

## **CONSTITUTION AND CANONS**

### **PREAMBLE**

Whereas: the Diocese of the Southern Cone of the Continent of South America with the Province of the Episcopal Church of Brazil, were established by the Anglican Council of South America (Consejo Anglicano Sud Americano, C.A.S.A.);

Whereas: the Diocese of the Southern Cone received the authority to oversee the metropolitan operations for the delegation of the See of Canterbury in the year 1974;

Whereas: during the first six years of coexistence CASA has served as a stimulus, it is now convenient that the Diocese of the Southern Cone be established as a provincial entity with geographic, historical, cultural and religious similarities of its countries to oversee to best accomplish the necessary testimony and apostolic ministry as national churches;

Whereas: being persuaded that the See of Canterbury approves this action and being disposed to definitely cede and entrust its metropolitan authority to said province, recognizing it as a province of the Anglican Communion, it shall be included among the Provinces of said Anglican Communion;

Therefore; we the representatives of the Anglican Dioceses of South America, Chile, Argentina (North), Paraguay, Peru and Bolivia united as an Assembly, agree to constitute our Dioceses in the Anglican Church of the Southern Cone of America as one Province in communion with the See of Canterbury and the Churches of the Anglican Communion;

Therefore: the province is organized to accomplish the following principal objectives:

1. To strengthen and develop the Church as a visible expression of the Anglican Communion within its jurisdiction.
2. To provide effective consultation, coordination, collaboration and service within its Dioceses in the spirit of inter-dependence in the Body of Christ and to be conducive to the general development of the Provincial Church.
3. To continue and develop relations with other parts of the Anglican Communion, especially in Latin America.
4. To stimulate and guide the ecumenical and fraternal relations within the churches of the Anglican Communion and the other Christian Churches established within and outside of the continent.

# CONSTITUTION

## 1. FUNDAMENTAL DECLARATION

The Anglican Church of the Southern Cone is established as a Province of the Anglican Communion, a branch of the One, Holy, Catholic and Apostolic Church which professes the historic Faith and Order as contained in the Holy Scriptures, to conserve the Doctrine, Sacraments, Ministry and Discipline of the Anglican Church and as observed in the Book of Common Prayer and the administration of the Sacraments and other Rites and Ceremonies, in the form and manner of Consecration, Ordination or Institution of Bishops, Presbyters and Deacons and the Articles of Religion maintains the ecclesiastical unity of the Dioceses and Provinces legitimately established and that are in communion with the See of Canterbury.

## 2. MEMBERSHIP

The Anglican Church of the Southern Cone, which shall henceforth be called The Province, is composed of the Anglican Dioceses that exist or which may be formed in the Republics of Argentina, Bolivia, Chile, Paraguay, Peru and Uruguay and which voluntarily declare themselves as integral Diocesan members of the Province.

## 3. RULES

The Province is ruled by the present Constitution, its Canons, General Rules and Resolutions. Since The Province embraces various nations, the Dioceses are at liberty to provide necessary selection and training of clergy, liturgical use, finances and possessions, and other affairs related to the local situation, provided they are not in conflict with other Anglican norms and this Constitution. Where one Diocesan Constitution differs from the Provincial Constitution, the Provincial Constitution prevails.

## 4. AMENDMENTS TO THE CONSTITUTION

For any changes or amendment to this Constitution, the following procedure is to be used:

- 4.1 Any projected change should be sent by a Member Diocese to the Executive Council, which is charged to circulate it within the Dioceses not less than three months prior the next meeting of the Provincial Synod.
- 4.2 The proposed change must be accepted as a proposition by a two-thirds vote of the Provincial Synod.
- 4.3 The proposed change shall then be submitted to the Anglican Consultative Council for consideration and then to each Diocesan Synod for approval.
- 4.4 The Diocesan Synods shall send a written notice of their approval to the Presiding Bishop who shall then inform them of the results. If approved unanimously by the Member Dioceses, the approved proposed amendment is placed into force.

4.5 If the proposed change is not unanimously approved, the proposed change shall be submitted to the next Provincial Synod or an Extraordinary Synod may be called.

## CANONS

1. Metropolitan Responsibilities
2. Bishops
3. Dioceses
4. Governing Organizations
5. Provincial Synod
6. Executive Council
7. Provincial Officers
8. Court of Appeal
9. Liturgy
10. Possessions and Finances
11. Metropolitan Jurisdiction
12. Canonical Amendments

### 1. METROPOLITAN RESPONSIBILITY

These are as follows:

- 1.1 To authorize the election of Bishops in all Member Dioceses where there is a vacancy or there is a new position in order to provide for the consecration and issuance of licenses.
- 1.2 To authorize the election, designation and/or consecration or transfer to another jurisdiction of any non-Diocesan Bishop and issue the licenses.
- 1.3 To rescind Bishop licenses.
- 1.4 To authorize the formation new Dioceses.
- 1.5 To guard and determine that the Constitutions and Canons of the Member Dioceses be in accord with the doctrine and practices of the Anglican Communion.
- 1.6 To arbitrate conflicts within a Diocese and between Dioceses.
- 1.7 The Metropolitan responsibilities shall be exercised by the Executive Council under the presidency of the Presiding Bishop and whenever such responsibilities are delegated or where Canons so assign responsibility.

## 2. BISHOPS

### 2.1 The Office of Bishop

The Principal Pastor, the President and the Ecclesiastical Authority of a Member Diocese is the Diocesan Bishop, elected, consecrated and installed in accordance with the Provincial and Diocesan Canons. Jurisdiction is limited to his own Diocese unless permission has been given to provide Episcopal rites in another Diocese by permission of said Diocese or by direction of the Presiding Bishop of the Province. With the consent of the Diocesan Bishop, the Provincial Executive Council and the other Diocesan Bishops, a Diocese may have one or more qualified Bishops elected to serve as regional or auxiliary Bishops, elected in the same manner and procedure as the Diocesan Bishop.

### 2.2 Election of Bishops

#### Election of a Diocesan Bishop by a Diocese

2.2.1 When there is a vacancy in of office of a Diocesan Bishop of a Member Diocese, the procedure is to be as follows:

2.2.1.1. The Diocese is to notify the Presiding Bishop and solicit his authorization to initiate an election. With said authorization, the same or a designated person will act as provincial registrar for the process of the election.

2.2.1.2. Having receiving authorization, the Member Diocese will nominate one or more candidates and proceed with the election according to the Canons of that Diocese.

2.2.1.3. The Diocese may seek the assistance and counsel of the Provincial Executive Council (hereafter called PEC) in conducting the election process. Additionally, it may seek episcopal assistance during the period of the vacancy.

2.2.1.4 Once an election has been completed in a Diocese, the Diocese shall communicate the results to PEC and the Bishops in the Province, and shall send them documents considered appropriate about the Bishop-elect, and finally the Diocese will provide the necessary information that will permit the other Bishops of the Province to ratify or reject the Bishop-elect based on extensive knowledge of the person.

2.2.1.5 The Provincial Registrar shall send a notice to the Presiding Bishop certifying that the election process was conducted in accordance with the Canons or not. The Presiding Bishop should then inform the PEC and the other Bishops of the Province.

2.2.1.6 The PEC, in conjunction with all of the Bishops of the Province, approves or rejects the election by a simple majority using the following method:

- a) When the approval or disapproval is rendered in the course of a meeting of the PEC and the Provincial Bishops, voting shall be by secret ballot.

b) When it is necessary to make this decision prior to a meeting of the PEC and the Provincial Bishops, voting may be done by mail or e-mail. Each voting member should mail his vote to the Presiding Bishop, who when he receives it does so under the seal of the confessional. The Presiding Bishop shall then communicate the final results.

2.2.1.7 If the PEC and the Bishops of the Province do not approve the election of the Bishop-elect, the Diocese has the right to ask them to reconsider. If a subsequent decision fails to approve the Bishop-elect the Diocese should conduct a new election.

2.2.1.8 If a year after a vacancy has been declared there has been no election of a Bishop nor has there been a request for a designation of a Bishop, the PEC shall provide such episcopal assistance as it deems necessary and advisable.

#### Election of a Diocesan Bishop by the Province

2.2.2 When a Diocese is unable to succeed in electing a Bishop after two attempts, it may solicit the Province to designate a Bishop. In any case, if after two years of vacancy, a Diocese has not elected a Bishop, the Province must take the initiative and proceed to elect one. In both cases the procedure is as follows:

2.2.2.1 When a Diocese solicits the Province to assume the search and election of the Diocesan Bishop, or if the Province takes the initiative, the PEC assumes the role that a Diocesan level synod (or other name designated in the appropriate Canons of that Diocese) should assume.

2.2.2.2 When the PEC assumes the search and election of a Diocesan Bishop, it does so with the participation of all its members, and may designate from among its members a Nominations Committee to be responsible for conducting the search process.

2.2.2.3 The PEC or the Nominations Committee, whichever is the case, shall interview the candidate(s) who best appear(s) to possess the required qualities defined by the profile of the Diocese, or by any recommendations of the PEC to accomplish a pre-selection.

2.2.2.4 When the PEC or the Nominations Committee, which ever is the case, has completed a pre-selection and believes that the time has arrived to conduct an election, all documents pertinent to the candidates shall be sent to the members of the PEC and the Bishops of the Province along with detailed information regarding the interviews.

2.2.2.5 When the pre-selection has been conducted by the Nominations Committee, one or more of the candidates may be summoned to appear before a full meeting of the PEC, if at least two members of this organization have requested it.

- 2.2.2.6 An election by the PEC should be accomplished during the course of a meeting of this organization. If it is not feasible to conduct an election during a regular meeting of the PEC, the election of a Diocesan Bishop is of such consequence that it merits an extraordinary meeting.
- 2.2.2.7 The number of favorable votes required for the election of a Diocesan Bishop by the PEC is two-thirds of its members, and the election should be conducted by secret ballot.
- 2.2.2.8 After a successful election by the PEC, the Bishops of the Province will ratify or will not ratify the Bishop-elect. This ratification may be conducted during a meeting in full of the Bishops of the Province, by secret ballot, or by mail/e-mail, as a written vote sent to the Presiding Bishop, who shall receive it under the seal of the confessional, and shall communicate the final result.
- 2.2.2.9 After the Bishop-elect reads and signs the declaration of Canonical obedience, the Provincial Executive Council gives permission to consecrate and issues the license of the Bishop whose election has been approved. The Bishop-elect may not be less than 30 years of age at the time of his consecration.

#### Election of an Auxiliary Bishop

- 2.2.3 When there is a vacancy in the office of an Auxiliary Bishop of a Member Diocese, the procedure shall be as follows:
- 2.2.3.1 The procedure is in the same manner as for a Diocesan Bishop in accordance with the Canons of the Diocese involved, with the following exceptions:
- 2.2.3.1.1 Episcopal assistance during the vacancy of the Auxiliary Bishop shall normally be provided by the Diocesan Bishop of the affected Diocese. (See 2.2.1.3. and 2.2.1.8)
- 2.2.3.1.2 The vote by the PEC in conjunction with that of the Provincial Bishops who approve the election (See 2.2.1.6) should include the official votes of the Diocesan Bishop and the other Bishops, if there are any, of the Diocese affected. (See 2.2.2.7 and 2.2.2.8)

#### 2.3 Resignation of Bishops

- 2.3.1 Resignation due to age. A Bishop may resign upon reaching 65 years of age, but should definitely retire by 68 years of age.
- 2.3.2 Resignation for personal reasons. If a Bishop desires to retire before the age of 65 for personal reasons or to move to another place or to accept a different office that disqualifies him from properly exercising his current assignment, he should send his resignation together with a pertinent explanation to the Presiding Bishop (or in case he is the same, the Presiding Bishop to the Vice President). All Bishops of the Province

and the Provincial Executive Council, by simple majority, shall judge if the resignation should be accepted or not.

2.3.3 When an official license of a Bishop is rescinded for whatever reason, the office should be declared vacant.

## 2.4 Creating New Episcopal Offices

2.4.1 With the formation of a new self-governing Diocese, the office of Diocesan Bishop is automatically created and the Provincial Executive Council should authorize an election in accordance with the Provincial Canons and the provisional Constitution and Canons of the new Diocese (previously approved by the PEC).

2.4.2 The process of electing a Bishop shall be conducted by the Provincial Registrar and the Diocesan Bishop(s) of the Diocese in whose territory the new Diocese is being formed.

2.4.3 The Diocese shall begin to exist formally with the consecration or proclamation of the Diocesan Bishop, who should convene the first Diocesan Synod immediately so that the new Constitution and Canons may be approved.

2.4.4 The executive body within a Diocese may solicit the PEC in writing for the creation of the office of Auxiliary Bishop or Regional Bishop to be able to carry out the responsibilities previously established in the Diocese. The Provincial Executive Council should ascertain that the process follows the Diocesan Canons. Once the creation of the office has been approved by the Provincial Executive Council, the norms which have been established in the Provincial and Diocesan Canons for the election of a Diocesan Bishop shall be followed.

## 3. DIOCESES

For judicial and administrative purposes, each Member Diocese shall establish a Diocesan Synod as a legislative body and a Diocesan Council as the executive instrument of the Synod and corporate advisor for the Bishop.

### 3.1 New Dioceses

Upon receiving a request from one or more Dioceses asking for the formation of a new Diocese, the Presiding Bishop must ascertain that those making such a request have themselves followed the guidelines of the internal regulations of the Province and the Diocese(s) involved. This petition shall be remitted to the Provincial Executive Council who will authorize it by a simple majority. If the decision of the Provincial Executive Council should be negative, the Diocese making application may appeal to the Provincial Synod to call for an ordinary or extraordinary session.

## 3.2. Dioceses in Formation

We recognize two situations in the Province: Dioceses in formation and autonomous Dioceses.

### 3.2.1 Dioceses in Formation

3.2.1.1 One or more Member Dioceses may designate part of its (their) territory as a Diocese in formation.

3.2.1.2 This (these) Diocese(s) may ask the PEC for permission to create the office of Auxiliary Bishop, who will have specific oversight of this specific geographic area.

3.2.1.3 At the time a Bishop is appointed, the Diocese shall be formally recognized as a Diocese in Formation.

### 3.2.2 Autonomous Dioceses

3.2.2.1 One or more Member Diocese(s) may designate part of its territory as an autonomous Diocese or transform a Diocese in formation into an autonomous Diocese.

3.2.2.2 The New Diocese should comply with the internal requirements for the formation of a new Diocese with the following guidelines:

3.2.2.2.1 The Diocese should have at least eight formed congregations and eight congregations in formation.

3.2.2.2.2 The Diocese should have at least eight priests and eight lay leaders capable of leading the congregations, all of them being legitimately licensed and having at least one year of residence and service in the area comprising the new Diocese.

3.2.2.2.3 The Mother Diocese(s) must have at least 12 congregations and twelve Presbyters after the new Diocese is formed.

3.2.2.2.4 The New Diocese should have adequate means of financial independence and administration.

3.2.2.2.5 The Mother Diocese(s) should present a draft of its Constitution and Canons to the Provincial Executive Council for approval defining that part of its territory which shall comprise the new Diocese approved by the Mother Church.

3.2.2.2.6 When these requirements have been met, the Mother Diocese(s) shall ask the Provincial Executive Council for the right to recognize the New Diocese and solicit permission to proceed with an election for the first Diocesan Bishop.

3.2.2.2.7 Once authorization is received, they shall proceed according to these Canons and those of the new Diocese under the supervision of the Provincial Registrar along with the Diocesan Bishop(s) of the Diocese(s) in whose territory the new Diocese is formed.

3.2.2.2.8 The New Diocese shall enjoy the rights and comply with obligations of a Member Diocese.

### 3.3 Transitory Canon

In the specific case of Bolivia and by virtue of understanding of that entire land, the requirements 3.2.2.2.1 and 3.2.2.2.2 shall not be applied, as there exist only three formed congregations and three presbyters and three lay leaders, who are properly licensed and counted with at least one year of residence and service in the named republic.

## 4. GOVERNING ORGANIZATIONS

For exercising the duties of the Province, the following organizations of government are established:

4.1 Provincial Synod

4.2 Provincial Executive Council

4.3 Court of Appeal

## 5. PROVINCIAL SYNOD

The official organization for representation, direction and general decisions of the Province is the Provincial Synod composed of representatives from each Member Diocese who shall be a Bishop and his delegates: one cleric and one lay member.

5.1 The Ordinary Provincial Synod shall meet at least once every three years according to the procedures established by the Canons, and in an Extraordinary Provincial Synod as required by Executive Council or when asked to do so by at least one-half of the Member Dioceses.

5.2 The Provincial Synod shall have the following responsibilities:

5.2.1 To receive, approve, or reject the reports of the Executive Council.

5.2.2 To examine, approve or reject the proposals presented to the Executive Council by the Member Dioceses.

5.2.3 To authorize the Executive Council to perform the metropolitan duties.

5.2.4 To represent and name representatives of the Province to the Anglican Consultative Council and to other organizations as required.

5.2.5 To promote the creation of other structures that will facilitate the development of the Church.

### 5.3 Procedures

5.3.1 The representatives to the Provincial Synod shall be elected by their respective Diocesan Synods. They should be communicants of the Anglican Church, residents of the Diocese and be 21 years of age.

5.3.2 A Diocese shall be considered present in the Synod session if one of its three delegates is present.

5.3.3 A quorum of the Provincial Synod is constituted by the presence in each Session of at least one representative from one-half of the Member Dioceses. Whenever in session, there should be two-thirds of the representatives of the total in the Dioceses present.

5.3.4 In every Provincial Synod, whether it be Ordinary or Extraordinary, all representatives shall have a voice and a vote.

5.3.5 Decisions shall be made by a simple majority with the exception of those indicated in the Constitution and present Canons. In the case of a tie, the Presiding Bishop has an additional Vote.

5.3.6 With a two-fifths vote by the representatives, the Provincial Synod may request a vote be taken by orders.

5.3.7 The three orders shall be formed respectively with all Bishops, Clerics and Laity representative members of the Synod.

5.3.8 When the Synod elects to vote by orders, each one shall elect a president and communicate the results to the Synod. Each Order shall adopt its own procedure.

5.3.9 In order for a proposal to be adopted via the system of voting by orders, a simple majority is required in each order. The Synod may determine, by its own criteria, in cases where required, a majority of two-thirds in each order. The same percentage is always required when submitting questions regarding the Order and Doctrines of the Church, whether in the full Synod or by orders.

## 6. PROVINCIAL EXECUTIVE COUNCIL

6.1 To perform the executive responsibilities of the Provincial Synod and administration of the Province, the Provincial Executive Council is appointed with power to perform the

metropolitan duties (subject to the direction of the Provincial Synod) and to assume and direct the continuing work of the Province among the Synods, within the confines of the Member Dioceses.

- 6.2 The Provincial Synod will elect the Provincial Executive Council from the representatives of the Synod. The number of Provincial Executive Council members shall be the same as the number of member Dioceses plus one. There shall be the same number of Bishops, Presbyters or Deacons and Laity. If it is impossible to elect the number of members exactly as described, the Synod shall give further direction to the nominating committee with respect to this matter. The following positions will be named from within the Provincial Executive Council officers: President and Vice-President (Bishops), Secretary and Vice-Secretary, Treasurer and Vice-Treasurer.
- 6.3 To facilitate the election of members, the President shall name a nominating Committee, composed of at least three people. The same Synod will determine the procedure and select the committee. The procedure requires that each Member Diocese have representation on the Provincial Executive Council.
- 6.4 The Diocesan Bishops that are not elected to be part of the Provincial Executive Council or its delegates shall have the right to be present at all Executive Council meetings with a voice but without a vote. The members shall serve in the position until legally changed. No member may serve for more than two consecutive periods of three years in the Executive Council, except where the Nominating Committee is authorized to include him on its list by unanimous choice of the Provincial Synod.
- 6.5 The Provincial Executive Council shall meet when convened by the President or when at least one half of its members request a meeting. In any case, it should meet at least once a year.
- 6.6 A quorum is constituted when at least one half of the total members are present in a meeting of the Provincial Executive Council, at least one of which should be the President or Vice President of the Executive Council. Decisions may normally be made by a simple majority of votes, and the President has an additional vote in case of an impasse. In the case where the questions are about Order and a Doctrine of the Church, the requirement is a majority of two-thirds.
- 6.7 The Provincial Executive Council shall present a report of its activities to the Synod and shall annually present a brief of these same activities to the Member Dioceses.
- 6.8 The Provincial Executive Council may organize commissions and special departments it considers necessary to accomplish its work and programs.
- 6.9 The Provincial Executive Council has the authority to fill whatever vacancy occurs on the Executive Council.
- 6.10 The Executive Council prepares the order of the day for each Provincial Synod in prior consultation with the Member Dioceses.

6.11 The Executive Council is competent to make decisions in cases with respect to the Constitution and Canons, and shall have responsibility to submit reports of the same to the next Provincial Synod.

## 7. PROVINCIAL OFFICIALS

7.1 The general tasks of the Presiding Bishop:

7.1.1 To preside over meetings of the Provincial Synod, of the Executive Council, and of the House of Bishops.

7.1.2 To be the principal representative of the Province in official acts.

7.1.3 To authenticate by signature all correspondence and pertinent documents of the Provincial activities.

7.2 The Tasks of the Vice-President:

7.2.1 To perform the functions of the Presiding Bishop in his absence or if the Presiding Bishop so requests.

7.3 The Tasks of the Secretary:

7.3.1 To record and maintain the books of the minutes of the meetings of the Provincial Synod and of the Executive Council and serve as Registrar of the Province.

7.3.2 To send reports to the Provincial Executive Council regarding all correspondence received, and to submit an annual briefing of its activities to the Member Dioceses.

7.3.3 To send letters of convocation for the Provincial Synod and the Executive Council.

7.3.4 To accomplish the duties and recommendations delegated by the Synod, the Executive Council and the Presiding Bishop.

7.4 The Tasks of the Vice-Secretary:

7.4.1 To perform the tasks of the Secretary in the absence of the same, or if the Secretary so requests.

7.5 The Tasks of the Treasurer:

7.5.1 To solicit, receive and administer the funds of the Province in accordance with the budget and with the instructions of the Executive Council.

7.6 The Tasks of the Vice-Treasurer:

7.6.1 To perform the duties of the Treasurer in the absence of the same or if the Treasurer so requests.

## 8. COURT OF APPEAL

Its existence, competence and incorporation.

8.1 There shall be a Provincial Court of Appeal, with jurisdiction over the Province of the Southern Cone of America and over its Member Dioceses.

8.2 Said Court of Appeal has the competence to try and pass judgment in the following cases:

- a) Disputes and conflicts between the Dioceses and the Province.
- b) Appeals of judgments rendered in the Diocesan Tribunals or Courts.
- c) Disputes and conflicts between the Diocesan Councils and their respective Bishops.
- d) Appeals of ecclesiastical judgments rendered at the Diocesan level against Presbyters and Deacons.
- e) Processes of discipline of congregations that have not been resolved within their respective Dioceses.

8.3 Excluded from the jurisdiction of the Court of Appeals are the judgments of Diocesan Bishops, which shall be the exclusive competence of the House of Bishops, who will prescribe ecclesiastical judicial procedure, assuring justice and equity of the same. A Bishop or Bishops judged by the House may appeal the decision before the Presiding Bishop, who in a period of 25 days will make a peremptory, definite, and final decision which may not be appealed. If the judgment is against the Presiding Bishop, the appeal goes to the Vice-President Bishop of the Provincial Executive Council. (This same principle is applicable to paragraphs 8.16, 8.17).

8.4 The Provincial Court of Appeal is composed as follows:

- a) Is presided over by a Diocesan Bishop of the Province.
- b) By a Presbyter with more than three years of ministry in the Province, preferably a native of one of the countries in the Province between a minimum of 30 years of age and a maximum of 68 years of age.
- c) By a Lay member with more than three years of leadership in the Province and with no less than 30 years of age minimum and a maximum of 68 years of age.

The members of the Court shall be elected by the Provincial Synod, and they shall remain in their position for three years, and may be re-elected for another term after which they should cease in this post. They are eligible to be re-elected after three years have transpired since their final term of service.

#### The Provincial Attorney

8.5 The Provincial Synod shall name the Provincial Attorney, who will act on behalf of the Court without being part of the Court. In the event of a possible disqualification, an acting Attorney will also be named. The Court shall not deliver a decision without the advice of its Attorney.

To qualify for this position the Attorney should be an Anglican cleric or layman, a communicant, well versed in law, a native of one of the countries included in the Province, between 30 and 68 years of age with residency in the Province of not less than three years.

The term of this office is three years and may be renewed under the same condition of Canon 8.4, last paragraph.

The Attorney shall be prohibited from performing his duties in cases where he has an interest either directly or indirectly and in cases where an appeal may affect the Diocese of his residence.

In the case where there is an impediment, excuse or challenge, he shall be replaced by the acting Attorney. The same form and procedure shall take place in the case of a temporary absence, incapacity, resignation, or death of the Provincial Attorney. In the last case a new Provincial Attorney should be named at the first meeting of the Provincial Executive Council following the Attorney's death.

#### 8.6 Pertaining to Provincial Attorney

- To represent and defend the IACSA (Anglican Church of the Southern Cone of America) in all affairs in which there is an interest, as well as in the private interests of the Province.
- To defend the interests of the Court whether known or unknown.
- To intervene in competency disputes at the Provincial level.
- The Provincial Attorney is independent of the Court of Appeal in the performance of his functions, being able to defend the interests of the Church entrusted to him, to offer legal opinions that he thinks conform to the Canons, and to prepare written reports of his findings, directed to the President of the Court.
- To advise the Court of matters he encounters and believes may create a conflict in interest or compromise the interests of the Church at the Provincial level as well as

Diocesan level. Prior to his request he should call to order and collect data and documents and evidence for his investigation in a reasonable amount of time with the authorization of the Court of Appeal.

- The advice of the Provincial Attorney should be given inside the time limit indicated by the President of the Court. In the case where a breach is perceived the Attorney should be prepared to give his advice in the briefest time.

#### Procedure of the Provincial Court of Appeal

8.7 Once the Court is asked to act on a complaint or other matter, the President of the Court will call the Court together to determine the cause, and he shall order notification of the decision to be sent to the Bishops of the Dioceses involved within 15 days.

8.8 The President of the Court shall convene the members of the Court, the Provincial Attorney, and the interested parties to a hearing, which shall take place in the meeting place of the Court, which, as stated, will be fully convened.

8.9 The hearing mentioned in 8.8 shall be conciliatory in nature.

The Court shall try to reconcile the interested parties, urging that they reach an agreement. If they do so, whether by consent of either party or by the accommodation of both, an act shall be drawn up, signed by both sides, members of the Court, and the Provincial Attorney, which shall indicate that the case is closed and closed expediently and definitively.

If an agreement is not reached, an act shall be drawn up, signed by all involved parties, the members of the Court, and the Provincial Attorney, which act shall be attached to the file connected with the case. In the same act all parties are to be notified to present within three days their allegations in writing, offering necessary proof.

8.10 When the arguments need to take place in a place other than the headquarters of the Court, the President of the Court may solicit the Diocesan Bishops to contribute to the performance of preliminary examination measures. In the case of the Diocese involved, the arguments shall be obtained by an intermediary of the Provincial Attorney, who shall establish a location. The Bishops, Diocesan clergy officials, and laity should lend maximum cooperation in the process of obtaining evidence and proof.

8.11 When there is a vacancy in the conformation of the Court, the Provincial Executive Council will proceed to cover the vacancy at the next meeting (ordinary or extraordinary).

The hearing of a case is suspended until the Provincial Executive Council fills the vacancy. The suspension of the judicial process may not exceed six months.

8.12 The Court of Appeal shall not admit, try, or resolve cases that become known to it without the agreement of all members, under the sanction of nullity.

It is the obligation of the Provincial Executive Council to fill vacant positions in a timely manner.

8.13 The President of the Court shall determine which documents and which cases are to be studied for each session.

8.14 The Court of Appeal should also consider the opinion of the Provincial Attorney along with the other documents of the case.

8.15 Court decisions should always be fundamental, and the Provincial Judicial Secretary is charged with publishing the settlement. The decisions of the Court shall always be adopted by a majority vote with each member having one vote. A dissenting member may in the same sentence add an explanation of his disagreement and thereby establish a record of it, if so desired, but the same shall not affect the validity, nor the lawfulness of the judgment.

8.16 When there are results to an appeal, a notification of the sentence shall be sent in personal form to the parties and by means of an official letter to the Bishop(s) of the Diocese involved. The Court shall remit the proceedings to the authorized Bishop, authorizing the fulfillment of the Court's verdict. The Presiding Bishop shall arrange within 15 days from the time he receives record of the proceedings to consent to and countersign them.

8.17 The Presiding Bishop only may nullify the decision of the Court of Appeal, in established principal, when the decision of the Court is found to be contrary to the established practice, form and /or manner manifest in the Constitution and Canons of the Province or when not conforming to the norms of procedure. In these cases, the action shall be returned with his remarks within 15 days of receipt, modifying the parts of the decision of the Court that the Presiding Bishop found to be unacceptable, while the rest of the sentence remains in force.

8.18 The Court shall not admit evidence that appears to be intended to delay the judgment (for example: the examination of distant witnesses or whose residence is unknown or because of a document that can not be obtained quickly) if this evidence is not admitted into court soon.

The verdicts of the Court of Appeal do not set precedents.

8.19 The costs of the action in the Court of Appeal and of the Provincial Attorney, if the problem involved one Diocese, shall be divided equally (50% Province – 50% Diocese). If the problem affects more than one Diocese, the costs are to be divided in a proportional manner.

The Provincial Synod shall make known the manner which it reckons as most expedient for the resolutions and decrees dictated by the Provincial Court of Appeal to be conveyed to the other Provinces of the Anglican Communion.

A lack of collaboration and/or obstruction to the actions and competence of the Court, such as a witness's non-appearance after being summoned, shall be considered evidence against the cause.

If parties do not offer any defense or proof when it is called for, they may not do so outside of the time indicated by the Court of Appeal. The Court may decree an extension of time once, at the request of the petitioners, the duration of which shall be set out by the Court in writing. If the action is initiated and does not result in a legal action within the 60 days following, it will be understood that there was an abandonment of the petition.

#### The Competence of the Provincial Court

8.20 The Diocesan Court or the corresponding agency shall officially raise and /or petition from each side all the documentation in the case for the Court of Appeal. The President shall leave written proof of the date of receipt of the request of the appellant and will convene the members of the Court. Assembled, in the presence of all members, they will open the proceedings and study the case.

8.21 If by vote of three members the Court understands that there is no merit to an appeal, even if given the necessary causes to consider, they shall declare it contrary to the law, leaving the decision in place and the reasons in the proceedings file and return the same to the Diocesan Tribunal or the agency of origin.

8.22 To declare the legitimacy of the petition, the parties will be notified so that they may provide written allegations and defenses, expressing in a concrete manner the reasoning behind the damages caused by the sentence which they are appealing. They have 60 days, including the date of the notification, for that purpose.

#### The Legal Advice Commission

8.23 There shall be an optional Legal Advice Commission consisting of three people, residents of the Province, preferably natives of the same, clergy or laity, communicants, and being between 30 and 68 years of age, who are knowledgeable of ordinary judicial affairs and who can perform their duties whenever the court, through the President, shall require. The Legal Advice Commission is not part of the Court.

The duty of this commission shall be only to advise the counsel whenever the Court shall require.

The members of the Legal Commission are named by the President of the Court.

## The Judicial Secretary of the Province

8.24 Among those who make up the Provincial Court of Appeal, there shall be a Judicial Secretary of the Province, who should be native to the Province, an Anglican clergyman or lay person, communicant, 30 to 68 years of age, preferably versed in rights, and shall be named by the Provincial Synod, with the following responsibilities:

- To keep and conveniently arrange the processes and other paperwork in their office.
- To be aware of the petitions presented, the parties, and of the positions and other dispatches which should be directed to the Diocesan Courts or to the Provincial Court.
- To maintain strict confidentiality concerning all actions which he is charged to manage.

## 9. LITURGY

It is understood that there is a diversity of uses in the Province under the care of the Presiding Bishop or his designee. In order to use these rich liturgies most advantageously, it is the responsibility of the Bishops to ensure that the forms used in Public Worship and the Administration of the Sacraments be in accordance with Anglican Faith and Order and that nothing be established that is contrary to the Word of God as revealed in the Holy Scriptures.

## 10. POSSESSIONS AND FINANCES

The possessions of the Province shall consist of the economic contributions of its Member Dioceses, donations and legacies received from other entities or persons, and rights they may have over moveable and immovable goods and fiduciary instruments.

The Province may accept or reject any donations or legacies. The finances of the Province shall be administered by the Provincial Executive Council. The approval of the triennial balance and budget is the responsibility of the Synod.

## 11. METROPOLITAN JURISDICTION

11.1 If the Province at any time decides to dissolve the union of its Member Dioceses, the Province may ask the President\* of the Anglican Consultative Council to make provision for the Metropolitan Jurisdiction for each of its individual Dioceses.

11.2 If the Province at any time informs the President of the Anglican Consultative Council of a situation that has occurred in which it cannot continue to administer the

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\* The Archbishop of Canterbury serves as President of the Anglican Consultative Council.

Metropolitan Jurisdiction in accordance with the Constitution, the President of the Anglican Consultative Council, if in agreement that such a situation exists, shall make provision for Metropolitan Jurisdiction.

11.3 If the Province at any time cannot administer its duties in accordance with its Constitution, the President of the Anglican Consultative Council shall make a provision for Metropolitan Jurisdiction after first having determined that such a situation exists based on consultation within the Province.

11.4 A Diocese with sufficient reason and with the consent of the Provincial Synod may move to another Metropolitan Jurisdiction.

11.5 A Member Diocese with sufficient cause and with consent of the Provincial Synod may withdraw from the Province. If the condition for such a withdrawal has been completed, the President of the Province shall notify the president of the Anglican Consultative Council and will ask that a provision for Metropolitan Jurisdiction be made for said Diocese. If the prior procedure is not possible, the Diocese may go directly to the Anglican Consultative Council.

11.6 In the case that the President of the Anglican Consultative Council would make provision for Metropolitan Jurisdiction in any of the situations stated in 11.1 to 11.5, in consultation with the Moderator and Secretary General of the Anglican Consultative Council he shall make the necessary arrangements to maintain Metropolitan Jurisdiction in the Member Dioceses of the Province.

## 12. AMENDMENTS TO THE CANONS

The procedure for modification of the Provincial Canons is as follows:

12.1 The proposed change shall be accepted as a proposition by at least a two-thirds vote of a Provincial Synod.

12.2 Next the proposed change shall be submitted to each of the Member Dioceses for approval.

12.3 Each Member Diocese shall send its decision in writing to the President, who shall inform the same of the results and, if approved by two-thirds of the members, it shall take effect immediately.

12.4 If it is not approved, it may be resubmitted at the next Provincial Synod.

## PROVINCIAL REGULATIONS

(Adopted by Resolution 27 of the Provincial Executive Council in its Section V in May 1985)

- 1) Votes by Orders (Bishops, Clergy, and Lay) require that at least one-fifth of the representatives make such a request, with the exceptions indicated in the Constitution (4, 2) and Canons (12.1)
- 2) At the request of at least a fifth part of the representatives, any decision made by the Provincial Executive Council during its previous meeting will have to be ratified by the Synod.