

CANONS

I - APPLICABILITY OF THE CANONS GENERAL AND PROVINCIAL SYNODS

Those Canons and General Synod of the Anglican Church of Canada and of the Synod of the Ecclesiastical Province of Rupert's Land as presently in effect or as enacted or amended from time to time which by their provisions have mandatory application to the Diocese of The Arctic are hereby adopted and incorporated as Canons of the Diocese.

II - APPOINTMENTS

The Bishop shall have the right to appoint a Dean, Archdeacons, Canons and Regional Deans whenever in his or her judgement such appointments are desirable and similarly to terminate any such appointments. The Bishop may also at his or her pleasure appoint and remove chaplains and any and all of the following, viz.: the Commissary, Chancellor, Registrar and Treasurer.

III - PARISH ORGANIZATION

(1) Parishes, (with their congregation or congregations as designated from time to time by the Bishop in consultation with the Executive Committee) in the authorised list of the Diocese and recognised by the Bishop are to be regarded as duly organised according to the Constitution of the Diocese of The Arctic.

(2) Whenever it is deemed advisable by the Bishop and the Executive Committee to organise a new Parish by merger or otherwise, divide or terminate a Parish, or add or remove one or more congregations to or from a Parish, they shall do so and the appropriated designations shall be made by the Executive Committee and the authorised list of the Diocese amended accordingly. Any change which affects the status of the self-supporting Parish shall be referred to that Parish prior to being implemented.

(3) A self-supporting Parish is a congregation, or group of congregations, in charge of one Incumbent, which without recourse to extra-parochial financial assistance has been able to pay and has actually paid a stipend equal to the clergy basic stipend and allowances approved by the Council of the North other than those which are the responsibility of the Diocese and has paid all expenses and

extra-parochial obligations of that particular Parish for at least one full year prior to the time in question.

IV - APPOINTMENT OF INCUMBENTS

The word “Incumbent” wherever it occurs in the Canons of the Diocese, shall be kept mean the Cleric or other person who for the time being has the cure of souls in a Parish and who has been licensed or appointed by the Bishop to perform such ecclesiastical duties therein.

On a vacancy occurring in any Parish within the Diocese the mode of appointment the new Incumbent shall be as follows:

(1) Self-supporting Parish:

Each self-supporting Parish at its annual meeting, or on attaining the status of a self-supporting Parish, shall elect a committee of three persons, to be called the “Parish Search Committee”. The members of this Committee in existence at the time a vacancy occurs shall remain in office until an appointment is made or until the next Annual General Meeting.

The appointment of an incumbent to fill a vacancy is the responsibility of the Bishop, with the assistance of the Parish Search Committee.

When a vacancy occurs, the Bishop or the Bishop’s representative shall confer with the Parish Search Committee within a period not exceeding three months. The Bishop and the Parish Search Committee shall determine who will be responsible for soliciting Clerics who are interested in filling the vacancy. Clerics who are interested in filling the vacancy must be referred to the Bishop or the Executive Officer. The Bishop or Executive Officer shall request references for all Clerics who are interested in filling the vacancy.

After the references of all Clerics interested in filling the vacancy have been checked, the Bishop shall determine the names of Clerics to be provided to the Parish Search Committee and to be put before the Congregation.

The Parish Search Committee and the Bishop may bring names of Clerics provided by the Bishop for consideration by the Congregation. There shall be convened a Special Meeting of the Parish, as provided under Canon X(2). The Parish Search Committee and the Bishop, or the Bishop’s representative, shall attend this Special Meeting of the Parish.

At the Special Meeting of the Parish, the name(s) of one or more Clerics shall be put forward for election, and the candidate approved by the meeting shall be appointed Incumbent.

Candidates shall be elected by those in attendance at the Special Meeting of the Parish, by vote.

Should those in attendance be unwilling to accept the first name submitted, the same process shall be repeated until an Incumbent has been chosen, provided that the Bishop may at any time be empowered to appoint an Incumbent by written application from the Parish Search Committee and the Churchwardens with the consent of a majority of those in attendance at a Special Meeting as outlined above.

The Bishop may appoint a locum tenens provided that an Incumbent Minister be appointed within a period not exceeding two years from the time the vacancy occurs.

(2) Non-self supporting Parish:
The appointment shall rest with the Bishop.

V - MINISTERING IN PARISHES

After an Incumbent has been duly appointed to a Parish, no other clergyman, layleader, or lay reader, (except those, if any, appointed to congregations within a Parish) though holding the licence of the Bishop, shall hold public prayer, or service, or administer the Sacraments within such Parish, or on behalf of its parishioners, whether according to the prescribed order of the Church or not, without the consent of the Incumbent; provided that

- (I) a cleric may visit ministerially, with private administration of the Sacraments, if necessary, any person or family in the habit of attending his or her ministrations; and
- (II) the Bishop may license Clerics to special chaplaincies or to extra-parochial ministries.

IV - RESIGNATION

When a Cleric wishes to resign his or her charge, and subject to fulfilment of any commitments as to the Cleric's period of service, he or she shall give three months' notice thereof in writing to the Bishop and Parish stating his or her reasons and such Cleric shall not leave his or her charge before the end of such

period unless permission to do so has been given in writing by the Bishop or the Bishop's Commissary; nor shall such permission be given unless other suitable arrangements can be made for carrying on the work, or unless, in the judgement of the Bishop or the Bishop's Commissary, there are special necessity.

VII - MAINTENANCE OF CLERGY

The duty of maintaining the clergy rests primarily upon the congregation to which they minister, and the responsibility of seeing that the stipend and utility costs are regularly and fully paid rests upon the respective Churchwardens and vestries. Any assistance toward stipend and utility costs received from diocesan sources is only to be considered temporary financial support, which is given in gradually decreasing amounts until the people are able to support their own clergy.

VIII - PARISH RESIDENCES

The Parish, subject to the approval of the Diocesan, shall provide a suitable house for the residence of the Incumbent. A suitable house includes the provision of and payment for all necessary utilities.

IX – DIOCESAN (Red Ribbon) AND PARISH (Blue Ribbon) LAY LEADERS

(1) The appointment of Diocesan and Parish Lay Leaders shall rest with the Bishop.

(2) Prior to the appointment of a Diocesan or Parish Lay Leader, the candidate shall make the following declaration prior to being licensed and admitted:

“I, (A.B.), about to be admitted to the office of a (Diocesan/Parish Lay Leader) in the Diocese of The Arctic, do hereby declare that I have been baptised and confirmed and am a regular Communicant of the Anglican Church of Canada. I assent to the Book of Common Prayer and I believe the doctrine of the Anglican Church of Canada as therein set forth to be agreeable to the Word of God.

And I further promise to conform to such regulations as are or may be laid down by the authority of the Bishop of the Diocese; to act in obedience to the Incumbent in whose parish I may minister; to endeavour so far as in me lies to promote peace and unity, and to conduct myself as becomes a worker for Christ, for the good of His Church and for the spiritual welfare of my people.

(Signed).....

Witness.....

(date).....”

(3) Admission to the offices of Diocesan or Parish Lay Leader shall be in such form and with such matter as the Bishop may from time to time direct.

(4) The form of license at present in use in the Diocese of The Arctic is as follows and is hereby adopted:

“.....be Divine Permission, Bishop of The Arctic to our well-loved--
Greeting:

We do hereby, on the nomination of..... under our hand and seal, appoint and License you to be a (Diocesan/Parish Lay Leader) in our Diocese of The Arctic, to discharge, as you may find opportunity, the office of (Diocesan/Parish Lay Leader) in the.....or any other Parish, subject at all times to the consent and under the direction of the Cleric in charge:

‘The office shall be to read the word of God in the congregation and, in the absence or illness of the Cleric, or on urgent occasions at the request of the Cleric, to read in the congregation any appointed portions of the Morning and Evening Service, teach and preach as the Cleric shall authorise; and generally to aid in Parish work and perform such functions as it is competent for a lay member of the Church to perform, and as you shall be directed to discharge, under the authority of the Bishop.’

And we do further hereby reserve to ourselves and successors the power of at any time recalling this license.

Done under our hand and seal at....., this.....day of....., in the year of our Lord,.....and in the.....year of our Consecration.”

(5) The following are the regulations under which the license to a Diocesan or Parish Lay Leader is issued and they shall be endorsed on the license:

a) The Licensee exercises his or her office under the direction of the Incumbent of the Parish.

b) When the Incumbent is present at any service it shall be entirely under the Incumbent’s direction.

c) The Licensee shall be vested and shall wear the badge of office on every formal occasion when he or she officiates.

d) In the absence of a Cleric, the Licensee shall read the order of Morning or Evening Prayer with the exception of the Absolution.

- e) The licensee shall not take any of the Occasional Offices, except the Licensee may (i) baptise a child in danger of death (see directions for administration in the office of Private Baptism), (ii) take Parts I and II (other than the blessing) of the Ministry to the Sick, and (iii) when a Cleric cannot officiate, may take the Burial Service, after seeing that the requirements of the civil law as to registration have been complied with.
- f) The Licensee may prepare candidates, their parents and their sponsors, where appropriate, for Baptism, candidates for Confirmation and couples for Holy Matrimony, under the direction of the Incumbent.

X - CHURCH MEETINGS

All Church meetings shall be opened and closed with prayer.

(1) General - A general Parish meeting is a gathering of parishioners from all or substantially all the congregations within the Parish at one principal or central place and may be called at any time by the Bishop, the Bishop's Commissary, Administrator or the Incumbent. The Incumbent shall consult with the Bishop prior to calling such general Parish meeting. The presence of ten parishioners, including the Warden or a representative of each congregation to be represented at the meeting and the Incumbent (if there be no Incumbent, then a Churchwarden of the Parish), shall constitute a quorum.

(2) Special Meeting - A special meeting within a Parish is a gathering of parishioners from one or more but less than substantially all the congregations and may be called at any time by the Bishop, the Bishop's Commissary, the Administrator or the Incumbent, or in the Incumbent's absence, his or her Churchwarden or the Wardens, as the case may be, upon resolution passed by the Vestry or Council or Councils concerned. The Incumbent, the Incumbent's Churchwarden or wardens, as the case may be, shall consult with the Bishop prior to calling such special meeting. The presence of the majority of the Vestry or Councils of the congregations concerned, the Incumbent or the Incumbent's representative designated by the Bishop, the Bishop's Commissary or the Administrator and at least four additional parishioners from each congregation concerned shall constitute a quorum.

(3) Annual Meeting - (A) Parish: The annual meeting of each Parish shall be held during January, or as soon thereafter as possible, for the purpose of hearing

the annual statement of the Incumbent, the reports of the Churchwardens, to appoint and elect Churchwardens and other members of the Vestry for the Parish centre congregation ("Centre Congregation") for the ensuing year, or to appoint or elect a Churchwarden and one-half of the other members of the Vestry for the Centre Congregation for the ensuing two years if not already appointed or elected at a special meeting called for that purpose, and for transaction of any other business affecting the welfare of the Parish; provided that the appointment or election of Churchwardens and other members of the Vestry may take place at a special meeting of the Parish convened at such earlier time as may be convenient. The meeting shall be open to all members of the Parish, but only those parishioners qualified (Canon XI) may take part and vote.

The order of proceedings may be as follows:

- (i) Prayer,
- (ii) Minutes of last Annual Meeting.
- (iii) Incumbent's statement showing the condition of whole Parish, (services, communions, baptisms, marriages, deaths, special services, choirs, Sunday schools, societies and organisations).
- (iv) Report of Incumbent's Churchwarden, showing state of:
 - (a) Church buildings and lands within the Parish and inventory of fabrics, requisites for service (furniture, books, music, linen, vessels).
- (v)
 - 1) Report of People's Churchwarden:
 - a) Financial statement of the Parish duly audited and of the Centre Congregation showing receipts and expenditures, special offerings, Incumbent's stipend, Synod assessment, and assets and liabilities.
 - (b) Any resolutions of the Vestry requiring attention.
 - 2) Report of Wardens, written or verbal, of other congregations in the Parish;
 - (a) Property report and state of buildings of their congregations.
 - (b) Report for their congregations of services taken by diocesan/parish lay leaders and visits of the Incumbent.
 - (c) Reports of congregation collections, with statement showing amounts used locally and why, and amounts sent to the Parish centre.
 - (d) Any recommendations arising from the above requiring Parish action.
- (vi) Reports of all church organisations.
- (vii) Appointment of Incumbent's Churchwarden, if required.

- (viii) Election by parishioners of the Centre Congregation of the people's Churchwarden, if required.
- (ix) Election by parishioners of the Centre Congregation of
 - (a) Vestry members, and
 - (b) Lay delegate to Synod.
- (x) Election of Parish Search Committee, if applicable.
- (xi) Appointment of auditors.
- (xii) In self-supporting Parishes the stipend to be paid to the Incumbent for the ensuring year. In other Parishes, largest possible portion of stipend to be paid to the Incumbent. (See Canon XVI(1)).
- (xiii) Notices of Motion or other business.

N.B. - All elections shall be made by ballot.

B. Congregational: The annual meeting of each congregation of the Parish other than the Centre Congregation shall be held as soon as possible following the annual meeting of the Parish, for the purpose of hearing the annual statement of their congregational Warden, reports from the annual meeting of the Parish, to elect a congregational Warden, to elect other members of the Council for the ensuring year or to elect a congregational Warden and elect one-half of the other members of the congregational Council and to transact any other business affecting the welfare of the congregation and its responsibilities to the Parish.

The order of proceedings may be as follows:

- (i) Prayer.
- (ii) Minutes of last Annual Meeting.
- (iii) Incumbent's report, as for Annual Parish meeting.
- (iv) Report of Warden, showing the state of the church buildings, and lands and inventory of fabric, requisites for services (furniture, books, music, linen, vessels).
- (v) Report of Treasurer, showing receipts and disbursements of the monies collected by the congregation.
- (vi) Reports of organisations of the congregation.
- (vii) Election of congregational Warden, if required.
- (viii) Election of members of the congregational Council.
- (ix) Election of Lay delegate to Synod.

- (x) Warden's report of the Annual Parish meeting.
- (xi) Motions necessitated by the above report to enable the congregation to fulfil its responsibilities to the Parish.
- (xii) Other business.

(4) (A) **Vestry:** A meeting of the Vestry of a Parish should take place upon a fixed date, at least every quarter, in the interests of the Parish and Centre Congregation but meetings may be called at any time by the Incumbent upon three days' notice being given to its members. The presence of the Incumbent or, in the Incumbent's absence, a Churchwarden and the greater of one-third of the members or three members of which the Incumbent or Churchwarden, as the case may be, must be one shall constitute a quorum.

(B) **Council:** A meeting of the congregational council should take place on a fixed date, at least every quarter, in the interests of the congregation, but meetings may be called at any time by the Incumbent upon a week's notice being given to its members. The presence of the Incumbent or, in the Incumbent's absence, the Warden and the greater of one-third of the members of the Council or three Councilmen including the Chairman shall constitute a quorum.

(5) Except in cases of urgent necessity, at least two Sunday's notice shall be given of General, Special and Annual meetings both orally at the time of Service and in writing, in the form set forth in Appendix A, upon the notice board or other convenient place within the Church, churches or designated site.

(6) **Convenor:** The Incumbent is ex-officio the Convenor and Chairman of all church meetings within the Parish but he or she may delegate this authority. If there be no Cleric present a Churchwarden, Warden or other parishioner so delegated shall convene such meeting as shall be the Chairman.

(7) At any meeting of the parishioners duly convened, the votes of those only who are entitled to sign the Declaration of Parishioners (Appendix B) shall be recorded, and their decision shall bind those who are absent.

(8) The Chairman shall have the usual powers appertaining to the Chairman of any public meeting. The Chairman shall have the same right of voting as if not in

the Chair, but shall have no casting vote, and an equality of votes shall be considered as defeating a proposition.

(9) The right of adjournment is in the meeting, and must be decided by a majority of votes without debate.

(10) Minutes of proceedings and resolutions of every General, Special, Annual, Vestry or Council meeting shall be correctly entered in the proper book, and unless the Minutes are read and approved at the close of the proceeding meeting, the first business of every meeting after the opening prayer shall be the reading, passing and signing by the Chairman of such Minutes of the proceeding meeting.

XI - MEMBERSHIP

A parishioner is any person of the full age of 16 years who has been baptised and is a Communicant, contributes regularly to the financial support of the Parish, and is a recognised attendant of a congregation in the Parish.

Parishioners entitled to vote at a meeting shall be those able to make the Declaration set forth in Appendix B; and shall be required to do so if necessary.

XII - CHURCHWARDENS AND WARDENS

(1) (A) Two Churchwardens shall be chosen annually, or one Churchwarden in the case of two year terms, at the annual meeting of each Parish from amongst the communicants of the Centre Congregation of the full age of 19 years, one to be appointed by the Incumbent and one to be elected by the parishioners of the Centre Congregation. In the case of two year terms, the appointment and election of Churchwardens at the annual meeting of each Parish shall be in alternate years so that only one Churchwarden is chosen each year; provided that in the first year that a Parish adopts a two year term, one Churchwarden shall be appointed or elected for a period of one year as the Incumbent shall determine. They shall be ex-officio members of the Vestry and shall continue to hold office until their successors are appointed.

(B) One Warden shall be chosen annually, or every other year in the case of two year terms, at the annual meeting of each congregation other than the Centre Congregation from amongst the communicants in that congregation of the

full age of 19 years. The Warden shall be an ex-officio member of the parish Vestry and shall continue to hold office until the Warden's successor is elected.

(2) A parishioner may not be a Churchwarden or Warden in the same congregation for more than four consecutive years.

(3) Churchwardens and Wardens shall, before acting as such, make and sign the Declaration of Office appointed in Appendix C(1) or (2) as the case may be.

(4) The Incumbent's Churchwarden shall be primarily responsible for the due care of the property of the Centre Congregation. The people's Churchwarden shall be responsible for the proper care and accounting of all monies belonging to the Centre Congregation or contributed by its members for any purpose. A congregational Warden shall be responsible for the due care of all property of the congregation and the proper care and accounting of all monies belonging to that congregation or contributed by its members for any purpose.

(5) If the office of the Churchwarden appointed by the Incumbent shall at any time become vacant by death, resignation, absence for three months without written leave from the Minister, or otherwise, it shall be the duty of the Incumbent forthwith to appoint some other fit person to the vacant office, and as soon as may be after such appointment, the Incumbent shall:

- (i) make a return in writing to the Vestry Clerk of the name of the person chosen by the Incumbent to fill the vacant office,
- (ii) cause a written notice of the said appointment to be forthwith attached to the notice board of the church,
- (iii) cause the appointment to be announced at a regular service of the congregation, and
- (iv) immediately notify the Secretary of the Synod of any such appointment.

(6) If the office of the people's Churchwarden or Warden shall become vacant by death, resignation or otherwise, or absence from the discharge of duties for three months without written leave from the Incumbent, a meeting of the congregation shall be called as soon as may be convenient to elect some fit person to the vacant office. Upon election the Incumbent shall make a return, give notice, announce and notify in the same manner as provided for appointment of the Incumbent's Churchwarden.

(7) As soon as possible after the close of the annual meeting of the Parish and each congregation and signing of the Declarations of Office, the Churchwardens elected shall take over all monies, books, inventory and other property of the Centre Congregation and the Wardens elected, if any, shall likewise take over all property of their respective congregations.

(8) It shall be the duty of the Churchwardens and they are hereby empowered:

(a) To see that Divine Service is decently and regularly conducted in their congregation, if possible, at least once every Sunday and if there be no Incumbent, Diocesan or Parish Lay Leader or Student, to be responsible for the due conduct of the service by some fit person approved by the Bishop; to procure all things requisite for Divine Service; to have, with the Incumbent, the joint disposal of all offerings, and in the case of any disagreement between the Churchwardens and the Incumbent respecting the disposal of the offerings, there shall be an appeal to the Bishop as Ordinary, whose decision shall be final.

(b) To have, jointly with the Incumbent, custody of all monies contributed by each congregation belonging to the Parish, and to supply and provide safe custody for parochial records, to keep parochial accounts, to pay all sums received for specific purposes and to submit in due time to the auditor for the purpose of making the audit, the accounts for the year with the vouchers and to lay the same before the annual Parish meeting, to arrange for the securing of sufficient subscriptions for the congregational and toward Parish expenses and to pay over at least monthly to the Incumbent the stipend due to the Incumbent from the Parish and to forward to the Treasurer of the Diocese the amounts received for Synod Assessment and other amounts due to the Diocese.

(c) To see that all books needed for registers and records of the congregation of the Parish are provided, and that entries are regularly and duly made as required by Canon XV (B).

(d) To collect the offerings and all contributions for general or special purposes and have them entered in the book for the purpose, to pay all salaries and accounts.

(e) To keep the fabric of the church and its appurtenances in repair and insured.

(f) To maintain good order and quiet in and about the church or place of worship, and in the adjoining roads and public places, during Divine Service.

- (g) To give attention to the residence of the Incumbent and grounds at all times and especially during any period of vacancy.
 - (h) To keep an inventory of all lands and property, real and personal.
 - (i) To transmit to the Secretary of the Diocese all information, with regard to any proposed change in the church buildings, or property in their charge, as required by Canons XVII and XVIII, and to see that no alteration or change of significance takes place until the approval of the Bishop and the Executive Committee has been received in writing.
 - (j) By example and influence to encourage regular attendance and hearty response on the part of the congregation and generally to assist the Incumbent by zeal and moral support, in all matters affecting the welfare and advancement of the congregation.
- (9) It shall be the duty of Wardens and they are hereby empowered to perform for their congregations the duties set out for Churchwardens in Section (8)(a),(c),(d),(e),(f),(h) and (j).

XIII - VESTRIES AND COUNCILS

- (1) (A) There shall be a Vestry for the Centre Congregation in the Parish comprised of the following:

The Churchwardens

The Lay Minister of Synod

The Treasurer (if not an elected member)

The President of the Women's Work

A representative of Youth Organisations as determined by them

together with eight, six or four persons elected at the annual meeting of the congregation to serve for one or two years, as the case may be, and qualified under Canon XI and from each other congregation in the Parish, the Warden or a Council Member selected by the Council. In the case of two-year terms, one-half of such persons shall be elected in alternate years.

- (B) There shall be a congregational Council for each congregation in the Parish other than the Centre Congregation comprised of the following:

The Warden
The Lay Member of Synod
The Treasurer (if not an elected member)

together with six or four persons elected at the annual meeting of the congregation to serve for one or two years, as the case may be, and qualified under Canon XI. In the case of two-year terms, one-half of such persons shall be elected in alternate years.

(2) Every person so elected shall, before acting on a Vestry or Council, make and sign the Declaration of Office set forth in Appendix C(3) or (4), as the case may be.

(3) Members of Vestries and Councils shall hold office until their successors are elected.

(4) If a vacancy occurs on the Vestry or Council (other than that of Churchwarden or Warden) by reason of death, resignation, absence from the Parish or congregation for more than three months without leave from the Incumbent, a meeting of the Vestry or Council shall be called to elect some other qualified person to fill the vacant office and such person so elected shall hold office until the next ensuing election of Vestry or Council, as the case may be.

(5) It shall be the duty of Members of Vestries and Councils, and they are hereby empowered:

(a) In every meeting to deal with all matters connected respectively with the Parish or congregation, and to declare by resolution what shall be done in the premises but not such things which require more than a nominal outlay of money;

(b) To support and assist the Churchwardens and Wardens in the discharge and performance of their duties as outlined in Canon XII (8) and (9).

(6) At the first meeting of the Vestry and Council after the applicable Annual meetings, they shall appoint one of their own number to act as Secretary of the Vestry or Council who shall record the Minutes of all meetings; and shall appoint a Treasurer who need not be an elected member of the Vestry or Council.

(7) Where a Parish centre has more than one congregation, they shall organise the Vestry, if possible, as if they were one congregation.

XIV - AUDITORS

The Centre Congregation shall appoint one or more accountants to be auditors, if possible, failing which they shall appoint one or more other competent persons. The duty of the auditor shall be to examine and certify, if correct in the auditor's opinion, the financial statements to be presented at the Annual Parish meeting. Other congregations in the Parish are responsible for forwarding a statement of their accounts certified by the Warden and Treasurer to the Treasurer of the Centre Congregation annually in time for the annual Parish meeting.

XV - PARISH RECORDS

(A) Incumbent's Registers

The following general Parish Registers shall be kept by the Incumbent of every Parish, and upon the Incumbent's resignation shall be disposed of as the Bishop and Archdeacon may direct:

(1) A General Register or card index containing the names of persons belonging to each congregation in the Parish distinguishing those who have been baptised, those who have been confirmed, and those who are communicants.

(2) An annual list of all Churchwardens, Wardens, Vestry and Council members, and other officials in the different congregations of the Parish and a file of all Declarations of Office.

(3) Registers of Baptisms, Confirmations, Marriages and Burials.

(4) A Register of the various Societies and Organisations belonging to the Parish, together with the names of their officers.

(5) The Registrar of the Diocese shall, upon request of any person, give a certificate under the Registrar's hand of any record in any of the registers mentioned in Section (3), which is in the Registrar's custody, for which certificate the applicant shall pay a fee.

(6) When completed all books of record and registers mentioned above should be deposited for safekeeping in accordance with the directions of the Bishop or the Registrar of the Diocese.

(B) Churchwardens' Books

The following books shall be provided by the Churchwardens in every Parish throughout the Diocese, and shall be handed to their successors in office:

(1) Minute books in which shall be entered the proceedings and resolutions of all Vestry and Council meetings.

(2) Minute books in which shall be entered the proceedings and resolutions of all General, Special and Annual meetings.

(3) An Account book properly ruled, in which shall be entered the accounts, showing the receipts and expenditures as well as the Assets and Liabilities of the Parish in accordance with a system outlined by the Treasurer of the Diocese.

(4) An Account Book properly ruled in which shall be entered the accounts, showing the receipts and expenditures as well as the Assets and Liabilities of each congregation.

(5) A Vestry Book to be kept in each congregation in which shall be entered and initialled at the time all services which take place in that congregation, with the name of the person officiating, signed by the person officiating if possible, the number of persons present, the number of communicants, and the amount of the offerings under their various headings.

(6) A list of the names of all persons comprising that Parish and the amount of the promised contributions by each congregation towards Parochial and Synod funds. A copy of the list of names of each congregation shall be kept locally by each congregation.

(7) An inventory of all Church property, furniture, fixtures, goods, books, deeds, lands, and buildings in care of the Parish (including the Incumbent's residence), and a copy of the said Inventory shall be forwarded to the Synod Office immediately after the Annual Meeting each year.

(8) When completed all books of record and registers mentioned above should be deposited in accordance with the directions of The Bishop or the Registrar of the Diocese.

XVI - FINANCES

(1) The amount of stipend, allowances and assessment to be paid by the Parish shall be determined by the Diocese in line with the directives from the National Executive Council of General Synod and the Council of the North, and an annual commitment shall be made by the Vestry of the Centre Congregation following consultation with the other congregations in the Parish, each of which being expected to commit themselves to meet a part of the cost towards the support of their Incumbent and Parish.

(2) Collections for special purposes shall be arranged as directed by the Executive Committee of the Diocese.

(3) The duty of maintaining the clergy rests primarily upon the parishioners to whom they minister, and the responsibility of seeing that the stipend and utility accounts are regularly and fully paid rests upon the Churchwardens and Wardens and Vestries and Councils. Any assistance toward stipend and utility costs received from Diocesan sources is only to be considered temporary financial support given in gradually decreasing amounts until the people are able to support their own clergy. The first charge therefore on the parochial funds after assessment, cost of utilities in the church and residence of the Incumbent and other allowances shall be the payment of the Incumbent's stipend.

(4) Parish assessments and all other monies payable to the Treasurer of the Diocese shall be paid monthly. The Lay Members of any Parish which has not paid its agreed extra-parochial acceptances in full for the fiscal year preceding a Synod meeting may be refused the right of attendance at Synod by the Executive Committee.

(5) It is the duty of Clergy, all Churchwardens, the Vestrymen and Wardens and Councilmen to encourage the principle of stewardship in all church members. They shall earnestly endeavour to get each member of the congregation to make provision in their budget for regular and generous gifts for the work of the church,

both parochial and missionary, as God has prospered them. Such gifts shall be on the basis of a weekly pledge, if possible, and shall be obtained by means of an Every Member Canvass held at least once a year.

(6) The holding of raffles, bingos or any other species of gambling or games of chance to raise money for any purposes is expressly forbidden by any church organisation within the Parish.

(7) Except when impractical, there shall be a collection at every service.

XVII - CHURCH BUILDINGS, REPAIRS, ETC.

(1) No new Church buildings, enlargements, repairs, or renovations of any significance, or change in the fabric or furnishings of any church, parish hall, or residence, shall take place in any Parish until the plans, proposals, and other information in connection therewith (including without limitation specifications, estimates, quotations, financial processed), have been submitted by the Vestry concerned for the consideration and approval of the Bishop and Executive Committee, failing which approval, no action shall be taken.

(2) No ornaments, alter hangings, memorial plaques, photographs, furnishings or ecclesiastical furniture of a permanent nature shall be placed in church, removed from church or replacements made, without the written permission of the Bishop.

(3) The Executive Committee shall prepared standards for church buildings and furnishings, parish halls and residences, for the purpose of helping the Parish to provide adequate structures.

XVIII - ORDER AND ELIGIBILITY FOR LICENSING

No person shall be eligible for employment or to hold license to minister in the Diocese of the Arctic who, while employed or licensed or seeking employment or license,

- (1) willingly engages in sexual relations outside of marriage;
- (2) willingly engages in homosexual, lesbian or bisexual practices;
- (3) willingly engages in sexual activity with a minor;
- (4) willingly engages in a sexual relationship with, or makes a sexual advance to, any person during a period they are providing counseling to them, or to any staff person (spouse excepted) who is under their direct supervision;
- (5) fails to disclose to the Bishop a prior conviction pertaining to child sexual abuse;
- (6) promotes or supports such behaviour, lifestyle or teaching.

At the discretion of the Bishop, a license denied or invalidated by the foregoing provisions may be granted or restored if, in the opinion of the Bishop, the behaviour that gave rise to the refusal or cancellation has been fully dealt with.

XIX – DISCIPLINE/COURT OF THE DIOCESE OF THE ARCTIC

General Synod Canon XVIII (June 1992) shall serve as the Canon on discipline for the Diocese of The Arctic along with Provincial Synod Canon II.

There is hereby established and constituted an ecclesiastical court of the Diocese to be styled the “Court of the Diocese of The Arctic”, and referred to in this Canon as the “Ecclesiastical Court of the Diocese”.

Subject to the Constitution, the Ecclesiastical Court of the Diocese has jurisdiction on appeals from the decisions of the Bishop:

in respect of the conduct of a member of the clergy of the Diocese;

in respect of all ecclesiastical causes within the Diocese;

in respect of all offenses against the laws ecclesiastical;

to act as the Registry for and to facilitate any appeal from the judgement or decree of the Ecclesiastical Court of the Diocese brought by the Bishop or a member of the clergy of the Diocese; and generally to consider any matter referred to it by the Synod of the Diocese.

No appeal shall lie for any error or defect in form in any proceedings, judgement or decree conducted or issued out of the Ecclesiastical Court of the Diocese.

The Ecclesiastical Court of the Diocese shall be composed of a senior member of the clergy, having at least ten years in Holy Orders; three (3) members of the clergy, having at least five years in Holy Orders; and three (3) lay members, each being a communicant in good standing of the

Anglican Church of Canada, residing in the Diocese, at least one of whom is or has been a member of the Bar of the civil jurisdiction in which he resides for at least ten years.

No member of the Clergy or other person who is concerned with a matter before the Ecclesiastical Court of the Diocese shall be a member thereof for the purpose of hearing and rendering a decision with respect to that matter.

The members of the Ecclesiastical Court of the Diocese shall be elected by the Synod of the Diocese each regular session thereof.

Should a vacancy in the membership of the Ecclesiastical Court of the Diocese occur by reason of death or resignation of a member, or should any member become disqualified for any cause, the senior member of the clergy shall appoint another eligible person to fill the vacancy.

The senior member of the clergy of where there is a conflict, the next most senior clergy member of the court shall chair the Ecclesiastical Court of the Diocese.

There shall be appointed by the senior member of the clergy a registrar of the Ecclesiastical Court of the Diocese, and such other officers as said Court deems necessary.

A member of the clergy may appeal a decision of the Bishop with respect to an Offence on any grounds set out in the Canon on Discipline of General Synod.

The Bishop of The Arctic and any member of the clergy convicted by the Ecclesiastical Court of the Diocese may appeal a decision of the Court to the Ecclesiastical Court of the Province of Rupert's Land by filing notice of appeal with the registry thereof. The decision of the Ecclesiastical Court of the Province of Rupert's Land on appeal shall be final.

The appellant shall give notice of appeal to the respondent and to at least one member of the clergy of the Diocese by whom the member of the clergy was charged and to the registrar of the Ecclesiastical Court of the Diocese within sixty days from the delivery of the judgement or decree.

Every appeal shall be prosecuted to a hearing by the appellant within one year after such judgement or decree is given, and the senior member of the clergy shall arrange for the convening of the Ecclesiastical Court of the Province of Rupert's Land for the purpose of hearing the appeal or any matter connected therewith.

Forthwith after payment of the costs of transcription the appellant shall be entitled to receive from the Ecclesiastical Court of the Diocese that issued the judgement or decree appealed from, and in any event, within sixty days of the

notice of appeal referred to in section 12, a transcript of all the proceedings and judgements or decrees appealed from, certified to be correct by the registrar of the Diocesan Court or other officer of the Diocese.

The appellant shall then file such transcript with the registrar of the Ecclesiastical Court of the Province of Rupert's Land within ninety days of giving notice of the appeal referred to in section 14.

The senior member of the clergy shall give the appellant and the respondent at least thirty days notice in writing of the date set for the hearing of the appeal.

Subject to any order made by the Ecclesiastical Court of the Province, if any of the proceedings in sections 14 to 18 are not taken within the times respectively limited thereof, the appeal shall be considered to be dismissed and the judgement or decree appealed from shall be final.

The quorum of the Ecclesiastical Court of the Diocese shall be three of the members, at least one of whom shall be a lay member.

The Ecclesiastical Court of the Diocese may sit in any location within the Diocese at such times as the senior member of the clergy shall, from time to time, order and direct.

The Ecclesiastical Court of the Diocese shall determine all questions of evidence and procedure.

The Ecclesiastical Court of the Diocese shall have the power to vary or to impose such sentences and penalties and to make such orders and decrees as it may decide provided only that those sentences, penalties and decrees are within the limits set out in the Canon on Discipline of General Synod, with or without payment of all or part of the costs incurred by any of the parties.

The decision of a majority of the sitting members of the Ecclesiastical Court of the Diocese sitting shall be final and binding, except only in those cases where there may be a further right of appeal under this Canon or under a Canon of the General Synod.

In the event that no majority ruling is given in the Ecclesiastical Court of the Province of Rupert's Land hearing an appeal from a decision of the Ecclesiastical Court of the Diocese, the judgement or decree appealed from shall stand affirmed.

The decisions of the Ecclesiastical Court of the Diocese or, on appeal, those of the Ecclesiastical Court of the Province of Rupert's Land shall be in writing, and copies thereof shall be furnished to each of the parties to the proceedings or to the appeal.

The Ecclesiastical Court of the Diocese may make such rules and orders as to procedure and practice, and forms thereof, as it from time to time may deem necessary; but where no applicable rules and orders have been made, or where no forms have been prescribed by the Ecclesiastical Court of the Diocese to guide and govern the proceedings before it, the Court shall follow the rules of the Supreme Court of Appeal of the Anglican Church of Canada, *mutatis mutanadis*.

The Ecclesiastical Court of the Diocese shall hear matters brought before it in accordance with the principles of fairness and natural justice.

Where, in respect of any matter of substance or procedure relating to a hearing in the Ecclesiastical Court of the Diocese or an appeal to the Ecclesiastical Court of the Province, this Canon or the Rules of the Ecclesiastical Court of the Diocese or Province is or are silent, the provisions of the Canons of General Synod on the Supreme Court of Appeal of the Anglican Church of Canada on Discipline shall apply, *mutatis mutandis*.

XX - ON MARRIAGE IN THE CHURCH

The Diocese of the Arctic affirms and upholds our Lord's teaching as found in Holy Scripture and expressed in the Form of Solemnization of Matrimony in the Book of Common Prayer (1962), that marriage is intended to be a lifelong union in faithful love, and that marriage vows are a commitment to this union, for better or for worse, to the exclusion of all others on either side. This union is established by God's grace when one man and one woman enter into a covenant of marriage in which they declare their intention of fulfilling its purposes and exchange vows to be faithful to one another until they are separated by death. The purposes of marriage are mutual fellowship, support, and comfort, and the procreation (if it may be) and nurture of children, and the creation of a relationship in which sexuality may serve personal and mutual fulfilment. This covenant is made in the sight of God and in the presence of witnesses and of an authorized minister.

The Diocese affirms in addition, the goodness of the union of man and woman in marriage, this being of God's creation.¹ Marriage also is honoured as a

¹ Cf. Gen. 1:27-31

sign² of the redeeming purpose of God to unite all things in Christ,³ the purpose made known in the reunion of divided humanity in the Church.⁴

The Church throughout its history has recognized that not all marriages conform to the standard here described. For this reason, in the exercise of pastoral care as seen in the earliest documents of the New Testament, the Church has from the beginning made regulations for the support of family life among its own members.

Aspects of the regulation of marriage in the apostolic Church are recorded in the New Testament. A standard of reciprocal love between husband and wife was encouraged which developed an understanding of their equality.⁵ In preparation for marriage Christians were directed to seek partners from among their fellow Christians.⁶

From these principles and precedents the Church, living in many cultures and in contact with many different systems of law, has sought in its rites and canons to uphold and maintain the Christian standard of marriage in the societies in which believers dwell. These principles apply to the selection of marriage partners, preparation for marriage, the formation of a true marriage bond, the solemnization (blessing) of marriage, the duties of family life, the reconciliation of alienated spouses, and to the dissolution of marriage and its consequences.

The duties of the clergy include education for marriage and family life, the solemnization of marriage, the pastoral care of families, the encouragement of reconciliation of estranged spouses, and the pastoral care of those whose family ties have been broken or interrupted by death, sickness, poverty, enforced absence, human weakness, or by willful act. Clergy are required to ensure that all the requirements of the civil law of the territory or province in which the marriage is to be solemnized have been met. Clergy must comply with all Diocesan regulations as may be provided.

The duties of the laity are to share with the clergy the responsibility for upholding family life, in particular:

² Eph. 5:31f

³ Eph. 1:9f

⁴ Eph. 2:11-16

⁵ 1 Cor 7:3f, 11:11f, Eph. 5:21-33, cf. Gal 3:28

⁶ 1. Cor. 7:39, 2 Cor. 6:14, cf. 1 Thess 4:2-8(RSV)

by their presence with friends and neighbours at weddings to bear witness to their support of those who marry;

to safeguard the legality of marriages by readiness to allege promptly any cause or just impediment which might make a proposed marriage unlawful;

as spouses, to be faithful to their own marriage vows;

as parents, guardians, god-parents, teachers, or other qualified persons, to guide children and young persons in preparation for family life.

as neighbours, mutually to promote the welfare of families, and to seek the reconciliation of any whose family life is impaired or broken.

Regulations

Prerequisites for Marriage

Notice

It shall be the duty of those who intend to marry to give notice to the minister at least 60 days before the day proposed for the wedding, except that the minister may request to waive this requirement for sufficient cause in which case the minister shall seek permission from the bishop of the diocese in writing, stating the reason for the decision.

Preparation

It shall be the duty of the incumbent, when application is made for matrimony to be solemnized, to inquire whether there is any impediment either to the marriage or to the solemnization thereof. It shall also be the duty of the incumbent or designate, to review with the parties to the marriage, the issues outlined in Schedule E annexed hereto and to recommend strongly to the parties that they avail themselves of a marriage preparation course or program so that all who seek marriage in the Diocese may come to it with a Christian understanding of its purpose and a practical understanding of the realities of marriage, and may be encouraged to give effect with God's help to the vows which they are preparing to make. The parties to the intended marriage, after due consideration, shall be encouraged to sign the Declaration set out in Schedule A.

Impediments of Relationship

Notwithstanding the Table of Kindred and Affinity contained in *The Book of Common Prayer* (1962), when making the inquiries directed in section 2 the minister shall, with respect to impediments of relationship, be guided by the

Marriage (Prohibited Degrees) Act, as it was in force on June 1, 2004, which prohibits marriages between persons who are related lineally by consanguinity or adoption,
as brother and sister by consanguinity, whether by the whole blood or the half-blood, or
as brother and sister by adoption.
In addition to marriages prohibited by law, no person may marry another person if they both live, or have previously lived, in the same household and one of them is or has been treated by the other as a child or parent.

Age

No minister shall solemnize the marriage of persons either of whom is under eighteen years of age.

Requirements of Civil Law

The minister shall ensure that all the requirements of the civil law of the province or other jurisdiction in which the marriage is to be solemnized have been met, in particular that all prerequisite notices, medical certificates, and consents of parents, guardians, or others, have been respectively given, completed, and obtained.

Licenses and Banns

The minister shall not solemnize a marriage unless the parties have obtained a license from the proper authority or unless the banns have been published in conformity with the civil law and in the manner required by section 7.

Publication of Banns

When banns are to be published:

They shall be called in the church three successive Sundays during Divine Worship after the accustomed manner and in conformity with the requirements of civil law.

Where either or both of the parties are accustomed to worship in a church or churches other than their own parish church, the banns may be called in the church or churches in which they worship, provided that the civil law allows such procedure.

The minister shall say together with such addition as the civil law may require: I publish the Banns of Marriage between N. of and N. of If any of you

know cause or just impediment why these two persons should not be joined together in Holy Matrimony, you are to declare it. This is the first (or second or third) time of asking.

After the final calling their publication shall be recorded as required, and if the marriage is to be solemnized elsewhere the appropriate certificate shall be forwarded to the officiating minister.

When License to Marry is Required

The calling of banns shall not exempt the parties from obtaining a license to marry where the civil law requires them to do so.

Certain Marriage Forbidden

Except as provided in part III or part IV of this Canon, no minister shall solemnize the marriage of two persons one of whom has been a party to a ceremony of marriage with a third person now living.

Baptism

The Form of Solemnization of Matrimony in the Book of Common Prayer (1962) is provided for the marriage of Christians. No minister shall solemnize matrimony between two persons neither of whom has been baptized. If two persons, one of whom has not been baptized, desire to be so married, the minister shall refer the matter to the bishop of the diocese whose order and direction shall be followed.

License and Permission of Minister to Solemnize Marriage

Every minister who solemnizes a marriage must where the civil authorities make such a requirement, hold a valid license or permit to officiate at marriages in that place.

The minister must also have the license or authority of the bishop of the diocese in which the marriage is to be solemnized.

The officiating minister must have obtained the consent of the incumbent of the parish in which the marriage is to be solemnized if the officiating minister is not licensed to that parish.

The discretion of a minister to decline to solemnize any particular marriage shall not be abrogated by this Canon.

II. The Solemnization of Matrimony

Place of Marriage

Marriage is a public act and shall be solemnized in the face of the community and of the friends and neighbours of the couple.

Every marriage shall be solemnized in the presence of at least two witnesses in addition to the officiating minister.

The body of the church is the appropriate place for the solemnization of a marriage but a marriage may be solemnized in another location if the incumbent, after consultation with the bishop, is satisfied that the solemnity and public nature of the occasion will be preserved and that the service will be conducted with dignity in godly and decent order.

Incumbent in Charge of Service

The incumbent shall be responsible for the conduct of the marriage service. Hymns or anthems sung at the service shall be those only which may be found in Holy Scripture, in the books of Common Prayer or Common Praise, or in texts approved by ecclesiastical authority.

Marriage to a Non-Christian

The form of Solemnization of Matrimony is intended to be used in marriages between Christians. For purposes of this Canon, a person is a Christian who has been baptized and who is prepared to reaffirm Baptismal vows.

Where one of the parties to a marriage does not consider himself/herself to be a Christian, the minister may, nevertheless, use the Form of Solemnization as deemed to be appropriate. The form may be used with such modifications as may be permitted by the bishop. In the vow, the non-Christian may omit the words 'holy' and 'according to God's ordinance', but no other change may be made to the vow or to the declaration of intention.

Parish and Civil Registers

It is the duty of the officiating minister to record the information required by the civil authority as well as the information necessary for pastoral care, in the manner following:

At the time of marriage the minister shall enter the several particulars relating thereto in a register to be retained in the parish for this purpose. In this parish register the minister shall record the particulars of baptism, confirmation, and

church membership of the respective parties, and the address of their intended residence.

The minister shall also record in such other register or form as may be required by the civil law the particulars prescribed by that law, and shall duly report the same to the appropriate authority.

III. Determination of Marital Status Under This Canon

Definitions

“Marriage” as defined by this Canon means that union described in the Preface of this Canon and further described in section 17 of this part. With respect to marriage so defined, a man and a woman may nevertheless, for reasons of age or health or other serious cause agree to marry upon condition that there shall be no sexual intercourse between them permanently or for a limited time or from time to time.

“Chancellor” means the chancellor of the Diocese.

Conditions of Valid Marriage under this Canon

The question whether a purported marriage constituted a marriage as defined by this Canon shall be determined by the Chancellor in accordance with the following principles:

The parties to a marriage are not qualified for the purpose of this Canon to marry each other if:

either of them is under the age of 18 years,

they are related to each other

lineally by consanguinity or adoption,

as brother and sister by consanguinity, whether by the whole blood or the half-blood, or

as brother and sister by adoption;

they both live, or have previously lived, in the same household and one of them is or has been treated by the other as a child or parent; or

either of them has gone through a ceremony of marriage with a person who is living at the time of the application, unless:

the previous ceremony of marriage has been found, as provided in this part, by the Chancellor not to have been a marriage as defined by this Canon and therefore not to be an impediment to marriage under the Canon Law of this Diocese; or

the previous marriage has been found to have been dissolved or terminated according to the civil law applicable thereto and permission to marry has been given, as provided by part IV of this Canon.*

The contract of marriage requires the free and voluntary consent of the parties to marry each other upon the terms set out in the Preface of this Canon, based upon adequate understanding by each of them of the nature of the union and of the mutual relations of husband and wife and of parents and children.

Consent to marry is not present where:

one of the parties is at the time of the contract of marriage incapable by reason of mental defect, mental illness, alcoholic intoxication, or the influence of a drug, of having the necessary understanding or giving the necessary consent;

one of the parties has been induced to consent by duress, by coercion, or by fear;

one of the parties gives consent after having been abducted and before being set free;

one of the parties is at the time of the contract of marriage mistaken with respect to the nature of the contract or of the union, or with respect to the identity of the other party;

one of the parties at the time of the covenant of marriage was deceived by misrepresentation, concealment or other deception with respect to facts which have threatened life or adversely affected or endangered health or have been seriously detrimental to the establishment of the covenant, including among other things, misrepresentation, concealment or other deception relating to:

venereal disease, AIDS

addiction to drugs or alcohol

pregnancy, except as a result of intercourse with the marriage partner

homosexual practice

violence, sadistic conduct, or other abnormal practices;

the marriage has been agreed to upon a condition which is illegal, impossible or contrary to the nature of the union, as defined in this Canon;

the marriage is intended to be a sham or mere form;

either party is incapable of consummating or unreasonably refuses to consummate the marriage by sexual intercourse, subject to subsection 16 a) of this Part; or

one of the parties is not a Christian and there is a condition taken that the Christian party shall be entitled to adhere to and practice Christianity or to bring up any children of the union as Christians, and the non-Christian party assents to the condition without intending that it shall be satisfied.

In the cases mentioned in subsections ii), iii), iv), v) and ix) hereof, the party coerced, mistaken or deceived or otherwise imposed upon may by an act of will approbate (accept) the marriage and continue to cohabit with the other party when free to cease co-habitation after being freed from coercion, fear or abduction or after learning of the mistake, deception, concealment or other circumstance constituting the defect. What constitutes approbation is a question of fact in each case. The effect of approbation for the purpose of this Canon is to validate the marriage.

Nothing contained in this Canon shall authorize the solemnization of a marriage known to the minister or either of the parties to be invalid by civil law.

Conditions Governing Application Regarding Canonical Status

An application for declaration of marital status under this Canon may be made where the applicant has gone through a ceremony of marriage with a person living at the time of the application and it is alleged that the ceremony did not constitute a marriage as defined by this Canon and where the marriage or purported marriage:

has been annulled or declared null and void or dissolved or otherwise terminated by a legislature or court, or

is alleged to have been dissolved or otherwise terminated according to the civil law properly applicable thereto, by an extra-judicial or non-judicial and non-legislative act or event.

An application under this section may be made by a person who has gone through a ceremony mentioned in subsection a) of this section and who is:

a member of this Diocese, or

a person who desires to marry according to the rites of this Diocese.

An application under this section not made in the course of or with a view to proceedings preliminary to a marriage shall be made to the incumbent of the parish or mission where the applicant resides or is accustomed to worship.

An application under this section made in the course of or with a view to proceedings preliminary to a marriage shall be made to the incumbent of the parish or mission where it is desired that the intended marriage be celebrated.

The incumbent receiving the application shall investigate it to the best of his or her ability and forward the application, together with his or her report thereon, through the appropriate channels to the Chancellor.

Form of Application

An application for declaration of marital status under section 18 shall be made in writing and signed by the applicant and shall contain the information required by Schedule B.

The application shall be accompanied by:

a certificate of performance or registration of the ceremony issued by a competent authority;

the original or a copy of the legislative act or the judgment or decree referred to in Schedule B, paragraphs 9 and 10, and of any other document necessary for proof of any fact, and proof of its authenticity;

statements in writing verifying all other relevant facts not within the knowledge of the applicant signed by persons having knowledge of the facts; or

where there has been no legislative act and no judgment or decree as above mentioned, a reasoned opinion in writing, signed by a person professionally qualified to give an opinion in respect of the law in question, verifying that the purported marriage has been dissolved or otherwise terminated.

Decision of Chancellor

On an application for declaration of marital status under section 18 of this part, the Chancellor when all relevant facts have been proved to the Chancellor's satisfaction, shall determine whether the ceremony gone through by the applicant resulted in a marriage under this Canon.

If the Chancellor determines that the ceremony did not result in a marriage under this Canon and if the Chancellor is satisfied that the marriage or purported marriage has been annulled or declared null and void or dissolved or otherwise terminated by a legislature or competent court, or has been dissolved or otherwise terminated by another act or event according to the law properly applicable thereto, and that no civil impediment to the marriage of the applicant exists, the Chancellor shall make a declaration that the ceremony in question did not result in a marriage under this Canon and therefore does not constitute an impediment to marriage under the Canon Law of this Diocese. In all other cases, the Chancellor shall declare that impediment exists.

Where there has been a failure to obtain any consent of a parent, guardian or other person, other than a party to the marriage, whose consent is required by the applicable civil law and where the marriage has been annulled on this ground by a competent court, the Chancellor may make a declaration that the ceremony

in question did not result in a marriage under this Canon and therefore does not constitute an impediment to marriage under the Canon Law of this Church.

Presumption of Death

An application for declaration of marital status under this Canon may be made to the Chancellor by a person who desires to be married according to the rites of this Diocese and who has been a party to a marriage with a person:

in respect of whom a judicial declaration of presumption of death has been made by a competent court, or

who is missing and presumed dead but whose death has not been officially confirmed and in respect of whom no judicial declaration of presumption of death mentioned in subsection i) has been made.

For the purpose of the application a court exercising civil jurisdiction in any part of Canada acting under legislation of Canada or of a province is deemed to be a competent court, whether the declaration is made under legislation related to marriage or under other legislation. The jurisdiction of any other court whose declaration is relied on must be proved to the satisfaction of the Chancellor.

The application shall be made in accordance with the provisions of section 18, clauses d) and e) and Schedule B omitting paragraphs 3 to 8 inclusive.

The application shall be accompanied by a certified copy of the judicial declaration, if any, relied on by the applicant, a statement or statements in writing signed by the person or persons having knowledge of the facts on which the allegation of death is based, and a statement in writing signed by the applicant setting out his or her belief in the death of the other party to the marriage and the reasons for that belief.

If the Chancellor is satisfied that the missing party to the marriage or ceremony of marriage is dead, as far as can be ascertained at the time of the application, the Chancellor may make a finding to that effect and make a declaration that the marriage or ceremony of marriage between the applicant and the missing party does not at the time of the declaration constitute an impediment to the marriage of the applicant under the Canon Law of this Diocese. Otherwise, the Chancellor shall dismiss the application without prejudice to a later application.

A person who has obtained a declaration under this clause shall at or after the time of publication of banns or on production of the license declare to the intended celebrant that he or she has no reason to believe and does not believe that the other party to the former marriage or ceremony of marriage is alive.

Procedure

The Chancellor shall follow the procedure set out in the provisions of Schedule D.

Avoidance of Delay

The Chancellor shall deal with each application as expeditiously as possible.

Limitation of Jurisdiction

Every finding and determination of the Chancellor shall be and shall be expressly stated to be made solely for the purposes of this Canon and not for the purpose of performing any function of a civil court or other civil authority, and shall otherwise be confined to the findings and declaration necessary for disposing of the application in respect of which it is made.

Persons Serving in or Attached to the Canadian Forces

This section applies to a person who is enrolled in the Canadian Forces who is serving in the regular forces or who is a member of the reserve forces on continuous duty with the regular forces, or a person who in accordance with the *National Defence Act*, accompanies the Canadian Forces, and the dependents of all such persons.

A person described in subsection a) may forward an application under this Part to the Anglican chaplain responsible for his or her pastoral care.

On receiving an application the chaplain may forward the application to the Chancellor of the diocese in which the applicant resides or to the Bishop Ordinary to the Canadian Forces who shall designate a diocesan chancellor to hear the application.

Nothing in this section prevents a person from making an application in the manner prescribed by this Part.

IV. The Remarriage of a Divorced Person Whose Former Partner is Still Living

Application for Permission to Remarry According to the Rites of the Church

An application for permission to marry each other according to the rites of this Diocese may be made by two persons, one or both of whom has or have gone through a ceremony or ceremonies of marriage with a person or persons now living not a party or parties to the application, if the prior marriage or marriages is or are not questioned under this Canon in the application but has or have been dissolved or terminated by a legislature or legislatures or a court or courts or by

another act or acts or event or events according to the law or laws applicable thereto. Where a marriage or purported marriage has been annulled for a defect not mentioned in section 17 of part III of this Canon, and no defect mentioned in that section is alleged in respect thereof, it shall be deemed for the purposes of this Canon to have been dissolved.

The application shall be made to the incumbent of the parish or mission where it is desired that the intended marriage be celebrated. The incumbent shall investigate the application as thoroughly as possible and forward it together with a report thereon to the Ecclesiastical Matrimonial Commission established under part V or, where there is no Ecclesiastical Matrimonial Commission, to the diocesan bishop. The bishop may delegate the authority to the incumbent or some other person.

An exception to this process may be made:

where both parties to the intended marriage normally reside at a significant distance from the proposed place of marriage, or

where the parties live at a significant distance from each other, or

where other circumstances require special arrangements, in which case the interviews and investigation shall be arranged for by the incumbent through responsible persons who are readily accessible to one or both of the partners to the intended marriage.

The application shall be made in writing and signed by both applicants and shall contain the information required by Schedule C.

The incumbent or the persons responsible for interviews and investigation shall attend to the question of pastoral care of former partners who are not applicants (as required of the Ecclesiastical Matrimonial Commission in Schedule B), and ensure, where needed and possible, that pastoral care is provided from an appropriate source.

Permission to Remarry According to the Rites of the Church

Permission to remarry according to the rites of this Diocese, notwithstanding the marriage or marriages of either or both applicants to another person or persons now living, should be based on a reasonable belief that the applicants understand the nature of Christian marriage as stated in this Canon and intend to enter into such a marriage, and reasonable hope that they will continue in that relationship during their joint lives. Permission may be granted by the diocesan bishop to the applicants if the Commission recommends and the diocesan bishop is satisfied that:

any prior marriage in question has been validly dissolved or terminated in accordance with the law properly applicable thereto;
the applicant concerned tried in good faith before dissolution to effect reconciliation with the other party;
adequate provision has been made for a former spouse of a divorced applicant, according to the means and needs of the applicant and the means and needs of the former spouse;
proper provision has been made for the care, maintenance, education and advancement of minor, disabled or otherwise dependent children of any prior marriage;
if the children of a prior marriage are to live with the applicants, there is a reasonable prospect that the family relationship will be satisfactory;
the applicants understand the Christian Doctrine of marriage as defined in this Canon, and intend to enter into such a marriage, and believe on reasonable grounds that they have the capacity to enter into and sustain the marriage during their joint lives.

Refusal of Permission

If permission is not granted, the diocesan bishop shall, subject to subsection 28 c) of this Part, dismiss the application, giving reasons in writing which shall be communicated to the applicants through the incumbent.

On being notified of dismissal of the application, the applicants may, within 30 days after receipt of notice, apply in writing to the diocesan bishop for reconsideration of the application. On such reconsideration the applicants may appear personally before the diocesan bishop and submit further reasons why the application should be granted or may submit such information and reasons in writing. On such reconsideration the diocesan bishop may grant the application or confirm the previous decision. If the diocesan bishop confirms the previous decision they shall give reasons in writing which shall be communicated to the applicants through the incumbent.

If the application is dismissed and the decision is confirmed by the diocesan bishop, or if the applicants do not exercise their rights under subsection b), the application may not be renewed before the diocesan bishop unless further information is provided.

Special Cases

If the Commission or the diocesan bishop is satisfied that efforts towards reconciliation between the parties to a former marriage would have been ineffective as a result of the fault of either party or for any other reason, the requirement of subsection 27 b) may be dispensed with.

If either applicant has entered into two or more marriages that have been dissolved, the diocesan bishop shall not grant permission unless special circumstances justifying permission are proved.

If the diocesan bishop is of the opinion that a prior purported marriage of an applicant did not constitute a marriage as defined by this Canon, the diocesan bishop may refer the application to the Chancellor who may, if the conditions of part III, section 20, are satisfied, make a declaration under that section in respect of the marriage in question.

If the incumbent of a parish declines for reasons of conscience to solemnize a marriage pursuant to permission given under this Part, the said incumbent shall refer the applicants to another priest designated by the bishop for investigation and report and permit that priest or another priest to solemnize the marriage in his or her Church.

V. Ecclesiastical Matrimonial Commission

Diocesan Commission

Subject to section 31, there may be an Ecclesiastical Matrimonial Commission to deal with applications under part IV.

The president of the Commission shall be the diocesan bishop or a bishop or priest appointed by the diocesan bishop. In a diocese in which no other president has been appointed, in the absence of the diocesan bishop from the diocese or during a vacancy of the See the administrator of the diocese shall be the president.

The diocesan bishop shall appoint two or more communicant members of this Diocese to be members of the Commission, and may appoint other persons to be consultants without vote.

At least one member of the Commission or a consultant should be engaged in or be qualified to engage in the practice or teaching of civil law in the province, territory or other jurisdiction or each of them, in which the Commission acts and at least one member or a consultant should have special skill and knowledge in Canon Law and at least one in pastoral care.

The Commission may delegate to one or more members or consultants the investigation of any application or class of applications and of any matter or matters related thereto and of ascertaining any relevant facts and reporting thereon to the Commission, and may accept and act on any report or may take or require further investigation.

A quorum of a Commission shall be a majority of its members. The decision of a Commission shall be that of a majority of its members present and taking part in the determination of its decision.

Before becoming effective, the decision of the Commission shall require confirmation by the diocesan bishop or a bishop appointed for that purpose, or, if the See is vacant or the diocesan bishop and other bishops of the diocese be absent from the diocese, by the diocesan bishop's commissary or other administrator of the diocese.

The diocesan bishop shall appoint an officer of the Commission who shall be known as the registrar and shall act as clerk and secretary of the Commission, to receive applications, conduct correspondence, give notices, attend hearings and deliberations in person or by deputy and keep minutes of proceedings, and engross and promulgate decisions and communicate each decision to the appropriate incumbent and the applicant or applicants and shall keep the records of the Commission in the diocesan offices.

Procedure

The procedure followed by a Commission shall be governed by the provisions of Schedule D.

Avoidance of Delay

Each application shall be dealt with as expeditiously as possible.

Limitation of Jurisdiction

Every finding and determination by a Commission or a diocesan bishop shall be expressly stated to be made solely for the purposes of this Canon and not for the purpose of performing any function of a civil court or other civil authority, and shall be confined to granting or refusing permission to remarry.

Persons Serving In or Attached To the Canadian Forces

This section applies to a person who is enrolled in the Canadian Forces who is serving in the regular forces or who is a member of the reserve forces on

continuous duty with the regular forces, or a person who in accordance with the *National Defence Act*, accompanies the Canadian Forces, and the dependents of all such persons.

A person described in subsection a) may forward an application under this Part to the Anglican chaplain responsible for his or her pastoral care.

On receiving an application the chaplain may forward the application to the Ecclesiastical Matrimonial Commission or to the bishop of the diocese in which the applicant resides or to the Bishop Ordinary to the Canadian Forces.

Nothing in this section prevents a person from making an application in the manner prescribed by this Part.

VI. Forms

The diocesan bishop may approve forms for use in the administration of this Canon.

Schedule A

Declaration

See part I, section 2.

We, and , hereby

declare that we intend to enter into marriage which we acknowledge to be a union in faithful love, to the exclusion of all others on either side, for better or for worse, until we are separated by death.

We undertake to prepare ourselves for the exchange of vows at our wedding, recognizing that by this mutual exchange our union in marriage will be established.

We intend to strive thereafter to fulfill the purposes of marriage: the mutual fellowship, support, and comfort of one another, the procreation (if it may be) and the nurture of children, and the creation of a relationship in which sexuality may serve personal fulfillment in a community of faithful love.

Schedule B

Application for Declaration of Marital Status

See part III, sections 19 a) and 21 c), and schedule C, section 3.

The following information, or so much of it as is necessary for a decision by the Chancellor, shall be provided as far as it is known:

The full name, and place of residence, of the applicant.

The date and place of the marriage ceremony in question, its nature and form, by or before whom it was celebrated or solemnized, and the authority or purported authority of the celebrant.

The full name, and the place of residence if known, of the other party to the ceremony, at the time of the application.

The ages of the parties at the time of the ceremony, their then respective places of residence, domiciles and nationalities, their relationships towards each other by blood or marriage, whether either of them was under any disability or prohibition with respect to marriage generally or with respect to the other party, and the respective marital conditions of the parties immediately before the ceremony.

The proper law applicable to the ceremony and to the marriage otherwise than with reference to the ceremony, the relevant provision of the proper law or laws and authorities for such provisions.

Whether the requirements of the proper law or laws with respect to banns, license or permit, to consent of parents or others, to examinations and other preliminary matters were duly complied with.

The alleged defects in the ceremony or in the marriage or purported marriage.

Whether (if relevant) either party has exercised any legal right to avoid the marriage or purported marriage or has approbated the marriage.

Full particulars of any proceedings in any court or ecclesiastical tribunal or commission in which the validity of the marriage or purported marriage was questioned directly or indirectly and the result of such proceedings.

Full particulars of any proceedings in any court or legislature or of any other act or event by which the marriage or purported marriage was or is alleged to have been dissolved or terminated.

Whether there have been children of the marriage or purported marriage and, if so, the full name, age, place of residence and present marital status of each child now living.

If any child of the marriage or purported marriage is a minor or under any disability or otherwise dependent on one or both of the parties to the marriage or purported marriage a statement showing who has the custody or is directly or indirectly responsible for the care and maintenance of the child and full details of present financial and other arrangements and future plans for the care, maintenance, education, and advancement of the child.

A statement showing what provision has been made by the applicant for the present and future maintenance of the former spouse or purported spouse, or an explanation why there is no such provision.

If one or both of the applicants do not reside in the parish, the procedures outlined in section 26 c) may apply.

Any other facts that would assist the Chancellor.

Schedule C

Application for Permission to Remarry According to the Rites of the Church

See part IV, section 26 d).

The following are required:

1. The full name and place of residence and religious affiliation, if any, of each applicant;

The date and place and solemnizing officiant of any former marriages of each applicant with a person now living and the present marital status of the applicant and the ages of the parties immediately before such marriage;

The information mentioned in paragraphs 3, 9, 10, 11, 12, 13, 14 and 15 of Schedule B.

Schedule D

Procedure of the Chancellor

See part III, section 22.

Unless a marriage or purported marriage in respect of which an application is made has been civilly annulled or declared null and void or dissolved or terminated by a competent legislature or a competent court at the instance of or after due notice to the party thereto other than the applicant herein, the Chancellor shall before making a finding or determination cause the other party to be notified of the application in a manner that satisfies the Chancellor that the notice has been brought to the attention of the other party, if it is feasible to give such notice.

In any case the Chancellor may cause the other party to the marriage or purported marriage, or any other person whom the Chancellor believes to be concerned, to be notified of the application, if notification is feasible.

The notice shall be accompanied by a copy of the application and shall inform the person notified that he or she may assert or dispute any statement of fact, submit

evidence orally or in writing and make any submission or representation he or she sees fit to make in person or by representative.

Any statement, dispute, evidence, submission or representation made in response to the notice shall be communicated to the applicant who shall be given an opportunity of making answer or rebuttal.

The Chancellor may:

require proof of any additional fact which appears to be relevant to the matters involved in the application;

require proof of any fact to be made by statutory declaration or to be made orally by affirmation, and require any document to be satisfactorily authenticated;

require the applicant, in order to remove doubt, to take such proceedings in a competent civil court as may be necessary to establish or confirm the nullity of any purported marriage not already annulled or declared null and void by a court or legislature or the dissolution or termination of any marriage not dissolved or terminated by a court or legislature, or the competence in the premises of any court or legislature whose act, judgment or decree is relied on in relation to the marital status of the applicant;

permit an applicant to be represented or assisted by counsel or by a person having special skill and knowledge in Canon Law and pastoral care;

make findings of fact based on any evidence satisfactory to the Chancellor submitted in a manner satisfactory to the Chancellor, whether written or oral and direct or hearsay and whether or not verified by oath, affirmation or statutory declaration;

conduct a hearing, if the Chancellor sees fit, in the presence of the applicant and of the other party to a marriage or purported marriage if the other party desires to attend, and of their representatives or assistants, or make a determination without a hearing if the Chancellor does not consider a hearing necessary, and no application for a hearing is made by the applicant;

g) permit an application to be reopened or a fresh application to be made if further information is available after the Chancellor has disposed of an application.

Schedule E

Marriage Preparation

See part I, section 2.

It is suggested that the incumbent or designate in discussing marriage preparation with the parties to a marriage, in addition to recommending strongly to the

parties that they avail themselves of a marriage preparation course or program, review with the parties the following specific issues:

The attitudes and expectations of the parties as to how they will deal with financial planning including budgeting, sharing of incomes and expenses.

The attitudes and expectations of the parties as to how they will deal with any potential religious differences.

The attitudes and expectations of the parties as to how their families including parents and siblings will react to the marriage and how supportive they will be.

The attitudes and expectations of the parties towards lifestyle including interests and friends in which there may be common interests and differences.

The attitudes and expectations of the parties towards work sharing in the home relationship and management of the household.

The attitudes and expectations of the parties as to their understanding of the importance of communication between partners in a marriage.

The attitudes and expectations of the parties in regard to sexual relations.

If either party has been previously married or has cohabited in a common law or *de facto* marriage, it is important that there be specific discussions about the past relationships, the reasons for the breakdown of any past relationships, the effect of any continuing obligations, financial or otherwise, to a former partner or children of a previous marriage or relationship, potential problems related to access to or custody of such children, and the potential integration of such children into a new family unit.

Their views regarding number of children, rearing and education of same and potential career conflicts.

The solemnity of the marriage covenant which the parties are making in the sight of God.

XXI – ADVISORY COMMITTEES

In the event that a Parish has been unable to appoint a Vestry in accordance with Canon XIII, an Advisory Committee consisting of two or more persons may be appointed.

All members of an Advisory Committee must be qualified under Canon XI.

Advisory Committee members may be appointed in writing by the Incumbent of a Parish.

In the event that there is no Incumbent of a Parish, Advisory Committee members for that Parish may be appointed by the Regional Dean or the Bishop.

Notices of appointment of Advisory Committee members must be provided to the Bishop, and to Executive Committee.

Advisory Committees shall perform the work of the Vestry specified under Canon XIII for the Parish.

Advisory Committee members shall hold office only until the earlier of:
next annual meeting of the Parish; or
twelve (12) months from the date of the appointment of the Advisory Committee member.

Advisory Committee members may be reappointed following the expiry of their appointment under Section 7(b).

APPENDIX A re. CANON X - CHURCH MEETINGS

“Notice is hereby given that a meeting of the Parishioners of[Parish] or [Congregation] will be held.....on the.....day of.....A.D. 19..... ato'clock in the.....for the purpose of.....at which time and place all parishioners who are qualified under Canon XI are entitled to take part and to vote.”

Dated this.....day of.....A.D. 19.....

APPENDIX B re. CANON XI - MEMBERSHIP

“I,do hereby declare that I am baptised, that I am a bona fide worshipper in the congregation ofin the Parish of.....and that I have contributed regularly to the financial support of the Parish.”

APPENDIX C re. CANON XII AND XIII - DECLARATIONS

1. “I, declare that I will faithfully and truly execute the office of Churchwarden of the Parish and Congregation ofto the best of my knowledge and ability according to Canon XII of the Synod of the Diocese of the Arctic.”

2. “I, hereby declare that I will faithfully and truly execute the office of Warden in the Congregation ofin the Parish of.....to the best of my knowledge and ability according to Canon XII of the synod of the Diocese of The Arctic.

- 3. “We,
- 1. 8
- 2. 9.
- 3. 10.
- 4. 11.
- 5. 12.
- 6. 13.
- 7. 14.

hereby declare that we will faithfully and truly perform the office of Vestry members in the Parish and Congregation of to the best of our knowledge and ability according to Canon XIII of the Synod of the Diocese of The Arctic.”

4. "We,
1. 5
2. 6.
3. 7.
4. 8.

hereby declare that we will faithfully and truly perform the office of Council members in the Congregation ofin the Parish ofto the best of our knowledge and ability according to Canon XIII of the Synod of the Diocese of the Arctic."