

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

### Explanatory Statement

1. The Canon concerning Services 1992 (the "Canon") repeals old canon law concerning services and substitutes new rules in its 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 minister of each church must bring to the knowledge of the people of the suburb, town or locality in which that church is situated, the times and days on which divine service is to be held in that church. In its report the Committee did not consider that section 2 was objectionable.
4. Under section 3 of the Canon, divine service must be held in every cathedral and, wherever possible, in the church or one of the churches in every parish at least once on all Sundays. In its report, the Committee did not consider that section 3 was objectionable.
5. Under section 4 of the Canon, the following forms of service are authorised -
  - (a) the forms of service contained in the Book of Common Prayer; and
  - (b) such forms as may have been authorised, as regards a parish, pursuant to the Constitution or a canon of the General Synod in force in the diocese of which that parish is part.
6. The equivalent section in the provisional canon expressly referred to AAPB as an authorised form of service, and the Committee was concerned that this appeared to place AAPB on an equal footing with BCP as the doctrinal and liturgical standard of the Church. Section 4 of the Canon does not expressly refer to AAPB although the forms of service in AAPB are authorised by that part of the section referred to in 5(b) above.
7. By section 5 of the Canon -
  - (a) The minister may make and use variations which are not of substantial importance in any form of authorised service according to particular circumstances.
  - (b) Subject to any regulation made by the Synod, a minister may on occasions for which no provision is made, use forms of service considered suitable by the minister for those occasions.
  - (c) All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from the doctrine of the church. Any question concerning these matters is to be determined by the bishop.
8. In its report the Committee raised the issue of whether that part of section 5 referred to in 7(b) above was constitutional. That issue did not appear to be of concern to the General Synod when it passed the provisional canon as a canon. Otherwise the substance of the comments of the Committee were taken up by the General Synod, although it is to be noted that the procedure by which the bishop of a diocese will determine questions in relation to the reverence and edification of a form of service or consistency with the doctrine of the church remains unclear.
9. By section 6 of the Canon, each service must be said or sung distinctly, reverently and in audible voice in English or another language intelligible to the congregation. This section incorporates the comments of the Committee although the Committee would have preferred that the requirement for reverence be replaced with a requirement for edification.

10. By section 7 of the Canon, a sermon must be preached at least once each Sunday in every cathedral and church in which divine service is offered on that Sunday except for some reasonable cause approved by the bishop of the diocese. The preacher must endeavour to expound the scriptures, to the glory of God and to the edification of the people. In its report, the Committee did not consider that section 7 was objectionable.

11. By section 8 of the Canon, the minister must determine what parts of divine service offered in a church are to be said or sung. No musical instrument may be played in connection with divine service in any church without the approval of the minister of that church. The minister must ensure that all music (including any words and accompaniment) is to the glory of God and to the edification of the people. This section incorporates the comments of the Committee and should not be objectionable.

12. By section 9 of the Canon, no minister may exorcise except where authorised by the bishop of the diocese. In its report the Committee said that this section is consistent with the provisions of canon 72 of the Canons of 1603 and is not considered to be controversial.

13. By section 10 of the Canon, the canons numbered 14, 18, 19, 43, 45, 46, 47, 49 to 57 inclusive, 64, 67 and 72 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 -

**14. *The prescript form of Divine Service to be used on Sundays and Holy-Days***

The common prayer shall be said or sung distinctly and reverently upon such days as are appointed to be kept holy by the Book of Common Prayer and their eves, and at convenient and usual times of those days, and in such place of every church as the bishop of the diocese, or ecclesiastical ordinary of the place, shall think meet for the largeness or straitness of the same, so as the people may be most edified. All ministers likewise shall observe the orders, rites and ceremonies prescribed in the Book of Common Prayer, as well in reading the holy Scriptures, and saying of prayers, as in administration of the sacraments, without either diminishing in regard of preaching, or in any other respect, or adding any thing in the matter of form thereof.

**18. *A reverence and attention to be used within the Church in time of Divine Service***

In the time of divine service, and of every part thereof, all due reverence is to be used; for it is according to the apostle's rule, *Let all things be done decently and according to order*; answerably to which decency and order, we judge these our directions following: No man shall cover his head in the church or chapel in the time of divine service, except he have some infirmity; in which case let him wear a nightcap or coif. All manner of persons then present shall reverently kneel upon their knees, when the general Confession, Litany, and other prayers are read; and shall stand up at the saying of the Belief, according to the rules in that behalf prescribed in the Book of Common Prayer: and likewise when in time of divine service the Lord Jesus shall be mentioned, due and lowly reverence shall be done by all persons present, as it hath been accustomed; testifying by these outward ceremonies and gestures, their inward humility, christian resolution, and due acknowledgement that the Lord Jesus Christ, the true eternal Son of God, is the only Saviour of the world, in whom alone all the mercies, graces, and promises of God to mankind, for this life, and the life to come, are fully and wholly comprised. None, either man, woman, or child, of what calling soever, shall be otherwise at such times busied in the church, than in quiet attendance to hear, mark, and understand that which is read, preached, or ministered; saying in their due places audibly with the minister, the Confession, the Lord's Prayer, and the Creed; and making such other answers to the public prayers, as are appointed in the Book of Common Prayer: neither shall they disturb the service or sermon, by walking or talking, or any other way; nor depart out of the church during the time of service or sermon, without some urgent or reasonable cause.

**19. *Loiterers not to be suffered near the Church in time of Divine Service***

The church-wardens or quest-men, and their assistants, shall not suffer any idle persons to abide either in the church-yard, or church-porch, during the time of divine service, or preaching; but shall cause them either to come in, or to depart.

***43. Deans and Prebendaries to preach during their Residence***

The dean, master, warden, or chief governor, prebendaries, and canons in every cathedral and collegiate church, shall not only preach there in their own persons so often as they are bound by law, statute, ordinance, or custom, but shall likewise preach in other churches of the same diocese where they are resident, and especially in those places whence they or their church receive any yearly rents or profits. And in case they themselves be sick, or lawfully absent, they shall substitute such licensed preachers to supply their turns, as by the bishop of the diocese shall be thought meet to preach in cathedral churches. And if any otherwise neglect or omit to supply his course, as is aforesaid, the offender shall be punished by the bishop, or by him or them to whom the jurisdiction of that church appertaineth, according to the quality of the offence.

***45. Beneficed Preachers, being resident upon their Livings, to preach every Sunday***

Every beneficed man, allowed to be a preacher, and residing on his benefice, having no lawful impedient, shall in his own cure, or in some other church or chapel, where he may conveniently, near adjoining (where no preacher is,) preach one sermon every Sunday of the year; wherein he shall soberly and sincerely divide the word of truth, to the glory of God, and to the best edification of the people.

***46. Beneficed Men, not Preachers, to procure monthly Sermons***

Every beneficed man, not allowed to be a preacher, shall procure sermons to be preached in his cure once in every month at the least, by preachers lawfully licensed, if his living, in the judgement of the ordinary, will be able to bear it. And upon every Sunday, when there shall not be a sermon preached in his cure, he or his curate shall read some one of the homilies prescribed or to be prescribed by authority, to the intents aforesaid.

***47. Absence of beneficed Men to be supplied by Curates that are allowed Preachers***

Every beneficed man, licensed by the laws of this realm, upon urgent occasions of other service not to reside upon his benefice, shall cause his cure to be supplied by a curate that is a sufficient and licensed preacher, if the worth of the benefice will bear it. But whosoever hath two benefices shall maintain a preacher licensed in the benefice where he doth not reside, except he preach himself at both of them usually.

***49. Ministers, not allowed Preachers, many not expound***

No person whatsoever not examined and approved by the bishop of the diocese, or not licensed, as is aforesaid, for a sufficient or convenient preacher, shall take upon him to expound in his own cure, or elsewhere, any scripture or matter of doctrine; but shall only study to read plainly and aptly (without glossing or adding) the homilies already set forth, or hereafter to be published by lawful authority, for the confirmation of the true faith, and for the good instruction and edification of the people.

***50. Strangers not admitted to preach without shewing their License***

Neither the minister, church-wardens, nor any other officers of the church, shall suffer any man to preach within their churches or chapels, but such as, by shewing their license to preach, shall appear unto them to be sufficiently authorized thereunto, as is aforesaid.

***51. Strangers not admitted to preach in Cathedral Churches without sufficient Authority***

The deans, presidents, and residentiaries of any cathedral or collegiate church, shall suffer no stranger to preach unto the people in their churches, except they be allowed by the archbishop of the province, or by the bishop of the same diocese, or by either of the universities. And if any in his sermon shall publish any doctrine, either strange, or disagreeing from the word of God, or from any of the Articles of Religion agreed upon in the Convocation-house, anno 1562, or from the Book of Common Prayer; the dean or the residents shall, by their letters subscribed

with some of their hands that heard him, so soon as may be, give notice of the same to the bishop of the diocese, that he may determine the matter, and take such order therein, as he shall think convenient.

**52. *The Names of strange Preachers to be noted in a Book***

That the bishop may understand (if occasion so require) what sermons are made in every church of his diocese, and who presume to preach without license, the church-wardens and side-men shall see that the names of all preachers, which come to their church from any other place, be noted in a book, which they shall have ready for the purpose; wherein every preacher shall subscribe his name, the day when he preached, and the name of the bishop of whom he had license to preach.

**53. *No public Opposition between Preachers***

If any preacher shall in the pulpit particularly, or namely of purpose, impugn or confute any doctrine delivered by any other preacher in the same church, or in any church near adjoining, before he hath acquainted the bishop of the diocese therewith, and received order from him what to do in that case, because upon such public dissenting and contradicting there may grow much offence and disquietness unto the people; the church-wardens, or party grieved, shall forthwith signify the same to the said bishop, and not suffer the said preacher any more to occupy that place which he hath once abused, except he faithfully promise to forbear all such matter of contention in the church, until the bishop hath taken further order therein; who shall with all convenient speed so proceed therein, that public satisfaction may be made in the congregation where the offence was given. Provided, that if either of the parties offending do appeal, he shall not be suffered to preach *pendente lite*.

**54. *The Licenses of Preachers refusing Conformity to be void***

If any man licensed heretofore to preach, by any archbishop, bishop, or by either of the universities, shall at any time from henceforth refuse to conform himself to the laws, ordinances, and rites ecclesiastical, established in the Church of England, he shall be admonished by the bishop of the diocese, or ordinary of the place, to submit himself to the use and due exercise of the same. And if, after such admonition, he do not conform himself within the space of one month, we determine and decree, That the license of every such preacher shall thereupon be utterly void, and of none effect.

**55. *The Form of a Prayer to be used by all Preachers before their Sermons***

Before all sermons, lectures, and homilies, the preachers and ministers shall move the people to join with them in prayer in this form, or to this effect, as briefly as conveniently they may: Ye shall pray for Christ's holy catholic Church, that is, for the whole congregation of Christian people dispersed throughout the whole world, and especially for the Churches of England, Scotland, and Ireland: and herein I require you most especially to prayer for the king's most excellent majesty, our sovereign lord JAMES, king of England, Scotland, France, and Ireland, defender of the faith, and supreme governor in these his realms, and all other his dominions and countries, over all persons, in all causes, as well ecclesiastical as temporal: ye shall also pray for our gracious queen ANNE, the noble prince HENRY, and the rest of the king and queen's royal issue; ye shall also prayer for the ministers of the God's holy word and sacraments, as well archbishops and bishops, as other pastors and curates: ye shall also prayer for the king's most honourable council, and for all the nobility and magistrates of this realm; that all and every of these, in their several callings, may serve truly and painfully to the glory of God, and the edifying and well governing of his people, remembering the account that they must make: also ye shall pray for the whole commons of this realm, that they may live in the true faith and fear of God, in humble obedience to the king, and brotherly charity one to another. Finally, let us praise God for all those which are departed out of this life in the faith of Christ, and pray unto God, that we may have grace to direct our lives after their good example; that, this life ended, we may be made partakers with them of the glorious resurrection in the life everlasting: always concluding with the Lord's Prayer.

**56. Preachers and Lecturers to read Divine Service, and administer the Sacraments twice a Year at the least**

Every minister, being possessed of a benefice that hath cure and charge of souls, although he chiefly attend too preaching, and hath a curate under him to execute the other duties which are to be performed for him in the church, and likewise every other stipendiary preacher that readeth any lecture, or catechizeth, or preacheth in any church or chapel, shall twice at the least every year read himself the divine service upon two several Sundays publicly, and at the usual times, both in the forenoon and afternoon, in the church which he so possesseth, or where he readeth, catechizeth, or preacheth, as is aforesaid; and shall likewise as often in every year administer the Sacraments of baptism, if there be any to be baptized, and of the Lord's supper, in such manner and form, and with the observation of all such rites and ceremonies as are prescribed by the Book of Common Prayer in that behalf; which if he do not accordingly perform, then shall he that is possessed of a benefice (as before) be suspended; and he that is but a reader, preacher, or catechizer, be removed from his place by the bishop of the diocese, until he or they shall submit themselves to perform all the said duties, in such manner and sort as before is prescribed.

**57. The Sacraments not to be refused at the Hands of unpreaching Ministers**

Whereas divers persons, seduced by false teachers, do refuse to have their children baptized by a minister that is no preacher, and to receive the holy communion at this hands in the same respect, as though the virtue of those sacraments did depend upon his ability to preach; forasmuch as the doctrine both of baptism and of the Lord's supper is so sufficiently set down in the Book of Common Prayer to be used at the administration of the said sacraments, as nothing can be added unto it that his material and necessary; we do require and charge every such person, seduced as aforesaid, to reform that their wilfulness, and to submit himself to the order of the Church in that behalf; both the said sacraments being equally effectual, whether they be ministered by a minister that is no preacher, or by one that is a preacher. And if any hereafter shall offend herein, or leave their own parish-churches in that respect, and communicate, or cause their children to be baptized, in other parishes abroad, and will not be moved thereby to reform that their error and unlawful course; let them be presented to the ordinary of the place by the minister, church-wardens, and side-men, or quest-men of the parishes where they dwell, and there receive such punishment by ecclesiastical censures, as such obstinacy doth worthily deserve; that is, let them (persisting in their wilfulness) be suspended, and then, after a month's further obstinacy, excommunicated. And likewise if any parson, vicar, or curate, shall, after the publishing hereof, either receive to the communion any such persons which are not of his own church and parish, or shall baptize any of their children, thereby strengthening them in their said errors; let him be suspended, and not released thereof, until he do faithfully promise that he will not afterwards offend therein.

**64. Ministers solemnly to bid Holy-days**

Every parson, vicar, or curate, shall in his several charge declare to the people, every Sunday at the time appointed in the Communion Book, whether there be any holy-days or fasting - days the week following. And if any do hereafter wittingly offend herein, and being once admonished thereof by his ordinary, shall again omit that duty, let him be censured according to law, until he submit himself to the due performance of it.

**67. Ministers to visit the Sick**

When any person is dangerously sick in any parish, the minister, or curate, having knowledge thereof, shall resort unto him or her, (if the disease be not known, or probably suspected, to be infectious,) to instruct and comfort them in their distress, according to the order of the Communion-Book, if he be no preacher; or if he be a preacher, then as he shall think most needful and convenient. And when any is passing out of this life, a bell shall be tolled, and the minister shall not then slack to do his last duty. And after the party's death, if it is so fall out, there shall be rung no more than one short peal, and one other before the burial, and one other after the burial.

***72. Ministers not to appoint public or private Fasts or Prophecies, or to exorcise, but by authority***

No minister or ministers shall, without the license and direction of the bishop of the diocese first obtained and had under his hand and seal, appoint or keep any solemn fasts, either publicly or in any private houses, other than such as by law are, or by public authority shall be appointed, nor shall be wittingly present at any of them, under pain of suspension for the first fault, of excommunication for the second, and of deposition from the ministry for the third. Neither shall any minister not licensed, as is aforesaid, presume to appoint or hold any meetings for sermons, commonly termed by some prophecies or exercises, in market-towns, or other places, under the said pains: nor, without such license, to attempt upon any pretence whatsoever, either of possession or obsession, by fasting and prayer, to cast out any devil or devils, under pain of the imputation of imposture or cosenage, and deposition from the ministry.

**Recommendation**

14. 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