

CANON 1

ELECTION, APPOINTMENT, CONSECRATION AND RESIGNATION OF BISHOPS

Amended by Synod 2004, 2008, 2017 & 2019

1 Interpretation

In this Canon,

- (a) "assistant bishop" means a bishop who is already consecrated and who is appointed to assist the Diocesan Bishop but who has no right of succession;
- (b) "bishop" means the Diocesan Bishop, a coadjutor bishop, a suffragan bishop or an assistant bishop;
- (c) "coadjutor bishop" means a bishop who is elected or appointed to assist the Diocesan Bishop and who has the right of succession on the Diocesan Bishop ceasing to hold the office of Diocesan Bishop;
- (d) "convening authority," means the person or body that may call a special meeting of Synod;
- (e) "Diocesan Bishop" means the Bishop of the Diocese;
- (f) "Diocese" means the Diocese of Nova Scotia and Prince Edward Island;
- (g) "electoral synod" means a special meeting of Synod called for the purpose of electing a bishop;
- (h) "Metropolitan" means the Metropolitan of the Ecclesiastical Province of Canada;
- (i) "Provincial Synod" means the Synod of the Ecclesiastical Province of Canada;
- (j) "suffragan bishop" means a bishop who is elected or appointed to assist the Diocesan Bishop but who has no right of succession;
- (k) "Search Committee" means a Search Committee constituted pursuant to Section 8;
- (l) "Synod" means the Synod of the Diocese.

2 Canonical Requirements

Any priest or bishop of the Anglican Church of Canada or a church in full communion therewith who is at least thirty years and less than seventy years of age may be elected or appointed as a bishop.

3 Financial Provision

No bishop may be elected or appointed unless the Metropolitan determines that there is sufficient financial provision to support the office.

4 Certification of Election

Where the Metropolitan is not the President of an electoral synod at which a bishop is elected, the President shall, within seven days after the election, certify the election to the

Metropolitan.

5 Retirements and Resignations

- (1) A bishop ceases to hold office when the bishop attains the age of seventy years.
- (2) A bishop may resign before reaching the age of seventy years by submitting a resignation to the Metropolitan and the House of Bishops.

6 Calling an Electoral Synod

- (1) Where there is no coadjutor bishop, an electoral synod shall be called to elect a Diocesan bishop where
 - (a) a vacancy occurs in the office of Diocesan Bishop;
 - (b) the Diocesan Bishop has submitted a resignation to the Metropolitan and less than 6 months remains until the effective date of the resignation; or
 - (c) the Diocesan Bishop has attained the age of 69 years and 6 months.
 - (2) An electoral synod shall be called to elect a coadjutor or a suffragan bishop where the Diocesan Bishop informs the Synod that in his or her opinion the Diocese requires a coadjutor bishop or a suffragan bishop and
 - (a) the Synod, by resolution, concurs in the opinion and
 - (b) the Metropolitan determines that there is sufficient financial provision for the support of the coadjutor or suffragan bishop
 - (3) An electoral synod shall be called to elect a coadjutor bishop or a suffragan bishop where
 - (a) there is no coadjutor bishop;
 - (b) there is no suffragan bishop; and
 - (c) the Diocesan Council determines that the Diocesan Bishop, for any cause, is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity.
 - (4) The Diocesan Council may by resolution adopted by a two-thirds majority of those present and voting declare the incapacity of the Bishop by reason of physical or mental infirmity, and where so declared, the Bishop may resume the duties and functions of the office when
 - (a) the Bishop has given the Executive Secretary of Synod written notice of intention to do so; and
 - (b) the Diocesan Council by resolution adopted by a two-thirds majority of those present and voting has rescinded its resolution declaring the incapacity.
- (1) The Diocesan Council shall not adopt a resolution provided for in subsection (4) unless notice of intention to propose the resolution has been given in the notice of the meeting

at which it is to be considered, and such notice is accompanied by written material setting forth the grounds upon which such resolution is being proposed.

- (2) (a) Notwithstanding any other provision in these Canons, and subject to subsection (4.4), where the Diocesan Council has declared the Bishop incapacitated under subsection (4), the Diocesan Council may by resolution adopted by a two-thirds majority of those present and voting declare the office of the Bishop to be vacant.
(b) No resolution may be made pursuant to subsection (4.2)(a) unless:
 - (i) at least three months have elapsed since a declaration of incapacity under subsection (4), and the Diocesan Council has been provided with opinions from two qualified medical practitioners, having examined the Bishop subsequent to the declaration of incapacity under subsection (4), that the Bishop continues to be incapacitated by reason of physical or mental infirmity, and that recovery from such incapacity is unlikely, or
 - (ii) the Bishop has been declared incapacitated by the Nova Scotia Supreme Court pursuant to applicable legislation in proceedings in which neither the Diocesan Council nor Synod participated.
- (3) The Diocesan Council shall not adopt the resolution provided for in subsection (4.2) unless notice of intention to propose the resolution has been given in the notice of the meeting at which it is to be considered, and such notice is accompanied by written material setting forth the grounds upon which such resolution is being proposed.
- (4) Immediately following the adoption of the declaration referred to in subsection (4.2)(a), the Executive Secretary of Synod shall transmit it to the members of the Provincial House of Bishops. The declaration shall take effect thirty (30) days after such transmittal unless, in the meantime, a majority of members of the Provincial House of Bishops (excluding the Bishop) have notified the Executive Secretary of Synod in writing of their disapproval of the declaration.
- (5) Diocesan Council resolutions referred to in this section are valid without the assent of the Bishop.
- (6) In the event there is no Coadjutor or Suffragan Bishop, upon the determination by Diocesan Council of the incapacity of the Bishop or declaration by Diocesan Council that the office of the Bishop is vacant, the Diocesan Council shall appoint a clerical administration pursuant to Canon 3.
- (7) Where the Diocesan Council determines that the Diocesan Bishop is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity, the Council shall decide whether the electoral synod should elect a coadjutor bishop or a suffragan bishop.

(8) (a) Medical records pertaining to the Bishop provided to members of the Diocesan Council in connection with resolutions pursuant to subsections (4) and (4.2)(a) shall be held in confidence and not disclosed to any person outside Diocesan Council and the Provincial House of Bishops.

(b) Anyone breaching subsection (4.8)(a) has committed an ecclesiastical offence, and is subject to the penalties prescribed by Canon 30 and by Canon XVIII of the General Synod of the Church for ecclesiastical offences.

- (5) Where the convening authority is not the Metropolitan, the convening authority shall consult with the Metropolitan and, where the convening authority is not the Diocesan Council, shall consult with the Diocesan Council with respect to the fixing of a time and place for the electoral synod.
- (6) Where consultation has taken place pursuant to subsection (5) the Diocesan Council shall
- (a) fix a day, time and place for the electoral synod;
 - (b) elect or appoint the diocesan members of a Search Committee; and
 - (c) appoint a secretary to the Search Committee who may, but need not, be a member of the Committee.
- (7) The date of the electoral synod shall not be earlier than sixteen weeks after the day on which the Diocesan Council elects or appoints the diocesan members of the Search Committee.
- (8) The Diocesan Council may request the Metropolitan to appoint members of the Provincial Synod to the Search Committee.
- (9) The convening authority shall, when the Diocesan Council has elected or appointed the diocesan members of the Search Committee, send to each member of Synod written notice of the electoral synod
- (a) designating the day, time and place of the meeting;
 - (b) stating the purpose of the meeting;
 - (c) setting out the name and address of the Secretary of the Search Committee;
 - (d) stating that any member of synod may, not later than eight weeks before the date of the meeting, submit in writing to the Secretary of the Search Committee the name or names of any person or persons proposed by the members for the position to be filled.

7 Notice to the House of Bishops

The convening authority shall give the members of the House of Bishops of the Ecclesiastical Province of Canada the name and address of the Secretary of the Search Committee and shall inform the House that the Search Committee has been appointed and that any member of the House may, no later than eight weeks before the date of the electoral synod, submit in writing

to the Secretary of the Committee the name or names of any person or persons proposed by the member for the position to be filled.

8 Search Committee

- (1) The Search Committee shall consist of
 - (a) three clerical members of Synod and three lay members of Synod elected or appointed by the Diocesan Council;
 - (b) when requested by either the Diocesan Council or the Search Committee, a bishop, a priest and a lay person appointed by the Metropolitan from among the members of the Provincial Synod from other dioceses; and
 - (c) the Diocesan Bishop, where the electoral synod is called to elect a suffragan bishop pursuant to subsection 6(2).
- (2) The convening authority shall convene the first meeting of the Search Committee
- (3) The Search Committee shall, at its first meeting, elect a Chair and determine its procedures and may, if the Diocesan Council has not done so, request the Metropolitan to appoint members of the Provincial Synod to the Committee.

9 (1) Duties of Search Committee on Election of Diocesan or Coadjutor Bishop or of a Suffragan Bishop where Diocesan Bishop is incapacitated

Where a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 6(3), the Search Committee shall

- (a) prepare a written description of the general qualifications and requirements for the position to be filled, including such accreditations, certifications or police reports required for the exercise of priestly ministry in the Diocese, and any specific qualities that the Committee considers desirable in the person who will fill the position, and have the description accepted and approved by the Diocesan Council before proceeding;
- (b) receive in writing from members of Synod and from members of the House of Bishops of the Ecclesiastical Province of Canada the names of any persons proposed by them as nominees for election together with information as to the clerical position or office, address and telephone number of each person so proposed;
- (c) determine which of the persons proposed pursuant to clause (b) in the opinion of the Committee meet
 - (i) the canonical requirements for election, and
 - (ii) the qualifications, requirements and qualities determined pursuant to clause (a),

- (d) inform the proposer of any person proposed that the Committee does not intend to nominate for election the person proposed;
- (e) determine the names of other persons who, in the opinion of the Committee, meet
 - (i) the canonical requirements for election, and
 - (ii) the qualifications, requirements and qualities determined pursuant to clause (a),
- (f) inquire of the persons identified pursuant to clauses (c) and (e) whether they consent to being nominated for election and obtain from those who do consent written confirmation of such consent;
- (g) prepare a list, arranged alphabetically by surname, of the persons identified pursuant to clauses (c) and (e) who have consented to being nominated;
- (h) obtain from proposers, from persons to be nominated or otherwise the information required for communication to the members of the electoral synod;
- (i) prepare appropriate information about each person to be nominated for communication to the members of the electoral synod in such a manner that
 - (i) as a minimum there is a brief curriculum vitae for each person to be nominated,
 - (ii) the information is communicated in a standard format and reproduced in a uniform quality, and
 - (iii) the identity of the person or persons who proposed any person for nomination pursuant to this Section or Section 11 is not communicated to the members of the electoral synod, and
- (j) present its report to the electoral synod and nominate the persons listed pursuant to clause (g)

(2) Duties of Search Committee on Election of a Suffragan Bishop

Where a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 6(2), the Search Committee shall follow the procedures set forth in subsection 9(1), except that

- (a) the description prepared in accordance with clause 9(1)(a) shall be approved by the Diocesan Bishop; and
- (b) after the Committee has determined the names of persons who meet the requirements set forth in clauses 9(1)(c) and (e) and before the Committee informs proposers pursuant to clause 9(1)(d) or inquires of persons pursuant to clause 9(1)(f), the Diocesan Bishop may remove from further consideration the names of up to one third of those persons, and where the Bishop does so, the names of those persons shall not be included in the list of names prepared pursuant to clause 9(1)(g), and those persons shall not be candidates for election.

10 Notice of Meeting of Electoral Synod

At least two weeks before the electoral synod the convening authority shall send to each member of the synod

- (a) a list of the persons nominated by the Search Committee pursuant to clause 9(1)(g);
- (b) a copy of the information prepared pursuant to clause 9(1)(i);
- (c) where the election is of a diocesan bishop or a coadjutor bishop or of a suffragan bishop pursuant to subsection 6(3), a description of the procedure for further nominations pursuant to Section 11; and
- (d) a description of the procedures to be followed at the electoral synod.

11 Further Nominations

Where a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 6(3), at the electoral synod any two members of the electoral synod may nominate for election any person who meets the canonical requirements for election and who has consented in writing to be nominated if, at least seventy-two hours before the commencement of the electoral synod, such members have provided to the secretary of the Search Committee

- (a) written notice of their intention to nominate;
- (b) the written consent to nomination of the intended nominee;
- (c) such accreditations, certifications or police reports required for the exercise of priestly ministry in the Diocese with respect to the intended nominee; and
- (d) a brief curriculum vitae of the intended nominee in a form prescribed by the Diocesan Council or approved by the Search Committee.

12 Quorum

- (1) A quorum of an electoral synod consists of a majority of the clerical members of the electoral synod and a majority of the lay members of the electoral synod.
- (2) If a quorum is not present at the time appointed for the opening of an electoral synod, the members present may adjourn from time to time until a quorum is obtained and it is not necessary that any further summons be sent to the members of the electoral synod.

13 President

- (1) The Metropolitan or a bishop designated by the Metropolitan shall be the president of an electoral synod.
- (2) If the Metropolitan or the designated bishop is unable to preside, the members of the electoral synod shall elect a president from among the lay members of the synod.

14 Celebration of Holy Communion

On the day appointed for the meeting of an electoral synod, the members of the electoral synod shall gather for a celebration of Holy Communion.

15 Election procedures

- (1) When an electoral synod convenes, following celebration of Holy Communion, the president shall
 - (a) permit further nominations to be made pursuant to Section 11;
 - (b) suspend the meeting, where further nominations are received, until the curriculum vitae of those nominees are distributed to the members of the electoral synod;
 - (c) read the names of all nominees in alphabetical order by surname; and
 - (d) introduce the nominees who are present.
- (2) The electoral synod shall proceed to vote by secret ballot, the orders of clergy and laity voting separately.
- (3) A nominee may withdraw that nominee's name from the balloting at any time.
- (4) The ballots shall be collected by a committee of clerical and lay representatives appointed by the president.
- (5) The committee referred to in subsection (4) shall examine separately the respective clerical and lay votes and shall report thereon to the president who shall announce the names and numbers of votes, clerical and lay, for each nominee.
- (6) After each ballot the president shall declare removed from the balloting the name of
 - (a) any nominee who did not receive any votes; and
 - (b) the one nominee, if any, who received the fewest number of votes in both orders simultaneously and balloting shall continue until the names of only two nominees remain in the balloting.
- (7) The person who, in the same ballot receives the required number of the votes of the clergy and the required number of the votes of the lay members is elected, and for the purposes of this subsection, if two thirds of the members of an order, clergy or lay, who are entitled to vote are present, the required number for that order is a majority of the votes cast, but if less than two thirds of an order, clergy or lay, who are entitled to vote are present, the required number for that order is two thirds of the votes cast.
- (8) Where fewer than three names remain in the balloting and an election does not occur after three further ballots the electoral synod may

- (a) by a majority of each order decide to continue balloting on the same name or names;
 - (b) by a majority of each order decide to adjourn and direct the summoning of another electoral synod within six months;
 - (c) by a majority of either order decide to open the meeting to re-nomination of any of those nominees who have earlier withdrawn their names or whose names have earlier been removed from the balloting; or
 - (d) by the same number of votes in each order as is required to determine the choice of a nominee, request the House of Bishops of the Ecclesiastical Province of Canada to appoint a bishop, except that where the electoral synod is called pursuant to subsection 6(1) to elect a suffragan bishop, no such decision or request shall be made without the concurrence of the Diocesan Bishop.
- (9) Where only one name appears in the balloting the members of the electoral synod shall mark their ballots "in favour" or "not in favour" of the nominee whose name appears in the balloting.

16 Procedure when Election Occurs

- (1) Where there is an election the president shall
- (a) declare the elected person as the bishop-elect;
 - (b) inform the elected person of the election and request that person's consent to the election and to the formal submission of that person's name to the Metropolitan; and
 - (c) order that the ballots be destroyed, where such consent is given.
- (2) If, within a reasonable time, as determined by the president, the person elected is not available or able to consent to the election or does not consent to the election the president shall
- (a) announce to the members of the electoral synod
 - (i) that the elected person has not consented to the election, and
 - (ii) that if the elected person does not consent to the election within seven days after the adjournment, the electoral synod will be reconvened to meet on a date which is thirty days after the day on which the synod was adjourned, and
 - (b) adjourn the electoral synod.
- (3) Where an electoral synod is adjourned pursuant to subsection (2) and the person elected does not consent to the election within seven days after the day on which the meeting is adjourned, the president of the electoral synod shall reconvene the synod by giving each member of the electoral synod notice stating that
- (a) the elected person has not consented to the election within seven days after the

- electoral synod was adjourned; and
- (b) the electoral synod is to be reconvened to meet beginning on the thirtieth day after it was adjourned on such date and at such time and a place as set out in the notice.
- (4) A notice given pursuant to subsection (3) shall be given within a reasonable time, as determined by the president, before the synod reconvenes.
- (5) At an electoral synod that is reconvened pursuant to subsection (3), the members shall resume voting from the point at which it ceased but the name of the person who was elected but who did not consent shall be removed from the list of nominees.

17 Validity of an Election or Appointment

Any question as to the validity of the process followed in electing or appointing a bishop shall be submitted to the Metropolitan before the consecration, or, in the case of a bishop already consecrated, before the installation of the person elected or appointed and the decision of the Metropolitan is final.

18 When a Bishop Suffragan Ceases to Hold Office

Where either a Diocesan bishop or a coadjutor bishop is elected or where both a Diocesan bishop and a coadjutor bishop are elected and, at the time of the election, any person is Suffragan Bishop, that person ceases to be the Suffragan Bishop on

- (a) the installation of the Diocesan Bishop, where a Diocesan Bishop is elected;
- (b) the installation of the Coadjutor Bishop, where a Coadjutor Bishop is elected.

19 Appointment of an Assistant Bishop

The Diocesan Bishop may appoint a bishop of the Anglican Church of Canada or of a church in full communion therewith to be an assistant bishop for a term of not more than five years at any time after

- (a) the Diocesan Bishop informs Synod that in the opinion of the Diocesan Bishop the Diocese requires an assistant bishop;
- (b) the Synod, by resolution concurs in the opinion of the Diocesan Bishop; and
- (c) the Metropolitan determines that there is sufficient financial provision for the support of an assistant bishop.

20 Forms and Regulations

The Diocesan Council may prescribe forms for use under this Canon and make such regulations, not inconsistent with this Canon, as are necessary to facilitate the orderly conduct of an electoral synod.

21 Coadjutor Bishop's Right of Succession

A coadjutor bishop, when consecrated, has the right to succession to the office of Diocesan Bishop and succeeds to that office immediately after the death or resignation of the Diocesan Bishop.

22 Duties of Coadjutor, Suffragan and Assistant Bishops

- 1) A coadjutor bishop, suffragan bishop and assistant bishop shall perform such duties and exercise such Episcopal functions as the Diocesan Bishop assigns.
- 2) Where the Diocesan Bishop dies or resigns and there is no coadjutor bishop, the suffragan bishop or assistant bishop shall perform such duties of the Diocesan Bishop as the Diocesan Council, **in consultation with the Metropolitan**, assigns
- 3) If, the Diocesan Bishop from any cause is, in the opinion of the Diocesan Council, unable to attend to his or her diocesan duties by reason of mental or physical incapacity, then
 - a) The coadjutor bishop shall perform all the duties of the Diocesan Bishop: and
 - b) The suffragan bishop or assistant bishop shall perform such duties as the Diocesan Council assigns, until the Diocesan Bishop, in the opinion of the Diocesan Council, **in consultation with the Metropolitan**, is again able to attend to his or her Diocesan duties.
- 4) The Diocesan Bishop may appeal any decision of the Diocesan Council as to his or her incapacity to the Provincial House of Bishops, whose decision is final.