

Serial No. 105.

No. 2 of 1980

AN ACT

To accept the Provincial Ordinance Concerning the Canonical Fitness of Bishops.

BE IT ENACTED by the Archbishop, the Clergy and the Laity of the Church of England in Australia within the Diocese of Melbourne in Victoria duly met in Synod according to law as follows:

1. This Act may be cited as the Canonical Fitness of Bishops Ordinance Acceptance Act 1980.
2. This Diocese assents to the Ordinance of the Synod of the Province of Victoria entitled "Ordinance concerning the Canonical Fitness of Bishops" passed on 19 November, 1979 by the Synod of this Province of Victoria, a copy of which is set out in the Schedule hereto.

SCHEDULE

Ordinance concerning the Canonical Fitness of Bishops.

AN ORDINANCE OF PROVINCIAL SYNOD

CONCERNING THE CANONICAL FITNESS OF BISHOPS

Whereas Section 8 of the Constitution of the Church of England in Australia provides that there shall be a bishop of each diocese who shall be elected as may be prescribed by or under the Constitution of the diocese, provided that the election shall as to the canonical fitness of the person elected be subject to confirmation as prescribed by ordinance of the provincial synod, and

Whereas General Synod by The Assistant Bishops' Canon, 1966 has prescribed that no priest appointed to the office of an assistant bishop in a diocese within a province shall be consecrated unless his appointment as to canonical fitness has been confirmed as prescribed by ordinance of the provincial synod or otherwise as provided by that Canon.

The Provincial Synod of the Province of Victoria prescribes as follows:—

1. This ordinance may be cited as the "Canonical Fitness of Bishops Ordinance 1979".

2. When in any diocese other than the Metropolitan See a person shall have been elected as bishop or a person shall have been appointed to the office of assistant bishop the administrator or bishop of the diocese shall forthwith transmit the name of that person together with a certificate of his election or appointment to the Metropolitan of the province and when a person shall have been elected or nominated the first bishop of a newly-formed diocese or of a diocese about to be formed the person or persons who have nominated or elected him shall transmit a like certificate in like manner provided always that no certificate of election or appointment of any person to be bishop of a diocese other than a newly-formed diocese shall be submitted to the bishops of the province unless such a See shall have become vacant or shall have been declared vacant by the Metropolitan.

3. On receiving such certificate and on himself appointing a person to the office of assistant bishop the Metropolitan shall forthwith communicate particulars of the election or appointment to the other diocesan bishops of the province and if the diocesan bishops including the Metropolitan who shall have a casting vote or a majority of them be satisfied as to the canonical fitness of the person so elected or appointed the election or appointment of such person shall be duly confirmed under the hand and seal of the Metropolitan.

4. If the canonical fitness of the person elected or appointed shall not have been confirmed or denied at the expiration of three months from the receipt by the Metropolitan of the notice of such election or appointment the Metropolitan shall notify to the Administrator of such diocese or in the case of a newly-formed diocese or of a diocese about to be formed the person or persons who made such election or nomination the reason for such delay.

5. If at the expiration of a further period of six weeks from the date of such notification or the expiration of six months from the date of the election or appointment of a person as aforesaid whichever first occurs his canonical fitness shall not have been confirmed it shall be deemed to have been denied.

[*Passed 30th September, 1980—Assented to 9th October 1980*]

(Ordinance Passed 19th November, 1979).