

**PART B: THE CONSTITUTION
OF THE CHURCH OF THE PROVINCE
OF SOUTHERN AFRICA**

THE CONSTITUTION

In the Name of God, the Father, the Son, and the Holy Spirit. – Amen.

Provisionally adopted in the Provincial Synod of 1870 and amended and confirmed by the Provincial Synod of 1876, and as further amended up to 2006.

Preamble

Whereas it is expedient that the members of a Church, not by law established, should, for the purpose of its due government, as well as for the management of its property and the ordering of its affairs, formally set forth the terms of the compact under which it is associated; and whereas the bishops of the Church of the Province of South Africa (otherwise known as the Church of England or the English Church or Church of the Anglican Communion in these parts), together with certain of the clergy and laity chosen as representatives of the said church, did assemble in a synod, convened at Cape Town, in the year of our Lord 1870, in order to consider measures for the complete organisation of the Church of this Province, and to frame such rules as might be necessary for the due order and government of the said Church, and did accordingly consider what rules should be determined, for the purposes aforesaid, according to the Order and Constitution of the Church of Christ and to the laws and usages of the Church of England, so far as such Laws and Usages are applicable to an unestablished Church in South Africa;

And whereas the Bishops of the said Province, together with representatives of Clergy and Laity, did assemble again in the year of our Lord 1876, to consider and confirm the Acts of the previous synods:

Now, therefore, the said Bishops, Clergy and Laity, in Synod assembled, do agree to establish and put forth in their own behalf, and in behalf of all whom they do or may represent now and hereafter, expressly or implicitly assent thereto, the following Rules as the Constitution or Deed of Association of the Church of the Province of South Africa – to wit:

Articles Of The Constitution

Standards of
Faith and
Doctrine

I The Anglican Church¹ of Southern² Africa, otherwise known as the Church of England in these parts: First, receives and maintains the Faith of our Lord Jesus Christ as taught in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds, and affirmed by the undisputed General Councils: Secondly, receives the Doctrine, Sacraments, and Discipline of Christ as the same are contained and commanded in Holy Scripture according as the Church of England has set forth the same in its standards of Faith and Doctrine, and it receives the Book of Common Prayer, and of Ordering of Bishops, Priests, and Deacons, to be used, according to the form therein prescribed, in the Public Prayer and Administration of the Sacraments and other Holy Offices; and it accepts the English version of the Holy Scriptures as appointed to be read in Churches; and, further, it disclaims for itself the right of altering any of the aforesaid Standards of Faith and Doctrine.

First Proviso

Provided that nothing herein contained shall prevent the Church of this Province from accepting, if it shall so determine, any alterations in the Formularies of the Church (other than the Creeds) which may be adopted by the Church of England, or allowed by any General Synod, Council, Congress, or other Assembly of the Churches of the Anglican Communion; or from making at any time such adaptations and abridgements of, and additions to, the services of the Church as may be required by the circumstances of this Province:

Second Proviso

Provided that all changes in, and additions to, the Services of the Church, made by the Church of this Province, shall be liable to revision by any General Synod of the Anglican Communion to which this Province shall be invited to send representatives.

Third Proviso

Provided, also, that in the interpretation of the aforesaid Standards and Formularies the Church of this Province be not held to be bound by decisions, in questions of Faith and Doctrine or in questions of Discipline relating to Faith or Doctrine, other than those

¹ The Provincial Synod of 2005 enacted that the name of the 'Church of the Province of Southern Africa' be changed to the 'Anglican Church of Southern Africa' and this was confirmed by the Provincial Synod of 2006. Synod of 2006 added the following clause "where appropriate in the Canons and Constitution, the Name 'Anglican Church of Southern Africa' shall include a reference to the former name, i.e. 'Church of the Province of Southern Africa'."

² The Provincial Synod of 1979 enacted that the word "South" referring to the name of the Church in the Constitution and Canons be changed to "Southern" and this was confirmed by the Provincial Synod of 1982.

of its own Ecclesiastical Tribunals, or of such other Tribunal as may be accepted by the Provincial Synod as a Tribunal of Appeal.

II The Provincial Synod of this Church, which shall be constituted as hereinafter declared, shall be the Legislative body of the Church of the Province: and every enactment of the said Provincial Synod shall be a Law and Rule of the Church of this Province in those matters to which it may pertain.

Provincial
Synod

³Provided that if it should at any time be impossible, for reasons beyond the control of the Church, to give proper effect to any of the Articles of the Constitution or the Canons of the Church and it is not practicable to convene Provincial Synod, then, in order to give effect to the said Article or Canon, the Synod of Bishops may, by a Resolution passed by not less than three quarters of the Bishops present thereat and voting, waive compliance with the procedure laid down by the said Article or Canon and alter same, but only to such extent as such procedure requires to be altered so as to give effect to such Article or Canon. Such Resolution, however, shall be laid before the next meeting of the Provincial Standing Committee for information and the next Session of Provincial Synod for ratification by such Synod, but failure of such Synod to ratify such Resolution shall not affect any decision and action taken thereunder, provided such decision has been properly taken in accordance with this proviso.

Exceptional
Powers of
the Synod of
Bishops

Provided further that the Provincial Synod of the Church of this Province shall be subordinate to the higher authority of a General Synod of the Churches of the Anglican Communion, to which this Province shall be invited to send representatives, whenever such General Synod shall be convened.

Subordinate
to Higher
Authority

III The Provincial Synod shall hold ordinary Sessions at such time and place as shall be determined in that behalf by the said Synod. But, in case there shall seem to be good cause for altering the time or place of such ordinary Session as determined by the Synod, the Metropolitan⁴ shall have the power, with the consent of the majority of the Bishops of the Province, to appoint another time (not exceeding three months before or after the time fixed by the Synod itself), and another place, for the Session of the said Synod.

Sessions of
Provincial
Synod

³ This Proviso was added by the Provincial Synod of 1979 and confirmed by the Provincial Synod of 1982, with effect from 1 May 1979. Both these Provincial Synods resolved that any action taken by the Synod of Bishops in terms thereof shall be valid and effectual for all purposes.

⁴ A bracketed clause "(or, in the case of the incapacity of the Metropolitan to act in such behalf, the Bishop of the Province who is senior by consecration)" was ordered to be omitted by the Synods of 1898 and 1904.

Special Sessions	<p>IV A special Session of the Provincial Synod may be called by the Metropolitan, whenever the circumstances of the Church appear to him to require it. On the requisition of a majority of the Bishops it will always be the duty of the Metropolitan to convene the Provincial Synod. The time and place for the special Session of the said Synod shall be appointed by the Metropolitan.</p>
Bishops of the Province have Seats	<p>V All Bishops of the Province of Southern Africa shall have seats in the Provincial Synod.</p>
Every Diocese to be represented	<p>VI Every Diocese in the Province shall be entitled to send both Clerical and Lay representatives to every Session of the Provincial Synod, all such Lay representatives being ⁵Confirmed Communicants of the Church of this Province of the ⁶age of eighteen years and upwards. The number of representatives from each Diocese, and rules for the election of representatives, shall be determined from time to time by the Provincial Synod.</p>
Failure in Representation not to invalidate Proceedings	<p>Provided, however, that the failure or neglect on the part of any Diocese to send such representatives, or of such representatives to attend, shall not invalidate the proceedings or enactments of the Provincial Synod, which proceedings and enactments shall have the same force in that Diocese as if such representatives were present.</p>
Assent of each Order	<p>VII Every enactment of the Provincial Synod must receive the assent of a majority of the members present at a duly constituted Session of the said Synod. If voting by orders be required, then a majority of each order shall be necessary.</p>
Diocesan Synods	<p>VIII The Diocesan Synod in each Diocese of this Province shall resemble, as far as possible, the Provincial Synod in its constitution and mode of procedure.</p>

⁵ The words "male persons who are" were inserted by the Synods of 1924 and 1929 and deleted by the Synods of 1965 and 1968. The word "confirmed" was inserted by the Synods of 1995 and 1999.

⁶ The words "eighteen year and upwards" were substituted for "the full age of twenty-one years" by the Synods of 1973 and 1976.

⁷Provided that if it be desirable that a Diocesan Synod should be summoned, constituted or resumed at a time when the Bishop is absent from his Diocese, or temporarily incapacitated, or during a vacancy in the See, the Vicar General appointed in accordance with any Canon set forth by Provincial Synod, shall be enabled to convene or preside at a Session of the Diocesan Synod.

Powers of a
Vicar
General

Provided further that all Acts and Resolutions passed by any Session convened or presided over by a Vicar General shall be reviewed and, if he see fit, promulgated either by the Bishop of the Diocese concerned or, in the case of his absence or incapacity, by the Metropolitan.

IX The Provincial Synod shall have full power and authority to make all such regulations as shall be required for the order, good government, and efficiency of the Church of this Province; and no regulation of any Diocesan Synod shall have force in any Diocese of this Province, if it be contrary to, or conflict with any enactment of the Provincial Synod.

Authority of
Provincial
Synod and
Regulations
of Diocesan
Synods

Provided that the principle laid down in Report I of the Lambeth Committees of 1867 be accepted as ruling the relation between the Provincial Synod and the Diocesan Synods of this Province, viz.: "That the Provincial Synod should deal with questions of common interest to the whole Province, and with those that affect the communion of the Dioceses with one another, and with the rest of the Church; whilst the Diocesan Synod should be left free to dispose of matters of local interest, and to manage the affairs of the Diocese."

Functions of
Provincial
and
Diocesan
Synods

Provided, further, that any act of a Diocesan Synod shall be liable to be reviewed by the Provincial Synod

X The Provincial Synod shall have the power to make such adaptations and abridgements of, and additions to, the Services of the Church as may be required by the circumstances of this Province; but all such adaptations, abridgements, and additions shall be regarded as provisional, until they shall be confirmed at a subsequent Session of the Provincial Synod as being consistent with the spirit and teaching of the Book of Common Prayer. All adaptations, abridgements, or additions, allowed or made by any Bishop of this Province for his own Diocese, whether in his Diocesan Synod or otherwise, shall be open to revision by the Provincial Synod.

Revision of
Services

⁷ The words "Provided that ... by the Metropolitan" were inserted by the Synods of 1965 and 1968.

Ecclesiastical
Discipline in
the Province
and Dioceses

XI Rules for Ecclesiastical Discipline shall be framed by the Provincial Synod; but any rule which shall be made in that behalf by any Diocesan Synod shall have force in that Diocese until the next Session of the Provincial Synod, unless it be contrary to any rule previously framed by the said Provincial Synod.

Provincial and
Diocesan
Tribunals

XII The Provincial Synod shall determine the Constitution and Rules of procedure of the Diocesan Tribunals for the exercise of Ecclesiastical Discipline, and shall provide a Provincial Tribunal of Appeal. But, in default of Rules for Diocesan Tribunals being made by the Provincial Synod, the Diocesan Synod of any Diocese may establish provisional Rules.

Trial of Bishops

XIII Any Bishop of this Province, against whom a charge shall be brought, shall be tried by the other Bishops of the Province, according to such Rules as have been, or may hereafter be, determined by the Provincial Synod.

Erection of
New Dioceses

XIV The Provincial Synod shall have full power and authority to take all measures and establish all rules that may be necessary for the erection of a new Diocese within the bounds of any of the existing Dioceses of this Province, and for altering the bounds of any Diocese; and, further, for forming a new Diocese beyond the limits of the present Dioceses, or for associating or incorporating with the Church of this Province any Missionary or other Dioceses in adjacent countries.

Recognition of
New Bishops

XV In the case of the death, resignation or removal from any cause, of a Bishop of any Diocese of this Province, the person who shall be appointed according to such rules as have been, or may hereafter be, prescribed by the Provincial Synod shall, when consecrated, be recognized as the Bishop of that Diocese.

Assent by
Bishops

Provided that every one so appointed shall declare, in writing, his assent to the Laws of the Church of this Province, according to forms prescribed by the Provincial Synod.⁸

⁸ A third paragraph was deleted by the Synods of 1965 and 1968.

XVI The Provincial Synod shall frame such regulations as may be necessary from time to time for the management of property held in Trust for the Church of this Province - save and except the properties in the Dioceses of Cape Town and Grahamstown heretofore acquired - and shall have full power and authority, except so far as the same shall be ordered by law, or prescribed by the terms of any special Trust, to determine in what manner, and upon what conditions, such property shall be used or occupied. It shall also have power, except such matters be otherwise ordered by law or by terms of any special Trust, to determine how and by whom Patronage shall be exercised, and what shall be the duties of Parochial Officers, and the rights and privileges of Parishioners in Church matters, and further, to frame rules as regards the division and boundaries of Parishes, and other such questions.

Management
of Trust
Property

Provided, however, that all rules and regulations as to the tenure, management, and use of Church Property, and the other matters aforesaid, which have been hitherto made and shall be made hereafter by any Diocesan Synod, shall have force in that Diocese until other rules be made by the Provincial Synod, and except they be contrary to any rules previously made in that behalf by the Provincial Synod.

XVII The Provincial Synod may delegate to any Synod, Board, Committee, or other Body, either specifically, as the case may require, or under such general regulations as may from time to time be laid down by the Provincial Synod, and powers which may be required for the management of property.

Delegation
of Powers

XVIII All property, of what nature or kind soever, whether movable or immovable, real or personal, which is or may be given, obtained, or held for the benefit of the Church of this Province, shall, whenever it be practicable, be transferred to a Trustee or Trustees acting on behalf of the Provincial Synod; and all such property thus transferred shall be in Trust, that such Trustee or Trustees shall and do hold the same, or otherwise shall and do transfer the same, upon and according to such Trusts, intents and purposes, whether Ecclesiastical, Missionary, Religious, Collegiate, Scholastic, or Charitable, as the Provincial Synod of the Church of this Province of Southern Africa shall from time to time direct or appoint in writing, under the hand of

Provincial
Trustees

any person or persons authorized by the Provincial Synod on that behalf, subject, however, to any special Trust imposed by any Founder, Donor, Testator, or other benefactor. But no property subject to any such special Trusts shall be held by any Trustee or Trustees acting on behalf of the Provincial Synod, unless the same shall have been accepted, in terms of such Trusts, by the Provincial Synod, or by some Synod, Board, Committee, or other Body authorized by the Provincial Synod in that behalf.

Provided that movable property shall not, in any case, be vested in a sole Trustee, except it be so required by a particular Will or Deed of Gift.

Conditions of
the Trust

XIX Every Trustee in whom any property, whether movable or immovable, real or personal, shall be vested, either solely or jointly with any other person or persons, for and on behalf of the Provincial Synod, shall hold the same with the powers and subject to the limitations, restrictions, declarations, and provisos contained in the several Clauses of the Schedule A hereunto annexed, so far as the same may be consistent with any special Trusts affecting such property; and any Synod, Board, Committee, or other Body, appointed by the Provincial Synod for that purpose, shall possess and may exercise any such of the powers belonging to the Provincial Synod as shall be by the Provincial Synod in that behalf prescribed.

Obedience of
Trustees

XX Every Trustee appointed in the manner and for the purposes herein specified shall be subject to all and singular the rules and directions which may from time to time be issued by or under the authority of the Provincial Synod, and shall be bound to obey and give effect to all decisions of the Tribunals for the exercise of Ecclesiastical Discipline, appointed by the said Provincial Synod.

Declaration of
Submission

XXI No one shall be admitted to any office in the Church of this Province, or shall be entitled to receive any income, emolument, or benefit from or out of any property held under the authority of the Provincial Synod, unless he shall have signed a declaration, according to a form prescribed by the Provincial Synod, of submission to the Laws of the Church of this Province relating to such office.

XXII The Provincial Synod shall have full power and authority to make, from time to time, such Canons, Rules, Regulations, and Bye-Laws for giving effect to the provisions of this Constitution as to the said Provincial Synod shall seem fit, and further from time to time, to amend, alter, and add to such Canons, Rules, Regulations, and Bye-Laws.

Authority to
make
Canons

XXIII Subject to the provisions of Article II, it shall not be lawful to alter, amend, or repeal any of the Articles of this Constitution except it shall have been resolved at one Session of the Provincial Synod that the alteration, amendment, or repeal of such Article is desirable, and such alteration, amendment, or repeal be agreed to at the Session of the Provincial Synod next ensuing. Nevertheless, the Schedules B and C hereto annexed, of the names of the Dioceses and of the Bishops of the Province, may be amended at each Session of the Provincial Synod as occasion shall require.

Amendment
of the
Constitution

XXIV In the construction and for the purposes of this Constitution, and in the construction and for the purposes of all Acts, Canons, Resolutions, and Proceedings of the Provincial Synod, the following words and expressions shall have the meanings hereby assigned to them respectively (unless there be something in the subject or context repugnant thereto), viz.:

Definition of
Terms

1 By ⁹“Church of the Province of Southern Africa” is meant the Community which is associated under the provisions herein set forth.

Church of
the Province

2 By “Province of Southern Africa” is meant a combination under Metropolitan and Synodical authority, as herein defined, of the several Dioceses, or Districts called Dioceses, in South Africa and adjacent islands, enumerated in Schedule B hereunto annexed, and of such other Dioceses or Districts as shall hereafter be added to this Province under the provisions of any Canon set forth by the Provincial Synod.

Province

3 By “the Bishops of the said Dioceses” are meant the Bishops whose names are set forth in Schedule C hereto annexed, or those persons who shall hereafter hold the Bishoprics set forth in Schedule B

Bishops

⁹ See footnote on page 6 concerning the change of the name of the Church and the change of the word “South” to “Southern”.

according to the Rules prescribed by the Provincial Synod for determining the succession and appointment to Bishoprics in this Province :

Bishops of the Province

and by “Bishops of this Province” are meant the Bishops of the said Dioceses, and all others who are and shall be recognised as Bishops of the Province by the Provincial Synod.

Bishop Suffragan

4 ¹⁰By “Bishop Suffragan” is and shall be meant a Bishop, duly elected, consecrated and licensed as provided for in the Constitution and Canons of the CPSA whose ministry is exercised within a specific Diocese at the direction of the Bishop of the Diocese in accordance with the provision of the Commission approved by the Synod of Bishops in accordance with the provisions of the Canons.

Regional or Area Bishop

5 ¹¹By “Regional or Area Bishop” is and shall be meant a Bishop suffragan, duly elected, consecrated and licensed as provided for in the Constitution and Canons of the CPSA with specific episcopal responsibility for a designated geographical region or area within a Diocese of the CPSA under the authority of the Bishop of the Diocese, whose Commission has been approved by the Synod of Bishops in accordance with the provisions of the Canons.

Missionary Bishop

6. ¹²By “Missionary Bishop” is and shall be meant a bishop duly elected, consecrated and licensed as provided for in the Constitution and Canons of the CPSA for ministry in a specific geographical area either within or beyond the present borders of the CPSA.

Assistant Bishop

7. ¹³By “Assistant Bishop” is and shall be meant a bishop holding special Letters of Appointment issued by the Bishop of the Diocese.

¹⁰ This definition was inserted by the Synods of 1995 and 1999.

¹¹ This definition was inserted by the Synods of 1995 and 1999.

¹² This definition was inserted by the Synods of 1995 and 1999.

¹³ This definition was inserted by the Synods of 1995 and 1999.

8 By “Metropolitan of the said Province” is and shall be meant the ¹⁴Archbishop of Cape Town for the time being; and during the vacancy of the Metropolitan See it shall mean and include the Bishop ¹⁵appointed to act as Metropolitan according to the Canons of this Province. Metropolitan

9 By “Clergy of the Church of this Province” are and shall clergy be meant all persons, ¹⁶male or female, in Holy Orders who shall exercise spiritual functions under the authority and spiritual jurisdiction of any Bishop of this Province or any Missionary Bishop sent forth under the authority of the Bishops of this Province, according to the Laws, Rules and Usages of the said Church and ¹⁷all references to clergy, priests, and clerical or priestly offices in the Constitution and Canons of this Church, the Book of Common Prayer (including the Rubrics) the Ordering of Bishops, Priests and Deacons and other Formularies of the Church shall be interpreted inclusively to mean men and women. Clergy

10 ¹⁸By "Confirmed Communicant of the Church of this Province" is and shall be meant a ¹⁹person who has been confirmed within the Anglican Communion, or in another Church in full communion with it, or who has been formally received into membership of the Church of this Province, and shall have received the Holy Communion three times at least during the preceding year. ²⁰For the purposes of election to Provincial Synod, Provincial Standing Committee, Diocesan Synods and Elective Assemblies, members of United Churches constituted under the auspices of the Church Unity Commission shall be deemed to be confirmed communicants. Confirmed Communicants

11 By "Provincial Synod" is and shall be meant this present assembly of Bishops, Clergy, and other members of the Church of the Province of Southern Africa (being ²¹Communicants) and every such assembly which shall be constituted, convened and held according to rules laid down in this Constitution. Provincial Synod

12 By "Diocesan Synod" is and shall be meant an assembly consisting of the Bishop, Clergy, and other members of the aforesaid Diocesan Synod

¹⁴ The word “Archbishop” was substituted for “Bishop” by the Synods of 1898 and 1904.

¹⁵ The words “appointed to act . . . this Province” were substituted for “of the Province who is senior by consecration” by the Synod of 1904.

¹⁶ The words “male or female” were inserted by the Synods of 1992 and 1995.

¹⁷ The remainder of this paragraph was added by the Synods of 1992 and 1995

¹⁸ The first part of this definition was changed by the Synods of 1995 and 1999.

¹⁹ The word “male” before “person” was omitted by the Synods of 1924 and 1929.

²⁰ The remainder of this paragraph was added by the Synods of 1995 and 1999.

²¹ The words “male persons who are” were deleted by the Synods of 1965 and 1968.

Church in the Diocese (being ²²Communicants) and constituted according to such rules as have been or shall be agreed upon in such a Diocese and allowed by the Provincial Synod.

Constitution

13 By "Constitution of this Church" is and shall be meant the Constitution or Deed of Association, as now agreed to and set forth, with and subject to such (if any) alterations or additions as may be made from time to time by the Provincial Synod of the Church of this Province, as therein provided.

²² The words "male persons who are" were deleted by the Synods of 1965 and 1968.

