

CANON 30 DISCIPLINE

1 In this Canon,

- (a) “Bishop” means the Bishop of the Diocese, or where the Bishop is absent, ill or otherwise incapacitated, or during a vacancy in the See, the person or persons administering the affairs of the Diocese;
- (b) “bishop” does not include the Bishop of the Diocese;
- (c) “Canon XVIII” means Canon XVIII of the General Synod of the Church;
- (d) “Church” means the Anglican Church of Canada;
- (e) “Court” means the Diocesan Court;
- (f) “Diocese” means the Diocese of Nova Scotia;
- (g) “ecclesiastical offence” means an offence under Canon XVIII;
- (h) “Metropolitan” means the Metropolitan of the Ecclesiastical Province of Canada.

2 This Canon applies with respect to the discipline of

- (a) every bishop, priest and deacon who carries out a ministry in the Diocese and who is registered on the register of the Diocese, for any ecclesiastical offence the bishop, priest or deacon commits, wherever committed;
- (b) every bishop, priest and deacon of the Church not registered on the register of the Diocese, for any ecclesiastical offence that bishop, priest or deacon commits in the Diocese;
- (c) every lay person who is appointed, elected or commissioned to an office, appointment or responsibility in a parish of the Diocese or the Diocesan Synod, for any ecclesiastical offence that person commits;
- (d) every lay person who is a resident of the Diocese and who is appointed, elected or commissioned to an office, appointment or responsibility in a provincial synod or the General Synod, for any ecclesiastical offence that person commits;
- (e) any bishop, priest, deacon or lay person of any other diocese when a transfer of jurisdiction is made to the Court from the court of another diocese pursuant to Canon XVIII of the General Synod of the Church.

3 (1) Where there is a conflict between this Canon and Canon XVIII, Canon XVIII prevails over this Canon.

(2) Canon XVIII applies with respect to all proceedings taken pursuant to this Canon.

4 (1) Subject to this Section, any person may make a complaint alleging the commission of an ecclesiastical offence.

(2) Subject to this Section, a complaint alleging the commission of an ecclesiastical offence may be made by filing with the Bishop a notice in writing, signed by the person making the complaint, setting out

- (a) the name and, where available, the address of the person alleged to have committed the offence; and
- (b) the facts on which the allegation is based.

(3) No complaint alleging the commission of an ecclesiastical offence may be made

- (a) after the expiration of twelve months from the date of the alleged offence, where the alleged offence is an offence described in clause (a), (c), (d), (g) or (h) of Section 8 of Canon XVIII;

(b) after the expiration of twelve months from the time when the facts giving rise to the alleged offence became publicly known, where the alleged offence is described in clause (b) of Section 8 of Canon XVIII;

(c) alleging the commission of an offence described in clause (e) or (f) of Section 8 of Canon XVIII unless at least six months before the complaint is made, the person who intends to make the complaint gives a notice, in writing, signed by that person, to the person who is alleged to have committed the offence, stating that the person giving the notice intends to file a complaint pursuant to this Canon, such notice to set out the facts on which the allegation of the offence is based.

(4) No further proceedings may be taken pursuant to this Canon with respect to an ecclesiastical offence described in clause (e) or (f) of Section 8 of Canon XVIII after the expiration of twelve months from the date the notice of intent respecting the offence is given pursuant to clause (3)(c).

5 (1) Where a complaint is made pursuant to this Canon, the Bishop shall either

(a) dismiss the complaint where it appears to the Bishop that the complaint

(i) is frivolous or vexatious, or

(ii) does not set forth facts that, if established, would constitute the commission of an ecclesiastical offence,

(b) appoint a Committee of Inquiry, consisting of one or more persons to investigate the complaint; or

(c) where the person who is alleged in the complaint to have committed an ecclesiastical offence is not a bishop, refer the matter to the Court pursuant to Section 13; or

(d) where the person who is alleged in the complaint to have committed an ecclesiastical offence is a bishop, refer the matter to the Court of Appeal of the Province of Canada.

(2) Where the Bishop dismisses a complaint pursuant to clause (1)(a), the Bishop shall

(a) make a decision in writing with reasons;

(b) file the decision with the Registrar of the Diocese; and

(c) send a copy of the decision to each person who made the complaint,

and, in such a case no further proceedings may be taken pursuant to this Canon with respect to the complaint.

6 Where the Bishop appoints a Committee of Inquiry, to investigate a complaint, the Committee shall

(a) investigate the complaint by gathering evidence respecting the complaint; and

(b) submit a report to the Bishop that contains

(i) particulars of all the evidence gathered, and

(ii) a recommendation as to whether or not the evidence warrants further proceedings pursuant to this Canon respecting the complaint.

7 (1) When the Bishop has received a report pursuant to Section 6, the Bishop shall either

(a) dismiss the complaint; or

(b) serve the person who is alleged in the complaint to have committed an ecclesiastical offence with

(i) a copy of the complaint; and

(ii) a notice, in writing setting out or containing particulars of all the evidence gathered by the Committee of Inquiry and inviting that person to meet with the Bishop, within thirty days of the notice, in order to provide evidence in response to the complaint.

(2) The documents referred to in subsection (1) shall be served by personal delivery or by registered mail.

(3) Where the Bishop dismisses a complaint pursuant to subsection (1) the Bishop shall

- (a) make a decision in writing with reasons;
- (b) file the decision with the Registrar of the Diocese; and
- (c) send a copy of the decision to each person who made the complaint,

and, in such a case no further proceedings may be taken pursuant to this Canon with respect to the complaint

8 A person who is alleged in a complaint to have committed an ecclesiastical offence may tender to the Bishop a written proposed settlement agreement that includes

- (a) an admission that the person has committed the ecclesiastical offence;
- (b) that person's consent to a specified disposition of the complaint, that may include the imposition of any penalty that is permitted by this Canon and specified in the agreement.

9. Where the person alleged to have committed the ecclesiastical offence has met with the Bishop as provided in the notice to that person pursuant to Section 7, or where that person fails to do so within thirty days after receiving notice pursuant to that Section, the Bishop shall either

- (a) dismiss the complaint;
- (b) determine that an ecclesiastical offence has been committed and impose, for the commission of the offence, a penalty permitted by Canon XVIII;
- (c) where the person is not a bishop, refer the matter to the Court pursuant to Section 13; or
- (d) where the person is a bishop refer the matter to the Court of Appeal of the Province of Canada.

10 Where, pursuant to Section g, the Bishop dismisses a complaint or determines that an ecclesiastical offence has been committed and imposes a penalty, the Bishop shall

- (a) make a decision in writing with reasons;
- (b) file the decision with the Registrar of the Diocese; and
- (c) send a copy of the decision to each person against whom the complaint was made and each person who made the complaint,

and, in such case no further proceedings may be taken with respect to the complaint except pursuant to Section 11.

11 (1) A person who has, by reason of Canon XVIII, the right to have a determination by the Bishop that a person has committed an ecclesiastical offence or the penalty imposed by the Bishop, or both, reviewed by the Court may exercise that right by filing a notice in writing in the Office of the Registrar of the Diocese within thirty days after the decision is forwarded to that person, or, where the Diocesan Council has, by reason of Canon XVIII, the right to do so, the Diocesan Council may exercise that right by filing a notice in writing in the Office of the Registrar within ninety days after the decision is forwarded to the person who made the complaint.

(2) In a review of a determination or a penalty the Court may

- (a) confirm the determination;

- (b) confirm the penalty;
- (c) overturn the determination;
- (d) overturn the penalty;
- (e) vary the determination;
- (f) vary the penalty;
- (g) substitute another determination for the determination under review;
- (h) substitute another penalty for the penalty under review.

12 Where the Bishop refers a complaint to the Court, the Bishop shall

- (a) refer to the Court the question as to whether or not an ecclesiastical offence has been committed by the person complained of, the question of which penalty permitted by this Canon ought to be imposed for the offence and the imposition of the penalty; or
- (b) refer to the Court only the question of whether an ecclesiastical offence has been committed and reserve to the Bishop the determination of what penalty ought to be imposed and the imposition of that penalty and shall make a decision in writing, and Section 14 applies to that decision.

13 (1) The Bishop may refer the subject matter of a complaint to the Court by issuing a charge against the person who is alleged by the complaint to have committed an ecclesiastical offence and filing the charge with the Registrar of the Diocese.

(2) The charge shall name the person against whom the charge is made as the respondent and shall specify

- (a) each offence with which the respondent is charged;
- (b) a summary of the facts or events upon which the offence is based;
- (c) the date, time and place at which the respondent is to appear before the Court to plead to the charge;
- (d) the name of each member of the Court: and
- (e) that the respondent may appear, either personally or by counsel, and may, either personally or by counsel, adduce evidence, cross-examine or re-examine witnesses and make submissions.

(3) The Registrar of the Diocese shall cause the charge to be served on the respondent personally.

(4) Service of a charge may be proved by the affidavit of service of the person who served it.

(5) Where it is impracticable for any reason to serve a charge personally, the Court may make an order for substituted service.

(6) Substituted service of a charge is effected by taking such steps as the Court orders to bring the charge to the attention of the respondent.

(7) Where no charge is issued within three months after the complaint to which it relates is made the complaint is and is deemed to have been dismissed and no further proceedings may be taken respecting the complaint.

14 (1) The Court consists of at least three members, appointed by the Metropolitan.

(2) One member of the Court, designated by the Metropolitan, is the President of the Court.

- (3) Notwithstanding subsections (1) and (2), where the Bishop is the Metropolitan, the appointments and designation pursuant to those subsections and subsection (8) shall be made by the diocesan bishop who is, after the Metropolitan, the most senior diocesan bishop in the Province of Canada.
- (4) Where the respondent is a priest or deacon, the majority of the Court shall be members of the clergy.
- (5) Where the respondent is a lay person, the majority of the Court shall be lay persons.
- (6) The Bishop may not be a member of the Court.
- (7) A person who is, or has been involved in a matter before the Court, including, without restricting the generality of the foregoing, as a member of a Committee of Inquiry, as a party or as a witness, may not be a member of the Court.
- (8) Where, prior to the hearing of a matter before the Court, a member of the Court dies, declines to act or becomes incapable of doing so, or develops an interest in the matter, the Metropolitan shall appoint a person to the Court in the place of that member.
- (9) Where a matter before the Court is partly heard by the Court and a member of the Court dies, declines to act or becomes incapable of acting, or develops an interest in the matter, the remaining members of the Court may continue the hearing and give judgment or, in their discretion, may direct that a new Court be appointed and the hearing recommenced.
- (10) The Registrar of the Diocese is the Registrar of the Court, but if the Registrar of the Diocese is absent from the Diocese or is the respondent in a matter before the Court, then the Registrar of the Court is such other person as the Metropolitan designates.
- 15 (1) Where the respondent appears, the substance of the charge shall be stated, and the respondent shall be asked to enter a plea of guilty or not guilty to the charge.
- (2) Where the respondent does not appear, a plea of not guilty will be entered.
- (3) Where a plea of guilty is entered the Court shall make its judgment accordingly.
- 16 (1) Where a plea of not guilty is entered, the Court shall set a date and time for a trial of the matter.
- (2) A barrister appointed by the Bishop shall prosecute the charge.
- (3) The respondent may admit any fact alleged for the purpose of dispensing of proof thereof.
- (4) The respondent may be represented by counsel and may, either personally or by counsel, give evidence, examine, cross-examine and re-examine witnesses, and make submissions, as in a Court of civil law.
- (5) The Court shall keep a record of all evidence taken in any proceeding.
- (6) The trial shall be held in public unless the respondent requests it to be held in private.
- (7) Every witness examined at the trial shall give evidence upon solemn declaration as provided by the Canada *Evidence Act*.
- (8) The Court in its discretion may award costs to either party.
- (9) If costs are awarded in favour of the respondent the costs shall be paid from the funds of Synod.
- (10) The Court may, from time to time, make, revoke and alter rules of practice and procedure with regard to the conduct of matters before it.
- (11) The respondent is presumed to be not guilty of the offence unless or until found guilty.

- 17 (1) The Court shall deliver judgment within one month from the date of the conclusion of the trial.
 - (2) The judgment shall be filed with the Registrar of the Court.
 - (3) The judgment shall be in writing and shall be accompanied by reasons.
 - (4) The judgment shall be in accordance with the disposition proposed by the majority of the Court.
 - (5) Where the Court is equally divided, the judgment shall be that the charge has not been proved.
 - (6) The Registrar shall give a copy of the judgment to the respondent and to the Bishop, together with any recommendation in respect of the charge.
 - (7) When a judgment has been made that a charge has not been proved, the Court may nevertheless recommend to the Bishop that, having regard to all of the circumstances or the nature of the case, remedial action is appropriate.
 - (8) If the Bishop learns that new and important evidence favourable to the respondent has been discovered following the trial, but before sentence has been pronounced, the Bishop may remit the proceedings to the Court, which shall proceed to hear evidence and shall either confirm, reverse or amend its former judgment.
- 18 Where it is determined that a person has committed an ecclesiastical offence any one or more of the penalties permitted by Canon XVIII may be imposed on that person.

GENERAL SYNOD CANON XVIII DISCIPLINE

Part 1 EPISCOPAL JURISDICTION

Preservation of Episcopal Jurisdiction regarding Discipline

1. It is hereby acknowledged that the bishop of a diocese of the Anglican Church of Canada has by virtue of the office of bishop, ecclesiastical jurisdiction, authority and power of discipline over bishops, priests, deacons and lay members of the Anglican Church of Canada within the diocese or otherwise under the jurisdiction of the bishop.
2. Nothing in this Canon shall be interpreted as impairing, diminishing or affecting in any way the pastoral or disciplinary aspects of the authority and jurisdiction of:
 - a) a metropolitan who has jurisdiction with respect to a bishop
 - b) a bishop who has jurisdiction with respect to a bishop, priest or deacon, or a lay person who is a member of the Anglican Church of Canada;

except only in relation to:

- c) the determination of whether the bishop, priest or deacon has committed an ecclesiastical offense established by this Canon,
- d) the determination of whether a lay person who has been appointed, elected or commissioned to an office, appointment or responsibility in a parish, a diocesan synod, a provincial synod, or the General Synod, has committed an ecclesiastical offense established by this Canon, and
- e) the determination of the penalty appropriate for the commission of an ecclesiastical offense established by this Canon.

Initial Disciplinary Jurisdiction

- 3
- a) Where it has been alleged that a bishop, priest or deacon subject to the jurisdiction of a bishop, or a bishop subject to the jurisdiction of a metropolitan, has committed an ecclesiastical offense established by this Canon, the bishop or metropolitan, as the case may be, shall have initial jurisdiction with respect to the determination of whether an ecclesiastical offense has been committed and the penalty for the commission of the offense.
 - b) The bishop or metropolitan may refer the determination of whether an ecclesiastical offence has been committed or the determination of a penalty to the court having jurisdiction with respect to the discipline of the person charged with the commission of an ecclesiastical offense without exercising the initial jurisdiction described in section 3 a).
 - c) The procedures to be used in the exercise by the bishop or metropolitan of the initial jurisdiction described in this section shall be those established by the synod of which the bishop or metropolitan is the president; however, such procedures shall be subject to the principles set out in Part 5 of this Canon.
 - d) A diocesan synod may provide for the exercise of the initial jurisdiction of the bishop described in this section in respect of the discipline of such lay persons as are described in section 5 of this Canon.

Review by the Court

- 4.
- a) A person convicted of an ecclesiastical offense by a bishop or metropolitan may require the determination of the bishop or metropolitan that an ecclesiastical offence was committed by the person, or the penalty imposed by a bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the discipline of the accused person, which court may either confirm or overturn the determination of the bishop or metropolitan.
 - b) The Executive Council of the diocese, on its own motion or on the petition of the person or persons who made the allegation of an ecclesiastical offense which was tried by the bishop or metropolitan, may require the determination of the bishop or metropolitan that an ecclesiastical offense was committed, or the penalty imposed by the bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the discipline of the accused person, which court may either confirm or overturn the determination of the bishop or metropolitan.
 - c) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan that an ecclesiastical offense has been committed, the review shall be conducted as if it were an original trial held in the court.
 - d) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan of the penalty appropriate for the commission of an ecclesiastical offense, only evidence relevant to the question of the appropriate penalty shall be considered by the court.

Part 2**COURT JURISDICTION*****Diocesan Courts***

5. The diocesan court of a diocese shall have ecclesiastical jurisdiction with respect to the discipline of:
- a) priests and deacons who carry out their ministry in the diocese and who are registered on the register of the diocese, for any ecclesiastical offence, wherever committed,
 - b) subject to section 26, priests and deacons of the Anglican Church of Canada not registered on the register of the diocese, in respect of any ecclesiastical offence committed in the diocese,
 - c) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a parish of the diocese or the diocesan synod, for any ecclesiastical offence which they may commit in the diocese,

- d) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a provincial synod, or the General Synod, for any ecclesiastical offence which they may commit in the diocese, and
- e) priests, deacons and lay persons of any other diocese when a direction is made pursuant to section 27 of this Canon.

Provincial Courts of Appeal

6. The provincial court of appeal of a province shall have ecclesiastical jurisdiction with respect to the discipline of:
- a) the bishops of the province,
 - b) the bishops residing in the province, and
 - c) the bishops of any other province of the Anglican Church of Canada when a direction is made pursuant to section 27 of this Canon,

for any ecclesiastical offence which they may commit.

Supreme Court of Appeal of the Anglican Church of Canada

7. The Supreme Court of Appeal of the Anglican Church of Canada shall have ecclesiastical jurisdiction with respect to the discipline of:
- a) the Primate, and
 - b) the Bishop Ordinary,

for any ecclesiastical offence which they may commit.

Part 3

ECCLESIASTICAL OFFENSES

Disciplinary Action Regarding Offenses

8. All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offenses:
- a) conviction of an indictable offence;
 - b) immorality,
 - c) disobedience to the bishop to whom such person has sworn canonical obedience;
 - d) violation of any lawful Constitution or Canon of the Church, whether of a diocese, province or the General Synod by which the person is bound;
 - e) wilful or habitual neglect of the exercise of the ministry of the person without cause;
 - f) wilful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
 - g) teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada;
 - h) contemptuous or disrespectful conduct towards the bishop of the diocese in matters pertaining to the administration of the affairs of the diocese or a parish.

PENALTIES FOR ECCLESIASTICAL OFFENSES***Penalties Generally***

9. Where it has been determined that a person has committed an ecclesiastical offence, the following penalties may be imposed against the person:
- a) admonition;
 - b) suspension from the exercise of ministry or office,
 - c) deprivation of office or ministry;
 - d) deposition from the exercise of ministry if the person is ordained.

Admonition

10. Admonition shall be delivered by the bishop, metropolitan or the president of the Court which shall have determined the penalty, as the case may be.
11. Admonition may be in public or private as the bishop, metropolitan or president delivering it may determine

Suspension

12. a) When a penalty of suspension is imposed, the bishop, metropolitan or court imposing it shall fix the duration of the suspension and may impose such other conditions on the suspension as are considered appropriate.
- b) During the term of a suspension, the person suspended from the exercise of ministry or office shall not exercise the function of his or her ministry anywhere in Canada.
- c) If a person suspended from the exercise of ministry exercises his or her ministry contrary to s.8 b) hereof, or otherwise violates the conditions of the suspension, the bishop, metropolitan or court which imposed the penalty may, after a further hearing, impose the penalty of deprivation of office.
- d) During the term of a suspension, the bishop may deprive the suspended person of the whole or part of any stipend, income or emoluments associated with the ministry or office from which the person stands suspended and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of a substitute.
- e) During the term of a suspension of a bishop, the metropolitan, or the executive council of the synod of the diocese in which the bishop serves, may deprive the bishop of the whole or part of any stipend, income or emoluments associated with the office of the bishop and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of the person performing the duties of the bishop during the term of the suspension.

Deprivation

13. a) Upon the penalty of deprivation of office or ministry being pronounced, the connection between the person deprived and his or her parish, mission, congregation, diocese or office is severed and all revenues to which the person was entitled by virtue of the office or ministry shall wholly cease and determine.
- b) A person who has been deprived of office or ministry shall be incapable of holding any office or performing any function in any diocese in the Anglican Church of Canada until restored pursuant to subsections c), d) or e) hereof
- c) Any person so deprived shall be and remain deprived until restored by the bishop of the diocese in which the office from which the person was deprived is located.

- d) Any bishop so deprived shall be and remain deprived until restored by the metropolitan of the province of which the deprived bishop's diocese is part, or by the Primate in the case of the Bishop Ordinary.
- e) Any metropolitan so deprived shall be and remain deprived until restored by the House of Bishops of the Province, in the case of a provincial metropolitan, or by the House of Bishops of the Anglican Church of Canada, in the case of the Primate.
- f) Restoration pursuant to subsections c), d) or e) may be to any office or ministry in the diocese whether or not it be the specific office from which the person was deprived.

Deposition

14. The penalty of deposition shall include all of the consequences of deprivation and at the same time will have the same effect as if the person had relinquished the exercise of the ordained ministry pursuant to Canon XIX.

Notices

15. a) Where the penalty of suspension is imposed, the court shall cause notice thereof to be given to all the clergy of the diocese and all bishops of the Anglican Church of Canada.
- b) Where a penalty of deprivation of office or ministry or of deposition is imposed, the court shall cause notice thereof to be given to all the clergy of the diocese, all bishops of the Anglican Church of Canada and all metropolitans of the Anglican Communion.

Part 5

PRINCIPLES AND GENERAL PROCEDURES TO BE OBSERVED IN DISCIPLINE PROCEEDINGS IN THE ANGLICAN CHURCH OF CANADA

Fundamental Principles of Natural Justice

16. All trials of persons charged with offenses under this Canon shall be conducted according to the principles of natural justice.
17. Without limiting the generality of the foregoing section, all persons tried for offenses under this Canon are entitled to be:
- a) given full and complete written notice of the charge against them and the particulars of the charge,
 - b) presumed innocent until the commission of the offence by them is proved on a balance of probability,
 - c) heard in their own defense,
 - d) represented in their defense by counsel of their own choice,
 - e) present, accompanied by their counsel, when any evidence or argument concerning the allegations against them is received by the bishop, metropolitan or court inquiring into the charges,
 - f) given opportunity to cross-examine, or have their counsel cross-examine under oath, witnesses who have given evidence against them,
 - g) tried by persons who are not biased against them, and
 - h) tried within a reasonable time.
18. No person tried for an offence under this Canon is required to give evidence in the proceedings

19. Disciplinary proceedings arising out of the alleged commission of an offence under this Canon shall be commenced within:
- a) 12 months from date of the alleged offence in the case of offences under section 8. a), c), g) and h), and
 - b) 12 months from the time when the facts giving rise to the charge became publicly known in the case of an offence under section 8. b).
20. No proceedings shall be taken in respect of an alleged offence under section 8. e) or unless 6 months notice of intent to take proceedings have been given to the bishop, priest or deacon against whom it is intended proceedings will be taken.
21. Disciplinary proceedings arising out of the alleged commission of an offence under section 8.e) or f) shall be commenced within 12 months of the date of the notice of intent given, pursuant to section 20.
22. All persons found to have committed an offence under this Canon are entitled to have the penalty imposed against them within 30 days .of the determination that they committed an offence, subject to a stay of the imposition of a penalty in the event of an appeal.
23. No person who has been acquitted of an offence under this Canon may be tried for the same offence a second time.
24. No person who has been found guilty of and punished for an offence under this Canon may be tried or punished for the same offence again.

Inhibition

25. a) If it appears to the bishop that great scandal is likely to arise if a priest, deacon or lay person continues to perform the duties of his or her office while a charge is under investigation or trial and that the person's ministry will be seriously impaired while a charge is pending, the bishop may inhibit the person charged from performing any of the duties of his or her office, either in the diocese of that bishop or elsewhere, pending such investigation or until the bishop withdraws the inhibition, or until the end of the trial.
- b) During such inhibition the person inhibited shall not be deprived of the stipend, income or emoluments associated with the person's office.
- c) Where it is alleged that a bishop has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the metropolitan in consultation with the executive council of the diocese.
- d) Where it is alleged that the Bishop Ordinary has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the Primate in consultation with the Officers of the General Synod.
- e) Where it is alleged that a metropolitan other than the Primate has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the provincial house of bishops in consultation with the executive council of the metropolitan's diocese.
- f) Where it is alleged that the Primate has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the provincial metropolitans in consultation with the Officers of the General Synod.

Priest or Deacon from another Diocese

26. a) In the event of an offence being alleged against a bishop, priest or deacon who is not on the register of the diocese, but who is on the register of another diocese, for an offence alleged to have been committed in the diocese, proceedings with respect to such an offence shall not be instituted until notice of the allegation has been given to the bishop of the diocese in which the priest or deacon is registered and that bishop has given consent for proceedings to be instituted by the bishop of the diocese in which the offence is alleged to have been committed.
- b) A bishop who receives a notice under subsection a) shall forthwith respond either by consenting or refusing consent to the institution of proceedings in the diocese from which notice was received.

- c) Where a bishop consents, proceedings shall be taken in the diocese where the allegation has been made.
- d) A bishop who refuses consent shall, within six months of receipt of notice pursuant to subsection a) hereof, institute proceedings with respect to the alleged offence in accordance with the canons of the diocese in which the priest or deacon is registered.

Transfer of Jurisdiction

- 27.
 - a) On the application of a person charged with an offence under this Canon to the president of the court having ecclesiastical jurisdiction over that person, that ecclesiastical jurisdiction may be transferred to another court, where it appears to the president of the court to which the application is made, that such transfer is necessary to ensure that the fundamental principles of natural justice are respected and where the court to which the transfer is to be made consents to the transfer.
 - b) Where an application under subsection a) is made to the president of a diocesan court, the transfer may be made to another diocesan court of the same ecclesiastical province.
 - c) Where an application under subsection a) is made to the president of a provincial court of appeal, the transfer may be made to another provincial court of appeal.
 - d) Where an application under subsection a) is made to the president of the Supreme Court of Appeal of the Anglican Church of Canada, the transfer may be made to a provincial court of appeal.

Part 6

RIGHTS OF APPEAL IN DISCIPLINARY PROCEEDINGS

- 28. An appeal to the provincial court of appeal may be taken from any judgment or order of a diocesan court or the president thereof.
- 29. An appeal to the Supreme Court of Appeal of the Anglican Church of Canada may be taken from a judgment or order of a diocesan court or the president thereof or a provincial court of appeal or the president thereof in the circumstances and pursuant to the procedures established by Canon XX.
- 30. All appeals shall be commenced according to the procedure of the court to which the appeal is to be made within 30 days of the date of pronouncement of the judgment or order appealed from.
- 31. No limit or restriction on the rights of appeal granted by this Canon, imposed by a bishop or diocesan or provincial synod shall be of any effect.