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TASMANIA'S CONSOLIDATED LEGISLATION ONLINE

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The legislation that is being viewed is valid for 7 Dec 2015.

Anglican Church of Australia Constitution Act 1973 (No. 90 of 1973)

Requested: 7 Dec 2015

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INFORMATION

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Anglican Church of Australia Constitution Act 1973

An Act to consolidate the law relating to the Church of England in Australia in this State

[Royal Assent 22 January 1974]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

[Section 1 Substituted by No. 22 of 1977, s. 3] This Act may be cited as the *Anglican Church of Australia Constitution Act 1973*.

2. Repeals, savings, and application of laws

(1) The Acts referred to in Schedule 1 are repealed, so far as they have not already been repealed by Act of Synod.

(2) Subject to subsection (3), the Imperial Acts referred to in Schedule 2 are repealed if and so far as they have any force in this State, but if and so far as they have any such force shall be deemed, notwithstanding their repeal, to be binding –

(a) on the bishops, clergy, and laity being and as members of the Church in the Diocese;
and

(b) for all purposes connected with or in any way relating to the property of the Church –

- (a) the vicar or other curate of a parish, but not an assistant curate;
- (b) a *locum tenens* of a curate of a parish; and
- (c) while a parish is vacant, the archdeacon in whose jurisdiction the parish lies;

rule, used in respect of the Constitution, means rule of general synod;

Synod means the Synod of the Diocese referred to in section 8;

synodsmen means a representative of the laity in the Synod.

(2) The Acts Interpretation Act 1931 does not apply to the Constitution.

(3) Declaratory statements in this Act have effect as if after their verb "is" were inserted the words "and shall be deemed to be".

(4) [Section 3 Subsection (4) substituted by No. 22 of 1977, s. 4] Where the name of the Church is altered in accordance with the Constitution, references to the Church in this Act shall be read and construed as references to the Church by its name as so altered.

4. The Church

The Church in this State has and shall be deemed to have continuous identity with the United Church of England and Ireland in this State when it was known as the Colony of Van Diemen's Land and with the Church of England in this State when it was known as the Colony and later the State of Tasmania, after the name "Church of England" replaced the name "United Church of England and Ireland" by virtue of the Irish Church Act, 1869.

5. The Constitution

(1) The Constitution, which came into force on 1st January 1962, is continued in force.

(2) Subject to subsection (3), the articles and provisions of the Constitution and any canons and rules made under or by virtue or in pursuance thereof are as therein provided binding –

(a) on the bishops, clergy, and laity being and as members of the Church in the Diocese;
and

(b) for all purposes connected with or in any way relating to the property of the Church.

(3) A canon or rule that contravenes any law or statute in force for the time being in this State has to the extent of the contravention no force or effect.

6. The Diocese

[Section 6 Amended by No. 42 of 1992, s. 4] The Diocese is the Diocese of Tasmania created by letters patent under the great seal of the United Kingdom dated 21 August 1842 and is at the commencement of this Act coextensive with this State.

7. The Bishop

(1) The Bishop at the commencement of this Act is the lawful successor in the see of the Diocese of the Lord Bishop of Tasmania appointed by the letters patent referred to in section 6.

(2) The Bishop may summon and hold synods without any royal or other licence, and in particular may summon and hold the synod referred to in section 8.

(3) The Bishop shall have a registrar and maintain a registry.

8. The Synod

(1) The Synod is at the commencement of this Act constituted in accordance with the provisions set forth in Schedule 4.

(2) The Synod may, subject to the Constitution, make ordinances for or with respect to –

- (a) amending, rescinding, or replacing the provisions set forth in Schedule 4;
- (b) the presidency of the Synod;
- (c) the number and qualifications of clerks in holy orders to be members of the Synod;
- (d) the number, mode of election, and qualifications of synodsmen;
- (e) the declarations to be made by synodsmen and their electors;
- (f) the manner of taking votes in the Synod;
- (g) the division of the Diocese into parishes, cures, or congregations and into other areas of jurisdiction, administration, or operation;
- (h) the summoning, adjournment, prorogation, and dissolution of Synods;
- (i) the appointment, resignation, and retirement of the Bishop;
- (j) the administration of the affairs of the Diocese while the see is vacant or while the Bishop is incapable of acting and has no vicar-general or none capable of acting;
- (k) the appointment and licensing of clerks in holy orders to benefices, cures, charges, and offices and the creation, exercise, and abolition of rights of patronage;
- (l) the appointment, resignation, and removal of churchwardens and other church officers;
- (m) the tenure of any office in the Church and retirement or removal therefrom;
- (n) the management of the property of the Church in the Diocese;
- (o) the appointment and removal of members of the corporate trustees;
- (p) the application of property vested in the corporate trustees but only so far as the trusts under which the property is held so permit;
- (q) empowering the Bishop or the Diocesan Council to make regulations in respect of matters in respect of which the Synod may make an ordinance; and
- (r) without any limitation that might be inferred from any preceding paragraph of this subsection, the management, direction, and regulation of the affairs of the Church in the Diocese.

(3) Until it is otherwise provided by ordinance, the rules set forth in Schedule 5 apply to the

because the words "in Australia" were left out of the corporate name.

(4) The corporate trustees may act, notwithstanding any vacancy in their number, while not less than 3 members remain and act.

(5) A member of the corporate trustees ceases to hold office if he –

- (a) gives his resignation in writing to the Bishop's Registrar;
- (b) dies;
- (c) is absent from the State for 12 months; or
- (d) is incapable of acting.

(6) When a member of the corporate trustees ceases to hold office, then, subject to any ordinance

- (a) unless the Synod is in session, the Diocesan Council may appoint a new member in his place, who shall hold office until the next session of the Synod; and
- (b) the Synod may elect a new member to the place then vacant.

(7) A certificate of the Secretary of Synod, or, in a case to which subsection (6)(a) applies, of the Secretary of the Diocesan Council of the appointment of a member of the corporate trustees is on its mere production *prima facie* evidence that the member has been duly appointed.

(8) The corporate trustees may make such rules as they deem necessary for the carrying out of their duties, which rules shall be laid before the Synod at its next session and if disallowed by resolution of the Synod shall cease to have effect.

11. Power to sell, lease, &c., land vested in trustees

(1) The Synod may, in respect of lands of the Church in this State that now are vested in the corporate trustees, and subject to the special trusts, if any, affecting those lands, and subject to the special powers, provisos, and declarations, if any, applicable thereto, by ordinance or resolution, direct a sale, lease, exchange, mortgage, or other disposition of such lands.

(2) The corporate trustees have thereupon, subject to any special directions of the Synod, full power to effect such a sale, lease, exchange, mortgage, or other disposition on such terms and conditions and in such manner in all respects as they shall deem most advantageous, and to do, enter into, and execute all necessary acts, deeds, leases, mortgages, contracts and assurances for carrying into legal effect any such sale, lease, exchange, mortgage, or other disposition.

(3) The corporate trustees shall hold, manage, and deal with the moneys arising from such sale, lease, exchange, mortgage, or other disposition, and shall hold, manage, and deal with any lands so taken in exchange upon the trusts, if any, declared by the instrument affecting the land; and if there are no such trusts, then in such manner as the Synod by ordinance or resolution directs.

(4) [Section 11 Subsection (4) omitted by No. 4 of 2002, s. 57, Applied:01 Jul 2002].

(5) [Section 11 Subsection (5) omitted by No. 4 of 2002, s. 57, Applied:01 Jul 2002].

(6) [Section 11 Subsection (6) amended by No. 30 of 1995, s. 3 and Sched. 1][Section 11 Subsection (6) omitted by No. 4 of 2002, s. 57, Applied:01 Jul 2002].

12. Power to buy lands and build

The corporate trustees may, at the request of the Diocesan Council, out of any moneys available to them for the purpose, buy lands in this State for a purpose of the Church and build, make, alter, repair, and maintain buildings and other improvements thereon.

12A. Variation of trusts

[Section 12A Inserted by No. 31 of 2003, s. 4, Applied:18 Jun 2003]

(1) The Synod may make an ordinance empowering the Diocesan Council to make a request by resolution to the corporate trustees to –

- (a) declare by resolution any trusts, to which any property vested in the Church is for the time being subject, to be varied if the Diocesan Council is of the opinion that it has become impossible or inexpedient to carry out or observe those trusts; and
- (b) declare, by the same or a subsequent resolution, other trusts for, or for the use, benefit or purpose of, the Church instead of the first-mentioned trusts.

(2) If the corporate trustees make a resolution referred to in subsection (1), the trusts first-mentioned in that subsection, by force of that resolution, cease and determine and the property vested in those trusts is to be held on the other trusts accordingly.

(3) Any property in respect of which other trusts are declared under this section is to be dealt with for the same purposes as nearly as practicable as the purposes for which the property was held in accordance with the trusts first-mentioned in subsection (1) unless the corporate trustees make a resolution declaring that, by reason of circumstances subsequent to the creation of those trusts, it is, in the opinion of the corporate trustees, impossible or inexpedient to deal with or apply that property or some part of it for the same or like purposes.

(4) If the corporate trustees have made a resolution referred to in subsection (3), the property may be dealt with and applied for the use or benefit of the Church for such purposes as are declared by resolution of the corporate trustees.

13. How moneys may be invested

(1) The corporate trustees may, subject to –

- (a) any ordinance or resolution of the Synod; and
- (b) any special trusts affecting the investment of moneys held by them –

invest any moneys held by them as such trustees in any manner that they think proper.

(2) The corporate trustees may, subject as provided in subsection (1), in their discretion –

- (a) call in or leave out moneys in investments not made by them, and if they call in such moneys reinvest them in accordance with subsection (1); and
- (b) vary any investment.

13A. Guarantees and indemnities

[Section 13A Inserted by No. 22 of 1977, s. 6]

(1) Subject to this section, the corporate trustees shall, when requested by the Diocesan Council to do so on behalf of any person, give –

(a) a guarantee for the repayment of any moneys borrowed or proposed to be borrowed, or the payment of any moneys owing, by that person;

(b) a guarantee for the performance of any other contractual obligation entered into, or proposed to be entered into, by that person; or

(c) an indemnity against any loss in respect of any moneys borrowed or proposed to be borrowed, or the payment of any moneys owing, by that person.

(2) A guarantee or indemnity under subsection (1) shall be deemed to include an obligation by the corporate trustees to guarantee the payment of, or to indemnify against loss in relation to, any interest and other charges payable in respect of the loan or other contractual obligation guaranteed or arising out of the giving of the indemnity.

(3) A guarantee or indemnity under subsection (1) may be made subject to the observance by the person in respect of whom it is given of such conditions as the corporate trustees, with the approval of the Diocesan Council, determine.

(4) The corporate trustees may give security for a guarantee or indemnity under subsection (1) by a mortgage or other form of charge, registered or unregistered, over land vested in the trustees, subject, however, to any special trusts affecting that land.

(5) If the corporate trustees are called on to make a payment to any person in consequence of giving a guarantee or indemnity under subsection (1), the trustees may, for the purposes of making that payment but subject to any special trusts affecting the land, sell any land vested in them or realize any investments made by them pursuant to section 13(1).

14. Diocesan officers appointed by Synod

(1) The Synod may by resolution appoint –

(a) an advocate to be standing counsel to the Diocese, who shall be called Church Advocate; and

(b) some fit person to be Treasurer of the Diocese, who shall be called Diocesan Treasurer.

(2) Officers appointed under this section shall hold office during the Synod's pleasure.

(3) If while the Synod is not sitting an officer referred to in subsection (1) –

(a) dies;

(b) resigns his office by notice in writing to the Diocesan Secretary; or

(c) fails or becomes unable to act –

the Diocesan Council may appoint another person to hold office until the Synod is able to make its own appointment.

15. Oaths

(1) Subject to subsection (2), a bishop, commissary, administrator, chancellor, archdeacon, or

registrar holding office in any diocese of the Church may administer to any bishop, clergyman, or other member of the Church and that member may make or take the oaths used before the commencement of the *Church of England Constitution Act 1961* on the occasion of –

- (a) the ordaining of deacons or priests;
- (b) the consecration or enthronement of bishops;
- (c) the institution of clergy to a cure of souls in a parish or other ecclesiastical district; and
- (d) an installation, induction, or collation to an office, or the grant of a licence in the Church in this State.

(2) Part III of the *Promissory Oaths Act 1869* does not affect, and shall be deemed at no time to have affected, any oath referred to in subsection (1).

(3) Nothing contained in subsection (1) or (2) affects the operation of section 11 of the *Promissory Oaths Act 1869*.

16. Powers of tribunals to take evidence

(1) [Section 16 Subsection (1) amended by No. 68 of 1994, s. 3 and Sched. 1] For the purposes of securing the attendance of witnesses and the production of documents, and for the examination of witnesses on oath or otherwise –

(a) a tribunal mentioned in chapter IX of the Constitution shall –

(i) [Section 16 Subsection (1) amended by No. 9 of 2011, Sched. 1, Applied:01 Oct 2012] be deemed to be an arbitral tribunal under the *Commercial Arbitration Act 2011*; and

(ii) have power to administer an oath to, or take an affirmation from, a witness; and

(b) a party to a proceeding before such a tribunal or a person permitted by such a tribunal to submit any evidence to it shall be deemed to be a party to a submission and reference to arbitration within the meaning of that Act.

(2) A writ of subpoena shall not be issued by virtue of this section to a person who is not a member of the Church.

(3) Where a person who is not a member of the Church is served with a writ of subpoena issued contrary to this section, he is not bound to obey it.

(4) Every writ of subpoena issued by virtue of this section shall have plainly set forth thereon a note that a person who is not a member of the Church, naming it, is not to be served therewith and if he should be served is not bound to obey it.

17. When strangers entitled to notice and to appear

(1) Where in any proceedings before a tribunal mentioned in the Constitution an imputation is or is likely to be made on the character of a person not a party thereto that person is entitled –

(a) to receive notice of the proceedings; and

(b) to appear therein and defend his character if he so desires.

(2) This section does not apply in respect of cross-examination of a witness as to credit.

18. Staying proceedings before tribunals

The Supreme Court may, whenever it appears to it just and convenient, on the application of a party to, or person whose reputation or character is likely to be affected by, the trial of a cause before a tribunal mentioned in the Constitution made at any time before the conclusion of the proceedings, absolutely, conditionally, or temporarily prohibit the tribunal from proceeding or proceeding further in that cause and make such further order thereon as it thinks just.

19. Where finding of fact conclusive evidence

Where a person is charged with an offence before a tribunal mentioned in the Constitution a finding of fact which is shown to have been made in any proceedings in the Supreme Court to which that person is a party or on appeal from a decision in those proceedings is conclusive evidence of the fact found in the hearing of the charge before the tribunal.

20. Costs

(1) Where costs are awarded by any tribunal mentioned in the Constitution the Supreme Court may, on the application of the party against whom they have been awarded –

(a) where costs have been fixed by the tribunal, review its award and substitute for the sum thereby awarded –

(i) such sum as it thinks proper; or

(ii) costs to be taxed by the taxing officer in accordance with such scale as the Court directs; and

(b) where the tribunal's award is based on a bill of costs, order that bill to be taxed by the taxing officer in accordance with such scale as the Court directs and the amount allowed on taxation to be substituted for the amount payable under the award of the tribunal.

(2) If the special tribunal or the appellate tribunal mentioned in the Constitution awards costs pursuant to a power prescribed under section 59 (2) of the Constitution, its award may, by leave of the Supreme Court, and subject to subsection (1) of this section, be enforced in the same manner as a judgment or order to the same effect.

21. Sentences of the Primate

A sentence pronounced under section 60 of the Constitution at a place within the Commonwealth and without this State, of which an exemplification by a notary public is lodged in the Bishop's registry, shall be deemed to have been pronounced within this State.

22. Ecclesiastical legislation

(1) Nothing in the Rules Publication Act 1953 applies to any canon, rule, or ordinance made under the Constitution, to any resolution of the Synod, or to any regulation made under such an ordinance.

(2) The production of a written or printed copy of a canon, rule, or ordinance made under the Constitution, of an Act or resolution of the Synod, or of such a regulation certified as provided in this section, shall be evidence unless the contrary is proved, of –

2 Hen. 5, stat. 1, c. 3	<i>Spiritual Courts Act, 1414.</i>
8 Hen. 6, c. 1	<i>Privileges of Clergy Act, 1429.</i>
1 Hen. 7, c. 4	<i>Clergy Act, 1485.</i>
21 Hen. 8, c. 6	<i>Mortuaries Act, 1529.</i>
21 Hen. 8, c. 13	<i>Clergy Act, 1529.</i>
23 Hen. 8, c. 9	<i>Statute of Citations, 1531.</i>
23 Hen. 8, c. 20	<i>Payment of Annates Act, 1531.</i>
24 Hen. 8, c. 12	<i>Statute of Appeals, 1532.</i>
25 Hen. 8, c. 19	<i>Submission of the Clergy Act, 1533-4.</i>
25 Hen. 8, c. 20	<i>Appointment of Bishops Act, 1533.</i>
25 Hen. 8, c. 21	<i>Exoneration from Roman Exactions Act, 1533.</i>
28 Hen. 8, c. 16	<i>Ecclesiastical Licences Act, 1536.</i>
32 Hen. 8, c. 26	Religion.
1 Edw. 6, c. 1	<i>Sacrament Act, 1547.</i>
1 Edw. 6, c. 2	<i>Election of Bishops Act, 1547.</i>
2 & 3 Edw. 6, c. 1	<i>Act of Uniformity, 1548.</i>
2 & 3 Edw. 6, c. 19	<i>Abstinence from Flesh Act, 1548.</i>
2 & 3 Edw. 6, c. 21	<i>Marriage of Clergy Act, 1548.</i>

3 & 4 Edw. 6, c. 10	Putting away of books and images.
3 & 4 Edw. 6, c. 11	Canon Law.
3 & 4 Edw. 6, c. 12	Consecration of bishops, &c.
5 & 6 Edw. 6, c. 1	<i>Act of Uniformity, 1551.</i>
5 & 6 Edw. 6, c. 3	<i>Holy Days and Fasting Days Act, 1551.</i>
5 & 6 Edw. 6, c. 4	Against quarrelling and fighting in churches and church yards.
5 & 6 Edw. 6, c. 12	<i>Marriage of Clergy Act, 1551.</i>
1 Mar., Sess. 2, c. 3	<i>Offences in Church Act, 1553.</i>
1 Eliz. 1, c. 1	<i>Act of Supremacy, 1558.</i>
1 Eliz. 1, c. 2	<i>Act of Uniformity, 1558.</i>
1 Eliz. 1, c. 19	<i>Alienation by Bishops Act, 1558.</i>
5 Eliz. 1, c. 1	<i>Supremacy of the Crown Act, 1562.</i>
5 Eliz. 1, c. 23	<i>Writ de Excommunicato Capiendo Act, 1562.</i>
8 Eliz. 1, c. 1	<i>Bishops Act, 1565.</i>
13 Eliz. 1, c. 2	Bulls, &c., from Rome.
13 Eliz. 1, c. 10	<i>Ecclesiastical Leases Act, 1571.</i>
13 Eliz. 1, c. 12	<i>Ministers' Ordination Act, 1571.</i>
14 Eliz. 1, c. 11	<i>Ecclesiastical Leases Act, 1572.</i>

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18 Eliz. 1, c. 1	<i>Ecclesiastical Leases Act, 1575.</i>
23 Eliz. 1, c. 1	Religion.
27 Eliz. 1, c. 2	Religion.
29 Eliz. 1, c. 6	Religion.
31 Eliz. 1, c. 6	<i>Simony Act, 1588.</i>
35 Eliz. 1, c. 1	Religion.
1 Jac. 1, c. 3	<i>Episcopal Lands Act, 1603.</i>
1 Jac. 1, c. 4	Religion.
12 Car. 2, c. 14	Observance of 29th May.
13 Car. 2, stat. I, c. 12	<i>Ecclesiastical Jurisdiction Act, 1661.</i>
14 Car. 2, c. 4	<i>Act of Uniformity, 1662.</i>
15 Car. 2, c. 6	<i>Act of Uniformity Explanation Act, 1663.</i>
29 Car. 2, c. 8	<i>Augmentation of Benefices Act, 1677.</i>
29 Car. 2, c. 9	<i>Ecclesiastical Jurisdiction Act, 1677.</i>
1 Will. & Mar., c. 16	<i>Simony Act, 1688.</i>
1 Will. & Mar., c. 18	<i>Toleration Act, 1688.</i>
6 Ann., c. 75	<i>Cathedral Statutes Act, 1707.</i>
7 Ann., c. 14	<i>Parochial Libraries Act, 1708.</i>

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13 Ann., c. 11	<i>Simony Act, 1713.</i>
5 Geo. 3, c. 17	<i>Ecclesiastical Leases Act, 1765.</i>
17 Geo. 3, c. 53	<i>Clergy Residences Repair Act, 1776.</i>
21 Geo. 3, c. 66	<i>Clergy Residences Repair Act, 1781.</i>
24 Geo. 3, sess. 2, c. 35	<i>Ordination of Aliens Act, 1784.</i>
39 & 40 Geo. 3, c. 41	<i>Ecclesiastical Leases Act, 1800.</i>
43 Geo. 3, c. 108	<i>Gifts for Churches Act, 1803.</i>
48 Geo. 3, c. 75	<i>Burial of Drowned Persons Act, 1808.</i>
53 Geo. 3, c. 127	<i>Ecclesiastical Courts Act, 1813.</i>
55 Geo. 3, c. 147	<i>Glebe Exchange Act, 1815.</i>
56 Geo. 3, c. 52	<i>Glebe Exchange Act, 1816.</i>
58 Geo. 3, c. 69	<i>Vestries Act, 1818.</i>
59 Geo. 3, c. 85	<i>Vestries Act, 1819.</i>
1 Geo. 4, c. 6	<i>Glebe Exchange Act, 1820.</i>
6 Geo. 4, c. 8	<i>Glebe Exchange Act, 1825.</i>
7 Geo. 4, c. 66	<i>Clergy Residence Act, 1826.</i>

SCHEDULE 3 - The Constitution of the Anglican Church of Australia

Section 3

Deed

- (b) all clerks in holy orders licensed to officiate in the Diocese;
- (c) all deaconesses licensed to officiate in the Diocese;
- (d) representatives of the laity elected in accordance with the rules contained in Schedule 5;
- (e) the Chancellor of the Diocese, the Church Advocate, the Diocesan Treasurer, and the person chosen by the corporate trustees referred to in section 10 to be their chairman; and
- (f) a representative of Youth Synod from each Archdeaconry elected in accordance with the rules contained in Schedule 5.

(2) In this clause *Youth Synod* means the meeting by that name of the youth of the Diocese which is summoned by the Bishop.

2. Powers of Bishop

The Bishop may prorogue or dissolve the Synod and issue mandates for the election of synodsmen.

3. Triennial Synods

The Bishop shall within 3 years after the day on which the Synod first meets after a general election of synodsmen dissolve the Synod and issue mandates for a fresh general election.

4. Synod to meet yearly

(1) The Bishop shall at least once in every year summon the Synod to meet.

(2) The Synod may adjourn from time to time as may be decided by a majority of the members present.

5. Special meetings

(1) The Bishop may summon a meeting of the Synod for any special purposes.

(2) In the summons for that meeting, or by notice to the members in some other manner, the Bishop shall state the special purpose for which the Synod has been summoned, and that meeting shall be deemed to be a special session of Synod.

(3) No business may be transacted at a special session of Synod other than that which the Synod has been summoned to consider.

(4) The term of office, powers, and duties of committees appointed at any ordinary session of Synod to meet during the recess are not limited or otherwise affected by a special session of Synod.

6. Presidency

At meetings of the Synod the Bishop, or in his absence –

- (a) his suffragan bishop, if any, or the senior of them, if more than one, being present;
- (b) failing any such person, the archdeacon, being present, or the senior archdeacon present, if more than one; or
- (c) failing any such person, a chairman appointed by the members then present –

shall preside.

7. Ordinances and resolutions, how made

(1) Ordinances and resolutions shall be made with the assent of the Bishop and of a majority of the members present, except as provided in subclause (2).

(2) On the order of the Bishop, or on the request of 3 clerks in holy orders or 3 synodsmen, the votes of the clerks in holy orders present and the votes of the lay members present shall be taken separately and instead of a majority of the members present a majority of the clerks in holy orders present and a majority of the lay members is then required.

(3) When voting is subject to subclause (2) deaconesses vote with the clerks in holy orders.

8. Qualification of synodsmen

A person is capable of being a synodsmen only if he is –

- (a) above the age of 18 years and, in the case of a representative of Youth Synod, under the age of 25 years;
- (b) a communicant of the Church; and
- (c) resident in the Diocese.

9. Vacation of office of synodsmen

(1) The office of a synodsmen becomes vacant if he –

- (a) gives his written resignation to the Bishop's Registrar, the secretary of the Diocesan Council, or the Secretary or Synod;
- (b) dies;
- (c) is absent from the Diocese for 12 months; or
- (d) ceases to be capable of being a synodsmen as provided in clause 8.

(2) If a doubt arises whether the office of a synodsmen is vacant as provided in this clause the Bishop may decide the matter and his written decision is conclusive.

SCHEDULE 5 - Rules for the election of Synodsmen

Section 8(3) and Schedule 4, clause 1

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