

# Relinquishment of Holy Orders Ordinance 1994

(Reprinted under the Interpretation Ordinance 1985.)

The Relinquishment of Holy Orders Ordinance 1994 as amended by the Relinquishment of Holy Orders Amending Ordinance 2002, the Discipline Ordinance 2006, the Relinquishment of Holy Orders (Exclusion and Reinstatement) Ordinance 2011 and the Discipline Amendment Ordinance 2014.

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### Long Title

An Ordinance to allow a person to be regarded as having relinquished his or her holy orders and for purposes related thereto.

The Synod of the Diocese of Sydney Ordains as follows.

### Citation

1. This ordinance may be cited as the "Relinquishment of Holy Orders Ordinance 1994".

### Relinquishment of Holy Orders

2. (1) A person in holy orders who holds or has held the licence or authority of the Archbishop or former Archbishop or resides in the Diocese may, by written notice to the Archbishop, request that the person be regarded as having relinquished his or her orders, subject to such notice being accompanied by a statement setting out any conduct committed by the person that may constitute an offence under clause 4 of the Discipline Ordinance 2006.

(2) A person who gives a notice to the Archbishop under subclause 2(1) must sign that notice in the presence of a prescribed witness who must also sign his or her name as a witness to the signature of the person concerned.

(3) For the purposes of subclause 2(2) each of the following is a prescribed witness –

- (a) an Assistant Bishop of the Diocese;
- (b) an Archdeacon of the Diocese;
- (c) a judge;
- (d) a barrister;
- (e) a solicitor.

2A. The Archbishop may not accede to a request made under clause 2 in respect of a person against whom a complaint has been made under the Discipline Ordinance 2006 unless the Director of Professional Standards certifies to the Archbishop that, but for acceding to the request under clause 2, no further action is to be taken in relation to the complaint under the Discipline Ordinance 2006.

2B. If the Archbishop has reason to believe that a person who makes a request under clause 2 may have committed sexual misconduct against, with or in the presence of a child, including grooming of a child, or any serious physical assault of a child, he must inform the Director of Professional Standards and provide him with any relevant evidence so as to allow the Director to determine if a complaint should be made against the person under the Discipline Ordinance 2006 or any other action be taken in respect to the person.

3. The Archbishop may accede to a request made under clause 2 by giving written notice to that effect to the person concerned and to the Registrar.

4. (1) If the Archbishop accedes to a request made under clause 2 by giving notice under clause 3, the person concerned is to be regarded as having relinquished his or her holy orders on and from the date of the Archbishop's notice. Thereafter, the person shall be considered to be a lay person for the purposes of all ordinances, rules and regulations having effect in the Diocese, except the Discipline Ordinance 2006.

(2) A person who is regarded as having relinquished his or her orders under this ordinance is deemed to have resigned any licence or authority of the Archbishop held by that person.

(3) The Archbishop may give notice that a person is to be regarded as having relinquished his or her Holy Orders from a particular date to such persons as the Archbishop considers necessary.

(4) Where the notice referred to under clause 2(1) includes an admission of misconduct by the person in Holy Orders, the Archbishop may include a statement of the general nature of that misconduct in the notice under clause 4(3).

#### **Offence**

5. It is an offence for a person who is regarded as having relinquished his or her holy orders under this ordinance to hold out that the person continues to hold those orders, and the person shall, in relation to the holding out, be taken to be a person in holy orders for the purposes of the Discipline Ordinance 2006.

#### **Archbishop may treat relinquishment of orders as void**

6. (1) A person who is regarded as having relinquished his or her orders under this ordinance may, by written request to the Archbishop, request that the relinquishment of orders be treated as void.

(2) The Archbishop may accede to a request made under subclause 6(1) by giving written notice to that effect to the person concerned and to the Registrar.

(3) If the Archbishop accedes to a request made under subclause 6(1) by giving a notice under subclause 6(2), the person concerned shall, on and from the date of the Archbishop's notice, be regarded as not having relinquished his or her holy orders for the purposes of all ordinances, rules and regulations having effect in the Diocese.

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#### **Table of Amendments**

Clause 2	Amended by Ordinances Nos 59, 2002 and 33, 2014.
Clause 2A	Inserted by Ordinance No 42, 2011.
Clause 2B	New clause inserted by Ordinance No 33, 2014.
Clause 4	Amended by Ordinance No 59, 2002 and Ordinance No 32, 2006.
Clause 5	Amended by Ordinance No 32, 2006.

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