

THE PRINCIPLES OF CANON LAW COMMON TO THE CHURCHES OF THE ANGLICAN COMMUNION

STATEMENT 1

Whereas the Anglican Communion Legal Advisers' Consultation has established that: there are principles of canon law common to the Churches within the Anglican Communion; their existence can be factually established; each Anglican Province or Church contributes through its own legal system to the principles of canon law common within the Anglican Communion; these principles have a strong persuasive authority and are fundamental to the self-understanding of each of the Churches in the Communion; these principles have a living force, and contain in themselves the possibility for further development; and the existence of these principles both demonstrates unity and promotes unity within the Anglican Communion.

And whereas the Primates have: recognised that the unwritten law common to the Churches of the Anglican Communion and expressed as shared principles of canon law may be understood to constitute a fifth instrument of unity in the Communion; and requested a statement of principles which may be added to and developed.

And whereas the Anglican Consultative Council has welcomed the establishment of a Network of Anglican Legal Advisers which will produce a statement of principles of Canon Law common within the Communion.

The Network of Anglican Legal Advisers identifies the following as principles of canon law common to the churches of the Anglican Communion:

PART I: ORDER IN THE CHURCH

Principle 1

Necessity for law in ecclesial society

1. Law is necessary to assist the church in its mission and witness to the Lord Jesus Christ.
2. Each member church of the Anglican Communion recognises the need to have in place within it laws to order and to facilitate the life of the church for the common good and the regulation of its own affairs.
3. The laws of churches exist in a variety of sources which should be identifiable, including constitutions, canons, rules, regulations, and other instruments.
4. The principal subjects of law are the government, ministry, doctrine, liturgy, rites and property of the church.
5. Laws contain principles, norms, standards, directions, rules, precepts, prohibitions, powers, freedoms, discretions, rights, duties, privileges and other juridical concepts.

6. The laws of each church exist to serve the church and its sacramental integrity, to provide good order in the church, to facilitate communion in the mutual relations of the faithful, to put into action Christian values, and to help avoid and resolve conflict.

Principle 2

Obligation to comply with church law

1. The laws of each church bind the bishops, clergy and lay officers.
2. The laws of each church bind the laity in general to the extent authorised by the law of that church.
3. No-one shall be above the law. All institutions and persons in positions of authority or office, ordained and lay, shall act in accordance with church law.
4. Laws, rights and duties are enforceable within each church by executive action, judicial process, or in such other manner authorised by the law of the church.
5. Any person or body in a church who suffers from a violation of law may protect their rights before a competent ecclesiastical authority in accordance with the law.
6. A voluntary declaration, or other form of assent prescribed by law, to comply with ecclesiastical jurisdiction, binds the person who makes that declaration.

PART II: THE ANGLICAN COMMUNION

Principle 3

Communion with Canterbury

1. Communion with the See of Canterbury is a necessary part of the self-understanding of each member church of the Anglican Communion.
2. Each member church recognises the Anglican Communion as a fellowship of churches within the one, holy, catholic and apostolic church.
3. The Anglican Communion consists of those duly constituted national, regional, provincial churches and dioceses, in communion with the See of Canterbury, which uphold and propagate the historic faith and order as set forth in the Book of Common Prayer as authorised in the several churches of the Communion.
4. Each church acknowledges its allegiance to Holy Scripture as containing all things necessary to salvation, the sacraments of baptism and eucharist, the historic episcopate, the threefold ministry of bishops, priests and deacons, and common patterns of worship.
5. Each church recognises and should maintain its own communion with the See of Canterbury and with fellow churches in the Anglican Communion.

6. Each church recognises that the member churches of the Anglican Communion are bound together, whilst not juridically by a central legislative or executive authority, by mutual loyalty maintained through the instruments of Anglican unity.

7. The instruments of Anglican unity are the Archbishop of Canterbury, the Primates' Meeting, the Lambeth Conference, and the Anglican Consultative Council.

8. The instruments of Anglican unity enjoy such binding authority within the particular church as may be prescribed by the law of that church.

9. The relationship between a member church and fellow churches of the Anglican Communion is governed morally by the conventions of the Anglican Communion and juridically by the law of each church.

Principle 4

Freedom of self-governance

1. Each member church in the Anglican Communion is self-governing.
2. Every church has the right to order and regulate its affairs through its own system of government and law.
3. The validity within a church of any ecclesiastical act is governed by the law of the particular church in which the act is performed.
4. The exercise within a church of any ecclesiastical function is governed by the law of the particular church in which it is exercised.
5. Each church is free from control by any decision of any ecclesiastical body external to itself, unless that decision is authorised under or incorporated into its own law.
6. Each church may impose such restraints on the exercise of its right to freedom of self-governance as may be authorised by its own law.

Principle 5

Mutual respect between churches

1. Each church shall respect and maintain the autonomy and spiritual rights of all churches in the Anglican Communion.
2. Any legislative, executive, judicial or other decision or action duly authorised under the law of each particular member church, should be respected by all other churches of the Anglican Communion and by their individual members.
3. Any legislative, executive, judicial or other decision or action duly authorised under the law of each particular church, is not of its own force binding in any other

church of the Anglican Communion, unless its effect is recognised as such in a manner prescribed under the law of that other church.

4. No particular church, or any authority or person within it, shall intervene in the internal affairs of another church without the consent of that other church given in the manner prescribed by its own law.

5. In each church of the Anglican Communion the Word of God is authentically preached, and the sacraments of baptism and eucharist are duly administered.

6. Ordained ministries, validly conferred according to the law of each member church, are given by God as instruments of his grace and possess not only the inward call of the Spirit, but also Christ's commission through his body, the church.

7. Episcopal ministry, personal and collegial, is maintained, embodied and exercised in each member church of the Anglican Communion, in a variety of forms prescribed by the laws of each church, in continuity of apostolic life, mission and ministry.

8. It is within the jurisdiction of the central assembly of each member church to regulate relationships between that church and other member churches.

Principle 6

Mutual availability of ministrations

1. Each church of the Anglican Communion welcomes members of all other churches in the Communion to share in the spiritual benefits available in the host church.

2. Every member of a church of the Anglican Communion has a right to pastoral care and ministrations in another church in the Communion during a visit to that church.

3. Each member of a church in the Anglican Communion has a right of admission to holy communion in a fellow church to the extent authorised by the law of that church.

4. Each member of a church in the Anglican Communion has a right to attend public worship and to participate in liturgical celebrations in each other church in the Communion in accordance with the law of that other church.

PART III: ECCLESIASTICAL GOVERNMENT

Principle 7

Anglican polity

1. Each member church of the Anglican Communion is a territorial unit of ecclesiastical jurisdiction.

2. Each church may be a national, regional, provincial or extra-provincial church.

3. National and regional churches consist of provinces. A province consists of dioceses. A diocese may consist of localised ecclesiastical units such as parishes.
4. Each member church, province, and diocese, has an assembly, its synod, council or other governing body. Parishes may also have an assembly.
5. The relationship between the particular church and ecclesiastical units within it is governed by the general law of the particular church.
6. The relationship between the central assembly of the member church and the assemblies of ecclesiastical units within it is governed by the general law of that church.
7. The partnership of synodical government with episcopal leadership is fundamental to Anglican polity within the territorial organisation of ecclesiastical jurisdiction.

Principle 8

Representative church government

1. Representative church government is fundamental to Anglican polity.
2. The assembly of a member church, of a province or of a diocese, consists of representatives of the episcopate, clergy and laity.
3. A church assembly is organised in houses, orders or other cameral system which should reflect the episcopal, clerical and lay representative character of the assembly.
4. A person must be qualified for membership of a church assembly in accordance with the law applicable to the ecclesiastical unit in which the assembly is located.
5. Representatives of the clergy and laity are admitted to a church assembly by election carried out in the manner prescribed by church law.
6. Bishops are members of church assemblies by virtue of their tenure of episcopal office, and assistant and other bishops should be represented.

Principle 9

Legislative competence over the particular member church

1. The power to legislate is vested in the representative assemblies of the church.
2. The central assembly of each member church, national, regional, or provincial, has a general authority, within the territorial boundaries of the particular church, to legislate for the whole of that church. In national or regional churches, legislative authority may be distributed to internal provinces and their assemblies.
3. The legislative competence of the central assembly of a national, regional or provincial church is defined by the general law of that church.

4. The central assembly of a member church may legislate only in relation to those subjects over which it has jurisdiction as set out in the general law of that church.
5. Legislative power must be exercised in accordance with the procedures prescribed by church law.
6. The central assembly of each member church may amend, repeal, or introduce law subject to the substantive and procedural limitations set by the law of the church.
7. If assemblies exceed their subject-matter jurisdiction, or do not comply with legal procedures, this may affect the validity of the legislative instruments they seek to create. Such action may in some churches be the subject of declarations of invalidity by the courts or tribunals of the church.

Principle 10

Subsidiarity and diocesan legislation

1. The representative assembly of the diocese, its synod, council or other such assembly, has authority to legislate for the diocese.
2. The general laws of each member church may confer power on the diocesan assembly to legislate in the form of a constitution, canons, or other types of diocesan legislation.
3. Diocesan assemblies may legislate on those subjects that are prescribed by the general law of the particular church and by diocesan legislation.
4. A diocesan assembly must act within the legislative authority committed to it, and must comply with procedures for law-making prescribed by general or diocesan law.
5. Diocesan legislation generally has the status of subordinate legislation within the wider context of the general law of the particular church.
6. To be valid, diocesan legislation must be consistent with the general law of the particular church.
7. Diocesan assemblies may create, amend and repeal earlier diocesan laws, but they cannot alter the general law of the particular church.

Principle 11

Lay participation in church government

1. Lay people have a right to participate in the governance of each member church.
2. This right may be exercised through admission to membership of the assemblies and other institutions of church government.

3. The exercise of this right is subject to the conditions prescribed in the laws of the particular church as to eligibility, membership, selection and admission.
4. Communicant status is a normal requirement for eligibility for admission to the institutions and assemblies of government in each member church.
5. Duly qualified lay persons may be chosen as representatives for assemblies of government at all levels of the particular church in the manner prescribed by law.

PART IV: MINISTRY

Principle 12

Threefold ministry

1. Ordained ministry is exercised by the threefold ministry of bishops, priests and deacons.
2. No-one may be accepted in a member church as lawful bishop, priest or deacon, or allowed to perform any function belonging to these orders, unless ordained according to rites of ordination authorised by or recognised under the law of that church.
3. A bishop has a special responsibility and authority as the chief minister, pastor, and teacher of the diocese, a governor and guardian of discipline in the diocese, and exercises episcopal ministry in accordance with the law of the church.
4. A priest has a special responsibility, working with the bishop as servant and shepherd, to proclaim the gospel, to administer the sacraments, to pronounce absolution, to care for souls, and to perform such other ministrations as are prescribed by church law.
5. A deacon has a special responsibility to care for those in need, and to assist the priest in proclaiming the gospel, in public worship, and in such other functions as are prescribed by church law.

Principle 13

The ministry of diocesan bishops

1. The bishop is chief pastor of the diocese and has a general responsibility and authority to foster the spiritual welfare of the diocese.
2. A diocesan bishop exercises general oversight of the governing, teaching and liturgical life of the diocese.
3. The bishop is the principal minister of the word and sacraments, with authority to ensure the worthiness of public worship, and has the right to celebrate the rites of ordination and confirmation, administer the sacraments, preach the word, preside at the eucharist, and perform such other liturgical functions as are prescribed by law.

4. The bishop must teach, uphold and safeguard the faith and doctrine of the church.
5. The bishop has a role of leadership in the governance of the diocese, is president of the diocesan synod, council or equivalent assembly, and may perform such other governmental functions as may be prescribed by law.
6. The bishop is a guardian of discipline in the diocese and in the exercise of this function must act in accordance with the law of the church.
7. The bishop is appointed to the charge of the diocese and must reside in the diocese to the extent required by the law of the church.

Principle 14

Authority to minister in a diocese

1. In order for clergy or duly qualified lay people to minister in a diocese, authorisation to do so must first be obtained from the diocesan bishop.
2. The bishop may confer upon a cleric or lay person the authority to minister by means of appointment to a particular office or post, by licensing, by written permission, or in such other manner as may be prescribed by the law of the church.
3. No bishop, priest or deacon coming from another diocese, which includes a diocese in another Anglican church, shall minister in the host diocese without the permission of the host diocesan bishop.
4. Before they may be permitted by the bishop to minister in the diocese, clergy from another diocese, which includes a diocese in another Anglican church, must produce to the host diocesan bishop their letters of orders, letters dimissory or other form of recommendation as prescribed by the law of the host church.
5. The withdrawal or termination of episcopal authority for any cleric or lay person to minister in a diocese must be carried out in accordance with the grounds and procedures prescribed by the law of the church.

PART V: DOCTRINE, LITURGY AND RITES

Principle 15

Liturgical administration

1. A minister shall use in public worship only those forms of service which have been authorised for use by or under the law of the church.
2. Liturgical life should be characterised by flexibility to the extent authorised by the law of the particular church.

3. Any variation in or deviation from an authorised form of service, which a minister may make to the extent permitted by law, must be reverent and seemly and not be contrary to or a departure from the doctrine of the particular church.
4. Rubrics and other liturgical norms in a service book exist to provide order in worship, to enable the community to enjoy a full experience of the presence of God, and to ensure adaptability to meet local circumstances, practices and needs to the extent permitted by the law of the church.
5. The diocesan bishop has a special responsibility and authority to oversee and control liturgical practice in the diocese in accordance with the law of the church.
6. Failure by a minister to conduct public worship in accordance with church law, or to use the forms of service authorised in the church, may result in disciplinary action.

PART VI: CHURCH PROPERTY

Principle 16

Sanctity of church buildings

1. A church building is a place designated for public worship according to the service books of the particular church.
2. The consecration, dedication or other act by which a building is set aside for the purposes of God as a place of worship, may be performed by a bishop or other minister authorised to do so by the law of the church.
3. Any action in a church building or other place of worship inconsistent with the uses of God to which it is set aside is forbidden.

VII. ECUMENICAL RELATIONS

Principle 17

Ecumenical relations

1. Each church in the Anglican Communion recognises that it is the will of God that His Church be visibly one in which there is communion between the individual and God and between churches one with another.
2. Each church recognises the responsibility to promote mutual understanding, to foster mutual fellowship, to seek cooperation, and to restore visible unity in the church universal.
3. Recognition by an Anglican church of another church outside the Anglican Communion, for the purpose of ecumenical relations, is determined, in such manner as may be prescribed by the law of the recognising church, by the central legislature, episcopal assembly or other body authorised to do so by the law of that particular Anglican church.

4. Each member church may effect constitutional union, reciprocal acts of inter-communion, or a relationship of full communion with another church outside the Anglican Communion to the extent authorised by the law of that Anglican church.

5. The extent and terms of communion or other ecumenical relationship, between a member church and another church outside the Anglican Communion, may be regulated by a concordat, covenant or other instrument agreed between the participating churches.

6. An ecumenical instrument may be incorporated in the law of the Anglican church, being a party to that instrument, to implement the terms of ministerial, liturgical or sacramental communion or other form of reciprocity as agreed by the participating churches, to the extent authorised by the law of that Anglican church.

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