



The Anglican Church of Canada L'Eglise anglicane du Canada
80 Hayden Street, Toronto, Ontario M4Y 3G2

March 22, 2024

VIA E-MAIL

Archbishop Anne Germond
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Your Grace:

Re: Opinion as to the Interpretation of Canon 3(8) of the Canons of the Anglican Church of Canada

The Provincial Metropolitans have asked for my opinion with respect to the interpretation of Canon 3(8) of the Canons of the Anglican Church of Canada and, specifically, how to determine who among the Provincial Metropolitans should serve as Acting Primate on the retirement of Archbishop Linda Nicholls later this year for the period in advance of the next scheduled meeting of the General Synod in June 2025.

Canon 3(8) provides:

During a vacancy in the Primacy or during the incapacity of the Primate, the Provincial Metropolitan senior by election, able and willing to act, shall have authority to perform all the duties of the Primacy and shall be styled "Acting Primate".

Accordingly, the issue is what is meant by the phrase "the Provincial Metropolitan senior by election". In my opinion, a Bishop is only a Provincial Metropolitan by virtue of the most recent election which has resulted in them taking office. That is, their status does not arise from any previous occasion on which they had been elected to the same office. This must be the case as it is, for example, possible for a Bishop to be elected at a Provincial Synod in year one thus becoming Provincial Metropolitan, not be elected at the next Provincial election thus ceasing to be a Provincial Metropolitan, and thereafter be elected again to take office a second time. Therefore, in calculating which of the current Provincial Metropolitans will become the Acting Primate at Archbishop Linda's retirement it will be necessary to know which of the Provincial Metropolitans was elected first to their current term of office. Once that individual's identity is established it will be necessary to confirm that they are "able and willing to act" as required by Canon 3(8). In my opinion, where the Provincial Metropolitan senior by election is not "able and willing to act" the role of the Acting Primate devolves to the Provincial Metropolitan next most senior by election.

As a further point, it is my view that the Acting Primate once appointed then continues in that role, absent not being elected at an intervening Provincial Synod, retirement, or incapacity, until the next Primatial election. That is, the role does not devolve to a different Provincial Metropolitan provided that the Acting Primate remains as a Provincial Metropolitan.

Based on the analysis above, I understand that should Archbishop Linda retire before September 2024, and no Provincial election is held in the Ecclesiastical Province of Ontario in the interim for any reason, then the Acting Primate will be you should you be willing and able to act.

I understand that the Primate and the other Provincial Metropolitans, having been advised orally of my opinion, have agreed that you should serve as Acting Primate regardless of whether they each agree with my opinion or not. That is, the other Provincial Metropolitans have concluded that regardless of my opinion they are not individually “able and willing to act” as Acting Primate in any event such that you will serve as the Acting Primate.

Please let me know if you have any questions.

Yours Truly,



Canon Clare Burns
Chancellor

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