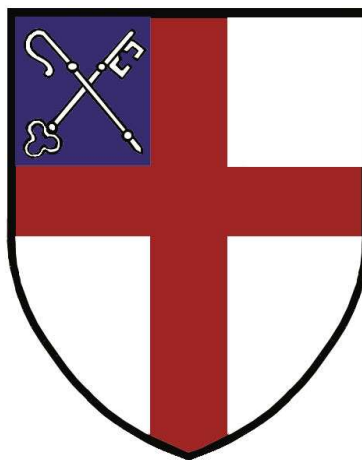


THE ANGLICAN CATHOLIC CHURCH

MISSIONARY DIOCESE OF SOUTHERN AFRICA



THE CONSTITUTION

Adopted at the

1st Annual Diocesan Synod

Held at

Cape Town

1st to 3rd December 2005

THE CONSTITUTION OF THE MISSIONARY DIOCESE OF SOUTHERN AFRICA

In the name of the Father, and of the Son, and of the Holy Ghost, Amen.

We, the loyal Anglican Clergy and Laity who reside canonically in the Diocese of Southern Africa, and who desire to follow Jesus Christ as our Lord and Saviour, and to continue in the Faith and Order of His Body, the Church, hereby ordain and establish this Constitution (and attendant Canons) for the Missionary Diocese of Southern Africa.

ARTICLE I NAME

The name of this Church and See shall be the Diocese of Southern Africa, hereinafter referred to as 'the Diocese' or 'this Diocese'.

ARTICLE II INCORPORATION

Section 1. **Of Incorporation**

The Diocese shall be incorporated as a Not-for-Profit Corporation in, and under the Laws of South Africa.

Section 2. **Of Constitution and By-Laws of Corporation**

This Constitution, and all Canons enacted under its provisions, shall be the Constitution and By-Laws of the Corporation except and save that when these provisions are in conflict with the Constitutions or Canons, or both, of the Anglican Catholic Church or of the Province in which this Diocese shall be a constituent member, the latter shall prevail.

Section 3. **Of Trustees of Corporation**

The Bishop Ordinary (hereinafter referred to as the Ordinary) and four communicants of the Diocese appointed by the Ordinary with the advice and consent of the Standing Committee of the Diocese shall be the Trustees of the Corporation and of the Diocese.

Section 4. **Of Corporate Officers.**

The Ordinary shall be the President of the Corporation, the Bishop Co-adjutor (if any). The Bishop(s) Suffragan (if any), and the Chancellor of the Diocese shall be Vice-Presidents of the Corporation (in the order stated), and the Secretary and Treasurer of the Diocese shall be respectively Secretary and Treasurer of the Corporation.

ARTICLE III MEMBERSHIP AND BOUNDARIES

Section 1. **Of boundaries.**

The Diocese of Southern Africa shall be composed of and exercise its Ecclesiastical Jurisdiction within the Republic of South Africa and Lesotho.

Section 2. **Of Membership.**

- (a) The Diocese shall exercise its Ecclesiastical Jurisdiction over all Clergymen and Congregations and other such Cures of, within, or adhering to or subject to the Authority of the Anglican Catholic Church, except as elsewhere provided, who canonically reside or are canonically situate within the ecclesiastical boundaries of the Diocese or are constituent Congregations or other such Cures of the same.
- (b) Congregations and other such Cures subject to the Authority of the Anglican Catholic Church and canonically situate in areas not enumerated in Section 1 above of this Article, may be admitted into canonical union with this Diocese upon application to and approval by the Ordinary and the Diocesan Synod, provided, that if any such Congregation or other such Cure be canonically situate and subject to any other Diocese or other such jurisdiction of the Anglican Catholic Church, such Congregation or other such Cure must obtain first the consent of the Synod and Ordinary of the Diocese or other such jurisdiction concerned and the consent of the Provincial Synod or Synods concerned or the College or Colleges of Bishops concerned, or both, as the case may be.
- (c) Clergymen of the Anglican Catholic Church may become canonically resident herein as provided in the Canons of this Church and of this Province.

ARTICLE IV THE DIOCESAN SYNOD

Section 1 **Of Legislative Jurisdiction.**

The Synod of this Diocese shall have and possess the legislative jurisdiction herein and such legislative jurisdiction shall be subject and subordinate to the Common Law of the Church, the Constitution or Canons, or both, of the Anglican Catholic Church, of this Province, and this Constitution.

The Diocesan Synod may enact Canons not in conflict with the aforementioned authorities; provide for the execution of said Canons; provide for the general interests and well being of the Church within this Diocese; provide for the general administration of the Diocese in accordance with same aforementioned authorities; receive tithes from the Congregations or other such Cures of this Diocese; establish a treasury and expend funds therefrom as necessary; provide for the governing of ecclesiastical discipline in this Diocese and the regulation of the Clergy and others; and provide for the creation, division, adjustment, or rearrangement of Congregations or other such Cures within this Diocese.

Section 2. **Of Membership.**

The Synod of this Diocese shall consist of three constituent authorities, namely:

- (a) The Ordinary,
- (b) The Senate of Clergy, consisting of all other Clergymen canonically resident in the Diocese, and
- (c) The Assembly of the Laity, consisting of three Lay Delegates from each Congregation or other such Cure in union with the Diocese, each such Congregation or other such Cure having only one vote per seated Delegate aforesaid present and voting. (No proxies shall be recognized).

Such legislative jurisdiction aforesaid shall be exercised by the Synod of this Diocese provided that all the foregoing constituent authorities shall agree.

No enactment or resolution in or of the Synod of this Diocese shall have effect without the Assent of the Ordinary, which Assent is not lightly nor without the gravest cause to be withheld. The reason for any withholding of Assent shall be given in writing.

Section 3. **Of Meetings**

- (a) At the summons of the Ordinary, or, if he be incapacitated, of the Co-adjutor Bishop, if there be one, failing that, of the Suffragan Bishop, if there be one, failing that, of the Standing Committee acting under the direction of the Metropolitan, the Annual Diocesan Synod shall be convened and convoked at a convenient place and time as provided for by Canon.
- (b) The Ordinary, or, if he be incapacitated, the Episcopal Authorities aforesaid in subsection (a) above of this Section, or the Standing Committee acting under the direction of the Metropolitan, may summon a special meeting of the Synod at any time. No business shall be transacted at any such meeting other than that stated in the Writ of Summons for that special meeting.
- (c) The Writ of Summons for every meeting of the Synod shall be issued by the Ordinary, or the Episcopal Authorities aforesaid, or the President of the Standing Committee acting under the direction of the Metropolitan, to every Clergyman canonically resident in the Diocese and to each Congregation or other such Cure in union with the Diocese by mail at least three weeks prior to the Synod meeting stating the time and place of such meeting. In the case of a special meeting of the Synod such Writ of Summons shall also specify the purpose for which it is summoned.

Section 4. **Of Quorum and Voting.**

A canonical quorum in the Senate of the Clergy which shall consist of not fewer than fifty-one percent of those members entitled to seat, voice, and vote being present together with a canonical quorum in the Assembly of the Laity which shall consist of not fewer than fifty-one percent of the total membership of the Assembly of the Laity entitled to seat, voice, and vote being present, provided that such a quorum shall consist of Delegates from at least fifty-one percent of the Congregations and other such Cures in union with the Diocese shall constitute a quorum for the transaction of business of the Synod, provided that a smaller number may adjourn from time to time. Except as otherwise specified in this Constitution or Canons enacted pursuant thereto, the Synod shall deliberate in one

body. Except where a larger percentage is required by this Constitution, a majority of the Clergymen present and voting in the Senate of the Clergy together with a concurrent majority of the Lay Delegates present and voting in the Assembly of the Laity shall be sufficient for the passage of matters brought before the Synod provided the Ordinary assents thereto.

Section 5. **Of Rules of Procedure**

Unless otherwise provided in this Constitution or the Canons enacted under its provisions or in rules of procedure adopted by the Synod, the business of the Synod shall be conducted according to **Robert's Rules of Order, Newly Revised (1970)**.

Section 6. **Of Officers of the Synod**

The President of the Synod shall be the Ordinary and preside therein. If there be no Ordinary, or if he be absent or incapacitated, the Bishop Co-adjutor, the Suffragan Bishop, the Metropolitan, or lawfully appointed Episcopal Visitor shall serve as the President of the Synod and preside therein. In the absence of such Episcopal Authority, the President of the Standing Committee may preside for the purpose of recessing or adjourning from time to time until such an Episcopal Authority can be present.

The Ordinary may lawfully appoint, in writing, a deputy, who need not necessarily be in Episcopal Orders, to preside in his stead and place. Such deputy shall not be the President of the Synod nor have the authority to bestow the Canonical Assent.

A Recording Secretary, who shall work under the supervision of the Secretary of the Diocese, shall be appointed by the President of the Synod to record and prepare for distribution within three months the proceedings of the Synod and deposit the same with the Secretary of the Diocese.

The President of the Synod shall also appoint a Parliamentarian to advise him on questions of order and other matters of a parliamentary nature.

Section 7. **Separate Meetings of Houses.**

At some time during each Annual Meeting of the Synod, time shall be provided for separate meetings of the Senate of the Clergy and the Assembly of the Laity, for the purpose of conducting such business as may be within the competency of each House pursuant to the provisions of this Constitution or Canons enacted under its provisions or those of the Constitutions or Canons, or both, of the Anglican Catholic Church or of this Province, or both. At each Annual Meeting of the Synod each House shall elect its own Convenor, who shall convene and preside over that House when it meets separately if the Ordinary or other such President, as herein provided himself chooses not to do so, and a Recording Secretary who shall keep a record of its proceedings. The Convenor and Recording Secretary of each House shall serve until their successors are elected at the next Annual Meeting of the Synod.

**ARTICLE V
THE EPISCOPATE**

Section 1. **Of the Ordinary**

The Ordinary of the Diocese shall be the Chief Executive Officer and President of the Diocese and of the Diocesan Corporation and the President of the Synod of this Diocese. He shall have and possess and shall exercise all such Authority Episcopal and powers as set forth and provided for his Office and Dignity in the Church of God in the Constitution and Canons of this Church, of this Province, and this Diocese.

Section 2. (a) **Of Bishop**

The Bishop Co-adjutor or Bishop Suffragan or Auxiliary Bishop or Assistant Bishop respectively, if any, at the direction of and under the supervision of the Ordinary, shall assist the Ordinary in the performance of his Episcopal Functions, as provided and set forth for him to have, pursuant to the Constitution and Canons of this Church, of this Province, and of this Diocese, and shall perform such other functions and duties as may from time to time be delegated to him by the Ordinary with the advice and consent of the Standing Committee.

(b) **Of Sede Impedita.**

During the disability, incapacity, or absence of the Ordinary or other instances of **sede impedita**, the Bishop Co-adjutor, if there be one, shall serve, act, and be the Ordinary of the Diocese for that period of **sede impedita**.

If there be no Bishop Co-adjutor, then the Suffragan Bishop, if there be one, shall exercise the Episcopal Authority of the Diocese and be the Administrator thereof until the instance of the **sede impedita** shall have ceased and determined. In such instances the Suffragan Bishop shall need the confirmation of the Metropolitan of this Province before the said Suffragan Bishop can be temporarily in Charge of this Diocese.

(c) **Of Episcopal Visitor in Instances of Sede Impedita.**

Instances where there is neither a Bishop Co-adjutor or Suffragan Bishop as set forth above in this section, then shall the Standing Committee of this Diocese, upon the failure of the Ordinary to appoint an Episcopal Visitor to this See, with the confirmation of the Metropolitan, for such instances of **sede impedita**, then the Standing Committee of this Diocese shall petition in writing the Metropolitan of this Province to appoint some Bishop of this Church to be the Episcopal Visitor to this Diocese and to exercise the Episcopal Authority herein if the Metropolitan does not so choose to do so in his own Person Metropolitical.

(c) **Of Sede Vacante.**

During the instances of **sede vacante** upon either the death, resignation, translation or removal of the Ordinary, if there be a Bishop Co-adjutor, he would automatically succeed at once to the Office and Dignity of Ordinary of this Diocese.

If there be no Bishop Co-adjutor, then the Suffragan Bishop, if there be one, subject to the confirmation of the Metropolitan of this Province, shall be temporarily in Charge of this Diocese as the Administrator and Episcopal Authority thereof until the Canonical Bishop Elect thereof shall have entered upon the care, government and administration of the Spiritualities of this See.

Failing the existence of either a Bishop Co-adjutor or Suffragan Bishop as set forth above in this subsection, then the Guardians of the Spiritualities of this Church and See shall petition in writing the Metropolitan of this Province to appoint some Bishop of this Church to be the Episcopal Visitor to this Diocese and to exercise the Episcopal Authority herein if the Metropolitan does not so choose to do so in his own Person Metropolitical during the instance of **sede vacante**.

Section 3. **Of Vacancy in the See, called sede vacante.**

Upon the death, resignation, translation, or removal of the Ordinary, the Standing Committee shall be, act, and serve as the Guardians of the Spiritualities of this Church and See and shall immediately apply to the Metropolitan (or the College of Bishops in his absence) for the Writ of Election. Upon receipt of the Writ of Election, the President of the Guardians of the Spiritualities shall acting with the Episcopal Visitor jointly issue a Writ of Summons causing a Special Meeting of the Diocesan Synod to be called as an Electoral Synod for the purpose of electing a Bishop Ordinary not less than twenty-five (25) nor more then ninety (90) days after receiving the Writ of Election. With the assent of the Metropolitan, the episcopal oversight of the Episcopal Visitor shall include being the President of the Electoral Synod summoned under the provisions of this section. During this period of episcopal oversight the Guardians of Spiritualities alone, acting with the assent of the Metropolitan or his Deputy, has the right to transfer or encumber Diocesan property.

Section 4. **Of the Election of a Bishop Ordinary**

At the Special Meeting of the Diocesan Synod called in response to the Writ of Election by the Metropolitan (or the College of Bishops in his absence), candidates meeting the qualifications set forth in the Constitutions and Canons of

the Anglican Catholic Church and of this Province may be nominated provided that the nomination has the support of at least five Lay Delegates and at least two Clergymen of the Electoral Synod and that the nominee has assented to serve if elected either in writing or by telephone to the President of the Guardians of the Spiritualities.

A two-thirds majority of the Clergymen present and voting in the Senate of the Clergy together with a concurrent two-thirds majority of the Lay Delegates present and voting in the Assembly of the Laity of the Electoral Synod shall be necessary for election to the Office of Bishop.

Before adjournment and prorogation of the Electoral Synod the members of said Synod shall complete all necessary Certificates of Election.

Section 5. Of the Arrangement of Other Episcopal Elections

The Ordinary, with the canonical concurrence of the Diocesan Synod, may petition the Metropolitan and the College of Bishops of this Province for the Writ of Election of such other Bishopric as the Diocese may need. Upon receipt of the Writ of Election the Ordinary shall issue a Writ of Summons causing a Special Meeting of the Diocesan Synod to be called for the purpose of electing such other Bishop not less than twenty-five (25) nor more than ninety (90) days after receiving the Writ of Election. The Ordinary, with the assent of the Metropolitan, may act as President of the Electoral Synod summoned under the provisions of this section.

**ARTICLE VI
OTHER OFFICERS OF THE DIOCESE**

Section 1. Of the Treasurer.

Each Annual Meeting of the Diocesan Synod shall elect an able communicant of the Diocese, competent to handle financial matters, to be the Treasurer of the Diocese for the term of tenure of one year, commencing upon the adjournment and prorogation of the Annual Meeting at which he was elected and ending upon the adjournment and prorogation of the next Annual Meeting of the Diocesan Synod. The Treasurer, and any Assistant Treasurers whom he may appoint with the approval of the Ordinary and the Standing Committee, shall be bonded for the faithful performance of their respective Offices. The Treasurer or any Assistant Treasurer may be removed at any time by a three-quarters majority of the Standing Committee, provided the Ordinary concurs in such removal.

Section 2. Of the Secretary.

Each Annual Meeting of the Diocesan Synod shall elect an able communicant of the Diocese, capable of performing the duties and responsibilities of Secretary, to be the Secretary of the Diocese for the term of tenure of one year, commencing upon the adjournment and prorogation of the Annual Meeting at which he was elected and ending upon the adjournment and prorogation of the next Annual Meeting of the Diocesan Synod. The Secretary, with the approval of the Ordinary and the Standing Committee, may appoint such Assistant Secretaries as may be deemed necessary. The Secretary or any Assistant Secretary may be removed at any time by a three-quarters majority of the Standing Committee, provided the Ordinary concurs in such removal.

Section 3. Of the Chancellor.

The Ordinary, with the advice and consent of the Standing Committee, shall appoint annually, at the time of the first meeting of the Standing Committee following upon the adjournment and prorogation of the Annual Meeting of the Diocesan Synod, some able communicant of the Diocese learned in the law to be the Chancellor of the Diocese to serve for a term of tenure of one year. The Ordinary, with the advice and consent of the Standing Committee, also may appoint a Vice-Chancellor and one or more Deputy Chancellors, having the same qualifications as the Chancellor, to assist the Chancellor. At least one of the number of the Chancellor, the Vice Chancellor, and the Deputy Chancellor(s) shall be licensed to practice law in the state in which the Diocesan Corporation is incorporated. The Chancellor, the Vice-Chancellor, or any Deputy Chancellor may be removed at any time by a three-fifths majority of the Standing Committee, provided the Ordinary concurs in such removal.

The Chancellor shall advise the Ordinary and the Standing Committee and shall have such other duties as may be defined by Canon or assigned by the Ordinary, or both.

Section 4. Of Delegates to Provincial Synod and Holy Synod.

At each Annual Meeting of the Diocesan Synod the Senate of the Clergy and the Assembly of the Laity sitting separately shall each elect Delegates and Alternates of their own order, as provided in the Constitutions and Canons of the Anglican Catholic Church and of this Province, to represent the Synod of this Diocese at the meetings of the aforesaid Provincial Synod and Holy Synod until the next Annual Meeting of this Diocesan Synod. Each House shall elect that number of Delegates enumerated by the Canons of this Church or Provincial Canon, as the case may be, and up to that same number of Alternates. Should an insufficient number of Delegates or Alternates, or both, be elected or an insufficient number be able to attend, the Ordinary, with the advice and consent of the Standing Committee, may fill any such vacancies.

**ARTICLE VII
THE STANDING COMMITTEE**

Section 1. Of Duties

The Standing Committee of this Diocese shall:

- (a) Serve, be, and act as the Council of Advice to the Ordinary;
- (b) Serve, be and act as the Guardians of the Spiritualities of the Diocese if the See is canonically vacant;
- (c) Assist the Ordinary in the administration of the Diocese;
- (d) After consultation with the Commission on the Ministry, pass upon the eligibility of all men considered for Postulancy, for Candidacy for Holy Orders, for Ordination as either Deacon or Priest, or for, with its consent, Reception of undoubted Deacons or Priests from another branch of the One Holy, Catholic and Apostolic Church with which this Church is not in formal or canonical Communion; and
- (e) At the request of the Ordinary, act in the place of any Committee or Commission mentioned in the Constitutions or Canons, or both, of the

Anglican Catholic Church or of this Province and not yet functioning in this Diocese.

Section 2. **Of Membership.**

The Standing Committee of this Diocese shall be composed of:

- (a) the Ordinary, who shall be Chairman of the Standing Committee with a vote therein only in the case of a tie vote;
- (b) the Bishop Co-adjutor (if any), the Bishop(s) Suffragan (if any), and the Chancellor, who shall be Vice-Chairmen of the Standing Committee (in the order stated) with voice but no vote unless elected by the Synod as a voting member thereof.
- (c) the Secretary and the Treasurer of the Diocese who shall be **ex officio** members of the Standing Committee with voice but no vote unless elected by the Synod as a voting member thereof; and
- (d) the eight voting members of the Standing Committee elected by the Synod, four of whom shall be of the Clerical State and Order and four of whom shall be of the Lay State and Order.

respectively

Section 3. **Of Election of the Voting Members by Synod.**

At each Annual Meeting of the Diocesan Synod the Senate of the Clergy and the Assembly of the Laity, sitting separately, shall each elect from among their own State and Order two voting members of the Standing Committee for a term of tenure of two years commencing upon the adjournment and prorogation of the Annual Meeting at which they respectively are elected and ending at the adjournment and prorogation of the second Annual Meeting of the Diocesan Synod thereafter, or earlier at the death or resignation or removal of such member as hereinafter provided.

At the first Annual Meeting of the Diocesan Synod under this Constitution, each of the aforementioned Houses shall also elect from among their own State and Order two additional voting members of the Standing Committee who shall serve for a term of one year commencing upon the adjournment and prorogation of the next Annual Meeting at which they respectively are elected and ending at the adjournment and prorogation of the next Annual Meeting of the Diocesan Synod.

Section 4. **Of Vacancies among the Voting Members.**

Vacancies among the elected voting members of the Standing Committee may be filled until the next meeting of the Diocesan Synod by a two-thirds vote of the remaining voting members of the Standing Committee who are of the same State and Order as the member whose leaving caused the vacancy. At such next meeting of the Diocesan Synod, the House representing that same State and Order shall elect one of its members to the remainder, if any, of the term of tenure vacated.

Section 5. **Of Officers.**

The Standing Committee at its first meeting upon the adjournment and prorogation of the Annual Diocesan Synod shall elect one of its Clergy members

President (who shall preside only in the absence of the Ordinary or his designee) and one of its Lay Members Recorder for the ensuing year.

ARTICLE VIII ECCLESIASTICAL COURTS

Section I. Of Composition.

The Diocesan Court of the Ordinary (hereinafter called the "Court"), otherwise known as the Consistory Court, shall be the Ecclesiastical Court of the Diocese through which the judicial authority of the Ordinary shall be exercised and said Court shall have jurisdiction over both the Clergy and the Laity of this Diocese.

The Court shall consist of five persons, three of whom shall be Clergymen and two of whom shall be members of the Laity. The President of the Court shall be designated by the Ordinary from among the members of the Court to preside in his absence and shall be a person learned in canon law and familiar with judicial procedures. The Court may elect its own Vice-President and such other Officers as it may deem necessary.

Section 2. Of Nomination of Members.

At each Annual Meeting of the Diocesan Synod, the Ordinary shall nominate three persons for each expired term of tenure on the Court which is to be filled. The Synod shall then elect one of the three nominees to the Court. If the Synod cannot decide among the three said nominees, then lots shall be cast among the nominees to determine who shall be elected the Office.

Section 3. Of Term of Tenure of Office.

Members of the Court shall be elected to terms of tenure of five years, except that any person elected to fill a vacancy shall serve only for the duration of the unexpired term of tenure.

Section 4. Of Vacancy.

In the event that a vacancy occurs in the membership of the Court, other than upon expiration of the term of tenure for which the member concerned was elected, the Ordinary shall appoint a person of the same State and Order to fill the vacancy until the next Annual Meeting of the Synod. At the next Annual Meeting of the Synod, the Synod shall elect a person of the same State and Order as the former member to fill any remaining unexpired term of tenure of the person whose seat on the Court became vacant.

Section 5. Of Authority.

The Court shall have the competent authority:

- (a) To pass upon the legality and validity of all Diocesan Canons, or implementation of those Canons of the Church that apply both within and to this Diocese.
- (b) For the trial of offences against Ecclesiastical Discipline or Law not reserved to the Ordinary and all other ecclesiastical causes, matters, and cares within the Diocese, and from which appeals may be taken to the Court of the Metropolitan or the Provincial Court as provided for by Provincial Canon; and

- (c) To render decisions, decrees, or sentences and enter judgements (including declaratory judgements) pertaining to any matter, case, or cause referred to it by the Ordinary, the Synod, the Senate of the Clergy, the Assembly of the Laity, or the Standing Committee.

The Court shall possess and enjoy all powers for the compelling of the attendance of witnesses, the conducting and regulating of its business, and the enforcements of the decisions, sentences, judgements, and decrees made therein.

Section 6. Of Jurisdiction.

The Court shall possess, have, and exercise jurisdiction with respect to all matters, cases, or causes arising under its specifically enumerated powers, and it shall not decline to exercise its jurisdiction except, with the consent of the Ordinary, it may refer the matter to the Court of the Metropolitan.

Section 7. Of Petitions and Referrals.

A case shall be initiated before the Court;

- (a) By written petition or complaint signed by two or more unrelated persons of demonstrable reliability, commonly called **Promoters**, Clergy or Lay, who are communicants in good standing within the Diocese (except those who may be parties in any matter, case, or cause to be tried by or appealed to the court) setting forth the relief requested or the subject of the complaint; provided, however, that in any case, cause, or matter involving non-adherence to the Doctrine of the Church, the Court shall not entertain a petition or complaint pertaining thereto unless the same is signed by five unrelated persons in the case of priests and deacons, and according to such procedure as may be provided in the Canons of this Province or the Holy Synod; or
- (b) By referral of a case, cause, or matter for decision or opinion from the Ordinary, the Synod, the Senate of the Clergy, the Assembly of the Laity, or the Standing Committee.

Section 8. Of Appeal from Court Decisions

Any appeal from any judgement, or decree, or decision, or sentence of the Court may be made to the Metropolitan Court of this Province in accordance with applicable provisions of the Constitution and Canons of the Anglican Catholic Church and of this Province.

Section 9. Of Administration

The Court, under the direction of the President of the Court and the Ordinary, shall establish procedures for its internal administration, and the docketing and processing of cases. Records of all cases adjudicated by the Court shall be deposited with the Secretary of the Diocese. The Court or the Ordinary may order all or any part of such records sealed subject to later review or appeal.

Section 10. Of Marriage Tribunal.

There shall also be a Marriage Tribunal through which the Ordinary may choose to exercise his Authority in Causes Matrimonial. This Tribunal may consist of any number of members, having such qualifications as the Ordinary shall deem

suitable, who shall be appointed by and who shall serve at the pleasure of the Ordinary. The Marriage Tribunal shall (with the consent of the Ordinary and subject to his continuing right to enlarge, reduce, modify or replace the same) adopt rules governing the Tribunal's authority, and procedures and rules governing review of the Tribunal's decisions by the Ordinary.

ARTICLE IX CONGREGATIONS

Section 1. Of Membership in the Diocese.

Those Congregations and other such Cures ratifying the Affirmation of St Louis and approving the Constitutions and Canons of this Diocese, this Province, and the Anglican Catholic Church shall constitute the Congregations and other such Cures of this Diocese at the time this Constitution is initially enacted. Thereafter, Congregations and other such Cures of ten (10) or more adult baptized members may be accepted into union with the Diocese following their ratification, by a two-thirds vote of the members thereof, of the Affirmation of St Louis and the Constitutions and Canons of this Diocese, this Province, and the Anglican Catholic Church, and upon approval by the Ordinary and the Standing Committee or the Diocesan Synod.

Section 2. Of Incorporation.

Each Congregation or other such Cure of or within this Diocese shall be incorporated as a religious, not-for-profit, or non-profit corporation in the civil jurisdiction wherein it may be situated.

Section 3. Of Classification.

A Congregation or other such Cure of Souls consisting of at least twenty (20) adult baptized members, at least ten (10) of whom are communicants, for a minimum of six months and being financially non-dependent of the Diocese and capable of supporting a full or part-time clergyman shall become classified as a **Parish** unless some other canonical term is applicable in that instance.

Any Congregation or other such Cure of Souls not meeting the above qualifications, or a former Parish or non-dependent other such Cure become financially dependent on the Diocese for a period of six months and not capable of supporting a full or part-time Clergyman, shall be classified as a **Mission**, unless some other canonical term is applicable in that instance.

Section 4. Of the Charge of Parishes, Congregations, Missions, or Other Such Cures and the Cure of Souls therein.

Every Parish, Congregation, Mission, or other such Cure within, of, or otherwise subject to the Ecclesiastical Jurisdiction of this Diocese and the Authority Episcopal of the Ordinary, thereof shall, as much as possible, have a **Rector, Incumbent, or Priest-in-Charge** who, being in Priest's Orders, shall have the **Charge** of the same as aforesaid and the **Cure of Souls** therein and also shall be either beneficed therein by **Letter of Institution** from the Ordinary of this See or be admitted thereto by **Licence** of the said Ordinary and hold authority thereby to officiate and minister therein.

In cases where the Incumbent be a Priest-in-Charge, he shall perform his duties directly under the Authority of the Ordinary.

Parishes and other non-dependent Congregations or Cures aforesaid shall elect and call their respective Rectors or Incumbents, as the case may be, pursuant to the provisions for such election and call in the Constitution and Canons of the Anglican Catholic Church and of this Province.

Dependent Congregations, Missions, or other such Cures aforesaid only shall have the right to elect and call a Rector or Incumbent, as the case may be, pursuant to the provisions for such election and call in the aforesaid Constitutions and Canon above. Such Rector or Incumbent, as the case may be, shall have the Charge of that dependent Congregation, Mission, or other such Cure concerned and the Cure of Souls therein under and subject to the direct Authority of the Ordinary.

Where the canonical vacancy in any Cure of Souls within or of this Diocese is that of a Priest-in-Charge, the right of election rests solely with and is vested in the Ordinary who shall admit such Priest by his Licence.

The Ordinary shall have the Charge of and Cure of Souls therein of all vacant Parishes, Congregations, Missions, or other such Cures within and under his Jurisdiction and Authority as Ordinary and he shall be the Minister-in-Charge thereof. The Ordinary shall, therefore, appoint, provide, or approve of supply Clergy, as the case may be, who shall serve at his pleasure and under his direct Authority.

Section 5. **Qualifications for Voting and Holding Office**

Each Congregation or other such Cure of or within this Diocese shall provide for the qualifications of members for voting upon questions and for holding office therein, provided that no person shall vote upon any questions or hold any office of trust within such Congregation or other such Cure, unless and save such person shall first be baptized, confirmed by a Bishop in Apostolic Succession or be Chrismated in an undoubted Catholic Church, and be a member and contributor of record of such Congregation or other such Cure, and be regular and frequent in church attendance and in reception of the Sacrament of Holy Communion.

Section 6. **Of Wardens and Vestries**

Each Congregation or other such Cure of or within this Diocese shall provide in its Articles of Incorporation or Charter, or other constituting document, or in its by-laws, for a Vestry or Board of Trustees of not fewer than three (3) nor more than fifteen (15) members, and for the selection of a Senior Warden or Rector's Warden and a Junior Warden or People's Warden, provided that no Warden or member of any Vestry or Board of Trustees shall be elected for a term of tenure greater than three (3) years.

Section 7. **Of Annual Meetings.**

Each Congregation or other such Cure of or within this Diocese shall hold an Annual Meeting and elect members of the Vestry or Board of Trustees and three Delegates to the Diocesan Synod; this Annual Meeting shall be held within the thirty (30) days preceding Advent Sunday (or such other day as may be set forth in that Cure or Congregation's Incorporation, Charter, or other constituting document). Those so elected, together with the Wardens and other officers of the Vestry or Board of Trustees for the ensuing year, shall be installed in their Offices

in the face of the Church upon the first convenient Sunday thereafter and notice of their election forwarded to the Ordinary.

A Warden, Vestryman, Trustee, Delegate or other Officer of a Congregation, so elected or appointed, shall cease to hold that Office concerned if he or she resigns, dies, is removed for cause, or ceases to be a member of such Congregation or Cure and of this Church (unless such Congregation or Cure by a two-thirds vote of its entire active communicant membership at a duly called Cure or Congregation Meeting held after at least three weeks published notice both to its members and the Bishop has also ceased membership in this Church and Diocese) unless otherwise provided in such Congregation's Articles of Incorporation, Charter or other constituting document prior to its association with the Diocese.

Such Officer shall be deemed to have ceased to be a member of the Congregation or Cure that elected him if he, unless for grave cause prevented, has failed to be present at the Services of the Church provided by such Congregation or Cure for over three months, or has become a regular communicant, officer or member of another Congregation or Church not in communion with this Church and Diocese or has transferred his membership to another Congregation or Cure of this Church.

The remaining officers of that Congregation or Cure concerned may ask the Bishop's aid in recovering the records of any former officer of that Congregation or Cure concerned and in the event of a temporary cessation of services may request the Diocese to hold their assets in trust for them or their successors.

In the event a Congregation or Cure shall temporarily cease to provide regular services of worship, attendance at a nearby Congregation or Cure of this Church shall be deemed as fulfilling the requirements of this Canon for Officers of that Congregation or other such Cure concerned.

Section 8. **Of the Property Rights of Congregations**

The right of Congregations to control of their temporalities, and to freedom from claims of any Diocesan or Provincial or Synodical Trust or implied Trust asserted by the adherence of such Congregation to the Constitution or Canons, or both, of this Diocese, of this Province, or of the Anglican Catholic Church shall be forever recognized and protected. No person or ecclesial body in this Church, acting as such, shall ever resort to any civil court for the purpose of depriving any Congregation of any property or right pertaining to it.

ARTICLE X CANONS

Section 1. Of Enactment of Canons

The Diocesan Synod, by a two-thirds vote of each House thereof, with the Assent of the Ordinary, may adopt Canons not inconsistent with this Constitution, or the Constitutions or Canons, or both, of the Anglican Catholic Church, or of this Province.

Section 2. Of Notification.

All Canons enacted at any meeting of the Diocesan Synod shall be certified by the President of the Standing Committee and the Ordinary within two months of the adjournment and prorogation thereof, and copies forwarded to each Congregation or other such cure in union with the Diocese and to each Clergyman canonically resident in the Diocese.

ARTICLE XI AMENDMENT

Section 1. Of Procedure

This Constitution may be amended by a three-fourths vote of each House of the Diocesan Synod and with the Assent of the Ordinary, provided that such amendment shall be ratified within six months of the Synod meeting first enacting the amendment by the affirmative votes of the Vestries or Boards of Trustees of two-thirds of the Congregations or other such Cures in union with the Diocese and by two-thirds of all the Clergymen canonically resident in the Diocese.

Section 2. Of Effective Date.

If such an Amendment shall have been ratified as set forth in Section 1 above of this Article, it shall be promulgated by the Ordinary and shall become effective seven months after the adjournment and prorogation of the Diocesan Synod meeting wherein the Amendment was first enacted or upon such earlier date specified within such Amendment after the conditions set forth in Section 1 above of this Article are satisfied.

APPENDIX I

Article II Section 1

that the following be amended to read:

1. The diocese shall be a not-for-profit corporation under the common law of South Africa, having perpetual succession, capable of acquiring rights, incurring obligations, acquiring and holding and disposing of property apart from its members, and having power of mortgaging or alienation and of suing and being sued in its own name.

2. Properties acquired in terms of this Article shall be registered and held in the name of the Trustees for the time being of the Missionary Diocese of Southern Africa of the African Catholic Church.
 - i) All members of the Board of Trustees shall be indemnified against personal liability for losses which may be sustained as a result of decisions made in good faith and where the said Board has acted with due propriety and not rashly.

 - ii) All property transactions shall be subject to the majority decision of the Board of Trustees meeting in session and the documentation relevant thereto shall require the signatures of not less than two of the trustees.

Article II Section 2

that the following subsections to be included:

- a) That the financial transactions of the Diocese, its congregations and subsidiary organizations shall be conducted by means of a banking account.

- b) That the financial year be from January to December of each calendar year.

- c) The procedure by which this Corporation may be wound up or dissolved is that provided for in Section 1 of Article XI of this Constitution.

- d) Disposal of Assets. In the event of such winding up or dissolution, any assets remaining after all its liabilities shall be met, shall be transferred to another missionary diocese or a not for profit organization by decision of the Metropolitan of Original Province of the Anglican Catholic Church. the

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