

ACT XVIII

THE ANGLICAN CANON LAW COUNCIL OF SOUTHERN AFRICA

(revised by Synod of 2016)

This Church accepts the thesis that while theology provides it with a vision and definition of its purposes and Christian values, these are implemented in the form of canon law, which provides the norms of action for their implementation. Thus, canon law has a theological basis, and theology works through canon law.¹ In so doing it also accepts the need for the Church to exercise its leadership to ensure that its legal apparatus and procedures match its vision and purposes, and at the same time meet current needs and aspirations in relation to its members' rights, responsibilities and freedoms.²

TO THIS END THE Church establishes, as an Act, a faculty to be known as the Anglican Canon Law Council (the "Council"), the constitution of which will be as follows:

1. The Council will be an integral part of the Church, functioning under and reporting to the Provincial Trusts Board (the "Board"), but reporting also to Provincial Synod and Provincial Standing Committee, with a liaison bishop to be appointed to the governing body by Episcopal Synod.
2. The members of the Council will be:
 - 2.1 All Provincial and Diocesan Chancellors and Registrars, *ex officio*;
 - 2.2 The Provincial Executive Officer (PEO) and Provincial Treasurer (PT) *ex officio*
 - 2.3 Any Bishop currently in office or retired, on application;
 - 2.4 Any Cleric, currently licensed or retired, on application; and
 - 2.5 Any Confirmed Communicant, on application.
3. The purpose and objectives of the Council will be:
 - 3.1 **Collegial**, namely, the sharing of information, creating the facility for those interested in canon law to meet (personally or by other means of communication) to discuss canon law issues and matters and to seek interactively answers where these are needed.
 - 3.2 **Opinions**, namely, where possible assisting bishops and others in authority in the Church on issues and matters referred to it by them.
 - 3.3 **Publications**, namely, to record and make available canon law studies and discussions relevant to the Church, its governance, rights and responsibilities.
 - 3.4 **Mentoring**, namely, guiding Bishops, members of Chapters, Provincial and Diocesan Trusts Boards and newly appointed Chancellors and Registrars in their work.
 - 3.5 **Archiving**, namely, as facilities become available retaining and storing in retrievable form, as may be submitted, judgments of Church tribunals, relevant judgments of Courts of Law of interest, and opinions of the Council, Chancellors, Registrars and diocesan attorneys and counsel.

¹ N. Doc, "Canon Law and Communion", (2002)Ecc1 L 241

² J.L. Bernadin, "New Commentary on the Code of Canon Law", Beal, Coriden, Green 2004: 1819

- 3.6 **Conferences**, namely, creating opportunities for legal officers and others across the Province interested in canon law to establish or renew contact, to deliver papers and to discuss issues and matters of the day.
4. The Council's governing body will be a Committee, comprising:
- 4.1 The Liaison Bishop.
 - 4.2 The Provincial Executive Officer and Provincial Treasurer
 - 4.3 The Provincial Chancellor and Registrar and their Deputies.
 - 4.4 Four persons, clerical or lay, learned in the law elected by Provincial Synod.
 - 4.5 Four persons, being Provincial or Diocesan Chancellors or Registrars, elected at the Annual Conference of the Council.
 - 4.6 Up to three persons at any one time, co-opted by the Committee for a period or periods not exceeding twelve months each, for specific projects or studies or for their skills or gifts relevant to the work of the Committee at the time,
5. The periods of office of Committee Members will be for as long as their appointments as Liaison Bishop, Provincial Chancellor or Registrar last, in the case of those referred to in 4.1 and 4.2, and for three years in the case of those referred to in 4.3 and 4.4. Episcopal Synod or the Metropolitan shall appoint successors to fill vacancies that occur under 4.1 or 4.2, as the need arises; Provincial Standing Committee shall fill any vacancies that may occur between sessions of Provincial Synod under 4.3; and the Committee shall itself nominate persons to fill any vacancies between Annual Conferences that occur under 4.4. Committee Members under 4.3 and 4.4 may be re-elected after their periods of appointment have expired.
6. The Committee shall elect its own Chair, Deputy Chair and Secretary at its first meeting each year, at or after the Annual Conference. The quorum for Committee meetings shall be the majority in number of Committee Members in office at the time.
7. The Council shall have no financial powers independently of the Church. All income and expenditure shall be duly authorised, held and paid by the Church through the office of the Provincial Treasurer. It is not intended that the Council shall become a cost centre to the Church: members of Council are volunteers and as far as possible they or their Dioceses shall bear their costs (such as travel and accommodation, by way of example and without limitation), while the Church will bear such costs as are appropriately attributable to it (such as the costs of publications and archiving, and those of the Liaison Bishop and any other office bearer serving a Provincial function in relation to Council work).
8. The Committee shall make such arrangements for the Annual Conferences and the work of Council as it shall deem appropriate. It may also pass such rules of procedure or bye laws as it sees fit, and appoint such sub-committees as it deems necessary, Moreover, it may put forward to Provincial Synod such amendments to this Act as it wishes to recommend, after it has obtained the support for them from the Board on each occasion.