 3: (a) Diocesan Property may be designated for the use of a Congregation or the Diocese by the Bishop and Diocesan Council.
- (b) Immediately upon such designation, Diocesan Property for use by a Congregation shall be held in trust by the Diocese for the purposes of the worship, ministry and ongoing life of such Congregation. Such a trust is conditional upon such Congregation continuing to use the Diocesan Property in a manner consistent with Diocesan Objectives.

#### Termination of Designated Trust

- 4: The use of any Diocesan Property by any Congregation shall generally be deemed to be consistent with Diocesan Objectives unless and until the occurrence of one or more of the following events, namely;
- (a) The disestablishment of such Congregation pursuant to Canon 16(4) and 16.6(b);
- (b) The determination by such Congregation to relinquish such Congregation’s use of Diocesan Property in accordance with Diocesan Objectives, such determination to be made by a duly constituted general meeting of the Congregation concerned;
- (c) The abandonment of the said Diocesan Property for a continuous period of more than three (3) months;
- (d) The deconsecration by the Bishop of any buildings on real property of the Diocese.



If any of the specific events set out in subparagraphs (a) to (d) above occur, the said designated trust in favour of the Congregation concerned shall stand wholly terminated and extinguished.

**Disposition of Diocesan Property - Designated Trust in Place**

- 5: While the designated trust is in place, no Diocesan Property or interest therein shall be sold or disposed of without the approval of the Congregation or Parish concerned and of the Diocesan Council or Administration and Finance Committee, provided however that this Section shall not affect any loan or other agreement entered into between the Congregation and the Diocese whereby the sale or disposal of any or all such Diocesan Property is authorized by the Congregation in the event of its failing to carry out the provisions of such agreement.

**Disposition of Sale Proceeds - Designated Trust in Place**

- 6: The proceeds of the sale of Diocesan Property pursuant to Section 5 above shall be remitted to the Treasurer of the Diocese to be invested, managed, and administered by him or her on behalf of the Congregation so remitting under the direction of the Diocesan Council and in accordance with Canon 19. The capital sum of such funds shall not be disbursed without the approval of the Congregation and the Diocesan Council or Administration and Finance Committee.

**Disposition of Diocesan Property - Congregational Trust Extinguished**

- 7: Following extinguishment of a trust pursuant to Canon 20(4) as above, such Diocesan Property may be sold by the Diocese to any person at any price approved by the Bishop and the Administration and Finance Committee of the Diocese with or without regard to the wishes of the former Congregation. Any such decision for the sale or disposition of Diocesan Property which is no longer subject to the aforesaid trust in favour of a Congregation, and the disposition of the sale proceeds, shall be in the sole discretion of the Bishop and Administration and Finance Committee of the Diocese.

**CANON 21**

**THE SEAL OF THE SYNOD**

- 1: The Synod shall have a common Seal of which the Bishop shall have care and custody.
- 2: In the case of all deeds and documents which from time to time may be required to be executed on behalf of the Synod, such execution shall be effected by the Bishop and another Officer of the Synod.

## CANON 22

### DISCIPLINE

#### **The Court of the Diocese**

- 1: There shall be a Court of the Diocese entitled “The Court of the Diocese of Kootenay”, for the prosecution, hearing and trial of all ecclesiastical causes within the Diocese, and of all offenses of the Laity, as well as the Clergy, against the laws ecclesiastical, against the provisions of the statutes constituting and affecting the Synod and against the Canons of the Synod.

#### **Membership of the Court**

- 2: The Court of the Diocese of Kootenay shall consist of three members of the Clergy and three members of the Laity elected by the Synod, who shall hold office until their successors are elected. Should a vacancy occur in the membership of the Court, the same may be filled by the Diocesan Council, and the person appointed by such Council shall hold office until the next election of members of the Court by the Synod.

#### **Subject to Trial**

- 3: Every Priest, Deacon or Lay worker holding the licence of the Bishop, or any Office or charge under his or her jurisdiction, any member of the Laity who is a Voting Member, as defined in section 1 of Canon 1, who is charged with any of the offenses set forth in the Canon on Discipline of the General Synod of the Anglican Church of Canada, or concerning whom there exists scandal or evil report as having been guilty of such offenses, shall be liable to trial and punishment as hereinafter provided.

#### **General Synod Canons Take Precedence**

- 4: The Canons of General Synod of the Anglican Church of Canada shall govern the action and authority of the Court, and the right of appeal from the decisions thereof.

#### **Rules of the Court**

- 5: The Court may establish its own Rules of Procedure, and without limiting the generality of this section, such Rules may cover methods of receiving complaints and accusations against accused persons, timing and method of delivery of charges, notices and all other necessary documents, conduct of hearings, method of giving judgment, costs, and all such matters as require regulation for the proper and expeditious conduct of the business of the Court.

#### **Timeliness of Court Action**

- 6: Every suit or proceeding against any Priest, Deacon or Layperson, for any offense specified in this Canon, or against the provisions of the Statute constituting the Synod or against the Canons or By-Laws of the Synod, shall be commenced within two years from the time that the commission of the offense, in respect of which the suit or

proceeding is instituted, shall have become publicly known, and not afterwards; provided always, that whenever any such suit or proceeding is brought in respect of any offense for which a conviction has been obtained in any Court of Law, such suit or proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years may have elapsed since the time that the commission of the offense, in respect of which such suit or proceeding is so brought, shall have become publicly known.

## **CANON 23**

### **DIVORCE AND MARRIAGE**

Canon XXI of the General Synod of the Anglican Church of Canada, as the same may from time to time be amended, shall be the Canon respecting Marriage and Divorce of the Synod, and the provisions thereof shall be binding upon the Synod, the Clergy, and the Laity of the Diocese.

## **CANON 24**

### **AMENDMENT OF CANONS**

1. Any proposal for amendment of the Canons at Synod shall first require approval of the Diocesan Council. In preparation for such approval, the Diocesan Council shall ask a Canons Revision Committee to study the proposal, and assure that it is in suitable form and consistent with existing Canons of the Diocese.
2. The Canons Revision Committee will ensure there is a process such that consideration of any proposals is received by the Regions for their study a minimum of 180 days before the date of the next Diocesan Synod. Any Regional comments must be received by the Canons Revision Committee a minimum of 30 days before a regular meeting of the Diocesan Council at which the proposals will be considered.
3. Final approved proposals from the Diocesan Council must be received by the Secretaries of Synod no less than forty-five (45) days before the Synod opening.
4. Changes to the Canons will require approval by two-thirds of the eligible voting delegates voting at one session of Synod.

## **CANON 25**

### **PROVISIONS OF CANONS VERSUS PROVISIONS OF THE CONSTITUTION**

Wherever there shall be a conflict between the provisions of the Canons and the Constitution, the provisions of the Constitution shall prevail over the provisions of the Canons.

## CANON 26

### PROVISION FOR RELIEF FROM COMPLIANCE WITH CERTAIN CANONS FOR PARISHES PARTICIPATING IN “SHARED MINISTRIES”

#### Shared Ministries

- 1: The term “Parishes participating in Shared Ministries” shall be interpreted to mean:
  - (a) a parish in which the Incumbent, being a priest of the Anglican Church of Canada, has charge and pastoral care of an organized congregation of the United Church of Canada.
  - (b) where a parish of the Anglican Church of Canada, with the permission of the Bishop of the Diocese, is in the charge of and in the pastoral care of an ordained minister of the United Church of Canada.

#### Dispensation from Compliance

- 2: In such instances as specified in section 1 herein, it shall be lawful for the Bishop of the Diocese to grant unto such priests as specified in section 1(a) or such congregations as specified in section 1(b) dispensation from strict compliance with any or all Canons herein contained, save and except the provisions of Canon 1.
- 3: Such dispensation shall be granted at the discretion of the Bishop upon petition of a Priest of the Anglican Church of Canada as defined in section 1(a) or a parish of the Anglican Church as defined in section 1(b) as represented by their duly elected Wardens.

#### Time Limits on Dispensation

- 4: Such dispensation when granted, shall be for a period of one year only but may be renewed at the discretion of the Bishop on a yearly basis, provided however, that all such dispensations or renewals thereof shall be reported to the Diocesan Council of the Diocese at the first opportunity after the granting of such dispensations.
- 5: Notwithstanding the provisions of section 6 of Canon 1, all parishes of the Anglican Church of Canada as defined in section 1 of Canon 26 shall be entitled to elect one Lay Delegate in addition to those provided by section 6 of Canon 1.