

# **General Synod – Holy Orders, Relinquishment and Deposition Canon 2004 Adopting Ordinance 2005**

No 39, 2005

An ordinance to adopt Canon No 10, 2004 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains as follows.

## **1. Name of Ordinance**

This Ordinance is the General Synod – Holy Orders, Relinquishment and Deposition Canon 2004 Adopting Ordinance 2005.

## **2. Adoption of Canon No 10, 2004**

Canon No 10, 2004 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule, is adopted.

## **3. Relationship with the Relinquishment of Holy Orders Ordinance 1994**

On and from the commencement of this Ordinance, a person cannot give a notice under clause 2 of the Relinquishment of Holy Orders Ordinance 1994.

### **Schedule**

The General Synod prescribes as follows:

#### **Short title**

1. This Canon may be cited as the Holy Orders, Relinquishment and Deposition Canon 2004.

#### **Definitions**

2. In this Canon–

"national register" means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of a tribunal;

"person in Holy Orders" means a person ordained into Holy Orders as bishop, priest or deacon according to the rites and ceremonies of this Church and includes a person who is (or was at a relevant time) a member of this Church in Holy Orders, and who is resident in a diocese.

"tribunal" means a tribunal established in accordance with the provisions of Chapter IX of the Constitution and includes a body

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established by canon or by an ordinance of a diocese.

### **Relinquishment of the Exercise of Holy Orders**

3. A person in Holy Orders may relinquish the exercise of Holy Orders by–

- (a) resigning all clerical licences and appointments held by that person as a bishop, priest or deacon; and
- (b) executing an instrument of relinquishment in or to the effect of the form in Schedule 1 endorsed with the consent, if given –
  - (i) if the person last held a clerical licence or appointment in a diocese other than the diocese in which the person resides, of the bishop of that diocese; and
  - (ii) of the bishop of the diocese in which the person resides who must be satisfied that the person is not currently the subject of any information complaint or charge in any diocese concerning his or her conduct or fitness to hold office.

### **Deposition from Holy Orders**

4. The bishop of a diocese in which a person in Holy Orders resides may by executing an instrument in or to the effect of the form in Schedule 3 depose the person from Holy Orders if–

- (a) the person has resigned all clerical licences and appointments held by that person as a bishop, priest or deacon; and
- (b) the person consents to the deposition by executing an instrument in or to the effect of the form in Schedule 2; and
- (c) if the person last held a clerical licence or appointment in a diocese other than the diocese in which the person resides, the bishop of that other diocese consents by executing an instrument in or to the effect of the form in Schedule 3.
- (d) the bishop is satisfied that the person is not currently the subject of any information, complaint or charge in any diocese concerning his or her conduct or fitness to hold any office.

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### **Liturgical context**

5. The relinquishment by a person of the exercise of Holy Orders or the deposition of a person from Holy Orders may, with the consent of the person, be set in a liturgical context by the bishop.

### **Deposition after sentence of a tribunal**

6. The deposition of a person from Holy Orders by a bishop pursuant to the sentence of a tribunal shall be effected by the execution by the bishop of an instrument of deposition in or to the effect of the form in Schedule 4.

### **Registration**

7. (1) In this section—

"bishop" means—

- (a) the bishop who consents to a relinquishment of the exercise of Holy Orders in accordance with this canon; or
- (b) the bishop who executes an instrument of deposition from Holy Orders in accordance with this or another Canon or an ordinance of a diocese;

"instrument" means—

- (a) an instrument of relinquishment of the exercise of Holy Orders in accordance with section 3; or
- (b) an instrument of deposition from Holy Orders in accordance with section 4; or
- (c) an instrument of deposition from Holy Orders pursuant to a sentence of a tribunal.

(2) Upon relinquishment by instrument of the exercise of, or the deposition by instrument from, Holy Orders, the bishop must forthwith—

- (a) cause the instrument to be registered in the register of the bishop; and
- (b) deliver a copy of the instrument to the bishop of the diocese in or for which the person who is the subject of the instrument was ordained; and
- (c) cause a copy of the instrument to be registered in the national register.

8. (1) The bishop may give notice that a person has relinquished the exercise of his or her Holy Orders under section 3 or been deposed from Holy Orders under section 4 to such persons as the bishop considers necessary.

(2) The bishop may include in the notice under subsection (1) a statement of any circumstances relevant to the relinquishment or deposition.

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### **Effect of relinquishment or deposition**

9. A person who has relinquished the exercise of Holy Orders or who has been deposed from Holy Orders in accordance with this or another Canon or following the sentence of a tribunal—

- (a) may not:
  - (i) officiate or act in any manner as a bishop, priest or deacon of this Church; or
  - (ii) accept or hold any office in this Church capable of being held only by a person in Holy Orders;
- (b) ceases to have any right, privilege or advantage attached to the office of bishop, priest or deacon;
- (c) shall not hold himself or herself out to be a member of the clergy;
- (d) may not hold an office in a diocese which may be held by a lay person without the consent of the bishop of the diocese.
- (e) shall be considered to be a lay person for the purposes of all laws, canons, rules, ordinances and regulations of the Church except for any provision enacted under Chapter IX of the Constitution.

### **Effect of revocation of relinquishment or deposition by consent**

10. The provisions of section 8 shall not apply to a person in respect of whom the relinquishment of the exercise of Holy Orders or deposition from Holy Orders has been revoked in accordance with this Canon.

### **Revocation**

11. (1) A person, the exercise of whose Holy Orders has been relinquished or who has been deposed from Holy Orders with the consent of the person in accordance with this Canon may petition the Metropolitan of the Province in which the person resides or, if the person resides in an extra-provincial diocese, the Primate, to issue a certificate of revocation of the instrument of relinquishment of the exercise of Holy Orders or deposition from Holy Orders.

- (2) The petition shall include a statement of—
  - (a) the circumstances and reasons in and for which the petitioner executed the instrument of relinquishment or consented to the deposition from Holy Orders; and
  - (b) the nature of the work or employment upon or in which the petitioner has been engaged, and the place or places in which the petitioner has resided since executing the instrument of relinquishment or consent to the deposition as the case may be; and

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(c) the circumstances and reasons in and for which the revocation is sought.

(3) The Metropolitan or the Primate, as the case requires, shall confer with the bishop of the diocese in which the petitioner last held a clerical licence or appointment and the bishop of the diocese in which the person resides and may make such other enquiries as seem appropriate.

(4) The Metropolitan or the Primate, as the case requires, may by writing under seal certify that, for all purposes, the instrument of relinquishment of the exercise of Holy Orders or the instrument of deposition from Holy Orders ceases to have any force or effect.

(5) A certificate under sub-section (4) shall be registered in—

(a) the register of the bishop of the diocese in which the instrument of relinquishment or the instrument of deposition was registered; and

(b) the register of the Primate; and

(c) the national register—  
and a copy of the certificate shall be delivered to the bishop of the diocese in or for which the petitioner was ordained.

12. (1) It is an offence for a person who has relinquished the exercise of his or her holy orders under section 3 to hold out that the person continues to exercise those orders, except for the purposes of any provision enacted under Chapter IX of the Constitution.

(2) It is an offence for a person who has been deposed under section 4 to hold out that the person remains in Holy Orders, except for the purposes of any provision enacted under Chapter IX of the Constitution.

### **Repeal**

13. The Canon numbered 76 of the Canons of 1603, insofar as it may have any force, shall have no operation or effect in a diocese of this Church which adopts this canon.

### **Coming into force by adoption**

14. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

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**Schedules**

**SCHEDULE 1**

**VOLUNTARY RELINQUISHMENT OF THE EXERCISE OF HOLY ORDERS**

KNOW ALL PERSONS BY THESE PRESENTS THAT I, \_\_\_\_\_, a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) DECLARE that I have resigned all clerical licences and appointments and positions held by me as (*bishop, priest or deacon*) and DO HEREBY RELINQUISH all rights and privileges as (*bishop, priest or deacon*) in accordance with the Constitution and Canons of the Anglican Church of Australia and shall hereafter conduct myself accordingly.

**SCHEDULE**

**PARTICULARS OF HOLY ORDERS**

FULL NAME AND ADDRESS	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

DATED:  
EXECUTED BY  
in the presence of:  
(Bishop or Archdeacon or legal practitioner)

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT:  
I, \_\_\_\_\_ by divine providence Bishop (Archbishop) of \_\_\_\_\_ do hereby consent to the above Relinquishment of the exercise of Holy Orders.

DATED:  
EXECUTED BY:  
in the presence of:

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CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT RESIDES:

I, \_\_\_\_\_ by divine providence Bishop (Archbishop) of \_\_\_\_\_ do hereby consent to the above Relinquishment of the exercise of Holy Orders.

DATED:

EXECUTED BY:

in the presence of:

\_\_\_\_\_

**SCHEDULE 2**

CONSENT TO DEPOSITION FROM HOLY ORDERS

To:

(Bishop of Diocese)

I, \_\_\_\_\_, a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) do hereby consent to my deposition from Holy Orders in accordance with the Constitution and Canons of the Anglican Church of Australia.

**SCHEDULE**

**PARTICULARS OF HOLY ORDERS**

FULL NAME AND ADDRESS	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

DATED

EXECUTED BY

in the presence of:

\_\_\_\_\_

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**SCHEDULE 3**

DEPOSITION FROM HOLY ORDERS BY CONSENT

I, \_\_\_\_\_ by divine providence Bishop (or  
Archbishop) of \_\_\_\_\_

To \_\_\_\_\_

REETING

I do by these presents and with your consent hereby depose you from Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia.

SCHEDULE

PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

CONSENT OF BISHOP IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT:

I, \_\_\_\_\_ by divine providence Bishop or  
(Archbishop) of \_\_\_\_\_ do hereby consent to the within deposition  
from Holy Orders.

DATED \_\_\_\_\_

EXECUTED BY: \_\_\_\_\_

in the presence of: \_\_\_\_\_

DATED \_\_\_\_\_

SEALED \_\_\_\_\_

\_\_\_\_\_

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**SCHEDULE 4**

**DEPOSITION FROM HOLY ORDERS FOLLOWING SENTENCE OF TRIBUNAL**

I, \_\_\_\_\_ by divine providence Bishop (or Archbishop) of \_\_\_\_\_

To \_\_\_\_\_

**GREETING**

I do by these presents hereby depose you from Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia following the sentence of a duly constituted tribunal.

**SCHEDULE**

**PARTICULARS OF HOLY ORDERS**

FULL NAME AND ADDRESS	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

DATED \_\_\_\_\_

SEALED \_\_\_\_\_

\_\_\_\_\_

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I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL  
Chairman of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 18 October 2005.

R WICKS  
CJ MORONEY  
Secretaries of Synod

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
23/10/2005