

## General Synod – Canon Concerning Baptism 1992 Adopting Ordinance 1998

### Explanatory Statement

1. The Canon Concerning Baptism Canon 1992 (the "Canon") repeals old canon law concerning baptism and the Godparents Canon 1977, and substitutes new rules in their place. The text of the Canon is set out in the schedule to the bill. Under section 30 of the Constitution of the Anglican Church of Australia (published on pages 122 to 151 inclusive of *The Seventh Handbook*) the Canon will not have effect in Sydney until the Synod adopts it by ordinance.

2. The Canon was originally passed by the General Synod as a provisional canon and was referred to dioceses for their consideration. In 1997 our Standing Committee appointed a committee (the "Committee") to recommend a response to the provisional canon. The report of the Committee, which was adopted by the Synod, is published on pages 364 to 385 inclusive of the 1998 Yearbook. Many of the changes to the provisional canon recommended in that report were adopted by the General Synod before the provisional canon was passed as a canon.

3. Under section 2 of the Canon, the sacrament of holy baptism shall normally be administered at public worship. The form of this section is that recommended by the Committee.

4. By section 3 of the Canon, baptism shall take place by immersing a person in water or by pouring water upon the candidate and by pronouncing the words, "I baptise you in the name of the Father, and of the Son and of the Holy Spirit". In its report, the Committee noted that this section defines baptism in the same terms as Canon 30 of the Canons of 1603 and is not considered to be objectionable.

5. By section 4 of the Canon, due notice must be given to the minister of a church before a child is brought or a person comes to the church to be baptised. In its report the Committee recommended the deletion of this section because "due notice" might be considered as a legal phrase which implies that the giving of notice is the only prerequisite to baptism. The General Synod did not adopt this recommendation but, in light of the following sections, it seems that it is not the intention of the Canon that the giving of notice be the only prerequisite to baptism.

6. By section 5 of the Canon, except in extreme circumstances -

- (a) the minister, before baptising any person able to answer for himself or herself, shall be satisfied that such person has been instructed and prepared in the Christian faith; and
- (b) the minister, before baptising an infant or person who cannot answer for himself or herself, shall be satisfied that at least one of the parents or guardians of the infant or person have been instructed in the Christian faith, and that they are aware that the same responsibilities rest on them as are required of the godparents.

7. In its report, the Committee noted that the provision of section 5 referred to in 6(a) above takes up the provisions of the first rubric at the start of the BCP service of Baptism of those of Riper Years and is not considered to be controversial. Note however that this provision is now prefaced by the words "Except in extreme circumstances".

8. The provision of section 5 referred to in 6(b) above is different in 3 main respects from the equivalent provision in the provisional canon. First, the obligation of the minister referred to in that provision is now mandatory, an amendment recommended by the Committee, subject to the exception for extreme circumstances. Secondly, only one of the parents or guardians needs to be instructed in the manner set out in the section: under the provisional canon if there was more than 1 parent or guardian, all needed to be instructed. Thirdly, the section now expressly provides that the parents or guardians are to be instructed *in the Christian faith*, another amendment recommended by the Committee. (The Committee also recommended that the parents or guardians be instructed in the service of Holy Baptism in BCP but this amendment was not adopted by the General Synod).

9. By section 6 of the Canon no minister may refuse or delay baptising a child who has a parent or guardian who professes to be a Christian. Section 6 is subject to sections 4, 5, 7 and 8. In its report, the Committee recommended 2 changes to the corresponding section in the provisional canon. First, the

deletion of the reference to "delay" on the basis that the whole of the legislation presupposed a measure of delay, at least for instruction. Secondly, the deletion of a reference to godparents which appeared in the corresponding section in the provisional canon. The first amendment was not adopted by the General Synod, although this is probably not of great significance. The second amendment was adopted.

10. By section 7 of the Canon, a minister shall not normally baptise a child whose parents or guardians are not parishioners of, or resident in, the parish where it is proposed the baptism be administered unless at least 1 of the parents or guardians attends divine service in the parish or the minister has sought the advice of the minister of the parish where the parents or guardians reside or usually attend divine service. In its report, the Committee commented that there was some uncertainty about the meaning of some of the terms in section 7 but noted that the form of words used in section 7 is identical to that suggested by the Sydney Standing Committee in 1989.

11. By section 8 of the Canon, every child to be baptised shall have at least 1, but usually 3 godparents or sponsors of whom at least 2 shall be of the same sex as the child and of whom at least 1 shall be of the opposite sex. Either or both of the parents may act as godparents or sponsors. Godparents or sponsors shall be baptised persons and should be persons who will faithfully fulfill their responsibilities both by their spiritual nurture and instruction of the children committed to their charge and by the example of their own godly living.

12. In its report, the Committee noted that the requirement for godparents or sponsors to be baptised persons is new: in Canon 29 of the Canons of 1603 a godparent had to be one who "hath received the Holy Communion". By changing the qualification from Holy Communion to baptism, the Canon broadens the scope of those eligible to be godparents or sponsors to include Christians of other denominations. An amendment to the section recommended by the Committee, namely the insertion of the words "spiritual nurture and instruction of the children", was adopted by the General Synod.

13. By section 9 of the Canon, for every candidate for baptism who is able to answer for himself or herself one sponsor shall suffice, whose responsibility it is to encourage the candidate to continue in the Christian life. In its report, the Committee considered that section 9 was not controversial.

14. Section 10 of the Canon states the Church holds and teaches that the sign of the cross used in baptism is no part of the substance of the sacrament but retains that sign in baptism. A note to section 10 refers to page 822 of A Prayer Book for Australia at which is set out a fuller explanation of the sign of the cross. The explanation on page 822 is as follows -

"When the sign of the cross is made on the candidate's forehead following baptism, we are reminded not to be ashamed to confess that Christ was crucified for us. The cross reminds us of all the benefits of salvation which flow to us from the death and resurrection of Jesus.

Since ancient days, Christians have used the sign of the cross at baptism to dedicate the candidate to serve Christ. It is a badge of service. We are received into the congregation of Christ's Church by baptism, and this is valid whether or not the sign of the cross is used. Baptism consists in the person being dipped in water or having water poured on his or her face, and the words 'I baptise you in the name of the Father, and of the Son, and of the Holy Spirit' being duly pronounced with the intention of obeying our Lord's command.

While the sign of the cross is not part of the substance of the sacrament of baptism, it is retained for its significance as set out above."

15. Under section 11 of the Canon, the minister must keep a register to record the name of each person baptised, and the date and place of baptism, and provide the person and his or her godparents or sponsors with a certificate of baptism. The obligation on the minister to keep a register already arises under clause 19 of the Church Administration Ordinance 1990. In its report, the Committee considered that section 11 was not controversial.

16. By section 12 of the Canon, a diocesan synod may promulgate rules and guidelines not inconsistent with the Canon for the administration of baptism within that diocese. In its report, the Committee considered that section 12 was not controversial.

17. By section 13 of the Canon, the Godparents Canon 1977 is repealed as regards a diocese which adopts the Canon. The Godparents Canon 1977 was adopted by Sydney in 1982 and the only clause of that canon of continuing relevance is clause 1 which provides -

"Parents may be Godparents for their own children."

18. As the practice of parents being godparents of their own children is retained by section 8 of the Canon, the repeal of the Godparents Canon 1977 should not be controversial.

19. Under section 14 of the Canon, the canons numbered 29, 30, 68, 69 and 70 of the Canons of 1603, in so far as they may have any force, will have no operation in Sydney if the Canon is adopted. The text of those canons is as follows -

***29. Fathers not to be Godfathers in Baptism, and Children not Communicants***

No parent shall be urged to be present, nor be admitted to answer as godfather for his own child; nor any godfather or godmother shall be suffered to make any other answer or speech, than by the Book of Common Prayer is prescribed in that behalf: neither shall any person be admitted godfather or godmother to any children at christening or confirmation, before the said person so undertaking hath received the holy communion.

***30. The lawful use of the Cross in Baptism explained***

We are sorry that his majesty's most princely care and pains taken in the conference at Hampton-Court, amongst many other points, touching this one of the cross in baptism, hath taken no better effect with many, but that still the use of it in baptism is so greatly stuck at and impugned. For the further declaration therefore of the true use of this ceremony, and for the removing of all such scruple, as might any ways trouble the consciences of them who are indeed rightly religious, following the royal steps of our most worthy king, because he therein followeth the rules of the scriptures, and the practice of the primitive Church; we do commend to all the true members of the Church of England these our directions and observations ensuing.

First, it is to be observed, that although the Jews and Ethnicks derided both the apostles and the rest of the Christians, for preaching and believing in Him who was crucified upon the cross; yet all, both apostles and Christians, were so far from being discouraged from their profession by the ignominy of the cross, as they rather rejoiced and triumphed in it. Yea, the Holy Ghost by the mouths of the apostles did honour the name of the cross (being hateful among the Jews) so far, that under it he comprehended not only Christ crucified, but the force, effects, and merits of his death and passion, with all the comforts, fruits, and promises, which we receive or expect thereby.

Secondly, the honour and dignity of the name of the cross begat a reverend estimation even in the apostles' times (for aught that is known to the contrary) of the sign of the cross, which the Christians shortly after used in all their actions; thereby making an outward show and profession, even to the astonishment of the Jews, that they were not ashamed to acknowledge him for their Lord and Saviour, who died for them upon the cross. And this sign they did not only use themselves with a kind of glory, when they met with any Jews, but signed therewith their children when they were christened, to dedicate them by that badge to his service, whose benefits bestowed upon them in baptism the name of the cross did represent. And this use of the sign of the cross in baptism was held in the primitive Church, as well by the Greeks as the Latins, with one consent and great applause. At what time, if any had opposed themselves against it, they would certainly have been censured as enemies of the name of the cross, and consequently of Christ's merits, the sign whereof they could no better endure. This continual and general use of the sign of the cross is evident by many testimonies of the ancient fathers.

Thirdly, it must be confessed, that in process of time the sign of the cross was greatly abused in the Church of Rome, especially after that corruption of popery had once possessed it. But the abuse of a thing doth not take away the lawful use of it. Any, so far was it from the purpose of the Church of England to forsake and reject the Churches of Italy, France, Spain, Germany,

or any such like Churches, in all things which they held and practised, that, as the Apology of the Church of England confesseth, it doth with reverence retain those ceremonies, which do neither endamage the Church of God, nor offend the minds of sober men; and only departed from them in those particular points, wherein they were fallen both from themselves in their ancient integrity, and from the apostolical Churches, which were their first founders. In which respect, amongst some other very ancient ceremonies, the sign of the cross in baptism hath been retained in this Church, both by the judgement and practice of those reverend fathers and great divines in the days of king Edward the Sixth, of whom some constantly suffered for the profession of the truth; and others being exiled in the time of queen Mary, did after their return, in the beginning of the reign of our late dread sovereign, continually defend and use the same. This resolution and practice of our Church hath been allowed and approved by the Censure upon the Communion-Book in king Edward the Sixth his days, and by the Harmony of Confession of later years; because indeed the use of this sign in baptism was ever accompanied here with such sufficient cautions and exceptions against all popish superstition and error, as in the like cases are either fit or convenient.

First, the Church of England, since the abolishing of popery, hath every held and taught, and so doth hold and teach still, that the sign of the cross used in baptism is no part of the substance of that sacrament: for when the minister, dipping the infant in water, or laying water upon the face of it, (as the manner also is,) hath pronounced these words, "I baptize thee in the name of the Father, and of the Son and of the Holy Ghost," the infant is fully and perfectly baptized. So as the sign of the cross being afterwards used, doth neither add any thing to the virtue and perfection of baptism, nor being omitted doth detract any thing from the effect and substance of it.

Secondly, it is apparent in the Communion-Book, that the infant baptised is, by virtue of baptism, before it be signed with the sign of the cross, received into the congregation of Christ's flock, as a perfect member thereof, and not by any power ascribed unto the sign of the cross. So that for the very remembrance of the cross, which is very precious to all them that rightly believe in Jesus Christ, and in the other respects mentioned, the Church of England hath retained still the sign of it in baptism: following therein the primitive and apostolical Churches, and accounting it a lawful outward ceremony and honourable badge, whereby the infant is dedicated to the service of Him that died upon the cross, as by the words used in the Book of Common Prayer it may appear.

Lastly, the use of the sign of the cross in baptism, being thus purged from all popish superstition and error, and reduced in the Church of England to the primary institution of it, upon those true rules of doctrine concerning things indifferent, which are consonant to the word of God, and the judgement of all the ancient fathers, we hold it the part of every private man, both minister and other, reverently to retain the true use of it prescribed by public authority; considering that things of themselves indifferent do in some sort alter their natures, when they are either commanded or forbidden by a lawful magistrate; and may not be omitted at every man's pleasure, contrary to the law, when they be commanded, nor used when they are prohibited.

**68. *Ministers not to refuse to christen or bury***

No minister shall refuse or delay to christen any child, according to the form of the Book of Common Prayer, that is brought to the church to him upon Sundays or holy-days to be christened, or to bury any corpse that is brought to the church or church-yard, convenient warning being given him thereof before, in such manner and form as is prescribed in the said Book of Common Prayer. And if he shall refuse to christen the one, or bury the other, (except the party deceased were denounced excommunicated *majori excommunicatione*, for some grievous and notorious crime, and no man able to testify of his repentance,) he shall be suspended by the bishop of the diocese from his ministry by the space of three months.

**69. *Ministers not to defer christening, if the child be in danger***

If any minister, being duly, without any manner of collusion, informed of the weakness and danger of death of any infant unbaptized in his parish, and thereupon desired to go or come to the place where the said infant remaineth, to baptize the same, shall either wilfully refuse

so to do, or of purpose, or of gross negligence, shall so defer the time, as, when he might conveniently have resorted to the place, and have baptized the said infant, it dieth, through such his default, unbaptized; the said minister shall be suspended for three months; and before his restitution shall acknowledge his fault, and promise before his ordinary, that he will not wittingly incur the like again. Provided, that where there is a curate, or a substitute, this constitution shall not extend to the parson or vicar himself, but to the curate or substitute present.

***70. Ministers to keep a Register of Christenings, Weddings, and Burials***

In every parish-church and chapel within this realm, shall be provided one parchment book at the charge of the parish, wherein shall be written the day and year of every christening, wedding and burial, which have been in that parish since the time that the law was first made in that behalf, so far as the ancient books thereof can be procured, but especially since the beginning of the reign of the late queen. And for the safe keeping of the said book, the church-wardens, at the charge of the parish, shall provide one sure coffer, with three locks and keys: whereof the one to remain with the minister, and the other two with the church-wardens, severally; so that neither the minister without the two church-wardens, nor the church-wardens without the minister, shall at any time take that book out of the said coffer. And henceforth upon every Sabbath-day, immediately after morning or evening prayer, the minister and church-wardens shall take the said parchment book out of the said coffer, and the minister, in the presence of the church-wardens, shall write and record in the said book the names of all persons christened, together with the names and surnames of their parents, and also the names of all persons married and buried in that parish in the week before, and the day and year of every such christening, marriage, and burial; and, that done, they shall lay up that book in the coffer, as before, and the minister and church-wardens unto every page of that book, when it shall be filled with such inscriptions, shall subscribe their names. And the church-wardens shall once every year, within one month after the five and twentieth day of March, transmit unto the bishop of the diocese, or his chancellor, a true copy of the names of all persons christened, married, or buried in their parish in the year before, ended the said five and twentieth day of March, and the certain days and months in which every such christening, marriage, and burial was had, to be subscribed with the hands of the said minister and church-wardens, to the end the same may faithfully be preserved in the registry of the said bishop; which certificate shall be received without fee. And if the minister or church-wardens shall be negligent in performance of any thing herein contained, it shall be lawful for the bishop, or his chancellor, to convent them, and proceed against every of them as contemners of this our Constitution.

**Recommendation**

20. The Standing Committee recommends that the Synod pass the bill as an ordinance.

For and on behalf of the Standing Committee

MARK PAYNE  
*Diocesan Secretary*

14 August 1998