

Anglican Communion Legal Advisers' Consultation

Report

Primates' Terms of Reference

At the Primates' Meeting in Kanuga, USA, March 2001, it was agreed that:

A conference of Legal Advisers of the Provinces will be held to give follow up to Professor Norman Doe's paper, looking at the parameters of an identifiable Anglican common law and how an understanding of such common law can enhance our global Communion. Cross-linking to the relevant ongoing ecclesiological studies under way by IASCECER is desirable.

A Consultation of Legal Advisers took place at the new International Study Centre in Canterbury (UK) between 6 - 13 March 2002.

Legal Advisers

Provincial Representation

Seventeen Provinces and Churches were represented at the Consultation. This is a good representation but we were aware that it was under half of the Provinces. You will find the individual Legal Advisers' brief biographies in *Appendix I* to this report. Each addressed the consultation, giving details of:

- his or her own Province or Church,
- its canonical and legal structure, and
- current legal issues facing it.

Expert Resources

The Legal Advisers were addressed by Professor Norman Doe of the University of Wales, Professor Richard Helmholz of the University of Chicago, and the Reverend Canon David Hamid of the Anglican Consultative Council. Copies of their addresses and notes are available on request, or may be downloaded from www.anglicancommunion.org.

The themes which each speaker addressed were:

Professor Norman Doe

The core of Professor Doe's paper was the material provided to the Primates' Meeting at Kanuga in 2001. This paper had been further refined since that meeting and has been published in the *Ecclesiastical Law Journal*. In addition, Professor Doe gave an introductory talk on underlying jurisprudential issues and introduced the material for seminar discussion.

Professor Richard Helmholz

Professor Helmholz drew upon his expertise as an ecclesiastical legal historian of great distinction. He explained the background to the development of Anglican canon law from its pre-Reformation roots, through the Reformation period (where he emphasised particularly the continuities, rather than the discontinuities) and the formative role of Richard Hooker's *Laws of Ecclesiastical Polity*.

The Revd Canon David Hamid

Canon Hamid gave a wide-ranging and provocative address in which he discussed the *koinonia* of Christianity worldwide, the essential structure of Churches, their relationships with one another, the nature of 'communion' as contrasted with federation or monolithic styles of organisation, and the 'provisionality' of Anglicanism.

Principles of Canon Law common to the Anglican Communion

General propositions

In the light of these presentations we examined (in groups and in plenary sessions) 'the parameters of an identifiable Anglican common law', and established the following propositions:

1. There are principles of canon law common to the Churches within the Anglican Communion.
2. Their existence can be factually established.
3. Each Anglican Province or Church contributes through its own legal system to the principles of canon law common within the Anglican Communion.
4. These principles have a strong persuasive authority and are fundamental to the self-understanding of each of the Churches in the Communion represented amongst us.
5. These principles have a living force, and contain in themselves the possibility for further development.

6. The existence of these principles both demonstrates unity and promotes unity within the Anglican Communion.

Evidence for the propositions

We used a range of criteria to determine whether a principle is part of the canon law common within the Anglican Communion.

Professor Doe helpfully provided several examples of principle drawn from various laws he had examined. One paper, relating to canonical obedience, is reproduced as *Appendix II* of this report. Working from these we found that there is a high degree of unity on various central aspects of the life of our Churches.

Applying the same approach to a selection of principles, we tested them against the laws of the Churches represented by the Legal Advisers attending the Consultation. Here again, we found a high degree of commonality of approach among the Churches of the Communion.

Examples

We append as *Appendix III* the principles we examined, which were under six headings, namely

- Order in the Church
- Ecclesiastical Government
- Ministry
- Doctrine, Liturgy and Rites
- Church Property
- Inter-Anglican Relations

These are by no means exhaustive, but are offered as a cluster of examples around which we were able to achieve broad consensus.

Shared problems

As the result of the personal presentations from each of the legal advisers, we identified a number of current legal issues which are of concern to the Churches (*Appendix IV*). We considered these and agreed that there is a pressing need for further work by the Churches, with the assistance of their Legal Advisers, on these issues.

Many of the issues raise questions of policy, but once more this exercise demonstrated the high degree of commonality among the Churches.

Recommended Action

We recommend that the Primates Meeting request ACC-12 to establish a Network of Legal Advisers, which will:

1. produce a statement of principles of Canon Law common within the Communion;
2. examine shared legal problems and possible solutions;
3. provide reports to the Joint Standing Committee of the Primates Meeting and the Anglican Consultative Council as the work progresses.

12 March 2002

Anglican Communion
Legal Advisers' Consultation

APPENDIX I

**BRIEF BIOGRAPHICAL INFORMATION
ABOUT PARTICIPANTS**

Anderson, Charles

Charles Anderson is the Head of the Legal Department of the Church in Wales Provincial Office with responsibility for legal advice to the Bench of Bishops, the Governing Body, the Representative Body and their respective committees. Prior to this position, he worked for 21 years in private practice both in London and the provinces.

Bleby, David

He has been Justice of the Supreme Court of South Australia since 1997. He is Chancellor of the Diocese of Adelaide and Member of the Appellate Tribunal of the Anglican Church of Australia (ACA). He is also the Chairman of the Church Law Commission of the ACA and Chair of the Committees of the General Synod of the ACA. He is, in addition, a Member of the Standing Committee of the General Synod and of the Diocesan Council of the Diocese of Adelaide.

Bracks, Raynold Paul

Admitted in 1986 as an Attorney and in 1999 was admitted as an Advocate of the High Court of South Africa. He specialises in Corporate Law. He serves on a voluntary and part-time basis as the Registrar of CPSA and the Vice-Chancellor of the Diocese of Johannesburg, one of the Dioceses of the CPSA. In his own church in the parish of Christ the King Coronationville, he is a Lay Minister and is also chair of his church's council

He also serves as chair and Executive Member, Trustee and Director of more than 20 NGO's and Church organisations. As a result of his position as Registrar and Vice-Chancellor, he automatically serves as Trustee of various Church Trusts, including the Bishops court Trust.

Burrows, Brian

He has been Chancellor of the Ecclesiastical Province of Rupert's Land (one of the four provinces of the Anglican Church of Canada) since 1992, former Chancellor (1987 to 1997) and Vice-Chancellor (1983 to 1987) of the Diocese of Edmonton.

Currently, he is a Judge of the Court of Queens Bench of Alberta and parishioner at All Saints Cathedral, Edmonton.

Cameron, Q.C., Sheila

Sheila has recently retired from daily practice at the Bar, where she had had a distinguished practice in planning and parliamentary law. She served in a number of senior ecclesiastical appointments, as Chancellor of the Diocese of Chelmsford for 30 years, and of the London Diocese for 10 years. She has been Vicar-General for Archbishop Robert Runcie and George Carey. She was appointed Dean of the Arches and Auditor in 2001, and serves also as a member of the General Synod of the Church of England.

Cheng, Moses Mo-Chi

He is the Senior Partner of the law firm of Messrs P. C. Woo & Co and also serves as an independent non-executive director of a number of public companies. Between 1991 and 1995 he was appointed and served as a member of the Legislative Council of Hong Kong. Currently, he is serving as chairman and member of the various government advisory boards and committees as well as non-governmental organisations.

He is a member of the vestry of St. Paul's Church, Hong Kong where he has served in various capacities. At the moment, he is serving as the Chancellor of the Province as well as the Diocese of the Hong Kong Island. He also serves as a member of the Standing Commission of Education of the Province.

Davidson, Bruce N

He is Chancellor of the Diocese of Auckland, New Zealand and member of the General Synod of the Anglican Church in Aotearoa, New Zealand and Polynesia. He has been a barrister and solicitor of the High Court of New Zealand since 1961. He is still in private practice as a lawyer and is a partner in Minter Ellison Rudd Watts, Auckland.

He serves on the boards of several public and private companies, charitable trusts and Southern Cross Healthcare. In addition, and he is a former Council Member and President of the Auckland Law Society and Vice President of the New Zealand Law Society.

Farlam, Ian

Ian Farlam is a Judge of Appeal of the Supreme Court of Appeal of South Africa and Provincial Chancellor of the Church of the Province of Southern Africa. He has advised the Synod of Bishops on a number of legal issues including the ordination of female priests and the consecration of female bishops.

Fernando, Deveni Vidanelage Vyoa Sriyanganie

She is an Attorney-at-law holding a Bachelor of Laws degree and a Master of Laws degree. She is presently employed as a Deputy Legal Draftsman in the Legal Draftsman Department in Sri Lanka. She has been actively involved in the work of the Diocese of Colombo and in the local Parish and was appointed as the Registrar of the Diocese in 1999.

Georges, Bernard

Barrister (Gray's Inn 1978), Attorney of the Supreme Court of Seychelles (1981) and Notary (1980). He is a Member of the National Assembly of Seychelles (2001). He is also in private legal practice in the Seychelles as well as being the Diocesan Secretary and Chancellor of the Anglican Diocese of Seychelles.

He is Chancellor of the Church of the Province of the Indian Ocean and a member of the Anglican Consultative Council.

Giwa-Amu, Steven I. O.

He was called to the Bar at the Inner Temple, London in February 1958. Between 1966 and 1970, he was the Solicitor General of Midwestern Nigeria. He still remains a legal consultant to the firm of Giwa-Amu & Co., solicitors and advocates. He became a Knight of St Christopher in 1994 and was elected Provincial Registrar of the Church of Nigeria in 1997.

Hitt, Lawrence R

He is the national president of the Association of Chancellors in the United States (the Episcopal Chancellors' Network). Mr Hitt has served as Chancellor of the Diocese of Colorado since 1990 and has been elected four times as a

General Convention Deputy. He is also a judge on the Province VI appellate court of review and a member of the Province's Executive Council.

For fourteen years, he has served as a national officer and director of the charitable organisation, Big Brothers, Big Sisters of America. In addition, he works in private practice in Denver and serves on the boards of several governmental and non-profit organisations.

Hoskins, Richard

Richard is the Chancellor of the Episcopal Diocese of Chicago and is a senior lecturer at Northwestern University School of Law.

He is also a Member of the Standing Commission on Constitution and Canons of the Episcopal Church. He is the Senior Partner and Partner-in-charge of the Intellectual Property Group of Schiff Hardin & Waite, Chicago. He is a Fellow of the American College of Trial Lawyers and of the American Bar Foundation and also serves on the Visiting Committee of the University of Chicago Divinity School.

Kim, Chin Man

Professor Kim has studied medieval English literature at University College, London and then taught at Korea University, Seoul and other institutions until 1996. Since 1996 he has taught Anglicanism at Sunggonghoe (Anglican) University. He has also served as a delegate to three meetings of the Anglican Consultative Council.

Lalwet, Floyd P

Mr Lawlet is presently the Associate Chancellor and in-house Legal Counsel of the Episcopal Church in the Philippines. He also lectures on Canon Law at the St Andrews Theological Seminary. Aside from engaging in private practice, he is presently Deputy Director for the National Legal Aid Committee of the Integrated Bar of the Philippines.

Majok, Majok Mading

Majok Mading Majok graduated in law from the University of Khartoum in 1981 and since then has been working as a Government Attorney. In addition, he holds a PostGraduate diploma in International Relations, having majored in

international law. He has been a member of the Synod of the Diocese of Renk and since 1996, been Chancellor of that Diocese as well. In 2000, he was a member of the Electoral College that elected the new Archbishop and was consequently appointed as Chancellor of the Episcopal Church of the Sudan.

Newell, Lawrence Michael

He is the Chancellor of the Anglican Church of Papua New Guinea and was admitted as a barrister and solicitor in Papua New Guinea in 1975. He is admitted to practice in Australia and is a Fellow of the Institute of Legal Executives in the United Kingdom.

He has held various positions within the Papua New Guinea Law Department and then with the Department of Prime Minister before becoming Registrar of the Supreme and National Court of Papua New Guinea (as well as Sheriff and Admiralty Marshall). He is also a member of various government committees, particularly in the field of law and order.

Phay, U Mya

He is currently the finance director of Myanmar Petrochemical Enterprise, a member of the Yangon Diocesan Trust Association, former Chairman of the Planning in Finance Committee of the Church of the Province of Myanmar. In addition, he is Legal Advisor to the Myanmar Church and Treasurer of the Myanmar Council of Churches.

Ramadhani, Augustino

Justice Ramadhani is a Justice of Appeal of the Court of Appeal of Tanzania, Judge of the East African Court of Justice and Vice-Chairman of the National Electoral Commission of Tanzania. He is also Registrar of the Anglican Church of Tanzania.

Rees, John

John Rees is a solicitor and partner in the firm of Winkworth Sherwood, which has branches in both Oxford and Westminster. He is the Provincial Registrar for the Archbishop of Canterbury, and Legal Adviser to the Anglican Consultative Council. He has served on the General Synod, and is Vice-Chairman of the Legal Advisory Committee of the Church of England.

As a priest of the Church of England, his strong interest in Anglican Communion affairs derives from service as a volunteer hospital administrator before ordination, at Multan in Pakistan; and as a lecturer in Christian Ethics for several years in an ecumenical theological College in Freetown, Sierra Leone.

Stevenson, QC, Ronald

He was in general legal practice between 1953 and 1972 and was a Judge of the Court of Queens Bench of New Brunswick between 1972 and 1994. And roughly the same time, he was Chancellor of the Diocese of Fredericton (1977-1989). In 1989, he was installed as Chancellor of the Ecclesiastical Province of Canada and remained so until 2000.

He has also been heavily involved in the General Synod of the Anglican Church of Canada since 1986 and its Chancellor since 1999.

Anglican Communion
Legal Advisers' Consultation

APPENDIX II

CANONICAL OBEDIENCE

(Book of Common Prayer 1662, The Ordering of Priests: `Will you reverently obey your Ordinary...and submitting yourselves to their godly judgements?`)

Australia: `An oath or affirmation of canonical obedience shall be taken by a member of the clergy on...ordination...first licensing...consecration as an assistant bishop`. A form of oath or affirmation is prescribed. (Can. 15, 1998)

Brazil: `Dos Presbiteros e Seus Deveres...A responsabilidade e a autoridade pela celebracao do culto e pela jurisdicao das congregacoes, sujetas as rubricas do Livro de Oracion Comum, a Constituicao de IEAB e aos Canones desta Igreja, bem como a direcao pastoral do bispo`. (Can. 12)

Burundi: Clergy `promise obedience to the Diocesan Bishop` in `all matters honest and legal`. (Const. Art. 5)

Canada: `[E]very coadjutor, suffragan, assistant and retired bishop and every priest and deacon in The Anglican Church of Canada is subject to the jurisdiction of a diocesan bishop` (Can. XVII); `[D]isobedience to the bishop to whom such person has sworn canonical obedience` is an ecclesiastical offence. (Can. XVIII)

Central Africa: `I will pay due and canonical obedience` to the bishop of the diocese (Can. 9); `Every priest of the diocese has made an Oath of Canonical Obedience to the Bishop of the diocese`. (Diocese of Mashonaland, Pastoral Regulations 1978)

ECUSA: At ordination candidates are asked: `And will you, in accordance with the canons of this Church, obey your bishop?` (BCP, 1979); Disciplinary action may be taken when a `Priest or Deacon has disobeyed or disregarded a Pastoral Direction of the Bishop`. (Can. IV.1)

England: `[C]lergy who have received authority to minister in any diocese owe canonical obedience in all things lawful and honest to the bishop of the same`. (England, Can. C1; see also Can. C14)

Hong Kong Sheng Kung Hui: `Every person who is to be ordered priest or deacon, or to be instituted to any benefice or to be licensed...or to serve in any place...shall first take the Oath of Canonical Obedience to the Bishop of the Diocese`. (Canons of the Province, 2000, Can. 31)

Indian Ocean: `A sa consecration (ou sa translation) chaque Eveque pretera le serment d'obeissance canonique a l'Archeveque de la Province`. (Const. Art. 14.3)

Ireland: `All persons admitted to Holy Orders of deacons or priests, or licensed...or instituted...shall make...the declaration` that `I will render all due reverence and canonical obedience to...the Bishop of...` (Const. IV.67 and Schedule)

Jerusalem and the Middle East: `The Central Synod and the Constituent dioceses maintain this faith as embodied in the...Discipline of the Church as taught in the

Book of Common Prayer of 1662, and the ordering of Bishops, Priests and Deacons`. (Const. Art. 4): For canonical obedience in the BCP 1662, see above.

Kenya: Priests and Deacons who have received authority to minister in any Diocese of the Province owe `canonical obedience in all things lawful and honest to the Bishop of the same`. (Const. Art. V)

Korea: `The following declarations, in addition to the oath of Canonical Obedience, shall be made...` (Const. Art. 120)

Melanesia: `Priests and Deacons who receive authority to minister in any diocese of this Province must promise obedience under the laws of the Church to their Diocesan Bishop`. (Const. Art. 6.C)

Mexico: `De los Clerigos y sus Deberes...El control del culto y la jurisdiccion espiritual de la Parroquia recean en el Parroco, sujeto a...la Constitucion y Canones de la Iglesia, y la direccion pastoral del Obispo`. (Can. 28); `violacion de sus votos de Ordenacion` is an offence. (Can. 37)

Myanmar: Oaths to be taken by clergy include `canonical obedience to the Bishop`. (Constitution, Canons and Rules 1975, Ch. 18, Rule 7)

New Zealand: `I will pay true and canonical obedience, in all things lawful and honest, to...The Bishop of...` (Can. A.II.3)

Nigeria: `I...do swear by Almighty God that I will pay true and canonical obedience to the Bishop of...Diocese/Primate of the Church of Nigeria and his successors in all things lawful and honest`. (Constitution and Canons, 1997, Can. XVI.2(iii))

Papua New Guinea: `Priests and Deacons who receive authority to minister in any Diocese of this Church must promise obedience under the Canons of the Church to their Diocesan Bishop`. (Const. Art. 4)

Philippines: `Priests, Deacons and Lay Persons who receive authority to minister in any Diocese of this Province must promise obedience under the laws of the Church to their Diocesan Bishop`. (Const. Art. 1.4)

Rwanda: `I promise to be obedient to the Bishop of this Diocese in all things lawful and honest`. (Draft Const. 1996, Art. 43)

Scotland: `No person shall be ordained, licensed, instituted, or collated...without first promising...to render due obedience to the Code of Canons and to what is lawfully ordered thereunder`. (Can. 12)

South East Asia: `At his consecration or translation every Bishop shall take the oath of Canonical Obedience to the Archbishop of the Province who shall represent the House of Bishops` (Const. Art. IV). *Quaere:* Is there an equivalent for clergy-bishop relations?

Southern Africa: `The following declarations, in addition to the Oath of Canonical Obedience to the Bishop, shall be made`. (Can. 16.2); `Will you reverently obey your Bishop` accepting his `pastoral direction and leadership`. (Prayer Book, 1989, 588)

Southern Cone: Clergy declare to give `obediencia veridica y canonica` to the bishop`. (Libro de Oracion Comun, 1973)

Sri Lanka (Church of Ceylon): `I, AB...do swear that I will pay true and canonical obedience to the right Reverend...Bishop of...and his successors, Bishops of...in all things lawful and honest` (Constitution, Canons and Rules (1960), Canon 1 of Chapter 3)

Sudan: Clergy exercise functions `under the authority and spiritual jurisdiction of [the] Diocesan Bishop`. (Const. Art. 1(f))

Tanzania: `Priests and deacons...shall obey the directions of the Bishop of the diocese in all things right and lawful`. (Const. III.7)

Uganda: `Priests, Deacons or Deaconesses who have received authority to minister in any Diocese of the Province owe canonical obedience in all things lawful and honest to the Bishop of the same`. (Const. Art. 4)

Venezuela: `Yo...declaro bajo juramento por Dios Todopoderoso que prestare obediencia veridica y canonica al Obispo...` (Canons, B.8)

Wales: `All persons admitted to Holy Orders of deacons or priests...and all clerics appointed to any ecclesiastical office in the Church in Wales, shall [make]...the declaration of canonical obedience to the Bishop`. (Wales, Const. VII.66)

West Africa: `Priests and Deacons owe canonical obedience in all things lawful and honest to the Bishop`. (Const. Art. II)

West Indies: `I, AB, do swear that I will pay true and Canonical Obedience to the Lord Bishop of...and his Successors in all things lawful and honest`. (Can. 14.3)

Zaire: Clergy `promise obedience to the Diocesan Bishop` in `all matters honest and lawful`. (Const. Art. 18)

Anglican Communion
Legal Advisers' Consultation

APPENDIX III

MONDAY SEMINAR GROUPS: SESSION I: COMMON PRINCIPLES

The aim of this seminar is for each group to identify principles of law that are common to churches represented in the group. Please bring the constitution, canons etc of your church to the seminar.

- The aim is not to be too ambitious
- A shared principle may be obvious and it may be very general
- But stating what the principle is will be important to establish what churches have in common

**What examples of common principles can you find?
Do the following apply in your church?**

I. ORDER IN THE CHURCH

1. Law is necessary for church order.

Unqualified Yes

2. Law assists the church to fulfil its mission.

Qualified Yes

- **sometimes hinders**

3. Law is not always written down, but should be for disciplinary matters

Unqualified Yes

4. Each Church in the Communion is self governing

Unqualified Yes

II. ECCLESIASTICAL GOVERNMENT:

1. The laws of my church bind the clergy and lay officers.

Unqualified Yes

2. Bishops must act in accordance with the law of the church.

Qualified Yes

- New Zealand bishops give significant respect to aboriginal Maori custom

3. Bishops, clergy and laity are represented in the central assembly (synod etc) of my church.

Unqualified Yes

4. The central assembly has a general authority to legislate for the church.

Qualified Yes

- sometimes authority is distributed to internal provinces

5. Later law abrogates earlier law, where the later law is inconsistent with the earlier law.

Unqualified Yes

6. Diocesan assemblies have authority to legislate for the diocese.

Unqualified Yes

7. Visitation of the diocese is in the keeping of the bishop.

Qualified Yes

- In some cases no clear statement of this

8. Oversight of the clergy is primarily the responsibility of the bishop.

Unqualified Yes

9. When disciplinary action is taken in the courts or tribunals of my church, the procedure should be fair. No penalty should be imposed without proof of a distinct breach of church law.

Unqualified Yes

10. Lay people have a right to participate in the governance of my church.

Unqualified Yes

III. MINISTRY

1. Ordained ministry is exercised by the threefold ministry of bishops, priests and deacons.

Unqualified Yes

2. Diocesan bishops are elected by representatives of the clergy and lay members of my church.

Yes with dissent

- Nigeria election by episcopal assembly
- England: special historical procedure
- NB: Confirmation processes also exist

3. Diocesan bishops exercise general oversight of the governing, teaching and liturgical life of the diocese.

Unqualified Yes

4. Assistant bishops are subject to the overriding jurisdiction of the diocesan bishop.

Qualified Yes

- NB: in some jurisdictions assistant bishops may have specific jurisdiction stated in terms of appointment

5. Removal of a bishop is reserved to the collective action of the bishops of the church.

Qualified Yes

- In some cases only

6. The right to determine suitability of candidates for ordination as priests and deacons rests with the bishop.

Qualified Yes

- NB in some cases: subject to prior assessment processes which make assessment collegial.

7. Clergy should not act in any way which is inconsistent with their sacred calling. They should lead a disciplined way of life appropriate to the clerical state and office.

Unqualified Yes

8. Clerical ministry in any diocese must be authorised by the diocesan bishop.

Unqualified Yes

9. Priests and deacons who have received authority to minister in any diocese must obey the lawful and honest directions of the diocesan bishop.

Unqualified Yes

10. Bishops, priests and deacons are subject to the disciplinary jurisdiction of the courts or tribunals of my church.

Yes with dissent

- Korea – not bishops

11. My church has a list of offences for which disciplinary action may be taken.

Qualified Yes

- One or two churches without a list

12. No Bishop, Priest or Deacon should minister in another diocese without the permission of the host diocesan bishop.

Unqualified Yes

13. Disciplinary laws must be written

Qualified Yes

- In some dioceses unwritten cultural conventions have significance to discipline process

IV. DOCTRINE, LITURGY AND RITES

1. In public worship, ministers in my church should use the services which have been authorised by the church.

Unqualified Yes

2. Liturgical life should be characterised by flexibility to the extent authorised by the church.

Unqualified Yes

3. The liturgy of the church should not be contrary to the doctrine of the church.

Unqualified Yes

4. Clergy must subscribe to the lawful doctrines of the church and may be disciplined in accordance with law for violation of those doctrines.

Unqualified Yes

5. The lawful sources of doctrine include holy scripture, the creeds, and the Book of Common Prayer.

Unqualified Yes

6. No minister should refuse baptism of infants. But the minister may delay baptism in appropriate cases.

Insufficient evidence of common practice

7. Lay persons may lawfully administer baptism in exceptional circumstances.

Unqualified Yes

8. Confirmation is administered by the episcopal laying on of hands.

Unqualified Yes

10. Exclusion of a person from holy communion is under the general oversight of the bishop.

Qualified Yes

- may not be bishop but priest in some places

11. Information received in confession should not be disclosed.

Unqualified Yes

V. CHURCH PROPERTY

1. The central assembly of my church has authority to make law concerning the property of the church. For example, it can determine what church authority is the owner of that property.

Qualified Yes

- must take account of the effect of civil law

2. Church buildings cannot be used for profane purposes. Their care and maintenance is the responsibility of the local church. General control vests in the ordinary.

Unqualified Yes

3. Parishes should contribute to the finances of the diocese.

Unqualified Yes

4. Clergy are entitled to financial maintenance, so long as they hold stipendiary appointment.

Unqualified Yes

VI. INTER-ANGLICAN RELATIONS

1. Communion with the See of Canterbury is a necessary part of the self-understanding of my church.

Unqualified Yes

2. Each church shall respect and maintain the autonomy and spiritual rights of all churches in the Anglican Communion.

Qualified Yes

- Actual laws are undeveloped

3. Members of churches of the Anglican Communion have a right to pastoral and sacramental ministrations in each member church of the Communion.

Qualified Yes

- Actual laws are undeveloped

Anglican Communion
Legal Advisers' Consultation

APPENDIX IV

APPENDIX IV

SHARED PROBLEMS:

Below is a list of current legal issues identified and considered by the Legal Advisers attending the Consultation.

1. Clergy and secular employment law.
2. Applicability of Civil Law standards to the Church.
3. Recourse by Church Members to the Courts of the State.
4. Child Protection.
5. Arbitrary action by Bishops.
6. Clergy Maintenance.
7. Financial Contributions to the Church.
8. Secret Societies.
9. Discrimination against people within the Church.
10. Marriage and Polygamy.
11. Clergy and Political Activity.
12. An understanding of Church Law by Church members (clergy etc).
13. Inter-Anglican Relations: Recognition of Ministry.
14. Inter-Anglican Relations: Territorial Jurisdiction.
15. Minority Dissent and Disagreement within the Church.