

ORDINANCE,  
CONSTITUTION,  
AND CANONS  
OF THE  
DIOCESE OF YUKON

UPDATED to 2020

## Table of Contents

- A. Ordinance to Incorporate the Synod of the Diocese of Yukon and The Bishop of Yukon 1963
- B. Requested Revisions to the Ordinances 1998
- C. Constitution of the Diocese of Yukon 1998
- D. Canons of Diocese of Yukon

### Jurisdiction of Synod of Diocese of Yukon – Canon 1

Canon 1 Jurisdiction of Synod of the Diocese of Yukon

### Composition of Synod and Rules Governing its Meetings - Canons 2 to 13

- Canon 2 Composition of Synod
- Canon 3 Clerical Members of Synod
- Canon 4 Qualifications of Lay Members of Synod
- Canon 5 Appointment of Lay Delegates to Synod
- Canon 6 Duties of Lay Delegates to Synod
- Canon 7 Meetings of Synod
- Canon 8 Rules of Order of Synod
- Canon 9 Officers of Synod - Clerical and Lay Secretaries
- Canon 10 Officers of Synod - Secretary-Treasurer
- Canon 11 Officers of Synod - Assistant-Treasurer
- Canon 12 Auditor
- Canon 13 Elections at Synod

### Executive Committee of Synod - Canons 14 to 18

- Canon 14 Composition of Executive Committee
- Canon 15 Rules Concerning the Executive Committee
- Canon 16 Duties and Powers of Executive Committee
- Canon 17 Committee on Evangelism, Religious Education, and Social Service
- Canon 18 Rules Concerning Committees of Synod

### Officers and Administration of Diocese of Yukon - Canons 19 to 29

- Canon 19 Bishop as Chief Pastor, Minister, and Administrator
- Canon 20 Vacancy in the See
- Canon 21 Regional Areas
- Canon 22 Appointment of Dean and Archdeacons
- Canon 23 Examining Chaplains
- Canon 24 Domestic Chaplains
- Canon 25 Chancellor and Vice-Chancellor
- Canon 26 Ministers Exercising their Ministry/Order & Eligibility for Licensing
- Canon 27 Licensed Lay Ministry
- Canon 28 Ministrations of Church in Areas of Diocese Not Organized as Parishes

Canon 29 Church Property

Parishes and Parish Structures - Canons 30 to 47

- Canon 30 Appointment of Clerical Incumbents
- Canon 31 Rights, Duties, and Powers of Clerical Incumbents
- Canon 32 Appointment of Lay Incumbents
- Canon 33 Parish
- Canon 34 Parish Delegates to Synod
- Canon 35 Financial Responsibility of Parish
- Canon 36 Parochial Organizations
- Canon 37 Parochial Records
- Canon 38 Eligibility (Individual/Congregational) for Vestry
- Canon 39 Meetings of Congregation
- Canon 40 Officers of Parish - Churchwardens
- Canon 41 Rights, Powers, and Duties of Churchwardens
- Canon 42 Officers of Parish - Secretary
- Canon 43 Officers of Parish - Auditor
- Canon 44 Officers of Parish - Treasurer
- Canon 45 Composition of Vestry
- Canon 46 Meetings of Vestry
- Canon 47 Duties of Vestry

Enactment and Revision of Diocesan Canons - Canons 48 to 53

- Canon 48 Power of Enactment and Revision of Canons
- Canon 49 Voting on Canons
- Canon 50 Committee for Revision of Canons
- Canon 51 Notice of Proposed Changes in Canons
- Canon 52 Conflict with Canons of Provincial or General Synods
- Canon 53 Effect of Canons of Provincial and General Synods

Election of a Bishop - Canon 54

- Canon 54 Election of a Bishop

Seal of Confession - Canon 55

- Canon 55 Seal of Confession

Discipline - Canons 56 - 57

- Canon 56 Discipline
- Canon 57 Conduct of Trials

ORDINANCES OF THE YUKON TERRITORY  
1963 (First Session)

AN ORDINANCE TO INCORPORATE THE SYNOD OF THE  
DIOCESE OF YUKON AND THE BISHOP OF YUKON  
(Assented to May 7, 1963)

WHEREAS it is expedient to incorporate the Synod of the Diocese of Yukon and to constitute the Bishop of Yukon a “Corporation Sole” to make provision for the management and control of the property, affairs, and interests of The Anglican Church of Canada in matters relating to and affecting only the said Church and the officers and members thereof within the area in the Territory of the Yukon known as the Diocese of Yukon,

THEREFORE the Commissioner of the Yukon Territory by and with the consent of the members of Council of the Yukon Territory enacts as follows:

1. This Ordinance may be cited as the Synod of the Diocese of Yukon Ordinance
2. The Diocese of the said Yukon shall continue to include the whole of territory of the Yukon save and except that portion of the said Territory lying to the North of the treeline incorporated in the Diocese of the Arctic.
3. The Synod of the Diocese of Yukon shall be and same is hereby made and constituted a body politic and corporate under the name of Synod of the Diocese of Yukon.
4. The said Synod shall consist of the Lord Bishop of the said Diocese and his successors from time to time appointed =, in such manner as, is, or shall be provided by the Provincial Synod of the Ecclesiastical Province of British Columbia, and of such other persons as are or many hereafter become members thereof in accordance with the Constitution and Canons of the said Synod.
5. The said Synod shall have perpetual succession and a common seal, with power to change and renew the same when and so often as the said Synod shall think proper, and the said Synod may under the same name contract and be contracted with, sue, and be sued, 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, chattels, and moveable property, which have been or hereafter shall be paid, given, granted,

5. (cont.) appropriated, devised, or bequeathed to it, or purchased or acquired by it, in any manner whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical or educational uses and purposes of the Anglican Church of Canada within the Diocese of Yukon, including thereby the uses and purposes of any Church, parish, mission, institution, school, hostel or hospital connected with The Anglican Church of Canada within said Yukon Diocese.
6. The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this Ordinance, have power to sell, convey, exchange, alienate, mortgage, lease, devise 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 for any purpose whatsoever, and including any Episcopal Endowment Fund, 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.
7. The Bishop for the time being of the Diocese of Yukon, duly appointed and consecrated by lawful authority Bishop of Yukon, shall be a Corporation Sole with perpetual succession, retaining the name of the Lord Bishop of the Yukon 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 for the purpose of the said Diocese.
8. The said Synod may exercise all its powers by and through an Executive Committee or such Boards or Committees as the Bishop may from time to time appoint for the management of the affairs of the said Diocese, but in accordance only with any Canons of the said Diocese, passed by any duly trusts relating to any property upon or for which the same is held.
9. It shall be lawful for the Bishop of Yukon as a Corporation Sole or any person or persons to transfer any property, real or personal held by him or them for any use or purpose of The Anglican Church of Canada to the said Synod to be held in trust for the same purpose.
10. The Constitution of the Synod of the Diocese of Yukon as revised in 1953 shall, until the same be altered or amended by the said Synod incorporated under this Ordinance be the Constitution of the Synod so incorporated.

1998

REQUESTED REVISIONS AS PASSED BY 33<sup>RD</sup> SYNOD TO THE  
ORDINANCES OF THE YUKON TERRITORY

AN ORDINANCE TO INCORPORATE THE SYNOD OF THE  
DIOCESE OF YUKON AND THE BISHOP OF YUKON

WHEREAS it is expedient to incorporate the Synod of the Diocese of Yukon and to constitute the Bishop of Yukon a “Corporation Sole” to make provision for the management and control of the property, affairs, and interests of The Anglican Church of Canada in matters relating to and affecting only the said Church and the officers and members thereof within the area in the Territory of the Yukon known as the Diocese of Yukon,

THEREFORE the Commissioner of the Yukon Territory by and with the consent of the members of Council of the Yukon Territory enacts as follows:

1. This Ordinance may be cited as the Synod of the Diocese of Yukon Ordinance
2. (1) The Diocese of the said Yukon shall continue to include the whole of the Territory of the Yukon.  
  
(2) The boundaries of the Diocese of Yukon may also include those portions of other dioceses as may be transferred to the Diocese of Yukon and such other portions of dioceses as may be transferred by agreement between dioceses.
3. The Synod of the Diocese of Yukon shall be and same is hereby made and constituted a body politic and corporate under the name of Synod of the Diocese of Yukon.
4. The said Synod shall consist of the Lord Bishop of the said Diocese and his or her successors from time to time appointed, in such manner as, is, or shall be provided by the Provincial Synod of The Ecclesiastical Province of British Columbia and Yukon, and of such other persons as are or may hereafter become members thereof in accordance with the Constitution and Canons of the said Synod.
5. The said Synod shall have perpetual succession and a common seal, with power to change and renew the same when and so often as the said Synod 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,

5. (cont.) tenements, and immovable property, money, goods, chattels and moveable 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 whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical or educational uses and purposes of The Anglican Church of Canada within the Diocese of the Yukon, including thereby the uses and purposes of any Church, parish, mission, institution, school, hostel or hospital connected with The Anglican Church of Canada within the said Yukon Diocese.
6. The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this Ordinance, have power to sell, convey, exchange, alienate, mortgage, lease, devise 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 any purpose whatsoever, and including any Episcopal Endowment Fund, 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.
7. The Bishop for the time being of the Diocese of Yukon, duly appointed and consecrated by lawful authority Bishop of Yukon, shall be a Corporation Sole with perpetual succession, retaining the name of the Lord Bishop of the Yukon 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 for the purposes of the said Diocese.
8. The said Synod may exercise all its powers by and through an Executive Committee or such Boards or Committees as the Bishop may from time to time appoint for the management of the affairs of the said Diocese, but in accordance only with any Canons of the said Diocese, passed by any duly constituted Synod of the said Diocese, and also in accordance only with the trusts relating to any property upon or for which the same is held.
9. It shall be lawful for the Bishop of Yukon as a Corporation Sole or any person or persons to transfer any property, real or personal held by him or them for any use or purpose of The Anglican Church of Canada to the said Synod to be held in trust for the same purpose.
10. The Constitution of the Synod of the Diocese of Yukon as revised in 1953 shall, until the same be altered or amended by the said Synod incorporated under this Ordinance be the Constitution of the said Synod so incorporated.

## **CONSTITUTION OF THE DIOCESE OF YUKON**

(Revised 1998)

1. The Synod of the Diocese of Yukon shall consist of the Bishop, the licensed clergy, lay ministers and representatives of the laity to be elected as hereinafter provided.
2. Each congregation within the Diocese may elect at a meeting called by the clergyperson or licensed lay worker having charge thereof, one lay delegate for from 5 to 25 communicants, two lay delegates for from 26 to 100 communicants, three lay delegates for from 101 to 150 communicants, and 4 lay delegates for 151 or more communicants in the congregation at that time. Where it is impracticable for the congregation to elect representatives, these may be appointed by the Bishop in conjunction with the clergyperson or lay reader in charge of the parish or mission.  
(Amended, Synod, October 2000)
3. Those entitled to vote at such election shall be baptized lay persons, of the full age of at least sixteen years, who are members of such congregation.
4. Those eligible for election as such representatives shall be members of a congregation within this Diocese.
5. Each delegate elected by a congregation shall receive from the chairman of the meeting a certificate of his having been duly elected, and when otherwise appointed he shall receive a certificate from the Bishop.
6. Meetings of this Synod shall be held every two years, if possible, at such time and place as shall be decided by the Bishop.
7. The officers of the Synod shall consist of the Bishop, who shall be President; the Archdeacons; the Chancellor; the Vice-Chancellor; the Dean of the Diocese, a Secretary-Treasurer; and a Honourary Treasurer; the two last being elected at each meeting.
8. At any meeting of the Synod, if a separate vote of the clergy and laity be called for, the representative or representatives of each congregation shall have only one vote.
9. Every resolution presented to the Synod for action must be in writing, and handed to the Secretary of Synod before being voted upon.



10. There shall be an Executive Committee of the Diocese, which shall have power to transact business between meetings of the Synod, consisting of the Synod Officers and two elected members each from the North of the diocese, the South of the diocese, and the Whitehorse area.
11. Each congregation constituted as above provided may appoint such officers and committees, and make such regulations not inconsistent with anything contained in the Constitution of the General Synod, the Constitution of the Provincial Synod of British Columbia and Yukon, or this Constitution, as may be deemed necessary for the administration of the local affairs of each congregation.
12. No Church or other parochial or mission building shall be erected or purchased by any parish, nor shall any structural change be made in such buildings without the plans being first submitted for the approval of the Executive Committee, which approval shall not be unreasonably withheld.

# **DIOCESE OF YUKON**

## **CANONS**

### **Jurisdiction of Synod of the Diocese of Yukon**

- Canon 1 (1) The Synod of the Diocese may deliberate and decide upon, and legislate in respect of all matters affecting the interests of the Anglican Church of Canada in the Diocese of Yukon, but shall have no authority or power to alter or change the doctrine, discipline, or worship of the said Church, other than to make submissions concerning such matters for the consideration of the Provincial and General Synods.

### **Composition of Synod**

- Canon 2 (1) The Synod shall consist of:
- (a) the Bishop of the Diocese of Yukon, who shall preside at the synod;
  - (b) and Coadjutor, Suffragan, or Assistant Bishop, the Dean, and the Archdeacons;
  - (c) the Priests and Deacons in Holy Orders, duly licensed in the Diocese of Yukon who, at the time of a synod, are permanently resident within the boundaries of the Diocese or within such other areas of jurisdiction of the Diocese of Yukon; and those clergy licensed elsewhere but working in and for the Diocese of Yukon with current permission to officiate at the time of a Synod;  
(Amended, Synod, May 2003)
  - (d) lay workers licensed by the Bishop and in full time church work in the Diocese;  
(Amended, Synod, October 1998)
  - (e) the Chancellor of the Diocese, and the Vice-Chancellor, if any;
  - (f) the lay delegates, duly elected or appointed;
  - (g) lay workers, duly licensed and in charge of a Parish, or of an area within the Diocese which has not organized as a Parish;  
(Amended, Synod, October 1998)
  - (h) the Secretary-Treasurer of the Diocese; and
  - (i) the Honourary Treasurer of the Diocese.
  - (j) the Diocesan A.C.W. President then in office duly elected by the diocesan A.C.W. organization, or their chosen representative, and who shall in all other respects meet the requirements for a Lay Member of Synod as set out in Canon 4.  
(Amended, Synod, May 2003)  
(Amended, Synod, 2010)

### **Clerical Members of Synod**

Canon 3 (1) The Clerical Members of Synod shall consist of every Priest and Deacon in Holy Orders, resident in the Diocese, or on leave of absence, who is licensed under the Bishop.

(Amended, Synod, October 1998)

(Amended, Synod, May 2003)

(Amended, Synod, May 2010)

### **Qualifications of Lay Members of Synod**

Canon 4 (1) The Lay Members of Synod shall be:

(a) baptized

(b) regular communicants

(c) not in Holy Orders; and

(d) of the full age of 18 years

(e) regular contributors of their substance to the support of the Church

(Amended, Synod, October 1998)

### **Appointment of Lay Delegates to Synod**

Canon 5 (1) Subject to the other provisions of these Canons, each congregation within a Parish, shall be entitled to representation at Synod by a Lay Delegate or Delegates.

(2) The number of Lay Delegates to which congregation is entitled shall be two (2)

(3) Lay Delegates shall be members of the congregation they represent.

(4) They shall be elected at the Annual Meeting of the Congregation, in the year of the regular meeting of Synod.

(5) Their period of office shall extend from the first day of the meeting of Synod to (but not including) the first day of the next regular meeting of Synod.

(6) If a Lay Delegate declines to serve, or resigns, or removes from the congregation, he/she shall be replaced by the duly elected substitute who shall have the next highest number of votes to those elected as Lay Delegates.

(7) In the event that neither delegates nor substitutes are able to attend Synod, then the Vestry shall have the power to appoint from among the members of

Canon 5 (7 cont.)

the Congregation, in accordance with the qualifications stated under Canon 4, the required delegates who shall become the official Lay Delegates to Synod from that Congregation.

(8) The Bishop may appoint Lay Delegates to Synod for those areas of the Diocese which are not organized as parishes, and the Lay Delegates so appointed shall be a member of the congregation they represent.

(9) Within 15 days of the election of a Lay Delegate to Synod the Incumbent shall send to the Secretary-Treasurer of Synod and also furnish the Lay Delegate with a certificate as follows:

Parish or Mission of \_\_\_\_\_  
Congregation \_\_\_\_\_  
No. of Communicants \_\_\_\_\_

WE HEREBY CERTIFY that at a meeting of the congregation held this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ was duly elected a delegate to the Synod of the Diocese of Yukon.

Signed \_\_\_\_\_ (Incumbent)  
\_\_\_\_\_ (Warden)  
\_\_\_\_\_ (Warden)

(10) Youth Delegates, duly elected or appointed:

(a) one Youth Delegate to Synod may be appointed by the Bishop from each region of the Diocese (as defined by Canon 14 (1) (g)) from

(i) delegates elected at a Diocesan Anglican Youth movement convention; or

(ii) if there is no AYM convention in the two years prior to a Synod, by appointment of the Bishop upon nomination of:

- the Archdeacon of Liard
- the Archdeacon of the Klondike
- and the Dean for the region of Whitehorse
- or by their priest or congregation.

(Amended, Synod, November 2020)

(b) Youth Delegates must meet all the requirements of Canon 4 (1) Qualifications of Lay Members of Synod except that they may be between the ages of 16 and 24 (or younger at the discretion of the Bishop).

(Amended, Synod, May 2018)

- Canon 5 (10 cont.)
- (c) Youth Delegates shall hold office until
    - (i) another person is elected from their region at a subsequent AYM convention, or
    - (ii) they reach the age of 25 years, or
    - (iii) they resign, or
    - (iv) the Bishop rescinds their appointment.
- (Amended, Synod, September 1996)

### **Duties of Lay Delegates to Synod**

- Canon 6
- (1) The duties of the Lay Delegates to Synod are:
    - (a) they shall attend the Sessions of Synod;
    - (b) they shall serve on committees of Synod to which they have accepted election or appointment; and
    - (c) they shall communicate the acts, resolutions and decisions of Synod to their congregations, and shall assist in implementing the same.

### **Meetings of Synod**

- Canon 7
- (1) The Synod shall meet triennially (every three years), or more often if ordered by the Bishop, at a place named by the Bishop with the concurrence of the Executive Committee.

(Amended, Synod, May 2018)
  - (2) Preparations for Synod shall include:
    - (a) the subcommittees of the Executive Committee shall, at least two months prior to the meeting of Synod, submit their reports to the Secretary-Treasurer who shall summarize them for the Convening Circular;
    - (b) the Executive Committee shall appoint a nominating committee at least two (2) months prior to the meeting of Synod;
    - (c) one month before the meeting of Synod, the Secretary-Treasurer of Synod shall send to each Clerical and Lay Delegate member the following:
      - (i) a copy of the Convening Circular which shall state the time and the place of the meeting of Synod, and shall contain the reports of the Executive Committee, of the Treasurer and other officers and committees of Synod, Notices of Motion (if any), summaries of such part of the Bishop's Charge as he/she may care to have printed, and any other business to be considered by the Synod;
      - (ii) any other material which the Bishop or the Executive Committee may order to be sent.

- Canon 7 (3) The Bishop shall appoint a Credentials Committee, composed of one clerical and two lay members of Synod, which shall register the members of Synod before the first business session.
- (4) The morning sessions of Synod may commence with the Celebration of the Holy Communion.
- (5) The Order of Business at Synod shall be at the discretion of the Bishop but shall include the following:
- (a) opening prayers, devotional, and educational periods;
  - (b) election of the Clerical and Lay Secretaries of Synod members;
  - (c) report of the Credentials Committee, and if there are any members present whose qualifications are defective, the Synod shall take any necessary action;
  - (d) the roll calls for Clerical and Lay members
  - (e) reading, correction, and adoption of the Minutes of the previous Synod;
  - (f) the appointment and approval of the Secretary-Treasurer, or the Assistant Treasurer (if any), and the Auditors;
  - (g) the appointment by the Bishop of the following committees:
  - (h) resolutions
  - (i) on the Bishop's Charge
  - (j) the appointment of the scrutineers by the Bishop;
  - (k) the receiving of Notices of Motion, petitions, memorials,
  - (l) the Bishop's Charge;
  - (m) election and appointment of the Executive Committee, delegates to General and Provincial Synods, and other required representatives;
  - (n) receiving reports of committees and officers of the Diocese or Synod, and reports of parishes, organizations and institutions; and
  - (o) consideration of unfinished business and new business.

### **Rules of Order of Synod**

- Canon 8 (1) A quorum of the Synod shall consist of not less than one-fourth of the Clerical and Lay members, respectively.
- (2) When the Bishop, or other person presiding, has taken the chair, no member shall remain standing.
- (3) When any member is about to speak, he/she shall rise and address himself/herself to the chair.

Canon 8 (4) No motion or amendment shall be considered by the Synod unless seconded and reduced to writing.

(5) No member shall speak more than once on the same motion without permission from the chair, except the mover and seconder, who shall have the right to reply.

(6) When a question is under consideration, no other motion shall be received except to adjourn, or move that the question be now put, to postpone it indefinitely, to refer it to committee, to amend it, or to propose a substitute motion, and motions for any of these purposes shall have precedence in the order here named.

(7) When a motion has been read to the Synod by the Secretary, it may not be withdrawn by the mover without the consent of the seconder and the chair.

(8) Any member may require, at any period of the debate, that the motion under discussion be read for his/her information.

(9) A member called to order while speaking, shall relinquish the floor, unless permitted to explain.

(10) All questions of order shall be decided by the chair.

(11) An amendment to an original motion shall in discussion take precedence of such motion, an amendment to an amendment shall be first considered, then the amendment to the motion, and lastly the motion itself.

(12) No more than one amendment to a proposed amendment to motion shall be in order, yet a substitute for the whole matter may be proposed and received provided that it deals directly with the subject in hand.

(13) While any question is being put from the chair, the members shall continue in their seats, and shall not hold any private discourse, and when a motion is so put, no member shall retire until such motion is disposed of.

(14) In voting, those who vote in the affirmative shall rise first, and then those voting in the negative.

(15) A question which is once determined shall not again be brought into the discussion in the same session without the consent of a two-thirds majority in each Order voting separately.

## Canon 8

- (16) When required by any member of Synod, the number of affirmative and negative votes on any motion shall be recorded in the minutes of the proceedings.
- (17) No act or resolution of the Synod shall be passed without:
- (a) the concurrence of the Bishop, except in the case of the election of a Bishop; and
  - (b) either the concurrence of a simple majority of the members present or the concurrence of the required majority stipulated elsewhere in these Canons.
- (18) The votes of the clergy and laity shall be taken collectively, except:
- (a) where voting by Orders is required elsewhere in these Canons; or;
  - (b) when a vote by Orders is demanded by two members of the Synod before the question is put from the chair, in which case the concurrence of a simple majority of the members of each Order present shall be necessary to affirm the resolution. If, in such a vote the Clerical Members affirm the resolution, and the Lay Members negate the same, or vice versa, the motion shall be considered defeated.
- (19) If the Bishop dissents from any act or resolution which has received the required majority in the Synod vote, the matter shall stand over until the next regular meeting of Synod. At that time if the said act or resolution again receives the required majority of votes, and the Bishop still dissents, appeal may be made to the Metropolitan at the request of at least two members of Synod.
- (20) In the case of a tie vote of the Synod, or of either Order when voting is by Orders, the motion shall be deemed to be lost.
- (21) The Synod may resolve itself by motion into a Committee of the Whole. Synod then becomes a committee whose decisions or recommendations, while not binding Synod, may, after the Committee of Whole has resolved itself again into Synod, be presented to the latter as motions, in accordance with the Rules of Order.
- (22) Proceedings in the Committee of the Whole shall be conducted in accordance with Canon 8.
- (23) When the Synod is about to adjourn, every member shall remain standing until the Bishop or other person presiding has left the chair.



### **Officers of the Synod - Clerical and Lay Secretaries**

- Canon 9 (1) On the first day of Synod, a Clerical Secretary shall be elected by the clerical members of Synod, and a Lay Secretary shall be elected by the lay members of synod.
- (Amended, Synod, October 1998)
- (2) The Clerical and Lay Secretaries:
- (a) shall jointly keep regular minutes of all proceedings of the Synod; and;
  - (b) shall hold office until their successors are elected, but Executive Committee shall have power to replace them, if any resign before the next session of the Synod.

### **Officers of Synod - Secretary - Treasurer**

- Canon 10 (1) The Executive Committee shall appoint a Secretary-Treasurer of the Diocese, but his/her appointment shall be subject to the approval of the Synod at each of its regular sessions.
- (2) Before the Secretary-Treasurer enters upon the duties of his/her office, the Executive Committee may require him/her to be bonded by some well established guaranty company for the due and faithful performance of his/her duties.
- (3) When a vacancy occurs in the office of Secretary-Treasurer, the Executive Committee shall appoint a successor.
- (4) The duties of the Secretary-Treasurer are as follows:
- (a) he/she shall receive and disburse all monies of Synod under its authority,
  - (b) he/she shall submit a financial report and budget at each regular meeting of Synod, and a financial report and Annual Budget for Executive Committee, (Amended, Synod, 1990)
  - (c) he/she shall preserve all papers, memorials, and other documents of Synod, conduct correspondence, attest public acts of the Synod, and deliver to his/her successor in office all records, books, and documents under his/her control,
  - (d) he/she shall preserve all minutes of the proceedings of the several standing committees of Synod which are submitted to him/her,
  - (e) he/she shall cause the Proceedings of each session of the Synod to be printed and distributed to the members within three months of its conclusion,

Canon 10 (4 cont.)

- (f) he/she shall send the Convening Circular of Synod, together with any other necessary material, to the clerical and lay members at least four weeks before the session is due to begin,
- (g) he/she shall, each year, condense the Statistical Reports from the parishes and deliver the condensed report to the Synod at its regular meetings,
- (h) he/she shall submit the necessary reports for the Diocese to the Provincial and General Synods,
- (i) he/she shall attend to all the business of the Synod, connected with the duties of his/her office, when the Synod is not in session, and
- (j) he/she shall perform his/her other duties as defined in the Canons of the Diocese.

### **Officers of Synod - Assistant Treasurer**

Canon 11 (1) The Executive Committee may appoint an Assistant Treasurer of the Diocese, but his/her appointment shall be subject to the approval of the Synod at each of its regular sessions.

(2) The duties of the Assistant Treasurer shall be as established by the Executive Committee in consultation with the Secretary-Treasurer.

### **Auditor**

(Title Amended, Synod, November 2020)

Canon 12 (1) The Executive Committee shall appoint one or more Auditors who are Chartered Accountants, or Certified Public Accountants, but their appointment shall be subject to the approval of the Synod at each of its regular sessions.

(2) The Auditors

- (a) shall act under the direction and according to the regulations and requirements of the Executive Committee; and
- (b) shall inspect the Diocesan accounts annually and submit a report on them to the Synod at each of its regular sessions.

(3) If an Auditor fails to act, the Executive Committee may appoint another Auditor.

## **Elections at Synod**

- Canon 13 (1) The following elections at Synod shall be held successively in accordance with the rules stipulated in Canon 13 Section (2) to (5):
- (a) the elections of members of the Executive Committee;
  - (b) the election of the delegates to General Synod from the members of the Diocesan Synod.  
(Amended, Synod, November 2020)
  - (c) the election of the delegates to Provincial Synod from the members of the Diocesan Synod; and  
(Amended, Synod, November 2020)
  - (a) the elections of the representatives required by General Synod.
- (2) The Clergy and the Laity shall vote collectively except when a vote by Orders is demanded by two members of Synod, in which case the concurrence of a simple majority of the members of each Order present shall be necessary to affirm the method of voting, a majority of both Orders being necessary.
- (3) One clerical and two lay scrutineers shall count the ballots.
- (4) Substitute members or delegates shall be those not elected but having the next highest number of votes.
- (5) The results of each election shall be announced before nominating and voting on the next election takes place.

## **Composition of Executive Committee**

- Canon 14 (1) There shall be an Executive Committee of the Synod which shall be composed of the following:
- (a) the Bishop of the Diocese, who shall be President;
  - (b) the Coadjutor Bishop, the Suffragan, and Assistant Bishop, the Dean, the Archdeacons, all of whom shall be Vice-Presidents in that order;
  - (c) the Chancellor of the Diocese, and the Vice-Chancellor;
  - (d) the Secretary-Treasurer of the Diocese;
  - (e) the Honorary Treasurer of the Diocese;
  - (f) the Clerical and Lay Secretaries of Synod;
  - (g) one clerical member and one lay member for and from the region of Whitehorse, for and from the region North of Whitehorse, for and from the region South of Whitehorse;

Canon 14 (1 cont.)

- (h) each region shall have a caucus of all its delegates present at Synod, exclusive of the Diocesan ACW President/representative, who represents an organization with the diocese and not a region, to elect its lay and clerical members of the Executive Committee from among its delegates; In questions regarding the composition of regions, the chair shall decide.

(Amended, Synod, 2010)

- (i) the Bishop of the Diocese may appoint one lay member and one clerical member; and a youth delegate from each region; and;
- (j) the Delegates to Provincial and General Synod and their alternatives shall be elected by the Synod from the membership of the Diocesan Synod as set out above. The Delegates shall be ex-officio members of Executive Committee.

(Amended, Synod, May 2018)

(Amended, Synod, November 2020)

(2) Replacement of and Rescinding of Delegates

- (a) Where an elected delegate or alternate delegate to Provincial Synod or General Synod or an appointed delegate to Diocesan, Provincial, or General Synod committees or task forces, no longer meets the requirements to be a lay member of Synod as set out in Canon 4, or is ineligible to be a member of the Vestry of their congregation as set out in Canon 38, or who provides an excuse for non-attendance at Executive Committee meetings under Canon 15 (1)(e) deemed by the Bishop to be unsatisfactory, the Bishop, after consulting the Dean and Archdeacons and the clerical incumbent if any of the parish from which that person was originally elected or in which that person at the time of their appointment or election was a member, may rescind any such appointment or declare any such elected office to be vacant and may, if time is of the essence, appoint a new person to fill that vacancy, or if time is not of the essence, refer any such vacancy to the soonest Executive Committee meeting for action under Canon 15 (1)(d).

(Amended, Synod, May 2005)

**Rules Concerning the Executive Committee**

Canon 15 (1) With respect to the Executive Committee:

- (a) a quorum shall consist of two clerical members, three lay members, and the President, or one of the Vice-Presidents;
- (b) the Bishop shall preside at meetings, or in his/her absence, the Vice-President, next in order;

Canon 15 (1 cont.)

- (c) the elected and appointed members of the Executive Committee shall remain in office until the next regular meeting of Synod;
- (d) vacancies among the elected members shall be filled by the Executive Committee;
- (e) membership shall be considered vacated if the member moves from the Diocese, or if a member elected or appointed under Canon 14 (1) (g) is absent from three consecutive meetings of the Executive Committee without supplying reason;
- (f) the Executive Committee shall meet at least twice in a year, at the call of the Bishop;
- (g) notice of meetings shall be sent to the members at least two weeks beforehand, by the Secretary-Treasurer;
- (h) a special meeting of the Executive Committee may be requested at any time;
- (i) no motion shall be passed without the concurrence of the Bishop; and
- (j) no motion shall be passed without the affirmative vote of the majority of those present.

**Duties and Powers of Executive Committee**

- Canon 16 (1) The duties and powers of the Executive Committee include the following:
- (a) it shall exercise all powers and functions of the Synod, except those of a legislative character;
  - (b) it shall manage all funds held or controlled by Synod;
  - (c) it shall assess the parishes and, if necessary, the unorganized areas of the diocese for all expenses authorized by the Synod;
  - (d) it shall submit to the Synod a report of its proceedings since the last session of Synod, with a full and detailed statement of all funds under the control of Synod and the transactions in connection with each fund;
  - (e) it shall receive reports from standing and other committees, notice of motion, memorials, or other matters to be considered by Synod, and shall cause the same to be printed, in whole or in part, in the Convening Circular;
  - (f) it shall appoint the officials and the committees which are required by the Canons, as well as any other officials or committees which may be necessary to implement the business of Synod, and
  - (g) it shall perform its other duties as defined in the Canons of the Diocese.

## **Committee on Evangelism, Religious Education and Social Service**

- Canon 17 (1) A committee on Evangelism, Religious Education, and Social Service may be appointed by the Executive Committee at its first meeting following Synod. A Committee Chairperson shall be appointed at the same time.

### **Rules Concerning Committees of Synod**

- Canon 18 (1) Any committee, designated as such and provided for in the Canons of the Diocese, other than the Executive Committee, may, if it deems it desirable, and with the consent of the Bishop, ask to act with the committee other persons who have special knowledge of the matters with which the committee has to deal, and they shall have the power to vote.
- (2) A quorum of a committee, other than the Executive Committee shall consist of a clear majority of its members, unless the Synod otherwise directs.
- (3) All committees appointed at any session of the Synod, shall report at the next session, and not later, unless by consent of the Synod, a longer time to do so be granted.
- (4) The reports of committees shall be in writing signed by the chairperson, and shall be submitted to the Secretary-Treasurer at least two months prior to the meeting of Synod.
- (5) The Chairperson of the Committee, or some other deputed by him/her, shall explain to the Synod the content or meaning of any portion of the report, if such be requested by any member of Synod.
- (6) All reports of committees recommending any action or expression of opinion shall be accompanied by a resolution for the action thereon.
- (7) All committees of Synod, other than the Executive Committee, shall be deemed to be sub committees of the Executive Committee.

## **Bishop as Chief Pastor, Minister, and Administrator**

Canon 19 (1) The Bishop is the Chief Pastor of all that are within the Diocese of Yukon, as well laity as clergy, and their Father in God. It appertains to his/her office to teach and to uphold sound and wholesome doctrine, and to banish and drive away all erroneous and strange opinions, and himself/herself being an example of righteous and godly living, it is his/her duty to set forward and maintain a quietness, love, and peace among all people.

(Amended, Synod, November 2020)

(2) The Bishop has within the Diocese of Yukon jurisdiction as Ordinary, and to him/her is due canonical obedience from the clergy and laity alike.

(3) The Bishop is, within the Diocese, the principal Minister and to him/her belongs the right of celebrating the rites of Ordination and Confirmation, of conducting, ordering, controlling, and authorizing all service in Churches, Chapels, Churchyards, and consecrated Burial Grounds, of granting a faculty or licence for all alterations, additions, removal in repairs to the walls, fabric, ornaments, or furniture of the same, of consecrating new Churches, Churchyards and Burial Grounds, of appointing and instituting to all vacant parishes, and of suspending, depriving or deposing therefrom, of appointing and admitting by licence to all other vacant ecclesiastical offices, and of revoking the same, of holding visitations that he/she may get good knowledge of the state, sufficiency, and ability of the clergy and other persons whom he/she is to visit; of summoning the Synod and presiding therein; either in person or by such deputy as he/she may lawfully appoint.

(4) The Bishop shall execute all deeds and documents concerning the Diocese and shall affix thereto the official seal of the Incorporated Synod of the Diocese of Yukon.

(5) In the event that the Bishop leaves the Diocese or is temporarily incapacitated for a period in excess of one month, the Bishop shall appoint a Commissary by letter under the hand and seal of the Diocese. Such an appointment shall continue in force until revoked in writing by the Bishop.

(Amended, Synod, November 2020)

(6) The Commissary may be the Dean, an Archdeacon, or a senior member of the clergy of the Diocese.

(Amended, Synod, November 2020)

## Vacancy in the See

Canon 20 REPEALED

## Regional Areas

Canon 21 (1) Certain regional areas may from time to time be established by the Bishop in consultation with the Executive Committee for administrative, supervisory, and consultative purposes.

## Appointment of Dean and Archdeacons

Canon 22 (1) The Bishop may appoint a Dean and Archdeacon or Archdeacons at his/her discretion.

(2) The Archdeacons shall assist the Bishop in the administration of the Diocese in any way requested by him/her in his/her pastoral care and office, within the jurisdiction assigned them by the Bishop.

(Amended, Synod, May 2018)

(3) The Archdeaconry of Liard shall be comprised of those parishes South of the City of Whitehorse plus those parishes within the boundaries of the City of Whitehorse which from time to time shall be assigned by the Bishop and Executive Committee in council, and the Archdeaconry of the Klondike shall be comprised of those parishes North of the City of Whitehorse plus those parishes within the boundaries of the City of Whitehorse which have not been assigned by the Bishop and Executive Committee in council to the Archdeaconry of Liard.

(Amended, Synod, May 2003)

## Examining Chaplains

Canon 23 (1) The Bishop may appoint an examining Chaplain.

(2) The examining Chaplain shall test the proficiency of all candidates for Holy Orders.

(3) He/She shall examine all candidates for Holy Orders with respect to their knowledge of Holy Scripture, Dogmatics, Moral and Pastoral Theology, Liturgics, Church History, and Canon Law.



### **Domestic Chaplains**

Canon 24 (1) The Bishop may appoint a Domestic Chaplain or Chaplains to attend him/her at Divine Service, and at other official functions.

### **Chancellor and Vice-Chancellor**

Canon 25 (1) There shall be a Chancellor of the Diocese who shall be appointed by the Bishop, and who shall hold office during the Bishop's pleasure.

(2) The Chancellor must be a member of the Bar of a Province or Territory of Canada, of at least five years standing, and also a communicant member of the Church.

(3) He/She shall be an ex-officio member of the Synod and of the Executive Committee of the Synod.

(4) He/She shall advise and assist the Bishop or, in his/her absence, the Administrator, in all pertinent matters.

(5) He/She shall approve all deeds and legal documents before they are signed by the Bishop.

(6) He/She shall perform such other duties as are required by the Bishop, and by the Canons of the Diocese.

(7) He/She shall swear, before entering upon his/her office, that, to the utmost of his/her understanding, he/she shall deal uprightly and justly in his/her office without respect of favour or reward.

(Amended, Synod, October 1998)

(8) If the Bishop deems it advisable, he/she may appoint a Vice-Chancellor who must be a member of the Bar of a Province or Territory of Canada of at least five years standing, a communicant member of the Church, and who shall act for and on behalf of the Chancellor during his/her absence or inability to attend to his/her duties.

## **Ministers Exercising Their Ministry/Order and Eligibility for Licensing**

Canon 26 (1) Upon appointing a Minister to the Cure of Souls in any parish, or to any ecclesiastical office within the Diocese, the Bishop shall confer authority to officiate by giving him/her a licence under his/her hand and seal.  
(Amended, Synod, November 2020)

(2) No Minister licensed by the Bishop shall exercise his/her ministry in any place within the Diocese in which he/she has not the Cure of Souls, without the permission of the Minister having such Cure.

(3) Notwithstanding anything set down in the previous sections of this Canon, any minister may exercise his/her ministry anywhere in the Diocese in respect of any person who is in danger of death.

## **Licensed Lay Ministry**

Canon 27 (1) Licensed Lay Ministers and Licensed Lay Administrators of the Sacrament whose license is held at the pleasure of the Bishop, are authorized for work within the Diocese. If deemed necessary by the Bishop they may be sent to any vacant Parish in the Diocese or to any Parish when requested by the incumbent.  
(Amended, Synod, October 1998)

(2) They shall be expected to take courses of study concerning their work, under the direction of the Bishop, and shall be expected to attend any conferences that may be called on their behalf.  
(Amended, Synod, October 1998)

(3) Under the direction of the Bishop or the Incumbent, a Licensed Lay Minister may perform such liturgical or pastoral duties which are not confined to the functions of the Diaconate or the Priesthood. They may conduct the Service of Morning and Evening Prayer. They shall not pronounce absolution or bless in the name of the Church. They may preach sermons if so authorized by their license under the ongoing direction and approval of the Bishop or the Incumbent. In cases of emergency they may administer Baptism in the absence of an Incumbent.  
(Amended, Synod, October 1998)

## **Ministrations of Church in Areas of Diocese not Organized as Parishes**

- Canon 28 (1) The Bishop of Yukon shall maintain his/her right to minister, through his/her clergy, to all members of The Anglican Church of Canada who reside within the boundaries of the Diocese.
- (2) The Bishop shall ensure that Anglicans living in those areas of the Diocese which are not organized as parishes shall receive the ministrations of the Church according to the doctrine, discipline, and worship of The Anglican Church of Canada, as set forth in the Book of Common Prayer, the Ordinal, and Canon Law.
- (3) No group of Anglicans shall enter into an Agreement which is contrary to the doctrine, discipline, and worship of The Anglican Church of Canada, as set forth in the Book of Common Prayer, the Ordinal, and the Canon Law, with any other religious body, or its local representatives.
- (4) No building shall be used for worship by a group of Anglicans jointly with any other religious body without the prior consent of the Bishop, and where such consent has been granted, the Bishop shall appoint a committee of at least three from the Anglican group to meet with representatives of the other religious body in order to form a joint board for the administration of matters affecting the use of any such building.
- (5) In all matters affecting doctrine, discipline and worship, members of the Anglican Church of Canada, residing within the Diocese of Yukon, shall be subject to the Bishop, and shall make or accept no local agreements with any other religious body which infringe on the sections of this Canon.

## **Church Property**

- Canon 29 (1) The title to all real property in the Diocese used for church purposes, whether it be acquired by purchase, gift, bequest, or otherwise, for the use of the church or for any parish in the Diocese, shall be vested in the name of the Synod of the Diocese of Yukon, and any Titles, Deeds, Mortgages, Agreements, or other Document affecting such real property shall be sent to the Secretary-Treasurer of Synod for safe-keeping.
- (2) Before the purchasing of any land, or the erection or purchase of any Church building, rectory, or parish hall, or any major alteration or addition made to existing buildings, or the contract let, or fund raising has begun, the plans and specifications together with an estimate of the cost, a statement of

Canon 29 (2 cont.)

the financial condition of the parish and congregation concerned, and the method of raising the required funds, shall be submitted to the Executive Committee whose sanction for such project shall first be obtained before it can begin. The Executive Committee may reserve the right to require that 25% of the total funds required shall be on hand before the project begins, and that the fund-raising program of the parish be adequate both to meet the need of repayment within a reasonable length of time, and also to maintain its normal obligations. Where these conditions are met, the Executive Committee may recommend that The Missionary Society of the Anglican Church of Canada back loans from the Chartered Banks of Canada.

(3) Before any Church is consecrated, the title to the land and building shall be vested in the name of “The Synod of the Diocese of Yukon”, and such land and building shall be entirely free of debt. There shall be a dedication of the church after construction is completed.

(4) No memorial, ornament, fixture, article of furniture or furnishings, lights, windows, or anything of a like description shall be erected, placed in, installed, or used in, or removed from any church in the Diocese without the written permission of the Bishop.

### **Appointment of Clerical Incumbents**

Canon 30 (1) The appointment of Clerical Incumbents to parishes shall be made by the Bishop of the Diocese.

(Amended, Synod, October 1998)

(2) When possible, the Bishop shall consult with the representatives of any parish before appointing a Clerical Incumbent. All stipends shall be determined by the Diocesan Synod. No fees for baptisms, marriages, or burials, or other ministrations shall be retained by the officiant, but such fees shall be remitted to the parish concerned.

(Amended, Synod, October 1998)

## **Rights, Duties, and Powers of Clerical Incumbents**

Canon 31 (1) Every Clerical Incumbent shall be vested with the following duties and powers:

(Amended, Synod, October 1998)

(a) they shall oversee laity of their Cure who are members of the Anglican Church of Canada;

(Amended, Synod, November 2020)

(b) the duties, and powers of Clerical Incumbents shall be exercised under the jurisdiction and license of the Bishop, and shall be subject to the Constitutions and Canons of the General, Provincial, and Diocesan Synods.

(Amended, Synod, November 2020)

(c) They are to inform the Bishop of any candidates for confirmation.

(Amended, Synod, November 2020)

## **Appointment of Lay Incumbents**

Canon 32 (1) The Bishop may appoint as Lay Incumbents such persons as he/she may see fit where necessary and such Lay Incumbents shall exercise their right, duties, and powers under the jurisdiction and license of the Bishop subject to the same provisions as the clerical incumbents.

(Amended, Synod, October 1998)

## **Parish**

Canon 33 (1) A parish is an area within the Diocese which the Bishop has placed under the Cure of one Incumbent, having within its boundaries one or more congregations, at least one of which shall have a regularly organized Vestry.

(2) The parish may be divided, and its boundaries changed at any time by the Bishop, with the concurrence of the Executive Committee, after consultation with the Vestry or Parish Council of the parish concerned.

## **Parish Delegates to Synod**

Canon 34 (1) Each congregation within the parish, and having a regularly organized Vestry, shall have the right to elect its own officers and lay delegate or delegates to the Diocesan Synod.

- Canon 34 (2) A congregation having a regularly organized vestry is entitled to be represented at Synod when:
- (a) it has paid its Assessment and Apportionment for the year preceding the year of the meeting of Synod; or
  - (b) in the opinion of the Executive Committee of the Diocese it has met this obligation to the best of its ability.

### **Financial Responsibility of Parish**

- Canon 35 (1) Every parish shall be under obligation to expend its income as follows, and in this order:
- (a) the provision and maintenance of adequate living quarters for its Incumbent consistent with the Moving and Housing Policy of the Executive Committee of the Diocese of Yukon; and  
(Amended, Synod, October 2012)
  - (b) the payment of the Incumbent's stipend and travel expenses or its portion thereof; and where no Incumbent resides, contributions to ministry costs are the responsibility of the parish receiving the ministry as consistent with the Recovery of Ministry Costs Policy of the Executive Committee of the Diocese of Yukon; and  
(Amended, Synod, October 2012)
  - (c) the payment, if any has been allotted, for its shared offering, taxes and insurance.  
(Amended, Synod, October 2012)
- (2) If, in the opinion of the vestry, or the parish council, the parish cannot meet its financial commitments, then the Incumbent and the Church Wardens shall consult with the Bishop (or his/her representative), giving a complete statement of receipts and expenditures, assets and liabilities, and other relevant information.
- (3) After consultation, the Bishop may agree to grant relief to the parish concerned for one year only, but the agreement shall be subject to renewal at the end of that year if the Bishop deems it necessary.

### **Parochial Organizations**

- Canon 36 (1) Within the Parish, no guild, auxiliary, club, or other association shall be formed without the approval of the Incumbent.

Canon 36 (2) All parochial organizations shall be subject at all times to the direction of the Incumbent who shall have power to suspend or disband any organization which neglects or refuses to conform to his/her directions.

(Amended, Synod, November 2020)

(3) The organizations so suspended or disbanded may appeal such ruling to the Bishop.

(4) All parochial organizations shall present annual reports of their finances and work to the annual meeting of the Vestry.

### **Parochial Records**

Canon 37 (1) Every parish shall have the following Record Book and Registers:

- (a) Vestry Book of a type approved by the Bishop, listing all Divine Services and information relevant thereto;
- (b) a Register or Registers of Baptisms, Confirmations, Marriages, and Burials;
- (c) a Register or Index containing the name of all members of the Vestry of the Congregation, compiled from the list prepared for the Annual Congregational Meeting; and
- (d) a book or books containing the Minutes and Resolutions of all Congregational and Vestry meetings.

(2) The Record Books and Registers referred to in subsection (1) shall, when filled, be kept in a safe place for future reference preferably at the Synod Office.

(3) Every parish shall remit, through its Incumbent, to the Secretary-Treasurer of the Diocese, in February of each year, the following reports:

- (a) the Statistical Report of his/her parish for the preceding year on a form or forms which shall be supplied to him/her by the Diocese, and which shall be completed in full;
- (b) the Inventory of all Church property, on a form or forms which shall be supplied to the Wardens by the Diocese; and
- (c) any other reports or forms which may be required by the officers of the parish.

(4) The Incumbent shall make available to the Bishop or the Bishop's representative church records and Registers upon request at any reasonable time.

(Amended, Synod, November 2020)

### **Eligibility (Individual and Congregational) for Vestry**

- Canon 38 (1) Those eligible for the Vestry shall consist of all those members of a congregation within the parish who are:
- (a) baptized;
  - (b) regular communicants;
  - (c) of the full age of 16 years, (or younger at the discretion of, and with the permission of, the Bishop) and  
(Amended, Synod, May 2018)
  - (d) regular contributors of their substance to the support of the church.  
(Amended, Synod, 1990)
- (2) Before a Vestry can be constituted, there shall be in the congregation at least five persons who possess the qualifications stated in subsection (1).
- (3) Vestry shall have two Church Wardens.

### **Meetings of Congregation**

- Canon 39 (1) The Annual Congregational Meeting shall be held in each year during the month of January, or as early as possible.
- (2) Preparations for the Annual Congregational Meeting shall include:
- (a) a Parish Roll or List containing only the names of all voting members of the parish shall be prepared by a committee composed of the Incumbent, the Church Wardens, and two other members of the Vestry, and shall be made available to the congregation on the first day of December in each year;  
(Amended, Synod, May 2018)
  - (b) the Parish Roll shall include a statement of the qualifications of a member of the Vestry;
  - (c) if the Parish Roll is found to be in error, or if there are omissions, appeal may be made to the committee for the correction thereof; and
  - (d) notice of the Annual Congregational Meeting shall be given at Divine Service on the two Sundays preceding the date chosen for the meeting.
- (3) The Order of Business at the Annual Congregational Meeting shall be at the discretion of the Incumbent, but shall include the following:
- (a) Opening Prayers;
  - (b) the review of the Minutes of the last Annual Congregational Meeting and the adoption of the same;  
(Amended, Synod, 2010)



Canon 39 (3 cont.)

- (c) report from Vestry, number of meetings, etc.;
- (d) the consideration of unfinished business, if any, carried over from the Minutes referred to under subsections (b) and (c) above;
- (e) the presentation of the Report of the Incumbent's Warden on the material state of the congregation or parish;
- (f) the presentation of the audited Financial Statement by the People's Warden, together with any report from the Treasurer, Envelope Secretary, the Auditors, and the presentation of the reports of the parochial organizations;
- (g) the appointment by the Incumbent of his/her Church Warden;
- (h) the election of the People's Church Warden;
- (i) the election, if necessary, of Lay Delegates to the Synod of the Diocese, and of their substitutes;
- (j) the appointment and election of members of the Vestry;
- (k) the appointment of Auditors, Secretary, and if necessary, the Treasurer, and the Sexton;
- (l) the presentation and acceptance of the budget for the ensuing year;
- (m) the consideration of new business; and
- (n) Closing Prayers.

(Amended, Synod, October 1998)

(4) A Special Meeting of the Congregation may be called at any time by the Incumbent or Church Wardens by giving notice of the meeting at Divine Service on the two Sundays preceding the date chosen for the meeting.

(5) Only those members of the Congregation who are eligible for Vestry shall have the right to vote at meetings of the Congregation.

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

(7) At the Annual Meeting or special meetings of the congregation, the Incumbent shall preside or at his/her discretion or in his/her absence, either the Incumbent's Warden or the People's Warden or another Vestry Member of his/her appointment.

(8) Where applicable, the Rules of Order at Vestry and congregational meetings shall be the same as the Rules of Order of Synod.

## Officers of Parish - Churchwardens

- Canon 40 (1) Churchwardens shall be selected as follows:
- (a) at the Annual Meeting of each organized Congregation, two Churchwardens shall be selected from among the members eligible for Vestry, the People's Warden to be elected by a simple majority of the members present, and the Incumbent's Warden to be appointed by the Incumbent;
- (Amended, Synod, April 2015)
- (b) if the Congregation declines or neglects to elect a Churchwarden, then the Incumbent shall appoint one to fill the vacancy;
  - (c) if the Incumbent declines or neglects to appoint a Churchwarden, then the congregation shall elect one to fill the vacancy;
  - (d) the Churchwardens shall hold office for one year, or until the selection of their successors; and
  - (e) a vacancy caused by death, removal, or resignation shall be filled by calling a Special Meeting of the Congregation for the election of a People's Church warden, or by the Incumbent appointing an Incumbent's Churchwarden at Divine Service on a Sunday.

## Rights, Powers, and Duties of Churchwardens

- Canon 41 (1) The Rights, powers, and duties of Churchwardens include:
- (a) the Churchwardens, with the Incumbent, shall be deemed to be trustees of the Parish;
  - (b) the Churchwardens cannot exercise their corporate powers separately, that is, one cannot act without the consent of the other;
  - (c) in all matters it shall be their duty to carry out all legitimate directions of the Diocesan Synod, and of the Vestry which they represent;
  - (d) upon the assumption of office, the Churchwardens shall receive from their predecessors the form containing the inventory of all Church property, they shall check the accuracy of the inventory and then retain the inventory form in their possession until such time as they pass it to their successors in office;
  - (e) they shall have jointly with the Incumbent custody of all monies and goods belonging to the parish or congregation, and shall be responsible for the entry of the amount of the offerings of the people in a book kept for that purpose, for the keeping of the parochial or congregational accounts in a book kept for that purpose, and for the safe custody of all parochial or congregational records and books;

Canon 41 (1 cont.)

- (f) they may cause all Church buildings and property to be insured adequately by a reputable insurance company or companies in consultation with the Executive of the Diocese;
- (g) they shall cause all Church buildings and property to be kept in good condition and shall ensure that necessary repairs to the same are made;
- (h) at the Annual Congregational Meeting they shall report on the material state of the church, the Assets and Liabilities, the receipts and expenditures, the condition of all buildings and the amount of insurance carried;
- (i) they shall maintain good order and quiet in the Church at the time of Divine Service, and shall prosecute all offences against the same;
- (j) they shall attend the visitations of the Bishop, the Archdeacon, and the Rural Dean, whenever cited, and shall submit such lists, books, records, and registers as may be requested by the same;
- (k) upon relinquishing their office they shall deliver all books, monies, and chattels to their successors in office.

#### **Officers of Parish – Secretary**

- Canon 42 (1) The Churchwardens, in consultation with the Incumbent, and the Vestry, shall appoint a Secretary whose appointment shall be subject to the approval of the Congregation at each of its Annual Meetings.
- (2) If necessary, the Vestry shall arrange for suitable remuneration for the Secretary.
- (3) Secretary or, in their absence, a Secretary appointed by the Chairperson, shall enter the minutes of all meetings of the Vestry, and perform other duties as defined by the Vestry.

(Amended, Synod, October 1998)

#### **Officers of the Parish – Auditor**

- Canon 43 (1) The Churchwardens, in consultation with the Incumbent and the Vestry, shall appoint an Auditor, or Auditors, whose appointment shall be subject to the approval of the Congregation at each of its Annual Meetings.
- (2) If necessary, the Vestry shall arrange for suitable remuneration for the Auditor.

Canon 43 (3) The Auditor shall act under the direction of the Vestry, shall inspect the parochial or Congregational accounts annually, and shall submit a report thereon to the Congregation at each of its Annual Meetings.

### **Officers of the Parish – Treasurer**

Canon 44 (1) the Churchwardens, in consultation with the Incumbent and the Vestry, shall appoint a Treasurer, whose appointment shall be subject to the approval of the congregation at each of its annual meetings.

(2) If necessary, the Vestry shall arrange for suitable remuneration for the Treasurer.

(3) The Treasurer shall perform the duties as defined by the Vestry.

### **Composition of Vestry**

Canon 45 (1) The Vestry shall be composed of:

(a) the Incumbent;

(b) the Churchwardens;

(c) the Secretary;

(d) the Treasurer, if any;

(e) the Lay Delegates and alternate Delegates to Synod;

(Amended, Synod, May 2018)

(f) not more than six members of the Congregation, who shall be elected at the Annual Congregational Meeting; and

(g) an equal number of members of the Congregation who may be appointed by the Incumbent.

(Amended, Synod, October 1998)

### **Meetings of Vestry**

Canon 46 (1) The Vestry shall hold regular meetings, at least four times in each year, at which the Incumbent shall preside, or at his/her discretion, or in his/her absence, either the Incumbent's Warden or People's Warden, or another Vestry member of his/her appointment.

(2) A quorum of the Vestry shall consist of a clear majority of its members, of which majority the Chairperson shall be one.

### **Duties of Vestry**

- Canon 47 (1) The duties of the Vestry include:
- (a) it shall collect and count, or cause to be collected and counted, the offerings of the people received at Divine Service;
  - (b) it shall raise the funds required for the purposes of the Congregation or Parish;
  - (c) it shall inform the Congregation fully of the plans, activities, and needs of the Church;
  - (d) it shall make recommendations concerning the maintenance and insurance of Church property;
  - (e) it shall organize the Congregation or Parish for the making of canvasses and surveys;
  - (f) it shall co-ordinate the activities of the several parochial organizations;
  - (g) it shall prepare a yearly budget to be presented at the Annual Congregational Meeting; and
  - (h) it shall form its own committees to deal with finance, property, and other temporalities of the Church.

### **Power of Enactment and Revision of Canons**

- Canon 48 (1) The Synod shall have the sole right, authority and power to make, alter, revise, amend, and repeal the Canons of the Diocese of Yukon, as well, as to add and adopt new Canons.

(Amended, Synod,1990)

### **Voting on Canons**

- Canon 49 (1) No Canon of the Diocese shall be altered, revised, amended or repealed by Synod, nor shall any new Canon be added, or adopted unless:
- (a) the voting on the proposed alteration, revision, amendment, repeal, or addition, take place by Orders; and
  - (b) at least two-thirds of the members of each Order present when the vote is taken, concur with the proposed alteration, revision, amendments, repeal, or addition.

## Committee for Revision of Canons

Canon 50 (1) There shall be a Committee of the Synod to be known as “The Committee for the Revision of the Canons”.

(2) The Committee shall consist of the Archdeacon, the active senior appointment of whom shall be the Chairperson, the other Archdeacon or Archdeacons, the Dean of the Diocese, the Chancellor, and at least two clerical and two lay members, who shall be appointed by the Executive Committee. If there be no Archdeacon, then the Dean of the Diocese shall be Chairperson, or in the absence of the Dean of the Cathedral, then the senior priest shall be Chairperson.

(Amended, Synod, October 1998)

(Amended, Synod, May 2005)

(3) In the event of a vacancy occurring, the Executive Committee shall appoint a new member to fill the vacancy until the next regular meeting of Synod. The duties of the Committee for the Revision of the Canons are as follows:

(4) The duties of the Committee for the Revision of the Canons are as follows:

- (a) it shall prepare, as it deems it necessary, proposed alterations, revisions, amendments, repeals, or additions to the Canons of the Diocese, and shall submit the same, as ‘Notices of Motion’ for inclusion in the Convening Circular, to the Secretary-Treasurer, and then shall present the same, through its Chairperson, at the Meeting of Synod;
- (b) it shall consider, examine, and weigh the merits of all Notices of Motion submitted to it in accordance with the provisions under Canon 51 (1), and shall return said Notices of Motion to the Secretary-Treasurer of the Diocese for inclusion in the Convening Circular, and then shall present through its Chairperson, its report thereon at the meeting of Synod;
- (c) it shall compile and present to Synod at each regular meeting thereof, the Canons, if any, referred to under Canon 53 (3).

### **Notice of Proposed Change in Canons**

Canon 51 (1) All proposed alterations, revisions, amendments, repeals, or additions to the Canons of the Diocese, except those prepared by the Revision of the Canons Committee, shall be submitted, at least three months before the meeting of Synod, to the Secretary-Treasurer of the Diocese as Notices of Motion, in writing. Upon receipt of such, the Secretary-Treasurer shall immediately submit the same to the Chairperson of the Committee For The Revision of the Canons.

### **Conflict with Canons of Provincial or General Synods**

Canon 52 (1) No Canon of the Diocese shall be altered, revised, amended, or repealed by Synod, nor shall any new Canon be added or adopted, if the proposed alteration, revision, amendment, repeal, or addition be contrary to any of the Canons of the Provincial or General Synods.

### **Effect of Canons of Provincial and General Synods**

Canon 53 (1) The Diocese of Yukon shall be bound by all Canons of the Provincial Synod which have been, or will be, promulgated and are, or will be, in force.

(2) The Diocese of Yukon shall be bound by all Canons of the General Synod which have been, or will be, promulgated and are, or will be, in force, and which have been, or will be, accepted by the Provincial Synod.

(3) Any Canons which may from time to time be promulgated, repealed, or altered by the Provincial and General Synods, and which concern the Diocese of Yukon shall be compiled and presented at the next regular meeting of the Synod of the Diocese in accordance with Canon 50 (4) (c), for adoption and cognizance into obedience thereof.

## Election of Bishop

Canon 54 (1) On the occurrence of a vacancy in the See, the Executive Committee shall appoint an administrator to act in the interim period until the Bishop elect is consecrated as per Canon 19 (5) the Dean, Archdeacon or Senior member of the Clergy.

(Amended, Synod, November 2020)

(2) The election of the Bishop shall be held in the Diocese of Yukon within ninety (90) days from the effective date of the resignation or from the date a vacancy occurs unless the Executive Committee of the Diocese deems it advisable to extend the interim period.

(Amended, Synod, 1996)

(3) The Diocesan Synod delegates and other members of Synod shall constitute the electoral body. Each delegate or member of Synod shall be entitled to submit a nomination in accordance with the Policy of Synod for the Election of the Bishop of Yukon. At the beginning of the electoral synod, the Nominating Committee shall nominate all those nominees whose names have been received by the Nominating Committee and determined to be eligible for election in accordance with the Canons of the Diocese, the Provincial Synod, and the General Synod.

(Amended, Synod, October 1998)

(4) The Executive Committee shall have the power to establish the policy and procedures for the election of the Bishop.

(Amended, Synod, 1996)

(5) Voting at Synod:

(a) Shall be by each Order voting separately and requires a clear majority. A two-thirds majority of the total vote shall constitute an election.

(Amended, Synod, 2010)

(b) In the event, that the number of nominees is reduced to two and neither candidate receives the required two-thirds majority, and further nominations are called, and when with further balloting there is a reduction of candidates to two, and neither nominee receives the votes of two-thirds of the persons present and eligible to vote, Synod shall then decide the election by a simple majority vote.

(Amended, Synod, 2010)

(6) The Electoral Synod shall convene until the elected nominee has verified his/her willingness to accept the office.



Canon 54

(7) The consecration of a Bishop-elect and the enthronement of the person elected shall be in the See city of the Diocese.

(8) Whenever at the request of the Bishop, or whenever by a three-fourths vote of the members of Synod present at a meeting of the Synod, being either a regular Synod or a special Synod, the Synod shall resolve that a Coadjutor Bishop or Suffragan Bishop of the Diocese be elected, the election of such person shall take place at a special synod to be held on a date and at a place fixed by the Bishop in consultation with the Diocesan Executive Committee. The election shall take place in the same manner as detailed above for the election for the diocesan Bishop except that the Bishop of the Diocese, if present, shall preside over the special synod, or in his absence the Dean, or in the absence of both, the Chancellor, or in the absence of all the forementioned, the Archdeacon senior by appointment in the Diocese.

(Amended, Synod, May 2005)

(9) No proceedings under this Canon shall take place until and unless an income or position satisfactory to the Diocesan Executive Committee shall have been provided for such Coadjutor or Suffragan.

(Amended, Synod, May 2005)

(10) Those nominated for the office of Coadjutor Bishop or Suffragan Bishop shall meet all the requisite national canons for such position and office.

(Amended, Synod, May 2005)

(11) The names of those proposed for nomination for the office of Suffragan Bishop shall be submitted in advance.

(Amended, Synod, May 2005)

(12) When any person is duly elected Coadjutor Bishop or Suffragan Bishop, it shall be the duty of the Bishop of the Diocese forthwith to notify the Metropolitan, or the senior Bishop acting as Metropolitan, of the Ecclesiastical Province of such election.

(Amended, Synod, May 2005)

(13) The Coadjutor Bishop or Suffragan Bishop shall perform such diocesan duties and exercise such Episcopal authority in the Diocese as are assigned by the Bishop of the Diocese.

(Amended, Synod, May 2005)

Canon 54

(14) The Coadjutor Bishop or Suffragan Bishop shall have a seat in the synod and the same right of voting therein as any priest of the Diocese sitting in synod, and the Coadjutor Bishop or Suffragan Bishop shall be the presiding officer in the absence of the Bishop of the Diocese in order as in Canon 14(1)(b).

(Amended, Synod, May 2005)  
(Amended, Synod, October 2012)

(15) The Consecration of the Coadjutor Bishop or the Suffragan Bishop shall take place as promptly as can be arranged in order to insure to stability and continuity in the Diocese. The place of consecration for a Coadjutor Bishop shall be in the See city of the Diocese as chosen by the Bishop of the Diocese.

(Amended, Synod, May 2005)

**Seal of Confession**

Canon 55 (1) If any person confesses any secret or hidden sin to a Priest for the unburdening of his/her conscience, and in order to receive spiritual consolation and ease of mind, and absolution from him/her, such Priest shall not, either by word, writing, or sign, directly or indirectly, openly or covertly at any time, reveal and make known to any person whatsoever any sin, or crime, or offence so committed to his/her trust and secrecy, neither shall any Priest make use of knowledge gained in the exercise of such ministry to the offence or detriment of the person from whom he/she has received it, even if there be no danger of betraying the identity of such person, neither shall any Priest who is in a position of authority in any place, make use of any such knowledge in the exercise of his/her authority.

**Discipline**

Canon 56 (1) In the case of necessity, the Bishop shall have the authority to establish an Ecclesiastical Court for the hearing of matters of alleged breach of discipline cases:

- (a) the Bishop shall have the power to appoint the Court, and to announce the time and place of the hearing to the person in question;
- (b) the meeting of the Court shall be “in camera”;
- (c) the Court shall consist of:
  - the Bishop,
  - the Chancellor, or Vice Chancellor,

Canon 56 (1) (c cont.)

- a Clerical assessor,
- a Lay assessor;
- (d) a majority decision of the Court shall be viewed as final in terms of disciplinary action by this Diocese; and
- (e) in all matters relating to the procedures and the conduct of the Court, the decision of the Chancellor or Vice-Chancellor shall be final.

(2) It is hereby reaffirmed that the Bishop of the Diocese has by virtue of his/her office of Bishop, ecclesiastical jurisdiction, authority, and power of discipline over all clergy and laity, members of the Anglican Church within his/her Diocese, and all offences against the laws ecclesiastical.

(3) Nothing contained herein shall affect the jurisdiction and authority of the Bishop over any clergy holding the licence of such Bishop in respect of any offence alleged to have been committed by such clergy in a Diocese other than his/her own for which act the clergy would be subject to discipline if resident within his/her own Diocese, nor in respect of any offence alleged to have been committed in respect to any licence held by him/her or any Bishop.

(Amended, Synod, October 1998)

(4) Any Priest, Deacon, or Lay person holding the licence of the Bishop of the Diocese, or any office or appointment or charge under his/her jurisdiction, or receiving any allowance from or discharging any duties for the Synod, or any parish of the Synod, or any parish of the Diocese, shall be liable to be charged with an offence under this Canon and upon such charge being admitted or proven shall be subject to the sanctions set out in this Canon.

(5) The following shall be deemed ecclesiastical offences and triable and punishable under the provisions of this Canon:

- (a) any wrong doing, or wilful, or persistent, or habitual neglect in the discharge of the duties of any office or position of trust by one who has been licensed or appointed by the Bishop;
- (b) the discontinuance without lawful cause or written leave of the Bishop, of the exercise of any ministerial office;
- (c) the disuse, after written notice from the Bishop, of public worship, or the Holy Communion according to the office of the church, in the churches of their parish, mission, or charge;
- (d) residence, without leave of the Bishop, in any parish or charge other than that to which a member of the clergy has been appointed or licensed;
- (e) the holding of any Service in any other clergy's church or parish without their consent;

Canon 56

(5 cont.)

- (f) any act which involves violation of any member of the clergy's oath of obedience;
- (g) contempt of the lawful authority or disobedience or disrespectful conduct towards the Bishop of the Diocese in matters appertaining to the administration of the affairs of the Diocese or parish, or the enforcement of this Canon;
- (h) officiating without the consent of the Bishop at services of bodies not in communion with the church, or allowing persons not authorized by the Bishop to conduct services in any church in their parish, mission, or charge;
- (i) the infringement or violation after notice in writing from the Bishop of the rubrics of the Book of Common Prayer, or other services authorized by the Bishop;
- (j) knowingly celebrating marriages between two persons within the degrees of kindred and affinity, or knowingly celebrating a marriage of a divorced person without authority; contempt of any decree, sentence, or order of any established canonical court;
- (k) the exercise by any member of the clergy of any lay profession or occupation inconsistent with their position as clergy without the written leave of the Bishop, or acting otherwise in a way inconsistent with their sacred calling;
- (l) schism or separation from the communion of the church;
- (m) holding, teaching, or maintaining heretical or false doctrines contrary to those of the church, either publicly or privately, or by preaching, writing, or printing, or circulating books containing such doctrines;
- (n) any criminal or immoral, dishonourable, or disorderly conduct, or evil report giving rise to scandal; and
- (o) any other violation of the Declaration of Principles, or Constitution of The General, Provincial, or Diocesan Synods, or the Canons of the said Synods.

(6) If, after delivery of Notice of the hearing date of the Court, the person charged with misconduct does not appear, it shall be lawful for the Court to proceed to a determination of the merits of the case, in the absence of the person so charged.

(7) The Court shall not be bound by the formal rules of evidence, and in all matters relating to rules or the nature and inadmissibility of evidence, the decision of the Chancellor or Vice-Chancellor shall be final.

(8) If any clergy, under the jurisdiction of the Bishop, is convicted of an indictable offence; or, is found in a divorce or matrimonial cause, to have

Canon 56 (8 cont.)

committed adultery, and is so found in the decree granted in such cause; or, has an order by a competent court under any statute relating to children born out of wedlock made against them, the Bishop may, in his/her discretion, institute proceedings in the Bishop's Court in accordance with this Canon, and the findings of any Court of competent jurisdiction shall be admitted into evidence and may be taken as proof of the facts stated therein.

(9) A charge may be preferred against any person set forth in section (5) for any offences mentioned, by three members of the church in the Diocese, or by any Archdeacon of the Diocese, and such charge shall be in writing and shall be delivered to the Bishop of the Diocese or the Bishop of the Diocese may himself prefer such a charge.

(10) Upon a charge being preferred, the Bishop shall communicate the contents of the charge to the person accused, and after consideration the Bishop of the Diocese may deny the complaint and notify the complainant and the respondent of his/her decision.

(11) In the event of a charge being preferred against a clergy person resident in one Diocese and holding the Licence of a Bishop of another Diocese of The Church in Canada, notice of the proceedings in respect of such charge shall be given to the Bishop issuing such Licence, who shall forthwith give or refuse his/her consent for proceedings to be instituted by the Bishop of the Diocese in which the charge was preferred.

(12) In the event of a charge being preferred against a member of the clergy resident in any Diocese of The Church in Canada, holding the licence of the Bishop of a church in communion therewith, proceedings in respect of such charge shall not be instituted until notice of such charge has been given to such bishop, and his/her consent and authority obtained by commission from him/her either:

- (a) to institute proceedings against said member in accordance with the canons, rules, and regulations governing discipline in respect of such offence in said Diocese of The Anglican Church in Canada; and
- (b) to take the evidence in Canada in respect of said alleged offence for transmission to said Bishop for such action as said Bishop or the courts of said Diocese or Church may deem proper or necessary.

(13) If any respondent admits the truth of the charges or the complaint, and requests the Bishop to deal with the same in a summary way, the Bishop shall thereupon adjudge the party to be guilty, and shall impose such punishment under this Canon as in his/her judgement and discretion he/she may think

Canon 56 (13 cont.)

adequate to the offence, and shall attach his/her sentence and the answer of the respondent against the charge or complaint made to a memorial, and file the same of record with the Registrar of the Court who shall forthwith transmit to the complainant and the party charged a copy of such decision or sentence.

(Amended, Synod, October 1998)

(14) If the Bishop does not deny the complaint, the Bishop may request, by Commission, the Court or some members thereof to investigate the charges, in which case the Bishop's court shall inform the respondent of the nature of the charges, and after consideration and investigation shall advise the Bishop either that a prima facie case has been established or that no case has been established.

(15) If a prima facie case has been established, the Bishop of the Diocese shall submit the complaint to the Bishop's Court with his/her commission that the Court try the matter and report to the Bishop in its findings, and its recommendations as to sanction.

(16) Upon a plea of guilty, or submission to the Bishop, or after receipt of the decision of the Bishop's Court, and any recommendations that it may make, the Bishop may hear submissions as to sentence, along with such persons as he/she considers proper, and after hearing such submissions may proceed to pass sentence.

(17) Upon passing sentence the Bishop may:

- (a) reprimand or admonish a party in public, or in private;
- (b) order the suspension or removal from office of any party;
- (c) order the deposition of any party from holy orders;
- (d) withdraw the licence or appointment of any party; and
- (e) may accept the resignation of any party in lieu of or in addition to any other penalty; and
- (f) may order the deprivation or degradation of any party.

(Amended, Synod, October 1998)

(18) It shall be within the power of the Bishop, by virtue of his/her office, and not inconsistent with or contrary to this Canon, to admonish those offending, for any offence mentioned in this Canon, not made a subject for enquiry, and such admonition shall be made in public or in private at the discretion of the Bishop, and made in such a manner as the Bishop deems appropriate.

(19) When the penalty of suspension is inflicted, the sentence shall specify on what terms or at what time the suspension shall cease.

## Canon 56

(20) During his/her suspension, the clergy shall not exercise the function of his/her ministry, either in their own parish or elsewhere in Canada on pain of deprivation.

(21) During his/her suspension the Bishop may deprive such suspended clergy of the whole or part of the stipend, income, or emoluments of his/her parish or mission, and may appoint another clergy in the place of the suspended clergy, and may apply the whole or a part of such stipend, income, or emoluments to the payment of such substitute.

(22) Upon a sentence of deprivation being pronounced, the connection between the offender and his/her parish, mission, or congregation shall be ipso facto severed, and all offices, rents, issues, profits, and emoluments which he/she may hold by virtue of such office or ministry, from which he/she has been removed, shall wholly cease and determine.

(23) A copy of the sentence shall be sent to the offender and copies thereof shall be sent to all clergy of the Diocese, and shall be read or given such publicity as the Bishop may deem expedient.

(24) Any clergy so sentenced shall be, and remain so, deprived until restored by the Bishop who deprived him/her, or by his/her successor in the See, and while so deprived and until so restored shall be incapable of holding any office or performing any function in any Diocese in the Anglican Church of Canada.

(25) Upon a sentence of deposition being pronounced, such sentence shall include all the consequences of deprivation, and at the same time divest the offender of the office conferred on him/her by ordination.

(26) The Bishop imposing the penalty of suspension shall send notice thereof to the other Bishops of the Anglican Church of Canada.

(27) The Bishop pronouncing a sentence of deprivation, deposition, or degradation shall send notice thereof to the Bishops of the Anglican Church of Canada, and to the Metropolitans of the Anglican Communion.

(28) In every case (whether or not a charge is pending in the Bishop's Court), in which, from the nature of the circumstances, it appears to the Bishop that great scandal is likely to arise from any person continuing to perform the services of the Church, while such circumstances are under investigation, or that any person's ministrations will be useless or impaired while such charge is

Canon 56 (28 cont.)

pending, the Bishop may cause a notice to be served on the person inhibiting them from performing any service of the Church either in the Diocese of the said Bishop, or elsewhere in Canada, pending investigation, or until the Bishop shall withdraw the inhibition, or until sentence has been given in such case.

(29) No person inhibited under the preceding section shall be deprived, during continuance of such inhibition, of any of the emoluments of his/her office, as are payable by or under the control of the Bishop or Synod.

(30) The Bishop may, at any time, revoke such inhibitions.

(31) Every suit or proceeding against any Priest, Deacon, or Layperson for any offence specified in this Canon, or against the provisions of the Ordinance constituting the Synod, or against the Constitution, Canons, or Bylaws of the Synod, shall be commenced within one year from the time that the commission of the offence, in respect of which the suit or proceedings is instituted shall have become publicly known, and not afterwards; provided always that whenever any such suit or proceeding is brought in respect of an offence for which a conviction has been obtained in any court of law, such suit or proceedings may be brought against the person convicted at any time within six calendar months after such conviction although more than one year may have elapsed since the time that the commission of the offence, in respect of which such suit or proceedings is so brought, shall have become publicly known.

(32) The decision of the Court and any sentence imposed in accordance with the provisions of this Canon shall be subject to appeal to The Provincial Court of Appeal of The Ecclesiastical Province, or the Supreme Court of Appeal of The Anglican Church of Canada in accordance with the Canons of The Provincial and General Synods constituting the same courts.

(33) On notice of appeal by an accused person being given and served as provided in the previous section from any conviction or sentence, the Bishop from whom conviction or sentence the appeal is asserted, shall not proceed to enforce such sentence against the accused until further order of the court appealed to.



## Conduct of Trials

- Canon 57 (1) All trials of persons charged with offences under this Canon shall be conducted according to the principles of natural justice.
- (2) Without limiting the generality of the foregoing section, all persons tried for offences under this Canon are entitled to be:
- (a) given full and complete written notice of the charge against them and the particulars of the charge,
  - (b) presumed innocent until the commission of the offence by them is proved beyond a reasonable doubt,
  - (c) heard in their own defence,
  - (d) represented in their defence by counsel of their own choice,
  - (e) present, accompanied by their counsel, when any evidence or argument concerning the allegations against them is received by the Bishop, Metropolitan, or Court inquiring into the charges.
  - (f) given opportunity to cross-examine, or have their counsel cross-examine under oath, witnesses who have given evidence against them.
  - (g) tried by persons who are not biased against them, and
  - (h) tried within a reasonable time.
- (3) No person tried for an offence under this Canon is required to give evidence in the proceedings.
- (4) Disciplinary proceedings arising out of the alleged commission of an offence under this Canon shall be commenced within either:
- (a) 12 months from the date of the alleged offence; or
  - (b) 12 months from the time when the facts giving rise to the charge became publicly known.
- (5) All persons found to have committed an offence under this Canon are entitled to have the penalty imposed against them within 30 days of the determination that they committed an offence, subject to a stay of the imposition of a penalty in the event of an appeal.
- (6) No person who has been acquitted of an offence under this Canon may be tried for the same offence a second time.
- (7) No person who has been found guilty of and punished for an offence under this Canon may be tried or punished for the same offence again.

(Amended, Synod, 1996)

## INDEX

<u>Canon Title or Canon Group</u>	<u>Canon Number</u>
Appointment of Dean and Archdeacons	22
Appointment of Clerical Incumbents	30
Appointment of Lay Delegates to Synod	5
Appointment of Lay Incumbents	32
Archdeacons - Appointment of	22
Assistant-Treasurer - Synod	11
Auditor - Parish	43
Auditor - Synod	12
Bishop as Chief Pastor, Minister, and Administrator	19
Bishop - Election of	54
Canons - Committee for Revision of	50
Canons - Notice of Proposed Change in	51
Canons - Power of Enactment and Revision	48
Canons - Voting on	49
Chancellor and Vice Chancellor	25
Church Property	29
Churchwardens	40
Churchwardens - Rights, Powers, and Duties	41
Clerical and Lay Secretaries - Synod	9
Clerical Members of Synod	3
Committee for Revision of Canons	50
Committee on Evangelism, Religious Education and Social Service	17
Committees of Synod - Rules Concerning	18
Composition of Executive Committee	14
Composition of Synod	2
Composition of Synod - Rules Governing Meetings	Canons 2-13
Composition of Vestry	45
Conduct of Trials	57
Confession - Seal of	55
Conflict with Canons of Provincial or General Synod	52
Congregation - Meetings of	39
Dean - Appointment of	22
Delegates to Synod - Parish	34
Discipline	Canons 56-57
Domestic Chaplains	24
Duties and Powers of Executive Committee	16
Duties, and Powers of Incumbents	31
Duties of Lay Delegates to Synod	6
Duties of Vestry	47

<u>Canon Title or Canon Group</u>	<u>Canon Number</u>
Effect of Canons - Provincial and General Synods	53
Election of Bishop	54
Elections at Synod	13
Eligibility for Licensing – Orders and	26
Eligibility Vestry Membership (Individual/Congregational)	38
Enactment and Revision of Canons of Diocese	Canons 48-53
Examining Chaplains	23
Executive Committee of Synod	Canons 14-18
Executive Committee - Composition of	14
Executive Committee - Duties and Powers	16
Executive Committee - Rules Concerning	15
Financial Responsibility of Parish	35
General Synod Canons - Conflict with	52
General Synod Canons - Effect of	53
Incumbents - Appointment of Clerical	30
Incumbents – Appointment of Lay	32
Incumbents - Duties, and Powers of	31
Jurisdiction of Synod of the Diocese of Yukon	1
Lay Delegates to Synod - Appointment of	5
Lay Delegates to Synod - Duties	6
Lay Incumbents – Appointment of	32
Lay Members of Synod - Qualifications of	4
Licensed Lay Ministry	27
Licensing – Orders and Eligibility	26
Meetings of Congregation	39
Meetings of Synod	7
Meetings of Vestry	46
Ministers Exercising their Ministry	26
Ministrations of Church in Areas of Diocese (not organized as parishes)	28
Notice of Proposed Change in Canons	51
Officers and Administration of Diocese of Yukon	Canons 19-29
Officers of Parish - Auditor	43
Officers of Parish – Church Wardens	40
Officers of Parish - Treasurer	44
Officers of Parish – Secretary	42
Officers of Synod - Assistant-Treasurer	11
Officers of Synod - Clerical and Lay Secretaries	9
Officers of Synod - Secretary-Treasurer	10
Order and Eligibility for Licensing	26
Organizations - Parochial	36

Canon Title or Canon Group

Canon Number

Parish	33
Parish - Delegates to Synod	34
Parish - Financial Responsibility of	35
Parishes and Parish Structure	Canons 30-47
Parochial Organizations	36
Parochial Records	37
Power of Enactment and Revision of Canons	48
Provincial Synod Canons - Conflict with	52
Provincial Synod Canons - Effect of	53
Qualifications of Lay Members of Synod	4
Records - Parochial	37
Regional Areas	21
Rights, Powers, and Duties of Church Wardens	41
Rules Concerning Committees of Synod	18
Rules Concerning the Executive Committee	15
Rules of Order - Synod	8
Seal of Confession	55
Secretary of Vestry	42
Secretary-Treasurer - Synod	10
Synod - Elections at	13
Synod Meetings	7
Synod - Rules of Order	8
Treasurer - Parish	44
Trials – Conduct of	57
Vestry - Composition of	45
Vestry - Duties of	47
Vestry - Eligibility for	38
Vestry - Meetings of	46
Voting on Canons	49