

# CANON XVII

## The Licensing of Clergy

### I. The Issue of Licenses; Registers, Inhibitions and Transfers

#### 1. Definitions

In this Canon:

- a) “chaplain” means full and part-time priests commissioned as officers in the Canadian Armed Forces, and mandated by the Chaplain General;
- b) “temporary permission” means written or oral authority to exercise ordained ministry within a diocese for a limited time, granted by a diocesan bishop to a bishop, priest or deacon who is not licensed by that diocesan bishop;
- c) “license” means written authority from the bishop of a diocese to a bishop, priest or deacon of the diocese to exercise ordained ministry in the diocese, or written authority from the Bishop Ordinary to a chaplain permitting the chaplain to exercise ordained ministry as a chaplain, but does not include “temporary permission”;
- d) “receiving bishop” means the bishop of a diocese to which a bishop, priest or deacon licensed in another diocese wishes to be transferred;
- e) “transferring bishop” means the bishop of a diocese from which a bishop, priest or deacon licensed in that diocese wishes to be transferred.

#### 2. Structure of Episcopal Jurisdiction

- a) Subject to paragraphs c), d) and e), every coadjutor, suffragan, assistant and retired bishop and every priest and deacon in The Anglican Church of Canada is subject to the jurisdiction of a diocesan bishop.
- b) Bishops, priests and deacons who are engaged in specialized ministries in Canada outside the diocese where they are registered, except chaplains, are subject to the general supervision of the bishop of the diocese in which the specialized ministry is exercised.
- c) Members of the clergy employed in Canada by the General Synod are subject to the episcopal jurisdiction of the Primate without prejudice to their status in the dioceses from which they are on leave.
- d) Bishops, priests and deacons serving outside Canada, under the auspices of The Anglican Church of Canada, are, without prejudice to their status in the dioceses from which they are on leave, subject to the episcopal authority of the diocese in which they serve unless otherwise provided by the canons in that diocese or the terms of the licenses granted to them.
- e) Chaplains are deemed to be on leave of absence from the dioceses from which they transferred to the chaplaincy and are subject to the episcopal jurisdiction

of the Bishop Ordinary to the Canadian Armed Forces during their terms of service as chaplains.

### **3. The Registers**

Each diocesan bishop shall keep a register of the bishops, priests and deacons ordained within or for the diocese and those received from other jurisdictions. The Bishop Ordinary to the Canadian Armed Forces shall keep a register of chaplains. Such registers shall include the following information for each individual:

- i) dates and places of ordination as deacon, priest or bishop and in each case the name of the ordaining bishop or bishops;
- ii) the date of entering the diocese or the chaplaincy;
- iii) a record of appointments held and of licenses issued;
- iv) a record of any leaves of absence granted;
- v) a record of any transfer to another ecclesiastical jurisdiction;
- vi) a notation of any relinquishment or abandonment of ministry pursuant to Canon XIX.

### **4. The Primate's List**

- a) The Primate shall maintain a list of bishops, priests and deacons who have relinquished or abandoned the exercise of their ministry or against whom a sentence of deposition has been imposed.
- b) Every diocesan bishop shall forward to the Primate all information required for the maintenance of such list.

### **5. Licensing**

- a) No bishop, priest or deacon shall exercise an ordained ministry within a diocese without a license or temporary permission from the diocesan bishop.
- b) A license shall specify:
  - i) the position to which the licensee has been appointed;
  - ii) the parish or territory or community in which the ministry is to be exercised;
  - iii) the person or persons, if any, under whose supervision the licensed ministry is to be exercised;
  - iv) the party responsible for payment of any stipend or other compensation payable to the licensee in respect of the licensed ministry, and
  - v) any other matter or limitation which the diocesan or provincial canons require, and may specify:
  - vi) a term, at the end of which the license shall expire;
  - vii) the time after which the licensed ministry may be reviewed or assessed, and
  - viii) any other matter the diocesan bishop deems appropriate.
- c) Unless otherwise provided by diocesan canon or the terms of a license, a license shall remain in force according to its terms notwithstanding the resignation, death or removal of the bishop who granted it, and shall be deemed to be a license granted by the succeeding diocesan bishop until that bishop amends or revokes it, or issues a new license.

## **6. Licensing by Bishop Ordinary**

- a) The Bishop Ordinary, on receipt of Letters Testimonial with respect to a chaplain, may issue a license to that chaplain upon the chaplain taking such oaths and subscriptions as the Bishop Ordinary may require, and in accordance with any other procedures the Bishop Ordinary may require.
- b) A license issued to a chaplain by the Bishop Ordinary shall permit the chaplain to exercise ordained ministry to members of the Canadian Armed Forces and their families.

## **7. Inhibition of the Unlicensed**

- a) When a diocesan bishop has reasonable grounds to believe that a bishop, priest or deacon who does not hold a license or temporary permission from the diocesan bishop is officiating or is about to officiate in the diocesan bishop's diocese, the diocesan bishop may, by notice in writing to such bishop, priest or deacon, inhibit such person from officiating in the diocese.
- b) A diocesan bishop who issues a notice pursuant to section 7 a) shall cause the notice to be recorded in the Register and may advise such other persons as the bishop considers appropriate that such notice has been issued.

## **8. Transfers**

- a) When a bishop, priest or deacon in good standing, including a bishop, priest or deacon on leave of absence as a chaplain, is to be transferred from the jurisdiction of one bishop to the jurisdiction of another bishop:
  - i) the transferring bishop shall forward Letters *Bene Decessit* to the receiving bishop, and
  - ii) episcopal jurisdiction over the bishop, priest or deacon intended to be transferred shall not be effective until the Letters *Bene Decessit* are accepted and acknowledged by the receiving bishop.
- b) When a bishop, priest or deacon in good standing undertakes service outside of Canada under the auspices of The Anglican Church of Canada, the Primate and the appropriate diocesan bishop may give to any such bishop, priest or deacon Letters *Bene Decessit* or such other form of commendation, as is appropriate and as may be required by the authority in the place where the bishop, priest or deacon is to serve.

## **9. Forms**

The forms of *Letters Testimonial*, *Letters Bene Decessit*, and *Acceptance of Episcopal Jurisdiction* set out in the Schedules are prescribed for use.

## **II. Revocation**

## **10. Deemed Revocation or Suspension**

- a) When a penalty of deprivation of ministry or deposition from ministry is imposed against a licensee following a conviction for an ecclesiastical offense under Canon XVIII, the license of that person is deemed to be revoked.

- b) When a penalty of suspension from the exercise of ministry is imposed against a licensee following a conviction for an ecclesiastical offense under Canon XVIII, the license of that person is deemed to be suspended for the duration of the penalty of suspension.

## **11. Revocation with Notice**

- a) The bishop having jurisdiction may, in accordance with this section, revoke a license in any circumstances other than those mentioned in section 10.
- b) Although it is not possible to set out all the circumstances in which the bishop might make such a decision, they include financial difficulties in a parish, decline in parish membership, redeployment of human resources, and the licensee's inability to carry out his or her ministry.
- c) Where the bishop is aware of circumstances that may establish that a licensee has committed an ecclesiastical offense under Canon XVIII, the bishop may not revoke a license instead of making, or referring to the court having jurisdiction, a determination of whether an ecclesiastical offense has been committed.
- d) Before revoking a license under this section, the bishop shall confer with the licensee
  - i) to review the reasons for the proposed revocation, and
  - ii) to consider possible alternatives to revocation, or
  - iii) to agree on terms, including the length of reasonable notice or the amount of pay and benefits in lieu of notice, upon which the license may be revoked.
- e) Where, as a result of the conference between the bishop and the licensee, terms of revocation are agreed to, paragraphs f) to j) of this section do not apply.
- f) If the bishop, after conferring with the licensee, intends to proceed with the proposed revocation, the bishop shall appoint a Commission of one or more persons to consider the circumstances surrounding the proposed revocation and to advise the bishop. Within 30 days of its appointment the Commission shall confer with the bishop and the licensee and provide both with its advice.
- g) If the bishop is not in a position to provide the licensee with another appointment, the bishop shall offer the licensee reasonable notice of the revocation or reasonable pay and benefits in lieu of notice.
- h) If the licensee is not satisfied with the length of notice or the amount of pay and benefits offered by the bishop, the licensee may notify the bishop in writing of his or her desire to submit the matter to arbitration and the notice shall contain the name of the licensee's appointee to the arbitration board. The bishop shall, within seven days, appoint a person to the arbitration board and inform the licensee of that arbitrator's name. The two arbitrators so selected shall, within seven days after the bishop's appointee has been named, appoint a third person who shall be the chair of the arbitration board. If the bishop fails to appoint an arbitrator, or if the two arbitrators fail to agree upon a chair, the appointment shall be made by the Metropolitan of the ecclesiastical province, or, if the bishop

is the Metropolitan, by the diocesan bishop in the province senior by consecration.

- i) The arbitration board shall provide an opportunity to the licensee and the bishop to make submissions in writing and orally and to respond to the submissions of the other party. It shall determine the length of notice or the amount of pay and benefits in lieu of notice to be given to the licensee including, where appropriate, financial and vocational counselling, and shall take into account prevailing practices in the secular community. The decision of the arbitration board shall be in writing and is final and binding on the licensee and the bishop.
- j) The arbitration board has no authority to review or to change the bishop's decision to revoke the license.

## **12. Further Appointments**

When a license is revoked under section 11, the bishop shall endeavour to assist the licensee to obtain employment.

*Schedule A*

**Letters *Bene Decessit***

I hereby certify that \_\_\_\_\_, who has signified to me a desire to be transferred to the episcopal jurisdiction of the Bishop of the Diocese of \_\_\_\_\_, is a Bishop/ Priest/Deacon in good standing in the Diocese of \_\_\_\_\_.

Witness my Hand and Seal this \_\_\_\_ day of \_\_\_\_\_.  
(date) (month) (year)

Signed: \_\_\_\_\_x, Bishop of \_\_\_\_\_

*Schedule B*

**Letters Testimonial with Respect to  
a Chaplain in the Canadian Armed Forces**

To: \_\_\_\_\_, the Bishop Ordinary

I hereby certify that the Reverend \_\_\_\_\_, having with my consent accepted a commission as a chaplain in the Canadian Armed Forces, is a priest in good standing on leave from the Diocese of \_\_\_\_\_.

I transfer the Reverend \_\_\_\_\_ to your episcopal jurisdiction during his/ her term of service as chaplain.

Witness my Hand and Seal this \_\_\_\_ day of \_\_\_\_\_.  
(date) (month) (year)

Signed: \_\_\_\_\_, Bishop of \_\_\_\_\_

*Schedule C*

**Forms of Acceptance of  
Episcopal Jurisdiction**

The Letters *Bene Decessit* from the Bishop of \_\_\_\_\_ with respect to the transfer to this Diocese of \_\_\_\_\_ have been presented to me and have been accepted.

Witness my Hand and Seal this \_\_\_\_ day of \_\_\_\_\_.  
(date) (month) (year)

Signed: \_\_\_\_\_, Bishop of \_\_\_\_\_