

THE ANGLICAN CHURCH OF KENYA

ANGLICAN DIOCESE OF THIKA

CONSTITUTION

ADOPTED ON THE

BECAME EFFECTIVE ON THE.....

I. ARTICLES

ARTICLE I DEFINITIONS

The following terms when used in the Articles Regulations Standing Orders and By-laws shall be understood in the sense hereinafter defined:-

1. **"ARCHBISHOP"** shall mean the Bishop or Priest elected to that office in accordance with the provisions of the Constitution of the Anglican Church of Kenya in force from time to time.
2. **"ARTICLES"** shall mean the principle rules for the government of the entire Church of the Province as are promulgated by the Provincial Synod from time to time.
3. **"ASSISTANT BISHOP"** means a Bishop or Priest appointed by a Diocesan Bishop of the Province and Episcopal consecrated and holding the commission of a Diocesan Bishop to perform Episcopal duties in his Diocese.
4. **"BISHOP COADJUTOR"** shall mean a Bishop or Priest elected to that office in accordance with the provisions of the Province and Episcopal consecrated and who has (subject to the qualifications set out in Article XI hereof) the right of succession to the See of the Diocese in which he is Bishop Coadjutor.
5. **"BISHOP SUFFRAGAN"** shall mean a Bishop or a Priest appointed by a Diocesan Bishop of the Church in accordance with the provisions of the Constitution of this Church and episcopally consecrated to perform episcopal duties in a particular geographical area of his Diocese but whose appointment does not lapse with the election of a new Diocesan Bishop.
6. **"BISHOPS OF THE PROVINCE"** and **"BISHOPS"** shall mean all Bishops whether Diocesan, Coadjutor or Assistant duly episcopally consecrated and serving as such within the Province.
7. **"BISHOP COMMISSARY"** shall mean a person (lay or clerical) authorized by the Diocesan Bishop to act as his representative.
8. **"BY-ARTICLE"** shall mean a secondary, subordinate or accessory ARTICLE passed by or made under the authority of a principal ARTICLE.
9. **"CANON"** except in valuation to a person, shall mean any rule or decree laid down by the Provincial Synod as fundamental principle governing any particular subject in relation to which it is made or enacted.
10. **"CHURCH"** in relation to a building shall mean any building, which has been set apart, dedicated or consecrated as a place of worship.

11. **"ANGLICAN CHURCH OF KENYA"** and **"CHURCH OF THE PROVINCE"**, both shall synonymously mean the Community which is associated under the provisions herein set forth. The title "Anglican Church Of Kenya" is not intended to exclude such other titles under which this Church or any portion of it, may be known, but being used to express the fact that the whole Church thus titled is united in this Provincial organization, through which it is connected with other Churches of the Anglican Communion.
12. **"COMMUNICANT MEMBER OF THE CHURCH OF THE PROVINCE"** shall mean a member of the Anglican Church of Kenya wherever confirmed within the Anglican Communion, who, given due opportunity shall have received the Holy Communion three times at least during the preceding years at the hands of some Priest, either of this Province or of some other Church in communion with the same.
13. **"CONSTITUTION OF THIS PROVINCE or "PROVINCIAL CONSTITUTION"** shall synonymously mean the Constitution of the Anglican Church of Kenya as adopted at the inauguration in the month of August, 1970 together with such alterations, editions, and amendments as may be made from time to time by the Provincial Synod in accordance with the procedure therein provided.
14. **"DEAN OF THE PROVINCE"** shall mean the Bishop elected to or occupying such office in accordance with the provisions of the Constitution of this Province.
15. **"DIOCESAN BISHOP "** shall mean layman, Deacon or Priest, elected, episcopally ordained, consecrated and enthroned on the See of the Diocese of Thika.
16. **" DIOCESAN SYNOD"** shall mean an assembly consisting of the Diocesan Bishop, Suffragan and Assistant Bishop, and the Houses of Clergy and Laity of a Diocese of this Church and constituted according to such laws as have been or shall be agreed upon in such Diocese and allowed by the Provincial Synod.
17. **"DIOCESE"** shall mean each and every Diocese for the time being and from time to time referred to in Article I of this Constitution.
18. **"DIOCESE OF THIKA :** shall mean the Diocese of Thika the boundaries whereof are as of now as follows:
 - (a) the Entire administrative boundaries of the Thika District in the Republic of Kenya.
 - (b) Any other area outside the Republic of Kenya which may be placed under the oversight of the Diocesan Bishop of the Diocese of Thika
19. **"LAITY"** shall mean all persons who are members of the Church of this Province and who are not members of the Orders of Bishops, Priests or Deacons.
20. **"LICENCE"** shall mean:
 - (a) in relation to a Priest or Deacon the license issued by or on behalf of a bishop to a Priest or Deacon appointing the licensee to a named charge; and
 - b) in relation to a member of the laity the license issued by or on behalf of a Diocesan Bishop to a layperson permitting the licensee to conduct services of the Church, to preach and to assist at the Holy Communion as a Lay Reader

21. **"PARISH"** shall mean the congregation or congregations from time to time under the pastoral charge of a Parish Vicar
22. **"PARISH Vicar"** shall mean a Priest who has been appointed, licensed and inducted to the charge of a Parish by the Diocesan Bishop or by an Archdeacon delegated by him.
23. **"QUORUM"** shall mean the number of voting members indicated by a regulation in the Diocesan constitution who must be present at a meeting of any session of a Synod, council, Board or committee or any other Church body in order that business of such a body be validly transacted.
24. **"REGULATION"** shall mean a detailed instruction issued by a Synod whether provincial or diocesan for the guidance of that body or of any other person in taking action under its constitution.
25. **"RULE"** shall mean an induction or direction adopted formerly by the Provincial Synod under the provision of its Articles or of any Canon made thereunder.
26. **"ARTICLE:"** shall mean the principle rules for the government of the entire Church of the Province as promulgated by the Provincial Synod.
27. **"SCHEDULE"** shall mean an annexure to the Articles, Canons, Regulations Standing Orders and By-laws which will have the force of a Standing Order and be alterable (save in the case of the Church Commissioners for Kenya to which the provisions of the Companies Act apply) by the same procedure by which Standing Orders may be altered and not otherwise.
28. **"SESSION OF SYNOD"** shall mean the meeting or series of meetings of the Synod (whether Provincial or Diocesan) concerned in pursuance of any one summons issued by the Archbishop or Bishop of a Diocese as the case may be.
29. **"STANDING ORDER"** shall mean a regulation relating to the composition of any Synod, Council, Board, Committee or other Church body or to the procedure of any such body as aforesaid when in session or to anything necessary to be done before, during or after the session for the proper conduct of the business of the body concerned when in session.
30. **"VOTING BY HOUSES"** shall mean the separate voting of the Bishops (or in case of a Diocesan Synod, the Bishop), and the Clergy and the Laity in their several Houses.
31. In such phrases as **"MATTERS AFFECTING FAITH OR ORDER"**
 - (a) **"FAITH"** shall mean such truths as the Church of the Province teaches;
 - (b) **"ORDER"** shall mean those principles on which the structure of the Church is built up and maintained.

Among the matters affecting Faith and Order (but without in any way limiting the generality of the foregoing definition) the following are included, namely, all matters of doctrine and all matters connected with membership of the Church, the Orders of the Ministry and their characteristic functions, the services and ceremonies of the Church of this Province, the administration of the Sacraments, and the sacred rites thereof.
32. Words signifying the masculine gender only shall include the female gender unless otherwise indicated.

ARTICLE II ON THE PROVINCE

The Diocese forms part of the Anglican Church of Kenya and subscribes to the Provincial Constitution. If there shall be any conflict or inconsistency between the provisions hereof and those of the Provincial Constitution, the Provincial Constitution shall prevail.

ARTICLE III ON THE ELECTION OF BISHOP

1. When the See becomes canonically vacant, the Archbishop (or if there is no Archbishop or if he is absent from the Province or is otherwise incapacitated from carrying out his duties, the Dean or the senior most diocesan bishop by consecration) shall if the circumstances permit within seven (7) days of the See becoming vacant inform the Diocesan Chancellor (or if there is no Diocesan Chancellor or if he is absent from the Province or is otherwise incapacitated from carrying out his duties, the Provincial Chancellor) of the vacancy, and unless there be in the Diocese a Bishop Coadjutor with the right of succession, shall instruct the said Chancellor to hold an Episcopal election, in accordance with this Article and Canon governing such election.
2. Where the vacancy arises as a result of the incumbent Bishop notifying the Archbishop of his intention to resign or retire in accordance with the provisions of this constitution, then, the procedure for electing a person to fill the vacant See shall if circumstances permit be commenced not less than Three (3) months before the date upon which the resignation or retirement is to take effect and must be completed not less than One (1) month before the effective date of resignation or retirement as the case may be.
3. The Diocesan Chancellor after consultation with the Archbishop shall:
 - a) Inform the members of the Synod of the Diocese and all the members of the Provincial Standing Committee of Synod of the vacancy of the Episcopal See.
 - b) Send nomination forms to all the members of the Synod of the Diocese and all the members of the Provincial Standing Committee of Synod.
 - c) Inform all the members of the Synod of the Diocese and all the members of the Provincial Standing Committee of Synod of the date of closure of nominations which date shall be no more than Thirty (30) days from the date the nomination forms are sent out.
4. Any five (5) members of the Diocesan Synod and any Five (5) members of the Provincial Standing Committee of Synod may nominate any Bishop or Priest who has attained the age of Thirty-five (35) years and who is not over Sixty (60) years of age from any part of the Anglican communion to be a candidate for the vacant See PROVIDED THAT the Five (5) members of the Diocesan Synod shall include Two (2) priests and Two (2) laypersons and the Five (5) members of the Provincial Standing Committee of Synod shall include One (1) bishop One (1) priest and One (1) layperson.
5. Members of the Diocesan Synod and of the Provincial Standing Committee of Synod, as the case may be, shall sign and send their nomination forms to the Diocesan Chancellor.

6. No member of the Diocesan Synod and of the Provincial Standing Committee of Synod may sign more than one nomination form. Every person nominated must signify his consent by signing the nomination form unless he absent from the country in which case consent may be obtained by a letter duly signed by him and delivered to the Diocesan Chancellor before the closure of nominations.
7. On the day after the closure of nominations, the Diocesan Chancellor together with the Clerical and Lay Secretaries of the Diocesan Synod shall scrutinize the nominations satisfying themselves that all those nominated are priests of a Diocese of the Anglican Communion and that all those who have signed nominations are members of the Diocesan Synod and of the Provincial Standing Committee of Synod, as the case may be, and that no member has signed more than one nomination form. They shall also satisfy themselves concerning the age, canonical status and ordination of those nominated and shall delete the name of any person not validly nominated.
8. The Diocesan Chancellor shall then send the list of the valid nominations to the Archbishop and the Provincial Chancellor and state his reasons for not including the name of any person from the list of those validly nominated. The Archbishop and the Provincial Chancellor shall satisfy themselves as to the validity of the nominations whereupon the Archbishop shall send the list of valid nominations to the Search Committee hereinafter defined.
9. There shall be a Search Committee, which is hereby established. The Search Committee shall consist of:
 - a) Three (3) priests from the Diocese
 - b) Three (3) laypersons from the Diocese
 - c) Two (2) bishops from the Province
 - d) Two (2) priests from the Province
 - e) Two (2) laypersons from the ProvinceThe Chairperson shall be a bishop and the Secretary shall be a layperson. The Archbishop shall appoint the Provincial members after consultation with the House of Bishops. The Archbishop shall appoint the Diocesan members after consultation with the Diocesan Standing Committee of Synod.
10. All candidates validly nominated shall appear in person before the Search Committee. The Search Committee shall interview and evaluate all candidates validly nominated and shall recommend up to three (3) candidates for the election. The decision of the Search Committee shall be final. The Chairperson of the Search Committee shall then send the list of the recommended three candidates to the Archbishop who shall submit the same to the Provincial Chancellor and the Diocesan Chancellor.
11. The Archbishop shall determine the date of the election and shall request the Diocesan Chancellor to convene the Electoral College (hereinafter defined) PROVIDED THAT the election shall circumstances permitting be held within Two (2) months of the date of receipt of the recommendations by the Archbishop from the Search Committee.
12. The Diocesan Chancellor shall thereupon:

- a) Send a copy of the list of candidates to each member of the Electoral College not less than Twenty-one (21) days before the date of the Election;
 - b) Inform the members of the Electoral College of the date time and place fixed for holding the election;
 - c) Inform those whose names are on the said list of their nomination;
13. Those nominated may withdraw their names in writing to the Diocesan Chancellor at any point up to the time of the election.
14. The Diocesan Bishop shall be elected by an Electoral College, which shall consist of:
- a) The following members of the Provincial Standing Committee of Synod appointed by the Archbishop in consultation with the House of Bishops:
 - i) Three (3) Bishops;
 - ii) Two (2) Priests;
 - iii) Two (2) Laypersons.
 - b) The following elected members of the Diocesan Standing Committee of Synod:
 - i) Vice-Chairperson
 - ii) Treasurer
 - iii) Clerical Secretary
 - iv) Lay Secretary
 - v) Six (6) Priests
 - vi) Six (6) Laypersons

PROVIDED THAT in the event that any of the priests shall become a candidate, he shall be disqualified and the Standing Committee of Synod of the Diocese shall elect another priest in his place.

15. The Diocesan Chancellor shall preside over the meeting of the Electoral College but shall not have any right to vote. The quorum for the Electoral College shall be three quarters ($\frac{3}{4}$) of the members of the Electoral College.
16. If an election has been successfully carried out the Chancellor shall communicate to the Archbishop the outcome of the election and the willingness of the person so elected to accept the office of Bishop of the Diocese who shall then issue a certificate of the validity and canonical regularity of the election.
17. The Archbishop shall arrange for the consecration at the earliest possible date of the Bishop - elect (if he has not already received Episcopal consecration) by not less than Three (3) Bishops of this church or any other Province or Church with which this church is in full communion and shall send notice thereof to the press. He shall also transmit to all metropolitan of Anglican Provinces the name of the person elected and consecrated (or enthroned) Bishop of the Diocese.
18. The Archbishop's certificate of the validity and canonical regularity of the election shall be read aloud during the service of consecration, or at the enthronement of the Bishop, if he be already in Episcopal orders.

19. The Bishop at his consecration (or translation) shall make a solemn declaration of canonical obedience to the Archbishop as metropolitan, and of his lawful successors, and give his assent to the Constitution of the church.

20. The declaration and subscription to be made by a Bishop-elect or designate shall be as follows:

“I, A.B. chosen Bishop of the Diocese of Thika do profess and promise all due reverence and obedience to the Archbishop and to the Metro political Church of Kenya and to their successors.

I, A.B. chosen Bishop of the Diocese of Thika do promise that I will teach and maintain the Faith of Lord Jesus Christ and the Doctrine and Discipline by Him delivered to the church as acknowledged and set forth by the Anglican Church of Kenya in the Constitution of the said church.

And I also do declare that I consent to be bound by and to govern this Diocese in conformity with all the laws and canons of the said church, and by the Rules which have heretofore been made, or which may from time to time be made by the Provincial Synod of this Church.

And I hereby undertake to resign or to accept and immediately submit to the sentence depriving me of any or all the rights and emoluments appertaining to the said Bishopric, which may at any time be passed upon me, after due examination had, by any tribunal acknowledged by the Provincial Synod of the said church for the trial of a Bishop, saving all rights of appeal allowed by the said Provincial Synod.

21. a) If at any stage of the electoral process none of the candidates are found to be suitable for election; or

b) If the process of electing a bishop cannot be completed for any reason, the process shall be repeated all over again until a new Bishop is elected

PROVIDED THAT any candidate previously interviewed and not recommended by the Search Committee shall not be eligible for further nomination.

22. The Search Committee stands dissolved upon the successful consecration of the Bishop-elect.

ARTICLE IV ON BISHOPS COADJUTOR, SUFFRAGAN AND ASSISTANT

1. If the Diocesan Bishop shall feel the need of Episcopal assistance, he shall, after consulting with the Diocesan Synod, signify his need for a Bishop Coadjutor, a Bishop Suffragan or (as the case may be) an Assistant Bishop to the Archbishop who, if after due consultation feels that the request is reasonable and is satisfied that the Diocese is able to make proper financial provision for the holder of the proposed office, shall inform the Bishop that his request is granted and authorize him to implement it in accordance with the appropriate procedure.
2. The appointment of a Bishop Coadjutor shall be by Episcopal election in accordance with the procedure set out in Article III hereof.
3. A Bishop Coadjutor has (subject to the qualification set out below) the right of succession to the office of Bishop of the See in which he is Bishop Coadjutor:
 - a) On the declaration of the vacancy of the See, the Archbishop shall immediately request the Bishop Coadjutor to write to him stating whether or not he wishes to exercise his right of succession. In the event either that the Bishop Coadjutor's reply to the Archbishop request is negative or that no reply is received by the Archbishop to his request within Thirty (30) days of it being made, the Bishop Coadjutor's right of succession shall cease and the Archbishop shall thereupon so inform him and instruct the Diocesan Chancellor to hold an Episcopal election (at which the Bishop Coadjutor shall not be eligible for nomination) in accordance with Article XI;
 - b) In the event that the Bishop Coadjutor's reply to the Archbishop's request is affirmative and is received by the Archbishop within the said time of Thirty (30) days, the Archbishop shall in writing inform all the Diocesan Bishops, the Provincial Chancellor and the Diocesan Chancellor and shall request each of them to inform the Archbishop in writing within Thirty (30) days of the date of his letter whether or not he has or is aware of any canonical objection to the succession of the Bishop Coadjutor;
 - c) If no such objection is received by the Archbishop within the said period of Thirty (30) days, he shall forthwith write to the Bishop Coadjutor confirming his succession to the office of Bishop of the See and as from the date of the Archbishop's letter the Bishop Coadjutor shall assume the title and all the rights, privileges and emoluments of the See. The Archbishop shall at the same time inform the Provincial Chancellor, the Diocesan Chancellor concerned and the media of the succession and instruct the Diocesan Chancellor to make arrangements for the enthronement of the new Bishop;
 - d) If any canonical objection is received by the Archbishop within the said time of Thirty (30) days then he shall forthwith convene a meeting of the Episcopal Synod to consider the same and, if the Synod shall resolve that any objection is well founded, the Bishop Coadjutor's right of succession to the See shall thereupon cease and he shall be so informed in writing by the Archbishop who shall immediately instruct the Diocesan Chancellor to hold an Episcopal Election (at which the Bishop Coadjutor shall not be eligible for nomination) in accordance with Article III;
 - e) If a Bishop Coadjutor's right of succession to the See ceases for any reason it shall be the duty of the Episcopal Synod to determine the status of the said Bishop, his further employment (if any) in the Province and any other matters that may arise.

4. The procedure for the appointment of a Bishop Suffragan or an Assistant Bishop shall be as follows:
 - a) After he has obtained the Archbishop's authority for the proposed appointment, the Diocesan Bishop shall lay before the Standing Committee of his Diocesan Synod the name of the priest, or priests whom he regards as suitable for the proposed appointment:
 - b) When agreement has been reached by a three-quarters ($\frac{3}{4}$) majority of the Standing Committee of the Diocesan Synod, the Diocesan Bishop shall communicate the name of the candidate to the Archbishop who shall then consult the Episcopal Synod, if necessary by correspondence:
 - c) If of the Diocesan Bishops (of whom the Archbishop shall be one) at least two-thirds ($\frac{2}{3}$) express their approval, the person whose name has been put forward by the Diocese shall be accepted as a Suffragan Bishop or (as the case may be) an Assistant Bishop of the Province with special responsibilities in the Diocese of his appointment:
 - d) The Archbishop shall then arrange for the consecration of the person so accepted by not less than three Bishops of the Province or of any other Province or Church with which this Church is in full Communion.
5.
 - a) A Bishop Suffragan ordinarily has a territorial title other than the title of any Diocese in the Province:
 - b) A Bishop Suffragan is eligible for election as Diocesan Bishop of any Diocese in the Province, and may be transferred from one Diocese to another as Suffragan:
 - c) The appointment of a Bishop Suffragan does not lapse with the election of a new Diocesan Bishop, and if not himself elected to office as Diocesan Bishop or transferred to another Diocese, the Suffragan Bishop shall continue to serve in the Diocese to which he has been appointed.
6.
 - a) An Assistant Bishop shall have no right of succession to the Office of Bishop and his appointment as Assistant Bishop shall lapse in the event that a newly appointed Diocesan Bishop of the See shall satisfy the Episcopal Synod that he has good cause for not desiring the continuance of that appointment, whereupon it shall so far as it lies within their power be the duty of the Episcopal Synod to assist the former Assistant Bishop in finding suitable employment:
 - b) An Assistant Bishop shall be eligible for election as a Diocesan Bishop, a Bishop Coadjutor or a Bishop Suffragan of any Diocese in the Province.

ARTICLE V ON THE OFFICERS OF THE DIOCESE

1. POWER TO APPOINT

- a) The Diocese shall from time to time appoint such of the officers as are provided for in the Provincial Constitution as it shall require;

- b) The duties and functions of such officers shall be such as are prescribed by the Provincial Constitution except in so far as they may be varied in general by the Diocesan Synod or in particular by the Standing Committee thereof.

2. ON ARCHDEACONS

The Bishop, after consultation with the Standing Committee of Synod, shall appoint an archdeacon or archdeacons as the case may be, as his principal adviser to assist him in the administration of the Diocese. The functions of the Archdeacon shall be prescribed by Canon.

3. ON THE CHANCELLOR

The Diocesan Bishop shall appoint a Principal Legal Adviser who shall be styled and known as "Chancellor" the functions and conditions of his appointment shall be prescribed by Canon. The Diocesan Bishop may appoint an assistant legal adviser or advisers from within the Diocese.

4. ON ADMINISTRATIVE SECRETARY

The Bishop, after consultation with the Standing Committee of Synod, shall appoint a Diocesan Administrative Secretary to assist him in the administrative work of the Diocese and to carry out such other functions in addition to those set out hereunder and as may be assigned to him by the Standing Committee of Synod. The functions of the Administrative Secretary shall be prescribed by Canon.

5. ON VICAR-GENERAL

The Diocesan Bishop on assuming the responsibilities of the office shall appoint a Vicar-General who may also be an Archdeacon in the Diocese, who shall hold office as such until the Bishop shall terminate his appointment or has accepted his resignation. The functions of the Vicar-General shall be described by a Rule.

6. ON DIOCESAN REGISTRAR OF PROPERTY

There shall be a Diocesan Registrar of Property hereinafter called "the Registrar" who shall be appointed by the Bishop after prior consultation with the Standing Committee of Synod, whose function shall be to manage the property of the Diocese under the direction of the Diocesan Property Committee. The Registrar of Property shall be by virtue of his office be member of the Diocesan Property Committee.

ARTICLE VI ON DIOCESAN SYNOD

1. THE COMPOSITION OF THE SYNOD

The Synod shall consist of:-

- a) The Bishop of the Diocese.
- b) The **HOUSE OF CLERGY**, which shall comprise:

- i) all other Bishops, Co-adjutor, Suffragan, or Assistant;
- ii) all Priests and Deacons licensed in the Diocese and serving full time as parish priests, curates or deacons in the Diocese;
- iii) not more than four (4) priests resident in the Diocese appointed by the Bishop in consultation with the Standing Committee.

The Clergy shall elect one of their number to be the Chairperson of the House of Clergy.

c) The **HOUSE OF LAITY**, which shall comprise of:

- i) The Diocesan Chancellor;
- ii) The Diocesan Treasurer;
- iii) All other lay officers of the Diocese;
- iv) Such other eligible and duly elected lay persons representing the several parishes within the Diocese in such numbers as are prescribed by Regulation;
- v) The diocesan chairpersons of the various departments in the diocese;
- vi) Such other eligible laypersons as may be invited by the Bishop or the Standing Committee of Synod pursuant to Regulation II hereof.

The Laity shall elect one of their number to be the Chairperson of the House of Laity.

ARTICLE VII ON POWERS OF SYNOD

The Synod has power to enact Articles and regulations for the management of the affairs of the Diocese, in conformity with the Provincial Constitution.

ARTICLE VIII ON SESSIONS OF THE SYNOD

1. ON CONVENING SYNOD:

The Synod shall be convened at such time and place, as the Bishop shall appoint.

2. ON ORDINARY SESSION:

Ordinary Session of Synod shall be held once in every Two (2) years.

3. ON SPECIAL SESSION:

Special Sessions of Synod may be convened by the Bishop at his discretion and must be convened by him if requested by at least two thirds (2/3) the Standing Committee of Synod so to do.

4. ON CHAIRPERSON OF SYNOD:

The Bishop shall be the Chairman of Synod. At each Ordinary Session of the Synod any member of the Synod shall be elected as Vice-Chairperson of Synod to act when the Bishop is not present or decides for any reason not to take the Chair.

5. ON INABILITY OF BISHOP AND VICE-CHAIRPERSON TO TAKE CHAIR OR ABSENCE

If both the Bishop and the Vice-Chairperson are absent or are otherwise unwilling or unable to take the Chair, Synod shall elect a Chairperson from among its members to preside until the Bishop or Vice-Chairperson is able and willing to act.

6. ON VOTING RIGHTS OF BISHOP, VICE-CHAIRPERSON AND DEPUTY CHAIRPERSON

The rights of the Bishop, Vice-Chairperson and Deputy Chairperson to vote shall be prescribed by Regulation.

7. ON HOUSES OF CLERGY AND OF LAITY

The Bishop, the House of Clergy and the House of Laity shall sit together at each meeting of any session for transaction of business and debate. If a majority of members of either House shall require opportunity for separate deliberation such opportunity shall be given as soon as practicable. The Session of the Synod shall be suspended for the purpose of such separate deliberation. Any regulation passed by either House alone shall only have the effect of a recommendation to Synod.

8. ON VOTING OF HOUSES OF CLERGY AND LAITY

The House of Clergy and the House of Laity shall ordinarily vote together. But if any member shall before the motion is put, request a vote by House, his/her request shall be granted provided he/she is supported by at least one third (1/3) of the members of his/her House.

9. ON VALIDITY OF A MOTION

Any valid motion which has received the required majority of the Clerical and Lay representatives present in Synod, and voting together or by Houses as the case may be, shall be deemed to be an act of Synod, provided always that it shall have received the assent of the Bishop. The Synod shall by a Regulation determine the time and manner in which the Bishop's prerogative of assenting or dissenting shall be exercised.

10. ON COLLECTIVE RESPONSIBILITY

All members of the Synod, Standing Committee of Synod and all other Diocesan Boards and Committees are bound by the principle of collective responsibility. In view of this they may not divulge the proceedings or decisions of Synod, Standing Committee of Synod or any other Diocesan Board or Committee, as the case may be to the media or the general public. Collective responsibility means that a member of Synod, Standing Committee of Synod or any other Diocesan Board or Committee shall be bound by the decision of the majority notwithstanding that such member may have voted against such decision. It shall be the responsibility of the Diocesan Bishop or a person authorized by the Diocesan Bishop to issue statements to the media or general public.

11. Minutes of all sessions of the Diocesan Synod shall be sent to the Province.

ARTICLE IX ON STANDING COMMITTEE OF SYNOD

1. ESTABLISHMENT

There shall be a Standing Committee of Synod (in this Constitution referred to as "the Standing Committee"), which shall act as the Synod's executive body in between Sessions.

2. COMPOSITION

Membership of the Standing Committee shall consist of ex-officio, elected, appointed and co-opted.

a) The Ex-officio members shall be:-

- i) The Bishop who shall be the Chairman;
- ii) The Vice-Chairperson of Synod who shall be the Vice-Chairperson of The Standing Committee of Synod
- iii) All other bishops: Co-adjutor, Suffragan and Assistant;
- iv) The Archdeacon or Archdeacons.
- v) The Dean or Provost;
- vi) The Chancellor of the Diocese;
- vii) The Diocesan Registrar if there be such;
- viii) The Clerical and Lay Secretaries of the Synod who shall be the Secretaries of the Standing Committee.

- ix) The Diocesan Honorary Treasurer.
- x) The Diocesan Administrative Secretary
- b) Elected Members**
The elected members shall be Six (6) Priests and Six (6) Lay Persons elected by the Synod at each Ordinary Session.
- c) Appointed Members**
The appointed members shall be not more than six (6) lay persons appointed by the Bishop at his own discretion, eligible under Regulation I herein.
- d) Co-opted Members**
The Standing Committee may co-opt up to four (4) Laypersons eligible under Regulation I herein.

3. TRANSACTION OF BUSINESS

The business of the meeting shall only be transacted when one third (1/3) of the members of the house of clergy and one third (1/3) of the members of the house of laity are present.

4. FUNCTIONS OF THE STANDING COMMITTEE OF SYNOD

- a). The Standing Committee shall consider such matters as may be referred to it by:-
 - i) The Provincial Synod or its Standing Committee;
 - ii) The Diocesan Synod;
 - iii) The Church Commissioners for Kenya;
 - iv) Any Provincial or Inter-diocesan Board, Council or any other ecclesiastical body such as Archidiaconal, Rural diaconal, Parochial or any other eligible committee.
 - v) To receive, consider and act on reports and recommendations from all Diocesan Boards and Committees
- b) The Standing Committee shall fill in the Diocese any such vacancies as they occur in between the sessions of the Synod:-
 - i) In the Standing Committee's membership,
 - ii) In any Diocesan Board to which appointments are made by the Standing Committee of Synod.
 - iii) In any Provincial or inter-Diocesan Boards, Councils or other bodies to which the Standing Committee of Synod makes appointments.

- iv) The Standing Committee of Synod or the Diocesan Bishop may create a sub or ad-hoc committee to carry out a specific mandate

5. ON THE MINUTES OF THE STANDING COMMITTEE

The Minutes of the Standing Committee shall be submitted to the Synod for record and for any necessary action.

ARTICLE X ON DIOCESAN BOARDS

1. BOARD OF FINANCE

There shall be a Diocesan Board of Finance (hereinafter called "the Board of Finance" which Board shall be appointed by the Standing Committee of Synod.

a) COMPOSITION

The Board of Finance shall comprise of the following membership:-

- i) The Bishop.
- ii) The Chairperson, who shall be a Layperson appointed by the Bishop.
- iii) The Vicar General
- iv) The Archdeacon or Archdeacons of the Diocese.
- v) The Honorary Treasurer of the Diocese
- vi) The Lay Secretary of the Synod.
- vii) The Clerical Secretary of the Synod.
- viii) Two (2) Priests and Two (2) lay persons appointed by the Standing Committee of Synod.
- ix) Not more than Five (5) lay persons eligible under REGULATION 1 co-opted by the Board of Finance.
- x) The Board shall elect from amongst its members a Vice-Chairperson who shall be a Layperson.
- xi) The Administrative Secretary of the Diocese or if there is no such a person, the Lay Secretary of the Synod shall ordinarily be the Secretary thereof.

NB. The Diocesan Accountant or any person fulfilling the functions of that office shall be in attendance at the Board of Finance meeting, but shall have no vote.

b) FUNCTIONS OF THE BOARD OF FINANCE

It shall be the duty of the Board of Finance to undertake the following:

- i) To advise the Synod and the Standing Committee of Synod on all matters concerning the monetary support of the work of the Diocese;
- ii) To implement decisions in regard to fiscal policy made from time to time by the Synod or the Standing Committee of Synod;
- iii) To administer the Diocesan Accounts and to ensure that they are kept properly and up-to-date;
- iv) To arrange for the annual audit of the Diocesan Accounts and not later than six (6) months after the end of the financial year of the Diocese to present the said audited accounts for the preceding financial year to the Standing Committee of Synod;
- v) To raise funds by levying of Diocesan quota from the parishes and Diocesan institutions within the Diocesan jurisdiction or otherwise;
- vi) To prepare and not later than Three (3) months before the end of the financial year and to present to the Standing Committee a budget of income and expenditure for the forthcoming year and to submit the copies of the said budget to the Provincial Board of Finance and to the Church Commissioners for Kenya;
- vii) To receive, examine and scrutinize the audited accounts from several and each parish in the Diocese including those of the Departments;
- viii) To arrange and to facilitate the annual auditing of parochial accounts and Departments within the Diocese;
- ix) To report immediately to the Bishop any suspected financial irregularities in the finances or business of the Diocese and where necessary to arrange for investigation to be made thereof;
- x) To see to it that regular instruction in the principles of Christian stewardship is given to all members of the Church within the Diocese;
- xi) To submit an annual report on the financial state of the Diocese with the audited accounts to the Archbishop and Provincial

Treasurer with a copy to the Church Commissioners for Kenya.

- xii) To appoint members to appropriate Boards and committees and to co-ordinate activities of the committees under it.

c) MINUTES OF THE BOARD OF FINANCE

The Minutes of the meetings of the Board of Finance and statements of account shall be submitted to the Synod for record and for any necessary action.

I) THE BUDGET COMMITTEE

There shall be a budget committee

a) MEMBERSHIP

- i) The Diocesan Bishop
- ii) The Vicar General,
- iii) The Administrative Secretary
- iv) The Honorary Treasurer of the Diocese
- v) The Accountant
- vi) Two laymen appointed by the Board of Finance
- vii) The Bishop will appoint a Chairperson of the Committee who shall be a layperson

b) FUNCTIONS

To receive, consider, alter, approve, all draft budgets from various committees of the Diocese and to prepare the final draft budget for presentation to the Board of Finance.

II) THE APPOINTMENTS COMMITTEE

There shall be a diocesan appointments committee as herein stipulated.

a) MEMBERSHIP

- i) The Bishop who shall be the Chairperson
- ii) The Vicar General
- iii) The Diocesan Chancellor
- iv) The Honorary Treasurer
- v) The Lay Secretary
- vi) The Clerical Secretary
- vii) The Administrative Secretary

- viii) Two Archdeacons and two laypersons appointed by the Board
- ix) At least two representatives of Boards or committees (when interview of their respective workers are to be done by the committee) who shall attend the meeting at the invitation of the Chairperson.

b) FUNCTIONS

- i) To advise the Bishop on the appointment of full time lay workers in the Diocese.
- ii) To advertise, shortlist, interview and recommend for appointment any suitably qualified layperson or clergy to serve in senior positions in the Diocese on full time basis.
- iii) To advise the Bishop on the job description for Diocesan Workers.
- iv) To review from time to time the terms of service for Diocesan workers on behalf of the Standing Committee of Synod.
- v) To review the performance of each employee from time to time and to recommend any action to be take where necessary.

III) THE STEWARDSHIP COMMITTEE

a) MEMBERSHIP

- i) The Chairperson appointed by the Diocesan Bishop
- ii) The Vicar General
- iii) The Administrative Secretary
- iv) The Diocesan Treasurer
- v) The Chairperson of the Diocesan Board of Finance
- vi) The Finance Officer of the Diocese
- vii) Two Archdeacons appointed by the Bishop
- viii) Two (2) priests appointed by the Board of Finance
- ix) Two (2) Laymen appointed by the Standing Committee of Synod.
- x) Up to three (3) co-opted members by the Committee.

b) FUNCTIONS

- i) To arrange regular courses seminars etc. in principles of Christians Stewardship.
- ii) To prepare and distribute literature on Christian Stewardship.
- iii) To ensure that as many members of the church as possible receive regular instructions in Christian Stewardship.

- iv) To visit parishes that are lagging behind in their financial obligations and to encourage them to fulfill them.
- v) To organize any Diocesan fund raising activities in order to meet financial commitments of the Diocese.

IV) PROPERTY AND INVESTMENT COMMITTEE

a) MEMBERSHIP

- i) The Bishop or his nominee who shall be Chairperson
- ii) The Vicar General
- iii) Two Archdeacons appointed by the Bishop
- iv) The Administrative Secretary
- v) The Diocesan Honorary Treasurer
- vi) The Diocesan Accountant
- vii) Two (2) priests appointed by the Standing Committee of Synod
- viii) Five (5) Laypersons co-opted by the Committee

b) FUNCTIONS

- i) To ensure that all Diocesan properties are properly maintained;
- ii) On behalf of the Diocese to manage all Diocesan Properties ;
- iii) To be responsible for the purchase of any property that may be needed by the Diocese.
- iv) To arrange and organize supervision of any erection of any Diocesan buildings or other improvements.
- v) To ensure that all Diocesan properties are insured and that Land Rents and Rates are paid promptly.

- vi) To supervise the letting of any Diocesan properties that may be available for letting
- vii) To arrange for the allocation of Diocesan staff houses.
- ix) Ascertain that all properties in the Diocese have proper legal documents of ownership.

V) THE FACULTIES ADVISORY COMMITTEE

a) MEMBERSHIP

- i) The Bishop or his nominee who shall be the Chairperson
- ii) The Vicar General
- iii) The Archdeacons
- iv) The Diocesan building Consultant
- v) Two (2) priests appointed by the Standing Committee
- vi) Two (2) priests appointed by the Bishop
- vii) The Administrative Secretary
- viii) Three (3) Lay-persons appointed by the Standing Committee of Synod
- ix) The Diocesan Honorary Treasurer
- x) Up to four (4) other people co-opted by the Committee.

b) FUNCTIONS

- i) To formulate principles and policies which the Synod or its Standing Committee should follow in the construction of churches, vicarage, etc. for approval.
- ii) To give general advise to the Diocesan Building Consultant
- iii) To ensure that Diocesan-building projects approved by the Synod or its-Standing Committee are carried out.
- iv) To recommend building plans for churches and vicarages for approval by the Bishop.

- v) To carry out other functions related to building as may be requested by the Standing Committee of Synod.
- vi) To approve plans, to modify, or to alter, to extend or to demolish, any consecrated buildings in the Diocese.
- vi) To approve the appointment of all the architects or other professional persons for the church buildings including churches, church halls, vicarages, etc.

2. BOARD OF MISSION

PREAMBLE

There shall be a Board of Mission herein after referred to as the "Board". Its aim will be to encourage and strengthen the proclamation of the historical, Biblical Christ as Saviour and Lord throughout the Diocese with a view to persuading people to come to him personally to be reconciled to God.

a) MEMBERSHIP

The Board will have the following in its membership:

- i) The Bishop or his nominee who shall be its Chairperson.
- ii) The Vicar General
- iii) All the Archdeacons in the Diocese
- iv) Two (2) clergymen appointed by the Standing Committee of Synod.
- v) Up to two (2) laymen appointed by the Standing Committee of Synod.
- vi) The Administrative Secretary of the Diocese.
- vii) The Chairpersons of the Committees coordinated by the Board who shall be appointed by the Standing Committee of Synod.
- viii) All full time heads of departments of the Diocese whose work is coordinated by this Board.
- ix) Up to three (3) other co-opted persons by the Board.

b) FUNCTIONS

- i) To bring all people to a living relationship with God through Jesus Christ, through preaching, teaching, healing and social Transformation and enabling them to grow in faith and live life in its fullness

- ii) To receive, deliberate on and take any necessary actions on recommendations received from all the committees under this Board
- iii) To receive, deliberate on, alter and approve the budgets of all the committees under the Board
- iv) To appoint members to relevant committees and to coordinate all the activities of the committees under this Board.

I) EVANGELISM COMMITTEE

a) MEMBERSHIP

The members of this committee will be:

- i) A Chairperson appointed by the Diocesan Bishop
- ii) The Vicar General
- iii) The Administrative Secretary
- iv) The Communication Secretary
- v) All Archdeacons
- vi) Three Laymen appointed by the Board
- vii) Up to three co-opted members by the Committee

b) FUNCTIONS

- i) To encourage and strengthen the proclamation of the historical, Biblical Christ as Saviour and Lord throughout the Diocese with a view to persuading people to come to him personally and to be reconciled to God.
- ii) To take the initiative in organizing Diocesan Evangelistic Rallies or conventions in which the gospel is proclaimed powerfully with a view to winning men and women to Christ.
- iii) To organize refresher courses for the clergy on evangelism with a view to encouraging them to train others.
- iv) To organize seminars to train the laity in the art of personal evangelism.
- v) To receive reports from Deaneries and Parishes on Evangelistic activities
- vi) To ensure that special groups of people within the Diocese such as students, prisoners, the sick in hospitals, the civil servants etc. are being evangelized.

- vii) To carry out periodical surveys of the Diocese to ensure that as far as possible the command of Christ that the Gospel is to be preached to every person is being effectively carried out.
- viii) To teach and to encourage Christians to take seriously the missionary task of the church and to make them aware of their obligations to obey and as far as is possible to fulfill out Lord's Great Commission.

II) SUNDAY SCHOOL COMMITTEE

a) MEMBERSHIP

- i) A Chairperson appointed by the Diocesan Bishop
- ii) The Vicar General
- iii) The Administrative Secretary
- iv) The Sunday School Co-coordinator
- v) The Diocesan Youth Worker
- vi) The Education Secretary
- vii) Two (2) laymen appointed by the Standing Committee of Synod
- viii) Two (2) priests appointed by the Standing Committee of Synod
- ix) Up to four (4) co-opted members (preferably from superintendents in the Archdeaconry).

b) FUNCTIONS

- i) To co-ordinate the work of Sunday School in the Diocese.
- ii) To organize course for Sunday School teachers
- iii) To organize Diocesan Sunday School Rallies
- iv) To receive the report of the Diocesan Sunday School Adviser (if any)
- v) To prepare the budget for the Diocesan Sunday School for the ensuing year
- vi) To seek ways and means of raising funds for Diocesan Sunday School work
- vii) To seek ways and means of evangelizing Children within the Diocese.

III) BRIGADES (BOYS AND GIRLS) COMMITTEE

a) MEMBERSHIP

- i) A Chairperson appointed by the Diocesan Bishop
- ii) The Vicar General

- iii) One Archdeacon appointed by the Bishop
- iv) All Chairmen, Secretaries, and Treasurers of the Archdeaconries Committee
- v) The Diocesan Brigades Co-coordinator
- vi) Up to four (4) co-opted members
- vii) The secretary to be appointed from among its members.

b) FUNCTIONS

- i) To co-ordinate the work of the Archdeaconry Brigade Committees
- ii) To organize all Diocesan Brigade activities
- iii) To liaise with International and National Brigade Councils on matters of common interest.
- iv) Organize Brigade Sundays in the Diocese and raise funds for the department.

IV) MOTHERS UNION COMMITTEE (M.U.)

a) MEMBERSHIP

- i) The chairlady who will be the wife of the Diocesan Bishop or any other person appointed by the Diocesan Bishop.
- ii) The Mothers Union co-coordinator who will be appointed by the Diocesan Bishop and who will be the Secretary to the Committee.
- iii) The Treasurer who will be elected by the Mothers' Union committee.
- iv) One (1) member from each Deanery who shall be elected by the delegates from the deanery during the Diocesan Mothers' Union meeting.
- v) Up to three (3) members co-opted by the Committee.

b) FUNCTIONS

- i) To give general directives, instructions, policies and advice to the Diocesan Mothers Union Co-coordinator
- ii) To ensure that Mothers Union branches are started in all parishes and local churches throughout the Diocese and that they are functioning well.
- iii) To organize courses for parish Mothers Union leaders in consultation with the Diocesan Mothers Union Coordinator.

- iv) To organize courses for the members of the Mothers' Union as shall in consultation with the Diocesan Mothers Union coordinator.
- v) To organize Diocesan Mothers Union Rallies and Conferences as in consultation with the Diocesan Mothers Union coordinator.
- vi) To discuss and take necessary action on matters related to Mothers Union referred to it by the Provincial Mothers Union Committee.
- vii) To advise and encourage all Mothers Union leaders.
- viii) To seek ways and means of reaching women in the churches and villages within the Diocese.
- ix) To prepare the Budget for the Mothers' Union work for approval by the Board of Finance and to seek ways and means of raising funds for the Department.
- x) To arrange for the proper keeping of books of accounts and to present the audited accounts to the Board of Finance.
- xi) To present an Annual report of the Mothers' Union work to the Standing Committee of Synod.

V) KENYA ANGLICAN YOUTH ORGANIZATION COMMITTEE (KAYO)

a) MEMBERSHIP

- i) The members of this committee shall be:
- ii) The Chairperson shall be appointed by the Bishop
- iii) The Youth Secretary appointed by the Bishop
- iv) The Children's Department Co-ordinator
- v) The Education Secretary
- vi) A representative of each archdeaconry appointed by the archdiaconal council
- vii) Up to (5) co-opted members by the committee.

b) FUNCTIONS

- i) To give general, instructions, directives, policy and advise to the Diocesan Youth Secretary

- ii) To ensure that Church Youth Groups are started and are functioning well in the Diocese.
- iii) To organize Diocesan Youth Rallies, Conferences, Seminars and Festivals which will assist in the spiritual development of the youth.
- iv) To prepare a budget for youth work to be approved by the Board of Finance and the Standing Committee and operate the accounts within limits of the approved budget.
- v) To seek ways and means of raising funds for the Youth work.
- vi) To receive, discuss and take necessary action on matters related to the Youth referred to it by the Provincial Youth Committee, the NCKK and other National Christian Youth Organizations.
- vii) To advise, motivate and encourage Youth Workers.
- viii) Seek ways and means of reaching young people in schools and colleges within Diocese.

VI) KENYA ANGLICAN MEN'S ASSOCIATION COMMITTEE

There shall be a Kenya Anglican Men's association Committee in the Diocese

b) MEMBERSHIP

- i) A Chairperson appointed by the Bishop
- ii) The Vicar General
- iii) A representative from each Deanery elected by the Deanery Council
- iv) Three (3) priests appointed by the Board of Mission and Evangelism
- v) Up to Three (3) members co-opted by the Committee
- vi) The KAMA Coordinator appointed by the Bishop
- vii) One Archdeacon appointed by the Bishop

c) FUNCTIONS

- i) To periodically check and ensure that the aims and the objectives of the Kenya Anglican Men's Association in command of Christ are observed and preached to all Christian homes.
- ii) To maintain close relations with other Christian bodies within the diocese.
- iii) To give general guidance, instructions and advice to Kenya Anglican Men's Association worker.

- iv) To prepare a budget for Kenya Anglican Men's Association work and to present it to the Board of Finance for consideration, alteration and approval.
- v) To organize and publicize the activities of Kenya Anglican Men's Association and to encourage as many Christians Men as possible to be members.

VII) PASTORAL CARE COMMITTEE

a) MEMBERSHIP

- i) The Bishop or his nominee who shall be the Chairperson;
- ii) The Administrative Secretary who shall be the Secretary;
- iii) The Vicar General
- iv) The Canons;
- v) The Archdeacons;
- vi) The Provost;
- vii) The Clerical Secretary of Synod;
- viii) The Lay Secretary of Synod;
- ix) Two (2) Rural Deans and three (3) laypersons appointed by the Standing Committee of Synod.

b) FUNCTIONS

- i) To exercise a general watchfulness over the pastoral work of the Diocese and to ensure as may be possible that the flock of Christ is cared for and spiritually fed.
- ii) To advise the Bishop on the granting of Lay Readers licenses
- iii) To inform the Bishop of any irregularities and the life of the clergy or congregations that may have come to their notice, and may receive from the Bishop advance information as to any disciplinary action he may feel himself compelled to take against any Clergyman or lay person in the Diocese.
- iv) To advise the Bishop with regard to formation of new Parishes, Deaneries, or Archdeaconries or modification of boundaries between Parishes, Deaneries or Archdeaconries.
- v) To advise the Bishop concerning transfer and posting of clergy and other licensed workers within the Diocese.

VIII) HOSPITAL CHAPLAINCY COMMITTEE

a) MEMBERSHIP

- i) A Chairperson appointed by the Bishop
- ii) The Vicar General
- iii) The Diocesan Hospital Chaplains
- iv) The Community Health Coordinator (if any).
- v) The Archdeacons
- vi) The Vicars of Parishes nearest to the hospital
- vii) Three (3) Laypersons who have interest in hospital work appointed by the Board of Mission and Evangelism
- viii) Up to three (3) co-opted members by the Committee

b) FUNCTIONS

- i) To receive reports from the hospital chaplains and to advise them in their work.
- ii) To ensure that communicant patients in hospital within the Diocese are regularly visited and receive Holy Communion.
- iii) To ensure that suitable literature on hospitals medical information etc available for use by the chaplains.
- iv) To seek ways and means of helping patients who appear to be neglected by their relatives.
- v) To inform the parish priest nearest to the hospital of any patients who come to know the Lord while in hospital for follow up.
- vi) To seek other ways and means of improving the ministry to the sick in hospital and out patients in various medical institutions in the Diocese.

IX) BISHOP'S EXAMINING CHAPLAINS

a) MEMBERSHIP

- i) The Bishop or his nominee who shall be the Chairperson
- ii) The Vicar General who will be the Chairperson or any other Person appointed to Chair by the Diocesan Bishop
- iii) All Archdeacons
- iv) The Administrative Secretary
- v) Three (3) senior clergy appointed by the Standing Committee of Synod.

- vi) Three lay persons appointed by the Standing Committee of Synod.

b) FUNCTIONS

- i) To receive recommendations of suitable candidates for the ministry from local churches and parishes, to interview and recommend such candidates to the Bishop who shall make the decision at his own discretion.
- ii) To take initiative in encouraging suitably qualified people to take interest in the ministry of the church.
- iii) To receive reports of the progress made by the candidates during the period of training.
- iv) At the end of the period of training to recommend to the Bishop those who have been found fit to be admitted to the Ministry without prejudice to the Bishop's final authority in all matters related to ordination.
- v) To interview examine and recommend to the Bishop such clergy and other lay licensed workers from outside the Diocese who have applied for employment in the Diocese.

X) THE CATHEDRAL CHAPTER

There shall be a Cathedral Chapter as established under Supplement I of this Constitution.

3. BOARD OF SOCIAL SERVICES

There shall be a Board of Social Services in the Diocese herein after referred to as the "Board" whose aim shall be to Co-Ordinate and Social development work in the Diocese.

a) MEMBERSHIP

The Board shall be composed of:-

- i) The Bishop or his appointee, who shall be the Chairperson;
- ii) The Vicar General;
- iii) The Administrative Secretary;
- iv) The Development Co-ordinator who shall be the secretary to the Board;.
- v) The Diocesan Honorary Treasurer;

- vi) The Chairperson of the Diocesan Board of Finance;

- vii) The Diocesan Chancellor;
- viii) Four (4) laymen appointed by the Standing Committee of Synod;
- ix) Two (2) clergymen appointed by the Standing Committee of Synod;
- x) Not more than three (3) other people co-opted by the Board. (Preferably from the Diocesan Institutions).

b) FUNCTIONS

It shall be the duty of the Board of Social Services to:-

- i) To collaborate with other relevant Boards or Committees in the Diocese to initiate relevant surveys and research within the Diocese in order to embark on new development projects.
- ii) In co-operation with the state, Local authorities and other relevant agencies, develop such long-term policies and plans for social and economic development of the peoples of the Diocese.
- iii) Co-ordinate and oversee the work of the committees within the Board. These Committees are:-
 - a) Community Health Committee
 - b) Social Welfare
 - c) Development
 - d) Micro Finance
 - e) Research Unit
 - f) Justice and Peace.

I) COMMUNITY HEALTH COMMITTEE

a) MEMBERSHIP

- i) A Chairperson appointed by the Bishop
- ii) The Development Coordinator of the Diocese.
- iii) Diocesan Health work advisor.
- iv) Four (4) Laypersons in health profession appointed by the Standing Committee of Synod
- v) Hospital Chaplains.
- vi) Diocesan Health Center Directors.
- vii) Two (2) Priests appointed by the Standing Committee.

viii) Up to three (3) members co-opted by the Committee.

b) FUNCTIONS

- i) Oversee and supervise the work of the clinics in the Diocese.
- ii) Organize seminars and other such meetings to educate the Christians on issues of health.
- iii) Interview, vet and monitor any new medical project starting in the Diocese.
- iv) Recommend after thorough investigation and examination, retirement of Diocesan workers on medical grounds.
- v) Give medical Advise to the Synod on day to day happening in the medical world.

II) SOCIAL WELFARE COMMITTEE

a) MEMBERSHIP

- i) The Chairperson appointed by the Bishop
- ii) The Vicar General
- iii) Up to six (6) members appointed by the Board
- iv) The manager and or warden.
- v) The Administrative Secretary
- vi) Two (2) Priests appointed by the Standing Committee of Synod.
- vii) Not more than for (4) laypersons co-opted by the Committee.

b) FUNCTIONS

- i) The main function of this committee will be to determine the terms of reference of each institution under its jurisdiction.
- ii) It will oversee the work of all the institutions started in the Diocese or within the Parishes to see that they are being good stewards of their resources.
- iii) Ensure the well being of the Institution by maintaining good working relationship within their establishment.

4. BOARD OF THEOLOGICAL EDUCATION AND TRAINING

There shall be A Board of Theological Education and Training therein after referred to as the (“Board”) whose aims and purposes will concern matters of training, equipping and capacity building of church personnel for effective ministry in the church.

a) MEMBERSHIP

- i) The Board shall be composed of:
- ii) The Bishop or his nominee who shall be the Chairperson.
- iii) The Vicar General.
- iv) Three (3) Priests who are holders of a theological degree from a recognized university, appointed by the Bishop.
- v) The Director of Theological Education by Extension (TEE).
- vi) The principal of the Diocesan Bible School (if any)
- vii) Religious Education Advisors
- viii) Three (3) laymen who have an interest in Theology or Liturgy appointed by the Bishop.
- ix) Two (2) laypersons co-opted by the Board.
- x) The Education Secretary

The Board shall co-ordinate the work of the following committees.

I) THEOLOGICAL EDUCATION BY EXTENSION (TEE) COMMITTEE

It is to be noted that there are two TEE levels of study in the Diocese, Diploma and Parish level.

In order to have smooth working relationship there shall be one committee to run both levels and working teams (selected from the main committee) to run each level.

a) MEMBERSHIP

- i) A Chairperson appointed by the Bishop
- ii) The Vicar General
- iii) The Administrative Secretary
- iv) The Directors of Theological Education by Extension (Diploma and Parish levels)

- v) The Principal (if any)
- vi) Education Secretary
- vii) The (3) priests appointed by the Board

- viii) A layperson from each Archdeaconry
- ix) Up to Three (3) co-opted members by the Committee.

b) FUNCTIONS

- i) To give general advise, guidance, instructions and policy to the T.E.E. Programme Director.
- ii) To recommend to the Board, policies to guide the TEE Programme.
- iii) To draft budget for the TEE program for the ensuing year for approval by the Board of Finance and to operate within the approved budget.
- iv) To receive and act on reports received from the Director of the T.E.E Programme
- v) To seek ways and means of promoting TEE to various people in the Diocese.

II THEOLOGICAL AND LITURGICAL COMMITTEE

a) MEMBERSHIP

- i) The Bishop who shall be the Chairperson or his nominee who shall be the Chairperson
- ii) The Vicar General
- iii) Religious Education Advisors
- iv) TEE Directors
- v) The Principal (if any)
- vi) Three (3) priests appointed by the Board
- vii) Three (3) Laymen who have an interest in Theology
- viii) Up to five (5) members co-opted by the committee of which two (2) have a degree in Theology.

b) FUNCTIONS

- i) To discuss matters of liturgical or theological importance referred to it by the Provincial Theological and Liturgical Committee and by the Anglican Consultative Council.

- ii) To study and discuss current Theological or Liturgical debate and controversial issues and to advise the Diocese on the stand to be taken and where though fit, to prepare memorandum on any matters of liturgical or theological importance for submission (if approved by the standing committee) to the Provincial Theological and Liturgical committee to obtain the guidance of that Committee.
- iii) To seek ways and means of helping the clergy in enlarging their knowledge in theology.
- iv) To receive regular reports from Bible School, Lay Training and TEE committees and to give those committees advice on Theological and Liturgical issues.
- v) To seek ways and means of helping religious Education advisors in the Diocese in enlarging their Theological knowledge.
- vi) To draft liturgies for special, optional or experimental use in the Diocese (in accordance with and subject to Articles XVI) for such matters as Eucharist's, Dedication of Church building, confirmation etc.
- vii) To encourage potential writers to write theological books on relevant issues.

III) THEOLOGICAL TRAINING COMMITTEE

a) MEMBERSHIP

- i) The Bishop who shall be the Chairperson or his nominee who shall be the Chairperson
- ii) The Vicar General
- iii) All The Archdeacons
- iv) The Administrative Secretary
- v) Three (3) senior clergy appointed by the Board
- vi) Up to two (2) Co-opted members.

b) FUNCTIONS

- i) To review the theological and other training of the in-service staff.
- ii) To determine the education requirement of every staff and to advise the Diocese on the future requirement in terms of personnel.

- iii) To review through study and investigation the standards of the theological colleges and advise the Bishop of the same.
- iv) To investigate and advise the Bishop of any contrary practice and teaching by the staff within the Diocese or of any new doctrine circulating within the Diocese either within the Church or in other Churches.
- v) To organize such seminars and talks of theological nature so as to benefit the serving clergy.
- vi) To advise the Diocesan Bishop on the issue of Diocesan resource center or a Bible training center and/or on Bible College.

IV) THEOLOGICAL FRATERNITY

THE Committee should within itself set up a working group that will facilitate a “Theological Fraternity”, which will be a forum to encourage creative theological thinking and reflections on various contextual issues; facilitate writing of papers, periodicals and pamphlets on the same issues.

V) FORMAL AND INFORMAL EDUCATION COMMITTEE

PREAMBLE

There shall be a committee whose aim will be to co-ordinate formal and informal Education in the Diocese.

a) MEMBERSHIP

- i) The Bishop who shall be the Chairperson or his nominee who shall be the Chairperson
- ii) The Vicar General
- iii) The Education Secretary who shall be the Secretary of the Committee
- iv) Three (3) Priest appointed by the Standing Committee
- v) Three (3) laymen appointed by the Standing Committee

- vi) Two (2) head of Secondary Schools, one of who shall be a Head of a managed School appointed by the Bishop
- vii) Two (2) Headmasters of Primary School sponsored by the Board and appointed by the Bishop
- viii) Up to four (4) co-opted members
- ix) Up to two (2) Religious Education Advisors
- x) The Diocesan Administrative Secretary.

b) FUNCTIONS

- i) To manage the Church assisted and the Church aided Primary and Secondary Schools on behalf of the Bishop.
- ii) To ensure that the Sponsorship of Primary Schools, and aided Secondary Schools is effective.
- iii) To encourage local initiative in opening new Schools while giving counsel to the existing ones.
- iv) To give general guidance to the Education Secretary and Religious Education Advisors.
- v) To ensure that the tradition of the Church of the Province is maintained in sponsored and managed Schools.
- vi) To seek ways and means of supporting and influencing those in authority in their efforts to improve the Standard and quality of Education and in making it relevant to Nation Building.
- vii) To seek ways and means of having effective pastoral and spiritual ministry among the teachers and pupils in schools and other institutions of learning.
- viii) To prepare the Budget for the Diocesan Board of Finance.
- ix) To submit the books of accounts to auditors approved by the Board of Finance.
- x) To appoint a full time worker suitably qualified, selected and appointed to co-ordinate education work in the Diocese.

5 BOARD OF COMMUNICATION

There shall be a Diocesan Board of Communication (hereinafter referred to as the Board) whose aims and purposes will be to co-ordinate communication activities in the Diocese.

a) MEMBERSHIP

The Board shall be composed of:-

- i) The Chairperson who shall be the Diocesan Bishop or his nominee.
- ii) The Vicar General

- iii) The Diocesan Administrative secretary
- iv) Diocesan Honorary Treasurer
- v) Four (4) other members appointed by the Standing Committee of Synod
- vi) Not more than four co-opted members by the Board

PURPOSE

The main purpose of the Board will be to inform and educate the Christians in the Diocese on achievements, present activities and future plans; so that all believers are well informed about the life of the church within the Diocese.

It shall also promote music and drama as a way of communicating the gospel throughout the Diocese.

The Board shall co-ordinate the activities of the following committees:

1. Print media committee
2. Electronic media committee
3. Public relations committee.
4. Drama and Music committee.

I) PRINT MEDIA COMMITTEE

This committee will be responsible for the supervision, the sale and promotion of Christian literature. In view of this the committee will:

- i) Establish bookshops and bookstalls within the Diocese.
- ii) Encourage talented people to write books in promotion of Christian faith.
- iii) Promote the study of the Bible by individual Christians and groups using appropriate materials.
- iv) Publish a regular Diocesan newsletter.

II) ELECTRONIC MEDIA COMMITTEE

The Electronic Media Committee will be responsible for all communication matters in the Diocese through:-

- i) Cassette Ministry
- ii) Film shows
- iii) Videos
- iv) Radio and Television

The committee will also keep abreast with other modern electronic media technology with the aim of tapping it for use in communicating the gospel.

The committee will also be responsible in availing training to people so as to prepare them so as to produce and prepare programs through the media mentioned.

The committee will liaise with the already established Electronic media networks so as to see how best to make use of their establishments for the promotion of the gospel.

The committee will adopt as a high priority plans to establish a Diocesan studio.

III) PUBLIC RELATIONS COMMITTEE

The Public Relations Committee will be responsible for promoting good public relations between the church and the public at large.

To this end the committee shall:-

- (a) Prepare press statements on matters of great concern in the diocese and the nation on behalf of the Bishop.
- (b) Participate in the Agricultural Shows on behalf of the Diocese in order to show the public the ministry and work of the Diocese.

IV) DRAMA AND MUSIC COMMITTEE

Drama and Music committee shall promote the communication of the gospel drama and music. To this end the committee shall:-

- a) Prepare a hymnbook for use in the Diocese using suitable African tunes and music that reflect African culture to enhance worship.
- b) Promote good singing in our churches by organizing music festivals.
- c) (Promote communication of the gospel by organizing drama festivals at all Diocesan levels; as well as encourage use of drama in church during Sunday services and other worship times.

The committee should have a liturgist who will give advise from time to time to the Diocese on liturgy for all special services.

V) MEMBERSHIP OF COMMITTEES

The Board shall appoint from its members persons with special interest in field of the committee; a Chairperson, a Treasurer and Secretary to the four committees.

The Board shall also appoint four (4) other members to the committees.

The constituted committee will co-opt not more than three (3) other members.

VI) FULL TIME WORKERS

The Board is urged to have within its establishment the following full time workers.

- 1 Director of Communication.
- 2 Managers of Bookshops.
- 3 Editors of Newsletters
- 4 Press Officers
- 5 Electronic Technicians (Filming and video)
- 6 Liturgists

ARTICLE XI ON LANGUAGE

The Minutes of the Synod, the Standing Committee and of all Diocesan Boards and Committees shall be kept in The English language.

ARTICLE XII ON BISHOP'S COMMISSARY

The Bishop may appoint a Commissary or Commissaries to act as his representatives outside the Diocese and in relation to other parts of the Anglican Communion. Such a Commissary or Commissaries as the case may be, shall have no office or jurisdiction within the Diocese.

ARTICLE XIII ON REMUNERATION

1. BASIC SALARIES

The Bishop and all other persons in full-time employment of the Diocese shall be duly paid stipends of the basic salary and other allowances pertaining thereto in relation to individual employee's in accordance with the type of service and scale as are stipulated in the appointment terms of service, and due on every calendar working month as it shall be approved by the Standing Committee of Synod from time to time.

2. TRAVEL ALLOWANCES

Clerical and Lay Secretaries of Synod, the Diocesan Treasurer and the Chancellor of the Diocese shall be entitled to the payment of travel allowances in their respective travels in execution of their duties.

ARTICLE XIV ON REVISION OF THE ARTICLES

1. NOTICE OF MOTION

Notice of a motion for the alteration of any of the Articles whether by way of repeal, amendment or addition (including the text of the proposed alteration, amendment or addition) must be sent to all members of the Synod not less than Three (3) calendar months before the date of the Session at which it is intended to be considered.

2. PROPOSING AND SECONDING A MOTION

Any such motion when brought, proposed and seconded shall be passed at a single Session of the Synod; if it receives the approval of a majority of the Three-fourths (3/4) of the members of the Synod present and voting on the alteration, repeal, amendment or addition as the case may be.

3. RATIFICATION OF AN ALTERATION OF ARTICLE

Any such alteration in the Articles of the Diocese shall be subject to ratification by the Provincial Synod in accordance with its standing orders and rules.

ARTICLE XV ON REVISION OF REGULATIONS

Any Regulation may be altered by a Two thirds (2/3) of the members at one Session of the Synod with the assent of the Bishop, provided that notice of the proposal to alter the Regulation (including the text of the proposed alteration) shall have been duly given in terms of Regulation III of this Constitution. The Standing Committee may be with a Two Thirds (2/3) majority at a single Session make and approve temporary regulations or make temporary amendments to existing regulations provided that these do not affect the principles set out in this Constitution. Regulations and amendments so made shall be set out in the Order Paper of the next Meeting of the Synod for ratification. Should such temporary regulations fail to secure ratification they shall forthwith lapse.

ARTICLE XVI ON DOCTRINE, WORSHIP AND LITURGY

WHEREAS the Diocese is an integral part of the Anglican Church of Kenya, the Diocese assents and prescribes to Article III of the Provincial Constitution on Doctrine and Worship and Article V thereof on the Liturgy of the Church.

ARTICLE XVII ON THE VALUE AND DIGNITY OF MAN

By virtue of the Diocese being an integral part of the Anglican Church of Kenya, the Diocese assents and prescribes to Article IV of the Provincial Constitution on the value and dignity of man.

ARTICLE XVIII ON TRUSTEES

1. IMMOVEABLE PROPERTY

- a) All immovable properties of the diocese shall be vested in the Church Commissioners for Kenya or in the Registered Trustees Diocese of Thika.
- b) The original titles to all immovable properties shall be deposited with the Church Commissioners for Kenya or with the Diocese Of Thika as the case may be.

2. MAKING OF GIFT OR BEQUEST

- a) Whenever any person or group of persons or any corporate body makes a gift or bequest in respect of moveable or immoveable property to any local Church in the Diocese or to the Diocese itself, the said gift or bequest shall be deemed to have been duly given and received.
- b) The Donor of such gift or bequest shall without undue delay and in any event not later than Ninety (90) days from the date the gift or bequest is made cause the registration of said gift or bequest in the appropriate registry in the name of the local Church (in the case of moveable property) and in the name of the Church Commissioners for Kenya or the Registered Trustees Diocese of Thika (in the case of immoveable property).

ARTICLE XIX TRANSITIONAL PROVISIONS

- 1 All Rules, Regulations and Acts of Synod shall, so far as the same have not been replaced by or under the provision of this Constitution, and so far as the same are not inconsistent therewith or with the Provincial Constitution have effect and be deemed to have been made under this Constitution and shall accordingly continue in full force and effect within this Diocese until replaced under the provisions of this Constitution and shall be construed with such modifications, adoptions, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.
- 2 Where any office has been established by or under the provisions of the former Constitution of this Diocese (including any Rules or Regulations made there under), which this Constitution now replaces, and this Constitution establishes or provides for the establishment of a similar or an equivalent office any person who immediately before the date of the former office shall, so far as is consistent with the provisions of this Constitution shall hold office accordingly until the appointment of a new holder of the office, or his office is terminated, in accordance with the provisions of this Constitution.
- 3 Where any office has been established by or under the provisions of the Constitution of the said Diocese or any such Canon, Rule, Regulation Act or Resolution of Synod as aforesaid and this Constitution establishes or provides for the establishment of a similar or an equivalent office not being the office of Diocesan Bishop, Diocesan Chancellor, Vicar General, Diocesan Treasurer or Clerical or Lay Secretaries of Synod any person who, immediately before the date of the coming into force of this Constitution, holds or is acting in the former office shall, so far as is consistent with the provisions of this Constitution, be deemed as from the date of coming into force of this Constitution to have been appointed, elected or otherwise selected to or to act in the said office in accordance with the provisions of this Constitution or of any such Canon, Rule, Regulation Act or Resolution of Synod as aforesaid, and shall act in his office accordingly until the appointment of a new holder of the office in accordance with the provisions of this Constitution.

II. CANONS

CANON I OF THE DIVISION OF A DIOCESE AND RELATED MATTERS.

1. Any proposal for the division of the Diocese or for the re-arrangement of the territorial limits of the Diocese and any other Diocese(s) whether by revision of any boundary common to them or otherwise or for the amalgamation of the Diocese with any other Diocese(s) shall be submitted to the Synod of the Diocese and of each of the Diocese(s) concerned for consideration.
2. If approved in principle by the Synod or Synods concerned, the proposal shall be submitted by the Bishop of the Diocese and of each of the Dioceses concerned to the Archbishop in the form of a written substantive proposal drafted with the advice of the Diocesan Chancellor(s) signed by him or them and containing:
 - a) a copy of the relevant resolution of the Synod of the Diocese or of each of the Dioceses concerned;
 - b) all such information as shall be requisite clearly to show that the proposed change is necessary, that substantial spiritual benefits and administrative or financial advantages may reasonably be expected to accrue there from and, in the case of any change involving the division of the Diocese or a reduction in its territorial limits, that each of the proposed new Dioceses or (as the case may be) the residual Diocese will be spiritually, administratively and financially viable;
 - c) a statement clearly stating how the Diocesan Synod or Synods have agreed on the Division of Assets and Liabilities of the Diocese or Dioceses to be divided.
 - d) a map showing the proposed new boundaries of the Diocese or Dioceses concerned;
 - e) in the case of a division of the Diocese, a statement by the Bishop of the Diocese stipulating which part of the Diocese he intends to retain within his own jurisdiction, and which part or parts he intends not so to retain;
 - f) in the case of a division of the Diocese or the amalgamation of the Diocese with any other Diocese(s), a draft of the proposed Constitution of the new Diocese or of each of the new Dioceses concerned;
 - g) in the case of an amalgamation of the Diocese with any other Diocese(s), the written resignation of the Bishop of each of the Dioceses concerned, made conditional upon the proposal being approved in the manner hereinafter mentioned, and
 - h) such further information as may be considered requisite.
3. The Archbishop shall consult the Provincial Chancellor and as soon as may be practicable after the receipt of the proposal, send a copy to all the Diocesan Bishops who are not signatories thereto for their consideration and shall request them to communicate to him their views thereon and may also request them to give him such advice or other assistance as the Archbishop may see fit.
4. The Archbishop shall communicate to the Bishop of the Diocese and of each of the Dioceses with which the proposal is concerned, any objections, criticisms, suggestions or questions raised, made or asked by any of the other Diocesan Bishops or the Provincial Chancellor or by the Archbishop himself and request him or them to send him their comments thereon.

5. In the event that any such objection, criticism, suggestion or question shall be, or relate to, or raise a matter, of such fundamental importance that the validity of the proposal is, in the view of the Archbishop or of a majority of the Diocesan Bishops, impeached or gravely prejudiced, the Archbishop shall instruct the Bishop of the Diocese or of each of the Dioceses concerned to submit the matter to the Diocesan Synod or to respective Diocesan Synods to consider whether the proposal should be prosecuted, or should be withdrawn, or modified in some appropriate manner and to inform him of the decision of the Diocesan Synod(s).
6. The Archbishop shall communicate to all the other Diocesan Bishops the reply received by him from the Bishop of the Diocese or of each of the Dioceses concerned, and shall invite their further views or other advice as he may see fit, and shall continue this process of consultation and enquiry until the proposal shall have been approved by the Archbishop and a majority of the Diocesan Bishops (exclusive of the Bishop of the Diocese or of each of the Dioceses concerned) or shall have been withdrawn.
7. In the event that, upon the proposal being submitted to it upon the instruction of the Archbishop as aforesaid, the Synod of the Diocese or of any one or more of the Dioceses concerned shall resolve that the proposal should be modified, the original proposal shall be deemed to have been withdrawn and the Bishop of the Diocese or of each of the Dioceses concerned shall if the Synod or Synods concerned so resolve, submit to the Archbishop a new proposal which shall be, and shall be dealt with, in accordance with the foregoing procedure.
8. If the proposal shall be approved as aforesaid, the Archbishop shall convene a meeting of the Provincial Synod to consider the proposal and, to decide whether to reject it, approve it conditionally, or approve it unconditionally.
9. If the Provincial Synod shall reject the proposal it shall be deemed to have been withdrawn but such rejection shall not prevent the re-submission of the same proposal to the Archbishop under the foregoing procedure provided that it shall not be re-submitted prior to the expiration of Six (6) months from the date of its rejection.
10. If the Provincial Synod shall approve the proposal conditionally it shall reduce the conditions it wishes to impose to writing. The Archbishop shall inform the Bishop of the Diocese or of each of the Dioceses concerned of the conditions and ask him to state whether or not they are acceptable and will be complied with.
11. If the Bishop of the Diocese or of either of the Dioceses concerned replies negatively the Archbishop shall inform the Standing Committee of the Provincial Synod and the proposal shall be deemed to have been withdrawn in like manner as if it had been rejected by the Provincial Synod.
If the Bishop of the Diocese or of each of the Dioceses concerned answers affirmatively the Archbishop shall inform the Standing Committee of the Provincial Synod and request that Committee to advise him when the conditions have been complied with. The Archbishop shall determine the date upon which the proposal shall take effect.
12. If the Provincial Synod shall approve the proposal unconditionally it shall take effect upon such date, as the Provincial Synod shall determine.
13. As soon as may be after the date from which the proposal takes effect, the Archbishop shall inform the Bishop of the Diocese or of each of the Dioceses concerned and shall:

- (a) In the case of the division of the Diocese, direct the Provincial Chancellor or if he is unable to act, the Deputy Provincial Chancellor or, if he is unable to act the Chancellor of any other Diocese other than the Diocese being divided to convene the Electoral College consisting of:
 - (i) All Bishops (if any) from the proposed new Dioceses
 - (ii) All Priests and Deacons and such other Clerks with Holy Orders from the proposed new Diocese as were licensed and members of the Diocesan Synod prior to the Division of the Diocese including any such Priests or Deacons who may be on secondment, sabbatical or other leave.
 - (iii) All Laymen from the proposed new Diocese as were members of the Diocesan Synod prior to the Division of the Diocese in order that a Bishop may be elected for the new Diocese or for each of the new Dioceses in accordance with the Church Constitution and Canons.
 - (b) If, in the case of a re-arrangement of the boundaries of the Diocese and any other Diocese(s), the Archbishop, after consultation with the Bishops of the Dioceses concerned, shall consider that the change in the boundaries is so substantial that it is desirable that the clergy and laity of the Dioceses concerned should be given the opportunity to elect Bishops of their choice, the Archbishop shall, as soon as may be practicable after the date from which the proposal takes effect, inform the Diocesan Bishops that their conditional resignations tendered with the written substantive proposal have been accepted and shall declare the Sees concerned canonically vacant; but such Bishops shall be eligible for election to the vacant Sees.
 - (c) In the case of an amalgamation the Diocese and any other Diocese(s), the Archbishop shall as soon as may be practicable after the date from which the proposal takes effect, accept the conditional resignation of each of the Diocesan Bishops and declare the new See to be canonically vacant; but such Bishops shall be eligible for election to the vacant See.
12. Notwithstanding anything hereinbefore contained the Archbishop shall have the right, where he considers that a proposal for the re-arrangement of the territorial limits of any two or more Dioceses involves only minor changes, to convene a meeting of the Provincial Synod under paragraph (8) of this Canon, without following the consultative procedure prescribed under paragraph (3) and (4) and without obtaining the approval required under paragraph (5) of this Canon.

CANON II OF UNION WITH OTHER CHRISTIANS

1. Any negotiations between the Anglican Church of Kenya as a whole, or between one or more Dioceses thereof, and any other Christian body or bodies with a view to the formulation of a scheme of union shall only be undertaken consequent upon resolution, proposed by the Episcopal Synod, being passed by simple majorities of each House of the Provincial Synod.

The Provincial Synod shall appoint the delegates representing the Anglican Church of Kenya to such negotiations, and shall at every Ordinary Session of the Synod receive from them a report of progress. The Provincial Synod may issue instructions to its delegates by way of resolutions passed by a simple majority of the whole Synod. In the intervals between the sessions of the Provincial Synod, the Standing Committee thereof may issue such instructions to the delegates.

2. The following shall be the procedure for the adoption of a scheme of union between this Church as a whole or certain of the Dioceses thereof and other Churches in Kenya:

- (a) A resolution of general approval of the scheme proposed must be presented to the Provincial Synod by the Episcopal Synod, and passed by two-thirds (⅔) majorities in each House of the Synod. The resolution shall be dealt with as one involving a question of Faith or Order.

The Provincial Synod may attach to a resolution of Provincial approval conditions, such as the proviso that a certain point or points shall be reconsidered by representatives of the negotiating Churches and that the further proposals on that point or those points shall receive the approval of the Standing Committee of the Synod.

- (b) Every proposed scheme of union shall be communicated to the Anglican Consultative Council with a request for its opinion or advice thereon, and such opinion or advice shall be considered by the Provincial Synod before a final decision is taken on any such scheme.
- (c) The proposed scheme of union, together with the resolution of Provincial approval thereof, shall be referred to all the Diocesan Synods, and the opinion or advice of the Anglican Consultative Council shall also be reported to them as it is available.
- (d) On the receipt of the opinion or advice of the Anglican Consultative Council, it shall be competent to the Episcopal Synod and the Standing Committee of the Provincial Synod, sitting together:
 - i) to suggest certain points for the consideration of the representatives of the negotiating Churches, and
 - ii) on receiving a report from those representatives, either on those points or on any that may have been referred to them under paragraph (a) above, to approve modifications in the scheme of union and to refer such modifications to the Diocesan Synods for their considerations.

- (e) Resolutions of general approval of the proposed scheme of union (whether in its original or in a modified form) must be passed by the Diocesan Synods of not less than two-thirds of the Diocese of the whole Church
 - (f) A resolution of final adoption of the proposed scheme of union, whether modified or not from the form in which it had previously received the Provincial approval of the Provincial Synod, must be passed by simple majorities in each House of the Provincial Synod and by a three-quarters majority of the members of the whole Synod present and voting, at a session held at least twenty-one months after that at which the Provincial approval had been given. The resolution shall be dealt with as one involving a question of Faith or Order.
3. Any Diocese of this Church, which has received permission to join a scheme of union in accordance with the provisions of this Canon, shall continue to be bound by the Constitution, Canons and Rules of this Church until such time as it becomes a constituent part of a united Church.

CANON III OF EXCHANGE OF WORKERS BETWEEN THE CHURCH OF THE PROVINCE AND OTHER CHURCHES AND CHRISTIAN BODIES

1. This Church, believing that the Church is the body of Christ in which all nations are to find salvation and unity, repudiates every racial, tribal or ethnic view of the Church. It believes that it has received from the Lord of the Church gifts and graces, which are to be shared with other parts of Christian fellowship.
- It believes also that it should at all times be ready to send help and service to other parts of the Church, and to welcome those from other parts of the Church who feel a vocation to enter into the service of this Church.
2. No Christian from another Church shall be appointed to the service of the Anglican Church of Kenya until he or she has agreed to accept the principles of doctrine and worship as set forth in this Constitution, and has also agreed to be bound by the Canons, Rules, Standing Orders and the principles of Christian discipline set forth in this Constitution.
3. It shall be the duty of the House of Bishops to draw up annually a list of posts for which the services of non-Kenyan workers are desired, and also of the institutions for which financial and other forms of support are requested, and shall communicate this list to the Churches with which this Church is in full Communion, or to missionary societies in the service of those Churches.
4. A non-Kenyan servant of the Church shall receive the status of Provincial worker, and, after consultation with his Church or missionary society, and with the Bishop concerned, shall be appointed to the Diocese in which he is to serve, and shall be considered as a Provincial worker.
5. It shall be the responsibility of this Church to carry out (in consultation with the representative (if any) in Kenya of the Church or missionary society through whom a non-Kenya worker has come to serve in the Church) the regulations of the Church or missionary society concerned relating to salary and allowances, overseas and local leave, probation, language examinations and all other matters affecting the personal well being of the worker concerned.

6. Such representative (if any) shall be kept informed of all actions taken in relation to such worker and shall be the channel of communication between this and such other Church or missionary Society.
7. It shall be the responsibility of the Church Treasurer to disburse to all such workers only such salaries and other emoluments as have been received by him on their behalf from other Churches or by missionary societies while such workers are resident in Kenya.
8. If the post to which such a worker is nominated involves, in the opinion of that worker, a breach of the agreement under which he has come to Kenya, and if the worker has been unable to resolve the matter with his Bishop an appeal shall lie to the Church or missionary society concerned and agreement shall be sought with the Bishop of the Diocese. If no agreement is reached, the Archbishop shall notify the other Diocesan Bishops that the services of such worker are available, and take steps to arrange for his appointment elsewhere. If no such appointment is available, the said worker shall be free to return to the Church from which he came.
9. If, in the opinion of the Synod or Standing Committee of Synod of a Diocese, a post previously held by a non-Kenyan worker can not suitably be filled by a Kenyan, the Standing Committee of the Synod of the Province shall withdraw that post from the list of posts for which help has in the past been asked.
10. The worker whose services are no longer required for that post shall be free either to return to his own Church, or to inform the Archbishop of his desire to remain in Kenya in the service of the Church in some other position.
11. If a Bishop no longer desires to retain the services of a particular Missionary worker in his Diocese, he shall notify the Archbishop, who shall consider the statement made by the Bishop concerned; and, if he is satisfied that the services of such worker will be of value to this Church, shall take steps, in consultation with the Missionary Society concerned, to arrange for the appointment of such worker to another Diocese.
12. If another Church or Province desires to avail itself of the services of a minister or a member of this Church, the invitation shall be brought to the Standing Committee of the Diocesan Synod and such minister or member shall accept the invitation only with the approval of the Standing Committee and of the Bishop in whose Diocese he has been working.
 - (a) If this procedure has been followed, the name of such minister candidate or member shall be retained on the list of the active workers of the Diocese concerned, and on the termination of his appointment elsewhere it shall be the responsibility of the Diocese concerned to take back into its service such minister candidate or member, or in consultation with the Standing Committee of the Provincial Synod to arrange a suitable appointment for him in another Diocese.
 - (b) If the correct procedure has not been followed, the connection between such minister candidate or member and his Diocese shall be void. If that Diocese shall at any future time require the services of such minister or candidate or member a new agreement shall be necessary.

13. If any dispute or disagreement shall arise in connection with any of the matters dealt with in the preceding paragraphs, the same shall be referred to the Archbishop, who shall take such steps as seem to him appropriate with a view to agreement being reached; and, if no agreement is reached, the Archbishop shall decide the matter at his discretion and after such consultation as seems to him appropriate.
14. The previous provisions of this Canon are without prejudice to the right of the Bishop to take action against any such worker under the appropriate provisions of this Constitution, or, in the case of an ordained minister, to take action with a view to the withdrawal of such minister's license.

CANON IV OF THE ARCHBISHOP'S VISITATION

1. Visitations by the Archbishop to the Diocese shall be carried out in the manner provided by this Canon.
2. The Archbishop as the head of this Province under Jesus Christ shall in consultation with the Diocesan Bishop normally visit the Diocese at least once every four (4) years. During his visitation of the Diocese the Archbishop shall visit such places as shall have already been determined by the Diocesan Bishop for the purposes of meeting the congregation, of feeding them with the Word of God and of performing such pastoral ministrations as shall have been agreed upon by him with the Diocesan Bishop. Such visitations shall also aim at strengthening the relationships between the Province and the Diocese.
3. In special circumstances, the Archbishop shall pay a pastoral visit to the Diocese if the Standing Committee thereof passes a resolution by majority vote that the situation in the Diocese requires his visit. If the Diocesan Bishop is not willing to invite the Archbishop despite the resolution, the vice Chairperson of the Diocesan Synod and the Lay and Clerical Secretaries of the Synod shall sign a letter inviting the Archbishop to pay a pastoral visit to the Diocese. The letter shall clearly state the reasons for the need for Archbishop's Pastoral visits to the Diocese.

CANON V OF THE ELECTION OF A DIOCESAN BISHOP

1. The Archbishop or Dean (as the case may be) shall first satisfy himself that the See is canonically vacant.
2. Upon being satisfied as aforesaid the Archbishop or Dean (as the case may be) shall cause the procedure set out in Article XI of the Provincial Constitution of the Church and in this Canon to be followed.

3. The Presiding Officer of the Electoral College shall be the Diocesan Chancellor or, if he be unable to be present, a Diocesan Chancellor of any other Diocese in the Province, appointed by the Archbishop.
4. The Recording Secretary shall be a Diocesan Chancellor of any other diocese in the Church appointed by the Archbishop.
5. At the meeting of the Diocesan Electoral College after it has been convened the following shall be the procedure:
 - (a) The proceedings shall start with a service of Holy Communion, the celebrant being the Suffragan or Assistant Bishop if there be one or, if there be none, then the Senior Archdeacon by appointment, failing whom the Senior Priest by Ordination as such of the Diocese shall be the celebrant **PROVIDED THAT** he is not a candidate. A sermon shall be preached. Before the Prayer for the Church Militant, the names of the candidates for election shall be read by the Presiding Officer, and special prayers shall be offered for the guidance of the Holy Spirit in the election, which is to follow.
 - (b) When the Electoral College meets for the transaction of business, the Presiding Officer shall read the mandate of the Archbishop for the holding of the election, shall call the roll call of the Electoral College and shall satisfy himself that no one is present who is not a member of the Electoral College or otherwise entitled to take part in the proceedings.
 - (c) When this has been done, all the Electors present (excluding the Presiding Officer and the Recording Secretary, neither of whom shall be deemed to be an Elector nor be entitled to vote) shall make and sign the following declaration:

"I, A.B. being a member of the Electoral College of X, do solemnly declare that I will neither speak nor vote in this Assembly through fear or favour but in singleness of heart for the Glory of God, the good of His Church and the Welfare of His People. So help me God, Amen".
 - (d) The Presiding Officer of the Electoral College shall then require the Three candidates recommended by the Search Committee as candidates for election to withdraw from the meeting of the Electoral College until after the result of the ballot or ballots hereinafter referred to has been announced. After the result of each ballot has been announced all those who have withdrawn shall be at liberty to resume their attendance at the meeting and to participate therein unless they or any of them shall once again be nominated and become the subject of a further ballot, in which case the same procedure shall be adopted.
 - (e) Each candidate shall be entitled to have two (2) observers, who shall be members of the Electoral College, to verify the counting process.
 - (f) The Presiding Officer shall supply to each Elector a copy of the list of the three candidates for election to the vacant bishopric. Each Elector shall have one vote and it shall not be lawful to vote by proxy.
 - (g) The election shall be by secret ballot and shall be determined as follows:-

- i). if only One (1) nomination is received the nominee shall be declared to be 'duly' elected;
 - ii) if Two (2) nominations only are received there shall be a deciding election, when a Two-thirds (2/3) majority shall decide the election; **PROVIDED THAT** if Two-thirds (2/3) majority is not attained in the first ballot, there shall be a second ballot which shall determine the winner by a simple majority. In case of an equality of votes there shall be a further ballot (or further ballots), which shall determine the winner by a simple majority; in no case shall the number of votes be announced;
 - iii) if Three (3) nominations have been received there shall be a preliminary ballot, the Two (2) nominees receiving the largest number of votes remaining in the election, when a Two-thirds (2/3) majority shall decide the election; **PROVIDED THAT** if Two-thirds (2/3) majority is not attained in the first ballot, there shall be a second ballot which shall determine the winner by a simple majority. In case of an equality of votes there shall be a further ballot (or further ballots), which shall determine the winner by a simple majority; in no case shall the number of votes be announced;
6. If an election has been successfully held, the Presiding Officer shall announce to the Diocesan Electoral College the name of the person duly elected. If the person elected is not present, the Presiding Officer shall without delay obtain his consent to accept the office of Bishop of the Diocese concerned and, having obtained the same, shall then proceed in accordance with the provisions of Article XI of the Constitution.
7. Whether an election has been successfully carried out or not, the Presiding Officer shall close the meeting with prayer.

CANON VI OF THE SERVICE OF BISHOP IN THE CHURCH

- 1. The provisions of this Canon shall apply to the Diocesan Bishop and to every Bishop (coadjutor, suffragan or assistant) who is commissioned by the Bishop of the Diocese:
- 2. Subject as is hereinafter otherwise provided the appointment of the bishop shall be for an unspecified term Provided however that:
 - a) The appointment shall terminate upon the holder of the office attaining the age of sixty-five (65) years unless the Provincial Synod after consultation with the Synod of the Diocese by special resolution extends his tenure of office but such extension shall in no case exceed Two (2) years nor shall there be any further extension whatsoever:
 - b) The appointment may be terminated at any time by the House of Bishops if that course is recommended by competent medical authority on grounds of physical or mental incapacity as is in this Canon hereinafter provided;

- c) The appointment may be terminated at any time if after due enquiry made consequent upon a complaint in due form as provided in the Canons formulated under the appropriate Article of this Constitution the Bishop has been found guilty of conduct unbecoming the office and work of a bishop or of a serious persistent or continuous neglect of duty:
3. For the purposes of this Canon the seniority of a diocesan bishop shall be determined by length of service as a diocesan bishop within the Church, and if any question arises as to the relative seniority of any two bishops the question shall be determined by the Archbishop whose decision shall be final;

Provided that for the purposes of this Part any diocesan bishop whose retirement is in question under this Canon shall be disregarded.
 4. If the resignation of the Diocesan bishop tendered under Part II of this Canon is accepted, the Archbishop shall declare the bishopric vacant.
 5. Where a declaration that the bishopric is vacant has been made by the Archbishop under this Canon the vacancy shall be filled in the same manner as if the bishop was dead, and if the said bishop holds any other preferment in addition to this bishopric, that other preferment shall also be vacated unless the Archbishop declares that it shall not be vacant.

CANON VII OF RESIGNATION OR RETIREMENT

1. If the Diocesan Bishop becomes aware that, by reason of physical or mental infirmity, he is no longer able to carry out the duties of his office, he may tender his resignation to the Archbishop. If the Archbishop, after consultation, shall conclude that the Bishop's judgment on the situation is correct, he shall accept his resignation, and take such steps as he deems necessary to ensure that adequate arrangements have been made to support the Bishop in his period of retirement, and shall declare the bishopric vacant. Thereafter he shall take steps to secure the election of a bishop according to the procedure laid down in this Constitution, to fill the vacant bishopric.
2. If the Diocesan Bishop is of the opinion that for administrative reasons (including but without prejudice to the generality of the foregoing the creation of a new diocese, division of the diocese, substantial modification of the boundaries of a diocese), the work of the Church will be best served by his resignation, he shall offer his resignation to the Archbishop, who shall proceed as in Section 1 of this Part.
3. a) If it appears to the Archbishop that the Bishop is unable through physical or mental infirmity to carry out the duties of his office, the Archbishop shall approach the Bishop, and ask him to consider whether he may best serve the interests of the Church by resigning his office. If the Bishop agrees, the Archbishop shall accept his resignation, shall declare the bishopric vacant, and shall take steps to secure the election of a bishop to fill that office.

1. Diocesan Bishop shall appoint a Chancellor to be his Principal Legal Advisor and shall inform the Diocesan Synod of the appointment;
2. Subject as is hereinafter provided the appointment of Chancellor shall be for an unspecified term. Provided however that:
 - a) the appointment shall terminate upon the holder of the office attaining the age of Sixty-five (65) years unless the Diocesan Synod shall by special resolution extend his tenure of office such extension in no case to exceed Five (5) years;
 - b) the appointment shall terminate at any time upon the resignation by a Chancellor of his office;
 - c) the appointment shall terminate automatically upon Chancellor leaving the Republic of Kenya permanently;
 - d) the appointment may be terminated at any time by the Synod if such course be recommended by competent medical authority on grounds of physical or mental incapacity;
 - e) upon the enthronement and assumption of office by a new Diocesan Bishop such new Diocesan Bishop may at his pleasure terminate the appointment of the Diocesan Chancellor and appoint another Chancellor in his stead;
 - f) the appointment may be terminated at any time if after due enquiry made consequent upon a complaint in due form as provided in the Canons formulated under this Constitution, the Chancellor has been found guilty of conduct unbecoming the office and work of a Chancellor or of serious persistent or continuous neglect of duty.
3. A Chancellor should ordinarily be a layman not less than thirty (30) years old, a communicant of this Church, and learned in the law. It is not excluded that this office should be held by a clerk in holy orders.
4. It is the primary duty of the Chancellor to be available at all times to the Bishop, to advise him on any questions relating to the civil or ecclesiastical law that may arise in the administration of the Diocese, to give to the Bishop such assistance as he may require.
5. In the event of proceedings under ecclesiastical law being instituted against any bishop, clergyman or layman, it shall be the responsibility of the Chancellor to advise the Bishop whether there is any prima facie case to be answered. The Bishop is not, however, bound by the advice tendered by the Chancellor except on matters of Law.
6. The Chancellor shall be present in person, or by deputy, appointed by him, at every session of the Diocesan Tribunal in an advisory capacity.

7. It shall be the responsibility of the Chancellor to ensure that accurate and reliable reports are made of every ecclesiastical case, whether personally heard and decided by the Bishop, or heard before the Diocesan Tribunal and that these records are preserved, under proper safeguards, in the Diocesan Archives.
8. The Chancellor shall preside at the election of a Bishop, or of a Coadjutor-Bishop, for the Diocese. If the Chancellor is unable to serve, the Clerical and Lay Secretaries of the Diocesan Synod shall request the Archbishop (or, if the Archbishop is unable to act, the Dean of the Anglican Church of Kenya) to appoint the Provincial Chancellor or the Deputy or another Diocesan Chancellor, to serve in his place.
8. It shall be the responsibility of the Chancellor to hear applications for faculties, and to determine them, subject to an appeal to the Bishop, if the applicants are able to show good reason for lodging such an appeal.
10. The Chancellor of each Diocese shall be present, personally or by deputy appointed by him, at every ordination to assist the Bishop concerned in all the legal aspects of the ceremony of ordination.
11. The Chancellor shall at all times ensure that the provisions of this Constitution are complied with.
12. The Bishop shall have a right of appointing a legal adviser in any part of the world depending on the need.

CANON X OF ARCHDEACONS

1. An Archdeaconry is a geographical area, precisely defined, within which an Archdeacon exercises his functions.

Usually the Archdeaconry is co-extensive with the Diocese. If a Bishop is of the opinion that more Archdeaconries should be created, he shall

- (a) inform his Diocesan Standing Committee of Synod of the reasons for which he thinks that such Archdeaconries are necessary
- (b) indicate the exact area of the proposed new Archdeaconries
- (c) inform the Standing Committee of Synod of the financial measures which he proposes for the support of an additional Archdeacons.

If the Standing Committee of Synod is in agreement, the new Archdeaconry shall come into existence, and the Bishop shall notify the Provincial Secretary, in order that the necessary alterations may be made in the Provincial and Diocesan maps.

2. The Archdeacons are the Bishop's principal assistants in matters of administration and discipline in their respective Archdeaconries.

It belongs to him, by virtue of this Office:-

- (a) to be the warden of the college of churchwardens and accordingly to ensure that elections of churchwardens are regularly and canonically carried out, that churchwardens are instructed in the duties of their office, and are admitted by the Archdeacon himself to that office.
- (b) to exercise oversight of the properties of the Church, especially in lands and buildings.

At his visitations, which whenever possible should take once a year, he shall assure himself that:

- (i) All churches, parsonages and other buildings belonging to the Church are in good repair
- (ii) churches are supplied with all things that they need e.g. Communion vessels, Bibles and service books.
- (iii) parochial Church councils are functioning in regular order, and that their records are correctly kept
- (iv) parochial registers are in good order and accurately kept and that those no longer in use have been lodged in the Diocesan Archives.
- (v) service registers, account books and other documents of the parish are being regularly kept.

He shall issue instructions to the incumbent for the correction of any irregularities that he has observed.

Copies of his visitation reports shall be sent to the Bishop and to the Diocesan Administrative Secretary.

- (c) Where there is more than one Archdeacon in the Diocese, one of the Archdeacons shall be appointed convener of the Diocesan Faculties Board. The Archdeacon may himself issue a license for all ordinary repairs to churches and other buildings, provided that no structural alteration is proposed. When major schemes are under consideration, he shall in every case convene the Diocesan Faculties Board, and shall issue a license only on the agreement of that Board.
- (d) At the request of the Bishop to induct parish priests into their parishes, and to convey to them the temporalities of their parishes, including the right to reside in the parsonage provided by the Church.
- (e) to take the initiative in all matters of ecclesiastical discipline in consultation with the Bishop and the Diocesan Chancellor.

It belongs to the Archdeacon to investigate, and if possible amicably to settle, all disputes between parishes, e.g. regarding parish boundaries, or between a parish priest and his flock.

- (b) "I, A.B. Do declare that I consent to be bound by the Constitution, Laws and Regulations of the Diocese, and the enactments which have been made, or which may hereafter be made, by the Diocesan Synod, or which may otherwise have full effect in the Diocese. And I hereby undertake to accept and to submit to any sentence which "may at any time be passed upon me, after due examination "by any Court acknowledged by the said Synod for the trial of a Clergyman, saving all rights of appeal allowed by the said Synod."

"And I hereby affirm that I am bound by all the clauses of the Declaration to which, in the presence of witnesses, I have set my hand and seal. So help me God through Jesus Christ."

2. In the case of a Priest or Deacon of another Province of the Anglican Communion who shall have been seconded for service in this Province for a limited period, it shall be competent for the Bishop to issue to such Priest or Deacon permission to officiate in his Diocese.
3. If such permission has been granted, the holder shall not be a member of the Provincial or of the Diocesan Synod, and shall not be eligible for election to any office in this Province until such time as he shall have received a License in the Ordinary form. Such permission may be revoked by the Bishop at his discretion, and against such action on the part of the Bishop there shall be no appeal.

But, if the cause of the Bishop's action be conduct such as would render the holder of a License in the Church liable to disciplinary proceedings under the provisions of this Constitution, the Bishop shall notify all the Bishops in the Province of the cause of his action, and shall also notify the Metropolitan of the province from which the Priest or Deacon concerned may have come.

4. The Bishop may in consultation with Diocesan Pastoral Care Committee take steps to withdraw the License of a Priest or Deacon, under the following conditions:
 - a) if for financial reasons it becomes impossible to continue the services of such Priest or Deacon, or if the post to which he has been licensed shall cease to exist, the Bishop shall give him not less than Two (2) months' notice of the termination of his employment and the consequent withdrawal of his License: and before the date at which his employment ends, shall issue to him a bene discessit in order that there may be no bar to the employment of the said Priest or Deacon in any other Diocese of the Anglican Communion.
 - b) If the Bishop and the Pastoral Care Committee are of the opinion that the further services of a Priest or Deacon will not be to the advantage of the Church, he shall notify such Priest or Deacon in writing of his intention to withdraw his License, stating clearly the grounds on which he has reached this decision. He shall send a copy of his letter to the Archbishop, and shall also inform the Priest or Deacon concerned that he has the right of appeal to the Archbishop within one (1) month of the receipt of the Bishop's letter.

- c) If no appeal has been received within one (1) month of the date on which the Bishop's letter has been received, the Bishop shall notify the Priest or Deacon concerned that his License has been withdrawn, and shall state the date on which the withdrawal is to take effect. After that date the Priest or Deacon concerned will have no right to officiate in any Church of the Diocese or Anglican Church of Kenya.
- d) If the Bishop shall have taken no proceedings against the Priest or Deacon concerned, under the appropriate provisions of this Constitution, such Priest or Deacon may apply for employment in any other Diocese of the Anglican Communion, but the Bishop who has withdrawn his License is not under obligation to issue him a bene discessit, and, at the request of the Bishop to whom application for employment has been made, shall furnish him with information as to the reason for such Priest or Deacon having suffered the withdrawal of his License.
- e) If within One (1) month of the receipt of the Bishop's letter, the Priest or Deacon concerned shall have lodged an appeal with the Archbishop, the Archbishop shall convene a Commission of Enquiry, consisting of the Provincial Chancellor, the Provost of the All Saints Cathedral, and the Chancellor of the Diocese. If the Commission of Enquiry reports that the Bishop has not made out a prima facie case for withdrawal of the License, the Archbishop shall notify the Bishop that the case is terminated, and shall instruct him that no further action may be taken on his notice to the Priest or Deacon concerned.
- f) If the Commission of Enquiry reports that the Bishop has made out a prima facie case for the withdrawal of the License, the Archbishop shall instruct the Bishop to take proceedings against the Priest or Deacon concerned under the appropriate sections of this Constitution. The outcome of such proceedings shall be determined by the Rules of Procedure and consequent action laid down there under.
- g) Unless otherwise determined in accordance with this or any Diocesan Constitution the appointment of every Priest or Deacon shall terminate upon the holder of the office attaining the age of Sixty-five (65) years unless the Diocesan Synod by Special Resolution shall extend his tenure of office but such extension shall in no case exceed Two (2) years and there shall be no further extension whatsoever.

CANON XIII OF THE TRIBUNALS OF THE CHURCH

1. By the word "Tribunal" as used in this and other Canons is meant a Tribunal of this Church having such jurisdiction as can be claimed by, and may be exercised in a voluntary association upon the footing of mutual contract or agreement.
2. **The Diocesan Tribunal shall consist of:**
 - (a) The Vicar General of the Diocese as Chairperson, or if he/she is the presenter of the case the Vicar General shall request the Archbishop to nominate another Diocesan Bishop of this Province to preside;
 - (b) Three (3) Priests of the Diocese of at least Five (5) years standing appointed by the Diocesan Synod; and

- (c) Three (3) Laypersons (all being Communicants of this Church one of whom shall be a person learned in the Law) appointed by the Diocesan Synod.

In addition to the above the Bishop may if he thinks it desirable in any particular case so to do appoint one (1) Clergyman and one (1) Layperson from his own or any other Diocese in the Church as Assessors to assist the Diocesan Tribunal in a purely advisory capacity **PROVIDED THAT** should any Bishop, Priest, Deacon or Layperson object to any member of the Tribunal the Standing Committee of Synod of the Diocese shall appoint a replacement.

3. The Diocesan Chancellor shall sit with the Tribunal in an advisory capacity but without being a member of the Tribunal.
4. The Bishop shall appoint a suitable person to be the Clerk of the Tribunal. The Clerk, who shall not be a member of the Tribunal, shall faithfully and accurately record all the proceedings of the Tribunal and shall be sworn so to do, and such record of the proceedings when authenticated by the Chairperson of the Tribunal concerned shall be evidence of the proceedings at the trial.
5. The record of all proceedings held in the Tribunal shall be retained in safe custody under the directions of the Chancellor.
6. The Church Tribunal created under Canon XV of the Provincial Constitution shall be the Court for the Trial of a Bishop under Canon XVII of the Provincial Constitution and shall also be the Court of Appeal under Canon XXI of the Provincial Constitution.
7. The Diocesan Tribunal shall be the Court for the Trial of Priests and Deacons under Canon XVIII of the Provincial Constitution and for the Trial of Laymen under Canon XIX of the Provincial Constitution and shall also consider such other matters as the Bishop of the Diocese may from time to time refer to it.

CANON XIV OF DISCIPLINARY PROCEEDINGS WITHIN THE CHURCH

1. The following are the charges or accusations on which any Bishop, Priest, Deacon or Layperson of this Church may be presented for trial:
 - a) Heresy or false Doctrine:
 - b) Schism, that is to say, causing members of the Church to divide into separate groups hostile to each other.
 - c) Apostasy from the Christian Faith:
 - d) The exercise of any profession or occupation which is either in its own nature or in the manner of its exercise inconsistent with the ministry of the Church or (as the case may be) the holding of any Lay Office therein:
 - e) Violation of the Constitution or Canons of this Church:
 - f) Disobedience, that is to say, willful contravention of the Acts, Rules and Regulations either of the Provincial Synod, or of the Diocesan Synod of the Diocese in which he/she holds office:

- g) Habitual irregularity or neglect in the performance of ecclesiastical duties or other duties relating in the case of layperson to his/her office:
 - h) An offence, which has led to conclusive conviction in the Criminal Courts:
 - i) Sexual immorality:
 - j) Financial impropriety
 - k) Any act, habit, conduct, or contumacy which has given or is likely to give just cause of scandal or offence or which is unworthy or a clergyman or (as the case may be) a Layperson and likely to bring the ministry of the Church or (as the case may be) the office of the Layperson (if he holds office) or the Church generally into disrepute; including the institution of any legal proceedings in the secular courts against the church or any Bishop or other officer thereof in their respective official capacities within the church.
2. For the purpose of any proceedings under this Canon, in which the accused is charged with any offence, proof that the accused has been convicted of such offence in any Criminal Court, and that such conviction has become conclusive, shall be sufficient proof that the accused has committed such offence; saving to the accused the right of submitting fresh evidence in support of his innocence. Save as aforesaid a conviction shall be deemed to become conclusive for the purposes of this Canon:
- (a) When there has been any appeal, upon the date upon which the appeal is dismissed or abandoned, or the proceedings on appeal are finally concluded; and
 - (b) if there has been no such appeal, upon the expiration of the time limited for such appeal, or, when no time is so limited, upon the expiration of Twenty-eight (28) days from the date of conviction.
- But, if varied on appeal, the conviction shall be conclusive only as so varied, and, so far as it is reversed on appeal, shall cease to be of any effect.
3. No original proceedings shall be instituted before any Tribunal of this Church unless:
- a) in the case of a charge alleged to be laid under paragraph (h) of Clause 1 of this Canon such proceedings shall be commenced within a period of Six (6) months from the date when the conviction upon which the charge is based became conclusive as defined in Clause 2 of this Canon;
 - b) in the case of charges under paragraphs (d), (i), (j) or (k) of Clause 1 of this Canon such proceedings shall be commenced within a period of One (1) year from the date of the alleged offence; and

- c) in the case of charges under paragraphs (a), (b), (c), (e), (f) or (g) of Clause 1 of this Canon such proceedings shall be commenced within a period of One (1) year from the date of the alleged offence. Provided however that special leave of an extension of any of such periods as aforesaid may on good cause shown be granted by the Archbishop under his hand and seal. The date of the commencement of proceedings shall be deemed to be the date upon which the Articles or Presentment are filed with the Archbishop or the Diocesan Bishop as the case may be who shall endorse thereon the date upon which such Articles were received by him.
4. The Charge or Accusation shall be made in writing, shall be entitled "Articles of Presentment" and shall
- a) specify all the particulars of time, place and circumstance alleged by the presenters; and
 - b) be signed by the presenters and shall be accompanied by:
 - i) an intimation in writing of the name and address of some person to whom as the agent of the presenters all necessary communications in the cause shall be made; and
 - ii) a minute of reference and agreement to the effect that the judgment of the Tribunals of this Church in all matters contained in the Articles or Presentment shall be held to be final in the cause, saving such rights of appeal as may be allowed by the Laws of this Church.
 - c) Any charge of heresy or false doctrine in order to be admissible must allege that the accused has taught published or otherwise publicly promulgated some doctrine or opinion repugnant to or at variance with the Faith and Doctrine of this Church as contained in the Fundamental Declarations, and must specify the particular passages of the Standards and Formularies to which the said charge refers as well as the particular statements of the accused which may be the subject of the charge.
5. Both the accused and the presenters may be represented, at their own expense, by an advocate or senior counsel or other representatives of their choice.
6. No testimony shall be received at the trial except from such witnesses as have, before their evidence, made an affirmative answer to the following question which shall be put by the Chairperson or at his direction by the Chancellor:-

"Do you promise, in the presence of Almighty God, that you will speak the truth, the whole truth, and nothing but the truth, whether in the declaration which you shall make, or in the answers which you are about to give?"

7. If it be necessary to take the testimony of an absent witness or witnesses, such testimony shall be taken in the form and manner above provided, by a Commissioner or Commissioners to be appointed by the Chairperson for that purpose, and the evidence shall be reduced to writing and forwarded to the Tribunal, which evidence shall be read and used at the Trial: provided however that no application for the appointment of such Commissioner or Commissioners shall be made to the Chairperson of the Tribunal by either party, except after at least Twenty-four (24) hours notice in writing, given by the one to the other, of his or their intention so to apply.
8. The Proceedings of the Tribunal shall be held in public, unless the Chairperson of the Tribunal shall deem it advisable that they should, in whole or in part be held in private, and the accused does not object.
9. If any Bishop, Priest or Deacon of this Church, against whom a charge has been brought, shall tender his resignation to the Archbishop or Bishop (as the case may be) either before or during the trial, and if the Archbishop or Bishop (as the case may be) either before or during the trial, in the exercise of his discretion, shall see fit to accept the resignation so tendered, the person accused shall not be exempted by such resignation from judicial enquiry into the truth of the charge made against him, nor from any sentence which may be imposed.
10. Every sentence passed in any proceedings shall be in writing.
11. Assessors appointed to assist a Tribunal shall answer such questions as shall be put to them by the Tribunal and shall be at liberty to tender to the Tribunal their opinion on questions that may arise.
12. The Tribunal shall be bound to consider, but not necessarily to accept, the opinions of the Assessors before pronouncing judgment but it shall give its reasons for differing with the opinions of the assessors.
13. If the accused does not appear after citation as hereinbefore provided and, in the opinion of the Tribunal, no sufficient reason is submitted for his absence, or if he shall send in a written defense, the Tribunal shall proceed with the trial and pass such sentence as the case may require unless the Chairperson of the Tribunal shall see fit to order a second citation to be issued.
14. Expenses to be incurred in summoning and holding any of the Tribunals shall be paid by the parties in amounts and proportions to be determined by the Tribunal. The Tribunal may also at its own discretion determined the deposit payable **PROVIDED THAT** the Tribunal may at its discretion direct that the whole or part of the expenses incurred shall be reimbursed from the funds of the Church or of the Diocese concerned (as the case may be).
15. Save as may be herein otherwise provided the rules relating to procedure and evidence shall be those governing Criminal Trials in Kenya.

CANON XV OF TRIAL OF A BISHOP

The trial of a bishop shall be in accordance with the provisions of Canon XVII of the Provincial Constitution.

CANON XVI OF THE TRIAL OF PRIESTS AND DEACONS

PREAMBLE

It should always be borne in mind, not only in this CANON but equally in all the CANONS concerning discipline of the Church the Scriptures admonition that: "our sufficiency is from God, who has qualified us to be ministers of the new covenant, not in written code but in the Spirit; FOR WRITTEN CODE KILLS, but the Spirit gives life" (2 Cor. 3:5-6 (RSV), is the guiding principle.

1. Any charge against a Priest or Deacon of this Church must be preferred by a Priest licensed in the Church or by the Church Wardens of the Parish in which he is licensed or by Ten (10) or more communicants of Twenty-four (24) years of age or upwards, all of the Parish in which the accused is licensed or resides.

The Bishop may also himself, if he shall see fit, order proceedings to be commenced against any Clergyman whose conduct he believes to have given just cause for scandal or offence, and in such a case it shall be sufficient for one Presenter appointed by the Bishop to deliver the Articles of Presentment.

2. The Articles of Presentment shall be laid before the Bishop who shall decide in consultation with the Diocesan Chancellor and at least Two (2) Clerical and Two (2) Lay Members of the Standing Committee of the Diocesan Synod, in the first instance, whether they are proper to be admitted or not. If the Bishop shall refuse to convene the Diocesan Tribunal, he shall intimate his refusal to the presenters in writing within Thirty (30) days after receipt by him of the Articles of Presentment, and in such case it shall be competent for the presenter to apply to the Archbishop, or if the Archbishop be the Bishop who refuses, to the Episcopal Synod through the Dean; and if the Archbishop or the Episcopal Synod think fit, he or they may require the Bishop to proceed; **PROVIDED ALWAYS** that notice of intention to apply shall have been given in writing to the Bishop of the Diocese within Twenty-one (21) days after such refusal, and that the application together with a copy of the Articles or Presentment, shall have been forwarded to the Church or (as the case may be) the Dean within Thirty (30) days after receipt of the Bishop's refusal.
3. Notice of the intention to admit proceedings, containing a statement of the charge and a copy of the information upon which it is founded, shall be served upon the person accused, together with the names of those persons (if any) appointed to be Assessors, Thirty (30) days at least before the hearing of the case, which shall commence within Three (3) months of the date of admission of the Articles of Presentment.
4. Any Priest or Deacon serving within the Church who has been accused or reported guilty of any offence, may be suspended from the exercise of ministerial duties by the Bishop of the Diocese in which he is licensed should it appear to such Bishop to be necessary for the prevention of scandal until such time as the matter has been decided by trial or otherwise.

5. It shall be competent to the Chairperson of the Diocesan Tribunal to refer to the Episcopal Synod any question of the interpretation of the Faith and Doctrine of the Church or of the Laws of this Church; and their interpretation shall be final.
6. The Judgment of and any sentence passed by the Tribunal shall be that of the majority of its members, and each member shall have the right to state the grounds for his finding.
7. Subject to the provisions of Canon XX of the Provincial Constitution the Judgment of and the sentence passed by the Tribunal shall be promulgated in such manner as the Bishop shall think fit.

CANON XVII OF THE DISCIPLINE OF THE LAITY

1. The provisions of Canon XVI (of the Trial of Priests and Deacons) hereof shall apply mutatis mutandis to the case of any member of the Laity against whom any charge is brought with such modifications thereto only as are necessary to meet the circumstances of the case.
2. Any member of the Laity against whom a charge is brought, may if he so desires, have such charge or charges tried by the Diocesan Tribunal, in which event the Tribunal shall have power to dispose of the case in such manner and to pronounce such sentence as it may think fit.
3. Any member of the Laity against whom a charge is brought, may if he/she so desires, have such charge or charges tried by the Bishop, in which event the Bishop shall have power to dispose of the case in such manner and to pronounce sentence as he may think fit.

CANON XVIII OF SENTENCES

1. Any Bishop, Priest or Deacon found guilty of any offence shall be liable to any one or more of the following sentences:-
 - a) for Heresy or False Doctrine (unless he shall have formally retracted the same within Fifteen (15) days after judgment is given):
 - i) formal admonition with or without inhibition from preaching; or
 - ii) suspension for a term not exceeding Three (3) years Provided that if at the expiration of the suspension he shall refuse to undertake to refrain from publicly maintaining such opinions he shall become subject to the provisions of Clause 2 below; or
 - iii) if in the judgment of the Tribunal such false teaching be Heresy the sentence may be deposition but such penalty shall not be enforced unless the sentence shall have been upheld by the Episcopal Synod on review;
 - b) for Schism:
 - (i) deprivation; or
 - ii) deposition
 - c) for Apostasy from the Christian Faith:

- (i) deposition; or
 - (ii) degradation;
- d) for exercising any profession or occupation which is either in its own nature or in the manner of its exercise inconsistent with the ministry of the Church:
- i) formal admonition; or
 - ii) suspension for a term not exceeding Three (3) years or until such time as he shall undertake in writing not to repeat the offence. If at the end of the period of suspension such undertaking shall not have been given the sentence shall be
 - aa) deprivation; or
 - bb) deposition.

subject in either case to the provisions of Clause 3 below.

- e) for Violation of the Constitution or Canons of this Church (except as otherwise provided in these Canons):
- i) formal admonition; or
 - ii) suspension for a term not exceeding Twelve (12) months or until he shall have undertaken in writing to conform in the future. If at the end of the period of suspension, no such undertaking shall have been given, the sentence shall be deprivation subject to the provisions of Clause 3 below;
- f) for disobedience, that is to say, willful contravention of any Act, Rule or Regulation either of the Provincial Synod or of the Synod of the Diocese in which he holds office:
- i) formal admonition; or
 - ii) suspension for a term not exceeding Six (6) months or until he shall have undertaken in writing to conform in future. If at the end of the period of suspension, no such undertaking shall have been given the sentence shall be deprivation subject to the provision of Clause 3 below:
- g) for habitual irregularity or neglect in the performance of ecclesiastical duties.
- i) formal admonition; or
 - ii) suspension for a term not exceeding Twelve (12) months.
- If he be found guilty by the Tribunal a second time of such neglect the sentence shall be deprivation subject to the provisions of Clause 3 below.
- h) for an offence which has led to conclusive conviction in the Criminal Courts. Any of the sentences at the discretion of the Tribunal.
- i) for sexual immorality:
- i) suspension for a term not exceeding Three (3) years or
 - ii) deprivation, or

- iii) deposition.
- j) for financial impropriety:
 - i) suspension for a term not exceeding Three (3) years; or
 - ii) deprivation; or
 - iii) deposition.

subject in the case of deprivation or deposition to the provisions of Clause 3 below.

- k) for any act, habit, conduct or contumacy which has given or is likely to give just cause of scandal or offence or which is unworthy of a Clergyman and likely to bring the ministry of the Church generally into disrepute.
 - i) formal admonition, or
 - ii) suspension for a term not exceeding Three (3) years or until such time as he shall undertake in writing not to repeat the offence. If at the end of the period of suspension, such undertaking shall not have been given, the sentence shall be
 - aa) deprivation, or
 - bb) deposition

subject in either case to the provisions of Clause 3 below.

2. Any lay member of any Synod, Lay Officer in the Church or in any Diocese thereof and any Lay Reader found guilty of any offence shall be liable to any one or more of the following sentences:
 - a) for Heresy or False Doctrine (unless he shall formally retract the same within Fifteen (15) days after judgment is given:
 - i) formal admonition with or without in the case of a Lay Reader inhibition from preaching; or
 - ii) suspension for a term not exceeding Three (3) years provided that if at the expiration of the suspension he shall refuse to undertake to refrain from publicly maintaining such opinions he shall become subject to the provisions of Clause 3 below; or
 - iii) If in the judgment of the Tribunal such False Teaching be Heresy the sentence may be Deprivation but such penalty shall not be enforced unless the sentence shall have been upheld by the Episcopal Synod on review.

- b) for Schism:
Deprivation
- c) for Apostasy from the Christian Faith:
Deprivation
- d) for exercising any profession or occupation which is either in its own nature or in the manner of its exercise inconsistent with the holding of any Lay Office in the Church:
 - i) formal admonition; or
 - ii) suspension for a term not exceeding Three (3) years or until such time as he shall undertake in writing not to repeat the offence. If at the end of the period of suspension, such undertaking shall not have been given, the sentence shall be Deprivation subject to the provisions of Clause 3 below.
- e) for violation of the Constitution or Canons of this Church (except as otherwise provided in these Canons)
 - i) formal admonition, or
 - ii) suspension for a term not exceeding Twelve (12) months or until he shall have undertaken in writing to conform in future. If at the end of the period of suspension, no such undertaking shall have been given, the sentence shall be Deprivation subject to the provisions of Clause 3 below.
- f) for disobedience, that is to say, willful contravention of any Act, Rule of Regulation either of the Provincial Synod or of the Synod of the Diocese in which he holds office.
 - i) formal admonition; or
 - ii) suspension for a term not exceeding Six (6) months or until he shall have undertaken in writing to conform in future.

If at the end of the period of suspension, no such undertaking shall have been given, the sentence shall be Deprivation subject to the provisions of Clause 3 below.
- g) for habitual irregularity or neglect in the performance of duties relating to his office.
 - i) formal admonition; or
 - ii) suspension for a term not exceeding Twelve (12) months. If he be found guilty by the Tribunal a second time of such neglect the sentence shall be Deprivation subject to the provisions of Clause 3 below.
- h) For an offence which has led to conclusive conviction in the Criminal courts:

Any of the sentences at the discretion of the Tribunal.

- i) Any Layman not being a member of any Synod, or Lay Officer as aforesaid or a Lay Reader, found guilty of any offence shall be liable to any of the sentences hereinbefore in paragraph (i) of this Clause specified other than a sentence of Deprivation or Suspension. Any of the sentences at the discretion of the Tribunal.
 - ii) Provided always that in addition to any of the above sentences the Tribunal may suspend the accused from receiving Holy Communion for such period as it may determine, or pass a sentence or Excommunication.
- 2. Any Person who has had judgment and sentence pronounced against him by a Tribunal of this Church, and who refuses to submit to such judgment or sentence within such period as shall be specified by the Tribunal, shall render himself liable to a more severe sentence at the discretion of the Bishop of the Diocese, or, if he be a Bishop of this Province, of the Archbishop. That is to say, he may if not sentenced to suspension, be suspended; he may be suspended for a period longer than the original sentence; and on protracted contumacy, he will render himself liable to the successive penalties of Deprivation, Deposition and Degradation (all subject to the provisions of Clauses 4 and 5 below).

Any action, which the Bishop may take under this Clause, shall be without prejudice to any right the authorities of the Church may have to institute civil proceedings of whatsoever nature in any court against the contumacious person by reason of his default. Such civil proceedings shall, however, be instituted after all the machinery within the Church has been fully exhausted.

- 4. No sentence of Deprivation or of Deposition (except as provided under the terms of Clause 1 (d) of this Canon) shall come into effect until the Bishop shall have secured the consent of a Commission of Three (3) Bishops of this Province nominated by the Archbishop and sitting together.
- 5. No sentence of Degradation shall come into effect until the Bishop shall have secured the consent of the Episcopal Synod. Such Commission or Synod shall have power to remit the sentence or to substitute for it at a lesser sentence.
- 6. The sentences specified above shall be interpreted as follows:-
 - (a) "Formal Admonition" means a written Admonition, delivered either in public or in private as the circumstances may seem to the Bishop to require.
 - (b) "Suspension" means suspension from all ministerial functions During the period of the sentence. Suspension entails the total loss of the emoluments attached to the office unless the Tribunal otherwise determines.
 - (c) "Deprivation" means deprivation of the office held by the person on whom sentence is passed.
 - (d) "Deposition" means Deprivation together with Suspension from all ministerial functions within the sphere covered by the jurisdiction of the Tribunal and for such period as the Tribunal shall determine.

(e) "Degradation" means the total removal from Holy Orders of the person on whom sentence is passed.

7. All sentences of deprivation, deposition or degradation and also of excommunication shall be published during Divine Service in the Cathedral Church of the Diocese in which the offender is a Minister, and in the Church in which he habitually ministered and also communicated to the Bishops of the other Dioceses of the Anglican Church of Kenya.

CANON XIX OF APPEALS

1. There shall, subject as is hereinafter otherwise provided, be a right of appeal to the Provincial Tribunal from any judgment or sentence of the Diocesan Tribunal or (as the case may be) the judgment or sentence of the Bishop:
- a) by presenters in cases arising only from charges of False Doctrine, Heresy, Apostasy, Schism, Violation of the Constitution or Canons of this Church, or Disobedience as defined in Canon XVI (Of Proceedings); and
 - b) by persons against whom judgment shall have been given upon any charge brought against them; **PROVIDED THAT:**
 - (i) There shall be no appeal to the Provincial Tribunal as regards the facts of any case, but only as to the conclusions to be drawn from those facts which the Diocesan Tribunal or (as the case may be) the Bishop shall have found to have been established **PROVIDED HOWEVER** that it shall be competent to the Provincial Tribunal, on receiving the case on appeal, to direct that the case, as regards the facts that are charged, shall be reviewed by the Diocesan Tribunal or (as the case may be) the Bishop;
 - (ii) Notice of appeal, setting forth the grounds thereof, shall be given in writing by the appellant to the Bishop of the Diocese within Fifteen (15) days after sentence has been passed.
2. When notice of appeal has been given by any person against whom sentence has been passed it shall be competent to the Bishop of the Diocese to inhibit such person from the exercise of his ministry or office (if any) until the Church Tribunal shall have determined the appeal.
3. In the case of an appeal to the Church Tribunal sentence shall be suspended pending the determination of the appeal.
4. The Church Tribunal may affirm, modify, amend or reverse the judgment of the Diocesan Tribunal or (as the case may be) of the Bishop or remit the case for retrial or confirm, increase or reduce the sentence.

5. If judgment shall have been pronounced and sentence passed against the Bishop he may appeal within Thirty (30) days to an Appellate Tribunal (to be appointed by the Provincial Chancellor and the Diocesan sitting together and to consist of Three (3) persons all of whom shall be professing members of this Church and of whom the Chairperson shall be a person learned in the Law who is of not less than Fifteen (15) years standing in the legal profession in Kenya) to determine the matter, and pending such determination sentence shall be suspended. The Provincial Chancellor and any Diocesan Chancellor shall be eligible for appointment to the Appellate Tribunal.
6. No civil proceedings may be instituted in a Court of Law unless the machinery set out herein has been fully exhausted.

CANON XX OF BAPTISM AND CONFIRMATION

1. OF HOLY BAPTISM

- (a) In these Canons the expression "Infant" shall mean any person under the age of Six (6). All other persons shall be deemed to be "Persons of riper years".
- (b) No person who has not been duly baptized shall be reckoned a member of this Church.
- (c) Only those shall be considered as duly baptized who have been baptized with water in the Name of the Father and of the Son and of the Holy Spirit. Baptism by water may be by sprinkling or by emersion as the candidate or sponsors may desire.
- (d) Baptism shall in no case be repeated. Whenever any doubt exists as to the sufficiency of an alleged baptism the form appointed for the Ministration of Conditional Baptism shall be used.
- (e) The Ministration of Holy Baptism shall, whenever possible, be by a recognized Minister of the Church; but in case of urgent necessity, and in the absence of the Minister, any baptized lay person may minister Baptism.

2. OF GODFATHER AND GODMOTHERS

- a) No person shall be admitted to answer as godparent who is not baptized or who is known to live openly in sin, or who maliciously contended with his neighbors without being reconciled.
- b) No person under ecclesiastical discipline shall be allowed to stand as godparent.
- c) For every child or adult that is to be baptized there shall be at least one godparent of the same sex who shall be a communicant member of this Church and who shall not be the parent of the person to be baptized.
- d) In addition to such godparent, there shall also be one other godparent of the same sex and one other godparent of the opposite sex, both of whom shall be baptized Christians and communicant members of this Church.

- e) In the event of the absence of one or more of the godparents it shall be in order for his or her place to be taken by a proxy, who shall be a communicant member of this Church.

3. OF INFANT BAPTISM

- a)
 - i) Children born in lawful wedlock, both of whose parents are baptized, may be baptized.
 - ii) In the case of children not born in lawful wedlock, the Minister must satisfy himself that the godparent or godparents chosen or nominated are able and willing to fulfill the additional responsibilities, which such special case imposes on them.
- b)
 - i) A child born out of wedlock whose mother is baptized may be baptized **PROVIDED THAT** the mother or guardian shall undertake to bring up the child in the Christian faith.
 - ii) In the case of a child who is born to parents who are living together but are not lawfully married, the minister shall satisfy himself that one of the parents is willing to marry the other parent in accordance with the Rites of the Church and that the Godparent or Godparents chosen or nominated are able and willing to fulfill the additional responsibilities which such a special case imposes on them.

No Minister shall baptize an adopted child unless he shall have satisfied himself that all necessary legal requirements in the matter of adoption have been complied with.

4. OF THE BAPTISM OF CHILDREN OF PARENTS OF WHOM ONE ALONE IS A CHRISTIAN

- a) The child of a Christian Parent who is married to a non-Christian or to a lapsed Christian, may be baptized, provided that the consent of one parent has been secured. In all cases of doubt, the matter shall be referred to the Bishop, who at his discretion shall give or withhold permission for the baptism.
- b) Children born before the baptism of their parents, may be baptized as soon as at least one of the parents is baptized.
- c) If any persons not baptized before they come to years of discretion to answer for themselves it may suffice to use the office for Public Baptism of Infants, or in the case of extreme danger the office for Private Baptism, substituting for the word "Infant" "Child" or "Person" as occasion requires.
- d) In case of any doubt about the application of any of the foregoing sections of this Canon the direction of the Bishop shall be sought.
- e) The Minister of every Parish shall often admonish the people that they bring their children to Baptism as soon as possible after birth, and that they defer not the Baptism longer than Six months or at the furthest Eight months unless upon a great and reasonable cause.

- f) A parish minister is entitled to require of those who desire to have their children baptized four (4) weeks notice before the baptism takes place. During that period he should see the parents, explain to them the meaning of baptism, and the responsibility that they undertake, and should take steps to see that godparents are chosen who will take serious the duties they undertake in relation to the child. If these conditions have not been fulfilled, the minister is entitled to defer the baptism, explaining to the parents the reason for the deferment and requesting them to return when the conditions have been fulfilled. If however, the minister is of the opinion that the interests of all concerned will best be served by the baptism of the child even though the conditions have not been fulfilled, he may proceed to the baptism of the child.
- g) No Minister may except in an emergency baptize an infant whose parents do not reside within his Cure without the previous consent of the incumbent of the parents' parish.
- h) Every Minister who baptizes any infant that is brought to the Church to be baptized whose parents are resident outside the boundaries of his Cure, shall as soon after the Baptism as possible, send to the Minister of the Parish in which such parents reside the name and address of the infant who has been baptized together with a copy of the Entry in the Baptismal Register.

5. OF BAPTISM IN EMERGENCY

In cases when a person in danger of death has been baptized by a layperson those present shall notify the Vicar of the Parish, and, if the person recover, the Vicar shall publicly receive that person in the form prescribed in the Order for the Ministration of Private Baptism.

6. OF CATECHUMENATE

- a) A catechumen is a candidate for baptism of riper years, who is undergoing a period of preparation, and at the service of baptism will be able to answer for himself./herself
- b) It is the responsibility of the Bishop to determine the conditions on which such persons may be admitted to the catechumen ate, the length of the period during which they should remain as catechumens, and the course of preparation to be followed during that period.
- c) It is the responsibility of the Episcopal Synod, in consultation with the Liturgical Committee of the Church, to set forth by authority a service for the admission to catechumens, and, if desired, a form of admission as enquirers, prior to admission as catechumens.
- d) A period of preparation as a catechumen is ordinarily a pre-requisite for the baptism of a person of riper years. If, however, the Bishop is of the opinion that a candidate for baptism has an adequate understanding of the Christian faith, and is sincere in the expression of intention to live a Christian life after baptism, he may give permission for the baptism of such person, even though formal admission to the catechumen ate may not have taken place.

7. OF THE BAPTISM OF SUCH AS ARE OF RIPER YEARS

- a) None shall be accepted for adult Baptism until they have been duly instructed in conformity with these Canons and thereafter examined by the Minister, after such consultation with the Church Council as he/she shall deem fitting.
- c) When any persons who are of riper years are to be baptized after due examination by the Minister, timely notice shall be given to the Bishop, or to whom he shall appoint for the purpose, and the names of all intending candidates shall be published in Church on a Sunday not less than seven preceding the day determined for the Ministration of Holy Baptism.

8. OF THE BAPTISM OF POLYGAMISTS

- a) The law and custom of this Church do not ordinarily permit the baptism of a polygamist.
- b) It is not desirable that a polygamist who wishes to become a Christian should be required to put away all wives other than the first.
- c) He ought not, in order to become a Christian, to repudiate obligations entered into toward wives and children obligations, which in non-Christian society are recognized as binding.
- d) In making this rule, the Church passes no condemnation on those who have acted in accordance with Customary Law, which permits polygamy; it is concerned about the future of the Church, about the sanctity of Christian marriage and the purity of family life.
- e) A polygamist who sincerely desires to become a Christian should be publicly admitted as a catechumen. Upon receiving instructions as a catechumen he shall be baptized together with his believing wives and children on condition that he shall not take any other wives while his present wives are living. If however such a person dies un-baptized, he may be buried with the rites of the Church.
- f) Any polygamist in grave danger of death may be baptized.
- g) If the situation arises in which a former polygamist is now the husband of only one wife, such polygamist may be baptized unconditionally, and confirmed in due course.
- h) The infant children of a polygamist who has been admitted to the status of a catechumen may be baptized, provided that the mother of such children has also been baptized.
- i) A polygamist of advanced years, who in the opinion of the Parish Priest has fulfilled all his family obligations, may be baptized at the discretion of the Bishop.

9. OF THE REGISTRATION OF BAPTISMS

- a) Every Minister shall, within at most seven days after every Baptism within his Cure, record and enter the same in permanent ink in the appropriate Register.

- b) Whenever any Baptism has been performed in any place other than a Church or Chapel in any Parish providing its own distinct Register Books, and such Baptism has been performed by any Minister not being the Minister of such Parish or licensed thereto, the Minister who has performed such Baptism shall, on the same or on the next day, transmit a certificate of such Baptism to the Minister of such Parish, who shall thereupon record and enter the same in the appropriate Register.
- c) In cases of any Baptism in any place where there is no Church or Chapel, the officiating Minister, within seven days afterwards, shall deliver to the Bishop of the Diocese concerned, a certificate of such Baptism, and every such certificate shall be entered in such Register as the Bishop shall determine.
- d) The Parish Priest shall at the end of each calendar year submit to the Diocesan Bishop names of all infants and adults baptized in the Parish.

10. OF FEES

A prescribed fee, payable to the funds of the Parish in which the Baptism takes place, may be charged for the issue of a Certificate of Baptism in accordance with Diocesan regulations.

11. OF THE SIGN OF THE CROSS IN BAPTISM

The Churches of the Anglican Tradition have ever held and taught, and still hold and teach, that the sign of the Cross used in Baptism is no part of the substance of the Sacrament: but, for the remembrance of the Cross, which is very precious to those that rightly believe in Jesus Christ, have retained the sign of it in Baptism, following therein the primitive and apostolic Churches, and accounting it a lawful outward ceremony and honorable badge, whereby the person who has been baptized is dedicated to the service of Him that died upon the Cross.

12. OF CHRISTIAN INSTRUCTION OF CHILDREN AND YOUNG PEOPLE

- a) Every Minister shall see to it that the children and young people within his Cure are instructed in the doctrine, sacraments, and discipline of Christ, as the Lord had commanded and as they are received and set forth in this Church; and to this end he, or some godly and competent persons appointed by him shall regularly and diligently instruct and teach them.
- b) All parents and guardians shall cause their children to come to such instruction at the time and place appointed.

13. OF CONFIRMATION

- a) The Bishop of every Diocese, or some other Bishop deputed by him, shall perform the rite of Confirmation throughout his Diocese, as shall be requisite.
- b) Only those persons who have completed such course of instruction as the Church may require shall be presented for Confirmation.

- c) Every Minister that has a Cure of Souls shall remind his people that all persons who have been baptized, and have come to a competent age and have not been confirmed, are to be brought to the Bishop for Confirmation.
- d) The Minister shall present to the Bishop only such as have been baptized, are come to years of discretion and can say the Creed, the Lord's Prayer and the Ten Commandments and can render an account of their faith according to the Church Catechism in the Book of Common Prayer.

NOTE:

If the Parish Minister can find no satisfactory evidence of baptism he shall baptize conditionally those whom he desires to present to the Bishop for Confirmation].

- e) The Minister, before or at the time assigned for the Confirmation shall give to the Bishop the names of those who are to be presented, together with their apparent ages and the date and place of their Baptism.
- f) If any person who is to be confirmed desires to take an additional name, the Bishop may confirm him by such name, which shall thereafter be one of his recognized names.

14. OF THE REGISTRATION OF CONFIRMATIONS

- a) Every Minister shall record and enter in the Register Book of Confirmations belonging to his Church the Confirmation of every person presented by him and confirmed by the Bishop.
- b) The Chaplain (or other appointed responsible person) or any Institution presenting candidates for Confirmation from that Institution, shall, not less than two months beforehand indicate his intention of so doing to the Minister of the Parish in which each candidate normally resides and shall give heed to any comment which such Minister may make. He shall in like manner, as soon as possible after the Confirmation has taken place, report the Confirmation to that Minister.

CANON XXI OF MARRIAGE

In these Canons and in any Regulation made hereunder the following expressions shall except where the context otherwise requires have the meanings hereunder assigned to them namely:-

1. "Married under customary law" shall mean married in accordance with the requirements of the law and custom applicable to the tribe or tribes of which the parties to the marriage which has been contracted are members:
2. "Civil Court" shall mean a Court of competent jurisdiction in the country in which civil proceedings for the dissolution of a marriage have been taken:
3. "Minister" shall mean any ordained person who is authorized by the Bishop and licensed according to the laws of the State to solemnize marriages:

4. "Polygamy" shall mean cohabitation by one man with more than one woman in such circumstances as shall indicate that a permanent engagement has been entered into between such man and each of such women, and the words "polygamous" and "polygamist" shall be construed accordingly;
 - a) words importing the singular number include the plural number;
 - b) words importing the plural number include the singular number;
 - c) words importing the masculine gender include the feminine gender.

CANON XXI A OF HOLY MATRIMONY

The Anglican Church of Kenya affirms and teaches the belief of the Universal Church that Marriage is, by Divine institution and in accordance with our Lord's teaching a lifelong and in dissolute union and partnership, for better, for worse, till death them do part, between one man and one woman to the exclusion of all others on either side, entered into with the free and full consent of both parties for the mutual society, help and comfort which the one ought to have of the other, both in prosperity and in adversity, for the hallowing and right direction of the natural instincts and affections of the parties and with a view to the procreation and nurture of children in every case in which this is normally possible. The law and regulations of the Church are based upon this belief.

CANON XXI B OF THE RITES OF THE CHURCH RELATING TO CHRISTIAN MARRIAGES

1. Subject always to the provisions of paragraph 5 below, solemnization of Holy Matrimony by the Rites of the Church is reserved to those who have been baptized.
2. Marriages may be solemnized only at such times and in such places as may be for the time being prescribed by the laws of the Church and of the State, the law of the Church being that no marriage shall be solemnized in any other place than a Church or Chapel or other place of public worship authorized by the Bishop. A Bishop may give special authority for marriage to be conducted at a venue other than a place of worship.
3. It is the duty of the parish to interview those who desire to be married, to explain to them the nature and the obligations of Christian marriage, and, as far as lies in his power, to make sure that when they come to the Church to be married they will understand the vows which they will make in the presence of God and of the congregation.
4. It shall be the duty of the Minister to ensure that, in addition to the requirements of the church, the due requirements of the laws of the State are also observed and complied with.

5. In the case of a marriage proposed between a baptized person and an Unbaptized person, the Solemnization of holy Matrimony by the Rites of the Church shall only take place with such form of service as the Bishop shall direct when granting a dispensation in accordance with the provisions of Canon XX E.
6. The Form of Solemnization of Holy Matrimony shall not be used in the case of a proposed marriage in which either or both of the parties shall have been previously married by Christian Rites or by another form of monogamous marriage to a person or persons still living except by permission of Bishop in terms of Canon XX D 8 below.

CANON XXI C OF NULLITY AND MARRIAGE AFTER DECLARATION OF NULLITY

A baptized person whose marriage has been declared null and void by a civil court and who desires to contract a Christian marriage, or any member of the Church who desires to contract a Christian marriage with one whose previous marriage has been declared null and void by a civil court of competent jurisdiction shall, if he or she desire to have such a union solemnized by the Rites of the Church during the life time of a former partner apply to the Bishop for judgment. The Bishop shall upon such application convene a Bishop's Court in accordance with the Regulations appended to these Canons.

CANON XXI D OF DIVORCE AND THE MARRIAGE OF A DIVORCED PERSON

1. Since this Church regards marriage as a life-long contract of loyalty between two persons, it can regard divorce only with disapproval and regret.
2. If it comes to the notice of the parish priest that the marriage of two members of the Church is undergoing strain, it shall be his duty to visit the said persons, with, at his discretion godly lay folk of the parish, to remind them of the obligations into which they have entered, to enquire into the causes of dissension and if possible to remove them, and by all means to effect reconciliation between those who have become estranged.
3. Even when everything possible has been done, it may still come about that the situation between married persons has become such that a marriage has in point of fact ceased to exist. It may then be the duty of the Church to concur that, though divorce is always bad, it may be less bad than the continuance of an impossible situation, in which the presence is maintained that what is now a non-existent marriage still exists.
4. The practice of the Churches in regard to divorce has varied very much through the centuries. Traditionally only such sexual offenses as deny the very nature of marriage had been taken into ACCOUNT. In more recent times, the civil law in many countries has taken account of other circumstances such as prolonged willful desertion, incurable insanity and cruelty. More recently still disagreements, which appear to be irreconcilable, have been accepted as grounds for dissolution of marriage.

5. Where a decree of divorce has been granted by a civil court, on grounds which the Church is not compelled to regard as frivolous, the Church is prepared to accept that decree, and to regard the marriage as having come to an end. A Bishop's Court shall consider each case, and declare the mind of the Church on the civil proceedings and on the decision reached in the civil court making to the Bishop such recommendations as are within its competence defined by Regulation.

If it shall be competent for such a court to declare that, in view of actions or a series of actions that have taken place during the marriage, that marriage is to be regarded as now having no existence at all, having been brought to an end by the actions of the parties, before the declaration of the civil court bringing the marriage legally to an end.

6. The advice of St. Paul was that, in the case of permanent separation between husband and wife, the parties should remain unmarried. In fact, however, divorced parties often do desire to remarry, and provision is made in the civil law of almost all countries for such remarriage.
7. It is not the custom of this Church that persons, one or both of whom have been divorced should be married in Church. It should be carefully explained to such persons that the refusal to marry them in Church is not intended as a judgment on their individual case or moral status, but as a sacrifice that they are asked to accept for the sake of the general well-being of the Church, which has a special responsibility for maintaining and declaring the sanctity of marriage. As long as the phrase 'till death us do part' stands in the marriage vows in the Prayer Book service, it is not possible for the Church to accept the responsibility of marrying again in Church those who have once made this vow and found it impossible to keep it. Nor is the Church, as at present advised, prepared to provide a service for a second marriage with mutilated or abridged rites.
8. If divorced persons have made a civil marriage in accordance with the law of the land and wish to live as Christians, the Church is fully prepared to accept pastoral responsibility for them, and to help them in every way possible to make their second marriage a responsible and stable union. The Diocesan Bishop may authorize in writing that the marriage be blessed in Church provided the concerned Parish Council is in agreement.
9. It shall be competent for the parish priest, with the permission of the Bishop, to hold prayer with a couple who have made such a civil marriage. Such a service of prayer may be held in the church or at home.
10. It is the duty of the parish priest to pay special attention to persons married in this way, to visit them often and to help them by spiritual counsel and advice.
11. If the new marriage shows signs of stability, and the parties declare their intention to live a Christian life and to observe the responsibilities of a Christian marriage, the parish priest may, after the lapse of time, report the matter to the Bishop, and ask that the parties be restored or admitted, as the case may be, to the privileges of communicant status in the Church.

It should be noted, that it has been the custom of the Church that persons who have made a second marriage after divorce should not normally seek office in the Church, as churchwardens, as members of any parish council or any Diocesan Synod or Standing Committee. However, the Bishop may approve in writing the service of any such persons in special circumstances.

12. Children born to a couple who have been married after the divorce of either or both of them shall be baptized in the ordinary manner, and no kind of stigma shall attach to them.

REGULATIONS UNDER THE CANON LAW OF MARRIAGE RELATING TO THE BISHOPS' COURT

1. a) There shall be a Bishop's Court (hereinafter called the Bishop's Court") for the purposes of issuing judgments relating to cases of Nullity of Marriage and the granting or withholding (as the case may be) of permission for the solemnization of matrimony in the case of a person or persons whose marriage or marriages has or have been declared null and void by a Civil Court;
- b) The decision of the Bishop's Court shall be that of the majority of the Members thereof either sitting together or obtained by the Bishop by correspondence with all the Members.
2. **The Members shall consist of:-**
 - a) the Bishop.
 - b) the Archdeacon of the Archdeaconry in which one or other of the parties resides, or if there be no Archdeacon, a Senior Priest of the Diocese appointed by the Bishop.
 - c) the Chancellor or Registrar of the Diocese if there be one, or if there be none, some other Communicant Christian learned in the Law.
 - d) such other Communicant Christians not exceeding Two (2) in number as the Bishop shall in his discretion appoint.
3. No case shall be considered until a period of Six (6) calendar months shall have elapsed from the date upon which the decree of the civil court became final.
4. Applications shall be made to the Bishop not less than Three (3) calendar months before the date of the contemplated marriage.
5. Before a favorable judgment is rendered, the Bishop's Court shall be satisfied;-
 - a) that the applicants comply with the prior provisions of this Canon; and
 - b) that no facts exist which could make the proposed marriage bigamous; and
 - c) that both parties do intend to have a Christian marriage; and
 - d) that in the case of Nullity of Marriage one or more of the facts set forth in the Appendix to this Canon are shown to have existed in the previous relationship of the man or woman whose marriage has been declared null and void which manifestly establish that no marriage bond such as is recognized by the Church exists; or
 - e) that in the case of Divorced Persons there has during the course of the marriage which has been dissolved taken place any act or series of acts of such a nature as to nullify the essence of marriage as defined in CANON XXI A of these Canons and that consequent upon such act or series of acts a decree of divorce has been granted by a Civil Court

The appendix above referred to

The Church recognizes as valid grounds for the granting of a decree of nullity by a Civil Court any one of the following conditions:-

1. where either party was permanently impotent, or incapable of consummating the marriage, at the time of the marriage; or
2. where there has been willful refusal on the part of one partner to consummate the marriage; or
3. where the parties are within the prohibited degree of consanguinity (whether natural or legal) or affinity; or
4. where either party at the time of the marriage was of unsound mind or subject to recurrent fits of insanity; or
5. where the former husband or wife of either party was living at the time of the marriage, and the marriage (including a marriage under customary law recognized as valid by the law of the country in which the same took place) with such previous husband or wife was then in force; or
6. where the consent of either party to the marriage was obtained by force or fraud in any case in which the marriage might be annulled on this ground by the law of the State in which the marriage was effected; or
7. where there was a defective form of the marriage itself, that is to say, if both parties had knowingly and willfully acquiesced in its celebration:
 - (a) in any place other than the office of a registrar of marriages or a licensed place of worship or other place specifically or generally authorized by law for the solemnization of marriage; or
 - (b) under a false name or names; or
 - (c) by a person, not being a Minister of religion lawfully authorized in that behalf in the place where the marriage was solemnized or a registrar or marriages; or
 - (d) without the Registrar's Certificate* of Notice or Special License duly issued in the case of marriages celebrated under the Marriage Act or in the case of marriages celebrated under the African Christian Marriage and Divorce Act, without publication or Banns in the manner provided for by the Rubric prefixed to the Office of Matrimony in the Book of Common Prayer; or
 - (e) in the case of a marriage outside Kenya without such public notice as is required by the law of the country where the marriage took place.

- * The term "Registrar's Certificate" is deemed to include any certificate for Marriage issued in conformity with Section 13 of the Marriage Act (Chapter 150 of the laws of Kenya).
6. No such judgment shall be construed as reflecting in any way upon the legitimacy of the children or the civil validity of the former marriage in the case of a marriage terminated by a Decree of Divorce.
 7. Every judgment rendered by the Bishop's Court shall be in writing, and copies thereof shall be lodged in both the Diocesan Registry and the Provincial Registry.
 8. In the case of Nullity of Marriage a person in whose favour a judgment has been granted under the foregoing provisions of these Regulations may be married by a Minister of the diocese in which the judgment is given. If the marriage is to be solemnized in a diocese other than that in which the judgment is given, the said judgment must have been previously submitted to the Bishop of that Diocese.
 9. In the case of a Decree of Divorce a person in whose favour a judgement has been granted under the foregoing provisions of these Regulations may not be married by any Minister in any Church within the Anglican Church of Kenya but if called upon so to do the Parish Priest concerned may with the permission of the Bishop of his Diocese hold prayer with the couple who have made a civil marriage and call down the blessing of God upon their union using such formal of service as may from time to time be approved by the Bishop.

CANON XXI E OF THE MARRIAGE OF UNBAPTIZED PERSONS

1. A Minister shall not solemnize Matrimony or allow Matrimony to be solemnized in his Church except between two persons both of whom have been baptized or who show a serious desire to be baptized.
2. The marriage of a baptized person with an Unbaptized person or of two Unbaptized persons shall not take place without the prior permission of the Bishop, who shall decide upon what conditions such marriage may take place, and upon the form of service to be used.
3. If a case be shown that there is no Christian partner available or for other grave reasons, the Bishop may grant dispensation. But the Bishop must first be satisfied:-
 - a) that both parties to the proposed marriage recognize that the marriage will be a Christian marriage, identical in status to a marriage between baptized persons; and
 - b) that the Unbaptized person intends to live with the baptized person according to the Christian law of marriage, and undertakes not to hinder him or her in the free exercise of his or her religion; and
 - c) that both parties to the proposed marriage give a written undertaking that any children of the marriage shall be baptized and brought up as Christians.

The Bishop shall determine what form of service is to be used in such cases.

4. (a) The marriage of a Christian to a non-Christian by non-Christian rites is in all circumstances undesirable. If such marriage has taken place the Bishop shall determine what ecclesiastical discipline (if any) is to be imposed.
 - (b) If such a marriage is valid in law then it will be indissoluble on the side of the Christian, in which case the Christian (who being such had married a non-Christian) shall have no claim to the Privilegium Paulinum (set forth in the Appendix to this Canon) which is applicable only to cases in which a married non-Christian becomes Christian.
5. No person who has formally renounced his membership of this Christian Church may have his marriage solemnized by a Minister of this Church.

The appendix above referred to

Privilegium Paulinum is contained in 1 Corinthians 7:12-15, as follows;

"To the rest I say this, as my own words, not as the Lords: if a Christian has a heathen wife, and she is willing to live with him, he must not divorce her; and a woman who has a heathen husband willing to live with her must not divorce her husband. For the heathen husband now belongs to God through his Christian wife, and the heathen wife through her Christian husband. Otherwise your children would not belong to God, whereas in fact they do. If on the other hand the heathen partner wishes for a separation, let him have it. In such cases the Christian husband or wife is under no compulsion, but God's call is a call to live in peace". (New English Bible).

CANON XXI F OF MARRIAGE UNDER NON-CHRISTIAN LAW INCLUDING CUSTOMARY LAW

1. Non Christians Married under Customary Law.

- a) A non polygamous person married in accordance with the traditions or customary law of his or her ethnic group or tribe and who has fulfilled all the requirements of such marriage traditions or law of his or her ethnic group or tribe, such as the obtaining of the consent of the parents, the payment of dowry and is recognized by the community that he or she is married shall be deemed to be truly married.
- b) Accordingly such a person shall not be required to undergo any other form of church marriage as a condition for baptism, or for admittance to Holy Communion, or for being received to the membership of the Anglican Church of Kenya. The local Parish Priest shall, however, be expected to exercise his pastoral care and encourage such a couple to have their marriage blessed in Church. Each case shall be taken on its own merit.

- c) Where two persons both being non-Christians are married under customary law (although such marriage be potentially polygamous or potentially dissoluble) such marriage is to be considered as good marriage capable of becoming exclusive and life long.
- d) Where two such persons become Christians and are admitted to Holy Baptism, their marriage shall (in virtue of such baptism be raised to the status of a Christian Marriage). It will not be necessary to conduct a wedding ceremony in accordance to the rites of the Church, but a ceremony to bless the already contracted marriage may be conducted in the form accepted by the Church.
- e) Before the couple is admitted to the Holy Communion the fact of the marriage and its life long nature shall be publicly acknowledged in conformity with the form and order accepted by the Church.

2. Marriage between a Non Christian and a Baptized Person.

Where parties to such customary union are not baptized at one and the same time, the first to be baptized may be admitted to the Holy Communion.

3. Baptized Persons Married under Customary Law.

Where two baptized persons are living together as man and wife, their union not having been solemnized by the Rites of the Church, the Diocesan Bishop may in his discretion give permission for one or both of such persons to be admitted to the Holy Communion in accordance to the Rites of the Church provided that the Bishop shall first be satisfied, inter alia, that the persons have been married under customary law or under some other generally accepted law custom or tradition and are accepted by the community as married. Provided further that such persons shall be strongly encouraged to have their marriage blessed in Church.

On granting such permission, the Bishop shall indicate what other privileges (e.g. of holding office in the Church pertaining to Communicant status shall be permitted to the person so admitted to the Holy Communion).

- 4. A marriage contracted by non-Christians, which is potentially polygamous, or potentially dissoluble is not raised to the status of Christian Marriage by the baptism of one of the partners only. If after such baptism, the Unbaptized partner is unwilling to remain peacefully and without offence to God with the baptized partner, it is possible for the baptized partner to take advantage of the Privilegium Paulinum.

If the baptized partner desires to marry he or she must, after the former marriage has been legally dissolved, make application to the Bishop. If the Bishop be satisfied that the former marriage has been dissolved, the baptized partner may be free to contract a new and Christian marriage in accordance with Christian rites.

The Privilegium Paulinum applies only when a baptized partner has been deserted by the Unbaptized partner; if the baptized partner drives away the Unbaptized partner unfairly, then and in any such case the privilege cannot be claimed.

- 5. Where traditional customs in regard to marriage are not repugnant to Christian Doctrine or Law, observance of such practice by two persons desiring to be married by the Rites of the Church shall not constitute a reason for refusing such rites to them nor shall such marriage be held in disrepute by the Church.

Provided that the Minister who solemnizes the marriage is satisfied that both persons concerned understand and accept the principles of Christian marriage, and intend that their marriage shall be monogamous and indissoluble.

In case of doubt as to whenever any local practice as aforesaid is repugnant to Christian Doctrine or Law, the ruling of the Bishop shall be final.

CANON XXI G OF CERTAIN IMPEDIMENTS TO THE SOLEMNIZATION OF MATRIMONY

1. No person who has already been married whether by the rites of the Church or by civil process or in accordance with customary law, but whose marriage has been dissolved by secular authority, shall be married by any Minister of the Church, except as provided by Canon XXI B so long as the husband or wife to whom that person was previously so married is still living.
2. (a) No member of the Church shall marry within the degrees expressed in the Tables of Kindred and Affinity annexed to this Canon, and all ceremonies purporting to be marriages within the said degrees are by the judgement of the Church null and void:
 - b) In cases in which a marriage valid in accordance with customary law but contrary to the provisions of Table B or Table C, has been contracted by two persons prior to their baptism, dispensation may be granted by the Bishop and permission given for such persons to be baptized and their marriage recognized:
 - c) The Church recognizes that there are among certain communities customs more restrictive than the prohibitions set out in the said Tables. The Church while not encouraging individuals to marry contrary to such customs yet affirms that all marriages contracted and performed in accordance with the provisions of this Canon are valid.
3. No male member of the Church shall marry another man and no female member of the Church shall marry another woman. Any ceremony purporting to be marriage between a man and a man or a woman and a woman is by the judgement of the Church null and void.
4. Nothing in this Canon shall be construed as prohibiting marriage between an individual and a Godparent or relation of a Godparent, not being barred on grounds of kindred and affinity.
5. Subject always to the laws of the Republic of Kenya, persons under the age of majority may not be married by any Minister of the Church without the consent of their parents or of their lawfully constituted guardians unless dispensation be granted by the Bishop.

The appendix above referred to

TABLES OF KINDRED AND AFFINITY WHEREIN WHOSOEVER ARERELATED ARE FORBIDDEN BY THE LAW OF THE CHURCH TO MARRY TOGETHER

Table A

By the Law of God, binding in all places and at all time,

A man may not marry his:	A woman may not marry her:
Mother	Father
Daughter	Son
Father's Mother	Father's Father
Mother's Mother	Mother's Father
Son's Daughter	Son's Son
Daughter's Daughter	Daughter's Son
Sister	Brother
Father's Daughter	Father's Son
Mother's Daughter	Mother's Son

Table B

By the Law of Christ's Church as it is everywhere received,

A man may not marry his:	A woman may not marry her:
Wife's Mother	Husband's Father
Wife's Daughter	Husband's Son
Father's Wife	Mother's Husband
Son's Wife	Daughter's Husband
Father's Father's Wife	Father's Mother's Husband
Mother's Father's Wife	Mother's Mother's Husband
Wife's Father's Mother	Husband's Father's Father
Wife's Mother's Mother	Husband's Mother's Father
Wife's Son's Daughter	Husband's Son's Son
Wife's Daughter's Daughter	Husband's Daughter's Son
Son's Son's Wife	Son's Daughter's Husband
Daughter's Son's Wife	Daughter's Daughter's Husband

Table C

In this Anglican Church of Kenya it is also forbidden that,

A man may not marry his:-	A woman may not marry her:-
Mother by Adoption	Father by Adoption
Adopted Daughter	Adopted Son
Sister by Adoption	Brother by Adoption
Father's Sister	Father's Brother
Mother's Sister	Mother's Brother
Brother's Daughter	Brother's Son
Sister's Daughter	Sister's Son

Note: In this Table the term "Brother" includes a brother of the half-blood, and the term "Sister" includes a sister of the half-blood.

CANON XXI H OF MIXED MARRIAGES

A baptized member of the Church ought not to enter into such marriage with a person other than a member of the Anglican Church as may involve the acceptance of conditions imposed without option by any other religion or denomination. The Church recognizes no legal or moral obligation to accept such conditions and therefore a baptized member of the Church who wishes to marry a baptized member of another Christian denomination may be married according to the rites of either Church provided that no such conditions are imposed.

CANON XXI I OF DISCIPLINE

1. No person who has remarried according to the law but who has a former spouse still living, or who is married according to that law to a person who has previously been married to a spouse who is still living, shall be admitted to Holy Orders or to any office of the Lay Ministry.

If a person already so admitted violates the principles of marriage as in these Canons set forth, he shall be subject to such ecclesiastical discipline as shall from time to time be in force within the Church.

2. CHURCH AND POLYGAMY

This Church is convinced that monogamy is God's plan for marriage and that is the ideal relationship for the expression of love between a husband and wife. Nevertheless this teaching is not easily understood in many Kenyan cultures in which polygamy is widely practiced and is socially acceptable. While it teaches Monogamy, the Church must be pastorally sensitive to the widespread existence of polygamy.

3. PEOPLE WHO WERE POLYGAMISTS BEFORE BECOMING CHRISTIANS

A person who becomes a polygamist before becoming a Christian shall on accepting the gospel be baptized with his believing wives and children on condition that he shall not take any other wives while his present wives are living. The Bishop may confirm such a polygamist, his wives and children after further instructions in the Christian faith. A person who has contracted a polygamous marriage before or after baptism shall not in any way be required or compelled to put away any of his wives as a condition of being admitted or re-admitted to the Holy Communion.

4. A Deacon, Priest or Bishop who becomes a polygamist shall be defrocked.
5. A baptized person who becomes a polygamist has thereby automatically deprived himself of the rights and privileges of full membership of the Church.

It shall be the duty of the Parish Priest concerned to report the facts to the Bishop, who, the facts being established, shall issue a sentence of deprivation of the rights and privileges of full membership and shall send a copy of the sentence to the person concerned and to the Parish Priest. The rights and privileges of which a polygamist has deprived himself are:

- a) participation in Holy Communion;
- b) standing as sponsor in baptism;
- c) office or membership of any parish council or any Provincial or Diocesan Synod or Standing Committee;
- d) office of Lay Reader
- f) burial with the full rites of the Church.

- Note:** i) It shall be competent for any Minister of the Church to bury such Person according to the form of service from time to time in use in the Diocese concerned:
- ii) The Bishop shall have the discretion to readmit a polygamist to the full privileges of lay church membership after due consideration of the following circumstances with regard to each individual case:-
 - aa) the lapse of a notable time
 - bb) the polygamist's repentance for his faults in breaking the vows which he made at his first marriage
 - cc) the acceptability of such re-admission in the eyes of the local church
 - dd) special factors operating in an individual case which made it hard for the polygamist to resist the taking of another wife or wives subsequent to his first marriage in breach of his marriage vows.

- 5. A baptized member of the Church who marries a polygamist shall not be admitted as candidate for confirmation, and a communicant member who marries a polygamist shall deprive herself the rights and privileges as outlined in Canon XXIII I (5).
- 6. The wives of a polygamist shall not solely on account of their marital status be refused admission to Holy Communion.
- 7. A Communicant Member of the Church who marries a non-Christian, except it be within the terms and conditions of Canon XXIII E, shall be suspended from the reception of Holy Communion until such time as in accordance with the Regulations of the Diocese, he or she shall be restored thereto, or until such time as the non-Christian partner shall have been baptized, and all other conditions hereinbefore contained relevant to such a case shall have been fulfilled: such restoration shall not, without the approval of the Bishop, include the privileges otherwise pertaining to communicant status (e.g. of office in the Church) until the non-Christian partner shall have been baptized and the Bishop shall have given leave.

8. A Member of the Church who, having obtained a divorce, contracts a new union except as provided in Canon XXIII D shall, ipso facto, not be allowed to receive Holy Communion nor receive the blessing of the Church upon the new union; but such members of the Church so suspended may nevertheless be admitted or re-admitted to Holy Communion and receive the blessing of the Church upon the new union with the express permission of the Bishop.

CANON XXI J OF THE BLESSING OF A MARRIAGE CONTRACTED AS A CIVIL MARRIAGE

If any persons have contracted marriage before the Civil Registrar under the provisions of the Statute Law, and shall afterwards desire to have their marriage blessed according to the Rites from time to time in force in the Anglican Church of Kenya, the Minister of the Parish or other area wherein such persons dwell, or where the name of one of them is entered on the Church Register, may, if he sees fit, perform the said rite in any Church, or any other place authorized by the Bishop within his Cure, without the publication of Banns or any license or certificate; provided however, first, that he be satisfied that there is no canonical impediment to the marriage of the parties. No such Ceremony of Blessing shall be entered by the Minister in the Register Books of Marriage provided by the Registrar General, but it shall be duly noted in the Register of Services and on the reverse of the Certificate or Marriage issued by the Civil authority.

CANON XXI K OF THE ORDERING OF THE MARRIAGE SERVICE

1. When Holy Matrimony is to be solemnized in any Church, it appertains to the Minister concerned in consultation with the couple to be married to advise what music shall be played, what hymns or anthems shall be sung, or what furnishings or flowers shall be placed in or about the Church for the occasion, and whether, and to what extent, cameras, tape-recorders and other apparatus may be used within the Church during the actual solemnization of the Marriage.
2. No Minister shall be compelled to solemnize any marriage.
3. No Minister shall be required without his consent to make his Church available for the solemnization of any marriage by another minister provided that if he shall refuse consent the aggrieved parties may appeal to the Bishop whose decision shall be final.
4. No Minister who is not the parish vicar in charge of the Church where it is intended that marriage shall be solemnized shall officiate at such marriage unless he shall have been invited so to do by the parish vicar

III. REGULATIONS

REGULATION I OF ELIGIBILITY OF LAY PERSON TO HOLD OFFICE OR VOTE

1. No layperson shall be eligible for election or appointment to the Synod or other Diocesan Boards or committees or councils or the parish or local church Council unless he shall have attained the age of Twenty-one (21) years and shall not have passed the age of Sixty Five (65) years and is a communicant member of the Anglican Church of Kenya.
2. A layperson who has attained the age of sixty-five (65) years may be co-opted for a further period not exceeding two terms of two years.
3. No layperson shall be eligible to vote at an election of representatives of Synod or Parish Council or Church Council unless he has attained the age of Eighteen (18) years and is a communicant member of the Anglican Church of Kenya.

REGULATION II OF ELECTED AND APPOINTED MEMBERS OF SYNOD

1. Every Parish within the Diocese shall, at its Bi-Annual Parochial General Meeting, elect Two (2) laypersons to represent it at the Synod.
2. The Standing Committee shall nominate to the Bishop for appointment to the Synod not more than Four (4) laypersons to represent special interests in the Diocese.
3. The Bishop shall appoint not more than six (6) persons to the membership of the Synod.

REGULATION III OF NOTICES CONVENING SESSIONS OF SYNOD

1. **ORDINARY SESSIONS**
The Bishop shall give at least Two (2) months' notice of the date appointed for the opening of an Ordinary Session of the Synod. Any items to be placed on the Agenda Paper in accordance with Regulation IV must reach the Secretaries of the Synod through the Diocesan office not less than Four (4) weeks before the date fixed for the Session of the Synod.
2. **SPECIAL SESSION**
Notice of a Special Session of the Synod, which shall include the Agenda, shall be circulated not less than One (1) month before the date fixed for the Session. No business other than that notified in the Agenda shall be transacted at a Special Session.

REGULATION IV OF AGENDA FOR SYNOD

1. Items may be placed upon the agenda for an ordinary session by:-
 - a) The Bishop;
 - b) The Standing Committee;
 - c) Such other Committees or Boards of the Diocese;
 - d) Not less than Three (3) members of the Synod acting together as a Parish, of whom One (1) shall be a priest and Two (2) shall be laypersons who shall be members of the Synod.

2. The Bishop shall cause to be prepared and circulated an Agenda Paper in the form prescribed by Standing Orders to come before the Synod, not less than Four (4) weeks before the date fixed for the Session.
3. Only such business as shall have been notified in the Agenda Paper shall be transacted at any Ordinary Session unless the Synod by a majority of Two-thirds (2/3) of those present and with the consent of the Chairperson shall otherwise determine.

REGULATION V OF THE QUORUM OF THE SYNOD

1. DETERMINATION OF QUORUM.

At least One-half (1/2) of the Clerical members of the Synod and One-half (1/2) of the elected lay members must be present with the Bishop or Chairperson at the opening of any Session of the Synod to form a quorum. If within forty five (45) minutes from the time appointed for the opening of the Session a quorum is not present the Session shall stand adjourned to such day, time and place as the Bishop may by notice to the members appoint.

2. ADJOURNMENT AFTER THE FAILING QUORUM

If during any meeting of the Session a count is demanded by any member, and if it be ascertained that the number in either House is less than One-third (1/3) of members of that House, the Chairperson shall adjourn the meeting for so long as he shall see fit.

3. FAILING QUORUM AFTER ADJOURNMENT

If at an adjournment, which has re-convened pursuant to paragraphs 5.1. or 5.2. of this Regulation a quorum is not present within Thirty (30) Minutes from the time appointed for the meeting any member or members present shall be a quorum.

REGULATION VI OF THE AUTHORITY OF A BISHOP, AS CHAIRPERSON OF DIOCESAN SYNOD AND STANDING COMMITTEE.

1. RIGHT OF BISHOP TO INTERPOSE VETO.

Every Diocesan Bishop has the right and the duty to interpose his veto, if any proposal brought to his diocesan Synod or Standing Committee is judged by him to be uncanonical, unconstitutional or contrary to the Articles and custom of the Church. He may exercise the right of veto:

- a) When the Agenda for such meeting is being drawn by refusing permission for such an item to be included in the Agenda;
- b) At any point during a discussion, when it has become clear to him that grave objection ought to be taken to the motion;
- d) At the time of voting, by refusing to allow a vote to be taken on the motion to which he has taken grave objection.

2. THE ARCHBISHOP TO BE INFORMED CONCERNING THE VETO

If the Bishop has exercised his veto, he shall at once inform the Archbishop of such action stating the grounds thereof. The Archbishop, after consultation with other Bishops and with the Provincial Chancellor, shall either inform the Bishop concerned that his action has been sustained and that no further action may be taken in the matter; or advise him that the proposed motion should be brought before the next meeting of the Synod or the Standing Committee, the Bishop having full liberty to explain the grounds on which he regards it as highly undesirable the motion should be passed.

3. THE BISHOP'S DISCRETIONARY VOTE

On all ordinary matters of business, the Bishop shall have One (1) vote which he shall use at his discretion. In the event of a tie, the Bishop shall order a recess of Fifteen (15) minutes, after which a second vote shall be taken. If the tie continues, the Bishop shall declare the motion lost for that session; but there shall be no objection to the same motion, or an amended version of the same being brought before the next Session of the Synod or the Standing Committee.

4. VOTING ON MOTION CONCERNING FAITH AND ORDER

If the matter arises which the Bishop shall judge to concern the Faith or Order of the Church, it shall be competent for the Bishop to call a vote by Houses. If the Bishop shall then vote against the motion, it shall be lost for that Session, and decision shall be postponed for a year. If at a second meeting a vote by Houses is again called for and the Bishop again votes against the motion, it shall be deemed to have been passed by the concurring votes of the other two Houses. But the Bishop's dissent shall be recorded; and the Bishop shall be entitled to request the Archbishop to bring the matter to the next meeting of the Episcopal Synod for the ruling as to whether the motion contravenes the Faith or Order of the Church. If the ruling of the Episcopal Synod is unfavorable to the motion, the Bishop shall inform the Synod or the Standing Committee at its next meeting that his negative vote has been upheld against the favorable votes of the other two Houses and the motion shall be deemed to have been lost.

REGULATION VII OF VOTING RIGHTS OF THE CHAIRPERSON, VICE-CHAIRPERSON AND THE DEPUTY CHAIRPERSON OF THE SYNOD

1. THE VOTING OF VICE OR DEPUTY CHAIRPERSON

The Vice-Chairperson, or Deputy Chairperson when acting as Chairperson shall have only an ordinary vote both at the Synod or the Standing Committee of Synod. Where a tie takes place at any such meeting, the procedure to be followed shall be that laid down in paragraph 6.3 of Regulation 6.

2. INABILITY OF VICE-CHAIRPERSON OR DEPUTY CHAIRPERSON TO PRESIDE OVER UNCONSTITUTIONAL OR UNCANONICAL ISSUE BEFORE THE SYNOD.

If it shall appear to the Vice-Chairperson or Deputy Chairperson when acting as Chairperson that any proposal brought before the Synod or the Standing Committee is unconstitutional or uncanonical he may require that discussion of such proposal shall be postponed until the Bishop is present and in the Chair.

REGULATION VIII OF STANDING ORDERS OF SYNOD

1. At the beginning of each Session, the Synod shall elect from its membership Two (2) Secretaries, a Priest (Clerical Secretary) and a Layperson (Lay Secretary) . These Officers shall remain in office until the Synod or its Standing Committee makes new elections.
2. All motions shall be taken in the order in which they appear on the Agenda Paper, unless otherwise determined by the Chairman in consultation with the Synod. The Chairman's decision shall be final.
3. A member introducing a Motion or Amendment may speak for not more than Ten (10) minutes, or otherwise ordinarily for not more than five (5) minutes, unless the Chairperson extends the period. No member shall speak more than once upon the same Motion or Amendment without leave from the Chair, but the person proposing a Motion shall have the right to reply. Any member who seconds a Motion or Amendment may do so without speaking to it, and shall be entitled to address the Synod on the subject of such Motion or Amendment at any subsequent period of the debate.
4. A Motion unless seconded shall lapse, and the Synod shall proceed at once to the next Motion.
5. No Motion or Amendment, except for adjournment or division or that "the question now be put", shall be considered to be before the Synod until reduced to writing. The normal laws of procedure in debate shall apply to the consideration of Motions and Amendments.
6. A Motion "that the Synod do now divide" or "that this debate be now adjourned" shall always be in order, if made so as not to interrupt a member speaking; and on being made and seconded immediately without discussion. If such Motion be defeated no new Motion for adjournment or division shall be entertained within Twenty (20) minutes of the preceding one, unless the debate be closed.
7. If, during the course of a debate, any member considers that it is not desirable for the Synod to record a vote on any matter being debated, he may move "that the Synod now pass on to the next order of the day". If seconded, this Motion shall be put from the Chair without discussion. If the Motion is carried, the matter shall not be debated further and no vote shall be recorded; but the matter may again be considered at a future Session of the Synod subject to the Regulation as to preparation of the Agenda.
8. The Secretaries shall register the attendance of members at each meeting of the Session, and shall record, in form of Minutes, the proceedings of all Sessions of the Synod; they shall then prepare and send draft minutes to the Standing Committee of Synod for confirmation. Thereafter the minutes shall be circulated to all the members of the Synod, not less than Eight (8) weeks before the next session of Synod.

9. In accordance with the Order Paper of the Session of the Synod, the Synod shall elect from one of its Lay members the Honorary Diocesan Treasurer, six (6) clergy and six (6) lay persons to the Standing Committee of Synod, who shall hold office until the next Ordinary Session of Synod or until anyone of them ceases to be a member as provided for in this Constitution.

9. The documents and records of the Synod shall be entrusted to the Diocesan Registrar if any, or the Administrative Secretary who shall ensure that they are filed in the Diocesan archives.

REGULATION IX OF LIFE OF THE STANDING COMMITTEE

1. The Standing Committee shall hold office until a new Standing Committee is elected by the Synod.
2. Any member of the Standing Committee who for any reason shall cease to be a member of the Synod shall ipso facto vacate his seat on the Standing Committee.
3. Vacancies occurring among the members of the Standing Committee in interval between Two (2) Ordinary Sessions of the Synod through death, resignation or the operation of the preceding sub-clause, shall be filled by the Standing Committee from among the members of the Synod.
4. The Standing Committee shall meet at least twice a year. The Bishop may, in consultation with the Secretaries of the Standing Committee, convene Special Meetings at any time.
5. Eleven (11) members (including at least Four (4) Clergy and Four (4) Lay-persons shall be sufficient to constitute a quorum at any meeting of the Standing Committee.
6. The Secretaries shall record in the form of Minutes the proceedings of all meetings of the Standing Committee, which shall be circulated to all members of the Standing Committee of Synod, the Archbishop, the Chancellor of the Provincial Synod, the Secretary of the Committee of Reference and to such other persons as the Standing Committee of the Synod shall from time to time determine.

REGULATION X OF PARISHES AND LOCAL CHURCHES

1. CREATION OF PARISHES

The Bishop shall have power to create new parishes to combine existing parishes or modify the boundaries between parishes. Before taking a decision, the bishop may consult the pastoral care committee.

2. DIVISION OF PARISHES

- a) Any proposal for a division of a parish shall be submitted by the parish Church Council to the Diocesan Bishop for consideration. The proposal shall contain a statement clearly stating how the parish has agreed on the division of assets and liabilities.
- b) The Parish Council meeting that recommends the division of a Parish shall also appoint a special committee on the division of assets and liabilities. Such committee shall be composed of not less than six (6) people with fair representation from the various parts of the parish to be divided.
- c) The said committee shall prepare an inventory of all the assets and liabilities of the parish.
- d) The assets and liabilities shall be distributed as follows:
 - i) In case of office equipment, where there are two pieces of the same, each parish shall take one piece each. Where there is only one piece of equipment the same shall be retained by the existing parish.
 - iii) Files and other records shall be retained by the existing parish provided that files and records which are specifically relevant to the new parish shall be given to the new parish.
 - iv) Motor vehicles in existence at the time of the division, and which are for the general use of the parish shall be distributed fairly.
 - v) Project related assets for which donor funding has been obtained and specific donations shall not be subject to distribution.
 - vi) Non-income earning assets such as church buildings, church halls and staff houses shall remain in the existing parish and shall not be the subject of distribution.
 - vii) Income generating assets shall be jointly owned by the two parishes and the income there-from shall be distributed on a 50% basis.
 - viii) Liquid cash shall first be used to settle any outstanding debts and the residue thereof shall be distributed with the existing parish taking forty percent (40%) and the new parish taking sixty percent (60%).
 - ix) As far as possible, all liabilities should be settled before the division. Where this is not possible, the income from income generating assets shall be first applied to the settling of the said liabilities before the same is distributed.
 - x) Each new parish created shall open and operate its own bank accounts.
- e) Upon receipt of the proposal the Bishop shall consult the Diocesan Pastoral Care Committee before taking a decision.

3. PARISH ANNUAL GENERAL MEETING

- a) There shall be an Annual General Meeting in each Parish, which shall meet within the first four (4) months of each Calendar year. The Annual General Meeting will be composed of:-
- i) The Parish Vicar who shall be the Chairperson .
 - ii) Curates, Deacons and Church Army staff working full time in the Parish.
 - iii) All members of the Parish Council
 - iv) All attached clergy who worship and work in the parish.
- b) The Business of the Annual General Meeting shall include:-
- i) To receive the annual report by the Parish Vicar.
 - ii) To receive the audited accounts for the preceeding financial year.
 - iii) To receive reports from Local Church Councils.
 - iv) To elect the Vice-chairperson
 - v) To elect the Parish Secretary
 - vi) To elect the Parish Treasurer.

 - vii) To elect and appoint (for those already elected from the local Churches) other members of the Parish Council
 - viii) To elect from among the members of the Parish Council two (2) laypersons to represent the Parish at the Diocesan Synod, one member to the Deanery Council and two members to the Archdeaconry Council.
 - ix) To appoint auditors.
 - x) Discussion of matters of which due notice has been given to the Chairperson and has been placed on the Agenda.
 - xi) To deliberate on any other matter allowed at the discretion of the Chairperson.

- c) The Parish Vicar will ensure that the notice for the annual general meeting (the date, time & venue) is announced on two consecutive Sundays during Sunday services in each of the congregations composing the Parish.
- d) The Secretary of the retiring Parish Council will record the Minutes of the Annual General Meeting. In his absence, the meeting shall appoint its own Secretary.
- e) Voting will be either by show of hands or by secret ballot. Each member will have one vote for election of persons to each position or office.
- f) In case there are complaints that the elections were not properly conducted, 50% of the members of the Annual General Meeting may jointly write their complaints to the Bishop who will send an independent Diocesan team to investigate the complaints. If the team is satisfied that the election was not free and fair the Bishop will order fresh elections conducted by him or his appointee.
- g) The quorum for Annual General Meeting shall at least be fifty percent (50%) of the registered and communicant members.
- h) The Parish Vicar may at any time convene a special meeting of the members of Annual General Meeting and must if he receives a request to do so from not less than fifty per cent (50%) of the members of the Parish Council. The special Annual General Meeting shall discuss the matter for which the meeting is called. No other matter shall be discussed unless the majority of members present vote in favor of such discussion.

4. PARISH COUNCIL

- a) There shall be a Parish Council hereinafter called "Parish Council" in each parish established by the Bishop. The Parish Council shall be composed of:-
 - i) The Parish Vicar who shall be the Chairperson thereof;
 - ii) All other Priests Deacons and Church Army Staff serving in the Parish on a full time basis;
 - iii) Not more than two (2) attached clergy invited by the Vicar;
 - iv) Lay representatives of local churches forming the parish who shall be appointed in accordance with the following formula:

Number of Churches	Representatives
one	All local church council members;

two or more

Vice Chairperson, Treasurer, Secretary, 2 other laypersons;
The Vicar's Warden
The Peoples' Warden
Not more than two Lay Readers elected by the Church Council

- v) The Vice Chairperson of the Council elected from the above persons at the Annual General Meeting;
- vi) The Treasurer of the Council elected from the above persons at the Annual General Meeting;
- vii) The Secretary of the Council elected from the above persons at the Annual General Meeting;
- viii) The Vicar's Warden appointed by the Parish Vicar from the above persons;
- ix) The People's Warden elected from the above persons at the Annual General meeting;
- x) Not more than Three (3) co-opted members to represent special interests, in the case of a parish having more than one local church.

5. PARISH REGULATIONS

a) ORDINARY MEETINGS

The Parish Council shall meet not less than Three (3) sessions during the year and at least three (3) weeks' notice shall be given for each of such meetings. The meeting shall be called by the Vicar or if requested to do so by at least five (5) Members of the Parish Council. The Vicar shall affix on the Notice Board in the Parish a schedule of the dates of such meetings

b) SPECIAL MEETINGS

The Parish Vicar shall at any time call in writing a special meeting of the Parish Council to discuss specific matters of urgency. The Parish Vicar must also call a special meeting of the Parish Council if requested in writing to do so by not less than six (6) members of the Parish Council. The six (6) members must give in writing the agenda they wish to be discussed. Should the Parish Vicar refuse to call such a meeting he will inform the Bishop in writing giving reasons why he refused to call the meeting. If the Bishop is not satisfied by the reasons given by the Parish Vicar, he will authorize the meeting to be called and to be chaired by a person appointed by him.

c) **CHAIRPERSON**

The Parish Vicar shall be the Chairperson of the meeting of the Parish Council, or if he is not present the Vice-Chairperson shall preside.

d) **QUORUM**

The quorum of the Parish Council shall be not less than One-third of the total number of the members, provided that not less than Three (3) Lay members are present.

e) **AGENDA**

The agenda for the Parish Council meeting shall be placed on the Agenda Paper by:

- i) the Parish Vicar; or
- ii) any member of the Parish Council.

f) **MINUTES OF THE PARISH COUNCIL MEETINGS**

- i) The Secretary shall keep the minutes of the Parish Council meetings recorded in a Minute Book and shall circulate the said minutes to the members of the Parish Council. The minutes shall be ratified at the ensuing meeting of the Parish Council and shall be signed by the Vicar
- ii) Nor alteration deletion or addition shall be made to the minutes without a resolution carried by a two-thirds (2/3) majority of the members present and voting in favor of the motion.

g) **CESSATION OF MEMBERSHIP**

- a) Any member of the Parish Council will cease to be a member of the Council if he/she ceases to be a Communicant of the Anglican Church of Kenya or if he fails to attend three (3) consecutive meetings of the Council without apology or five (5) consecutive meetings with apology.
- b) Any member of the Parish Council who attains the age of 65 years while in office shall hold office until the next elections for the Parish are held, whereby he/she shall not be eligible for election

h) **COUNCIL DISSOLUTION**

- i) The Bishop may in consultation with the Diocesan Pastoral Care Committee dissolve a Parish Council if he is convinced that the Council has acted irresponsibly. Before the dissolution, all members of the Parish Council shall be given an opportunity to be heard by the Archdeacon or a committee appointed by the Bishop.
- ii) If the Bishop takes such action, he will appoint a commission of six (6) communicant members of that parish to run the Parish under the supervision of the vicar or the Rural Dean for a period not exceeding three (3) months after which the Diocesan Bishop shall convene a special Annual General Meeting to do fresh elections of the Parish Council. The Bishop shall direct the Rural Dean or the Archdeacon to chair the meeting.

6. FUNCTIONS OF THE PARISH COUNCIL

The functions of the Parish Church Councils shall be:

- a) To actively support the ministry of the Bishop in the Diocese so as to ensure that the Bishop fulfils the tasks he accepted during his consecration and enthronement.
- b) Actively to support and work with the Parish Priest in the initiation, conduct and development of Church work within the Parish with a view to establishing the truth of the Gospel more widely and deeply in the hearts of the people and preparing them for effective witness within and outside the Parish.
- c) To prepare an Annual Budget in respect of the ensuing year for presentation to the Annual Parish Meeting.
- d) To appoint a Parish Finance Committee and to elect from its members the Chairperson of that Committee.
- e) To ensure that the Parish meets its financial obligations to the Diocese, the Archdeaconry and the deanery; and that the Vicar and other Parish workers are adequately paid and housed.
- f) To arrange for the auditing of Church accounts by the auditors appointed by the Parish Annual General Meeting.
- g) To submit the audited accounts to the Annual General Meeting and to the Diocesan Office.
- h) To receive an annual budget in respect of the ensuing financial year from each congregation in the Parish for presentation to the Annual General Meeting.
- i) To establish such committees as shall be found necessary and to determine terms of reference of such committees.
- j) To elect a Vice-Chairperson from among its members.
- k) To recommend to the Diocese suitably qualified candidates from the parish for the Sacred Ministry.
- l) To implement decisions made by the Synod, or its Standing Committee on all matters of an administrative nature.
- m) To promote harmony and understanding among all the people living in the Parish.
- n) To draw up rules of procedure provided they are not at Variance with the general principles on procedure set in these regulations.

- o) To establish such local committees as shall be found necessary and to determine their constitution and functions due regard being had both to local interests and to the well being of the Parish as a whole.
- p) To elect members of the Deanery and Arch deaconry Councils.

7. FINANCE COMMITTEE

There shall be a Finance Committee appointed by the Parish Council from among its members at its first meeting.

(a) MEMBERSHIP

- i)) The Parish Vicar;
- ii) Parish Vice Chairperson;
- iii) Parish Treasurer;
- iv) Parish Secretary who shall be Secretary;
- iv) Three (3) other persons elected by the Parish Council
out of whom the Chairperson shall be elected by the Finance Committee.

(b) FUNCTIONS

- i) To take charge of all matters related to the financial affairs of the Parish;
- ii) To prepare the annual budget of the Parish;
- iii) To cause to be prepared audited accounts to be tabled at the Parish Annual General Meeting;
- iv) To prepare and issue terms of service to all prospective employees of the Parish.

8. PARISH BANK ACCOUNT

- a) Subject to b) below, all parish monies shall be deposited with a bank in an account designated as "ACK_____Parish". The signatories thereof shall be not less than four (4) and must include the Parish Vicar, Treasurer, Secretary and Chairperson of the Finance Committee. The mandate for operating the said account shall be any three (3) PROVIDED THAT the Treasurer's signature shall be mandatory.
- b) All parish department monies shall be deposited with a bank in an account designated _____ as "ACK_____Parish _____Department". The signatories thereof shall be not less than four (4) and must include the Parish Vicar, Chairperson, Treasurer and Secretary of the department. The mandate for operating the said account shall be any three (3) PROVIDED THAT the Treasurer's signature shall be mandatory.
- c) In a one-congregation parish, the Vice-Chairperson shall be a signatory in place of the Chairperson of the Finance Committee.

- d) The Vicar in consultation with the Bishop shall have the authority to freeze any parish account provided that there is just cause so to do.
- e) All bank plates books and related documents shall be retained in a safe in the parish office.

9. LOCAL CHURCHES

Local Churches are part of the parish under the care of the Parish Vicar. The affairs of the Local Church will be controlled by the Parish Annual General meeting and the Local Church Council.

10. THE LOCAL CHURCH ANNUAL GENERAL MEETING

There shall be a local Church Annual General Meeting hereinafter in this regulation referred to as "the Annual General Meeting". The Annual General Meeting shall be composed of: -

- a) The Parish Vicar who shall be the Chairperson of the Annual General Meeting or in his absence the Vice-chairperson
- b) The Secretary of the retiring Church Committee who shall record the Minutes of the annual general meeting. In his absence, the Meeting shall appoint its own Secretary.
- (c) All regular Communicant members of the Local Church who are over eighteen (18) years of age who have worshipped and received Holy Communion regularly in the church for at least twelve (12) months prior to the meeting of Annual General Meeting.

11. THE BUSINESS OF THE ANNUAL GENERAL MEETING SHALL BE:

- a) To receive the Annual Report by the Parish Vicar.
- b) To receive the audited accounts of the Local Church for the preceding twelve (12) months ending on 31st December from the Treasurer
- c) To receive and approve the budget from the Treasurer for the ensuing year.
- d) To elect the Secretary, Treasurer and People's Warden.
- e) To elect 9 members to the Local Church Council, who together with the (d) above shall run the Church for the next two (2) years..
- f) To elect two representatives of the Local Church to the Parish Council from among the members of the Church Council.
- g) The Vicar shall appoint the Vice-Chairman and the Vicar's Warden from the members of the Church Council.
- h) To discuss such other matters as the Chairperson may permit.

12. THE LOCAL CHURCH COUNCIL

There shall be Local Church Council for each congregation. The Local Church Council hereinafter referred to, as "the Council" shall be composed of: -

- a) The Parish Vicar who shall be the Chairperson.
- b) The Vice-Chairperson of the Council appointed by the Parish Vicar.
- c) The Treasurer elected by the members of Annual General Meeting (The person to be elected should have a knowledge in accountancy and a person of integrity).
- d) The Secretary of the Council elected by the Members of the Annual General Meeting.

- e) The Chairpersons of the following Committees who shall have been validly elected by communicant members of the church who are eighteen (18) years and above:
 - i) Mother's Union;
 - ii) Kenya Anglican Men's Association (KAMA);
 - iii) Kenya Anglican Youth Organization (KAYO);
- f) The Vicar's Warden appointed by the Parish Vicar;
- g) The People's Warden elected by the Annual General Meeting
- h) Six (6) committed Christians who are Communicants of the Church and have worshipped at the local church regularly for the last twelve (12) months;
- i) All lay persons holding the Bishop's license as Lay Readers; and
- j) Not more than two (2) co-opted members.

13. THE FUNCTIONS OF THE LOCAL CHURCH COUNCIL

- a) To actively support the ministry of the Bishop in the Diocese so as to ensure that the Bishop fulfils the tasks he accepted during his consecration and enthronement.
- b) Actively to support and work with the Parish Vicar to support the work of the Diocese and also to support the priest in the initiation of evangelistic activities, pastoral care, sacramental ministry and development of Church work within the Parish with a view to establish the Truth of the Gospel more widely and deeply in the hearts of the people and preparing them for effective witness in and outside the Parish.
- c) To establish Committees as shall be found necessary to carry on various activities of the local church and to determine their terms of reference.

- d) To prepare an annual budget in respect of the ensuing year for approval by the Annual General Meeting of the Local Church and the Parish Council.
- e) To appoint people to represent the local church in the parish council in accordance to the formula in Regulation X 4 (iv).
- f) To interview and recommend to the Parish Council suitably qualified persons from within the local Church for training in preparation for joining the sacred ministry.
- g) To establish cell groups to enhance the fellowship of the believers.
- h) To strengthen the Unity and commitment of Christians in the local Church and Churches forming the Parish.
- i) To arrange for the auditing of Church Accounts and to submit audited accounts to the Parish Council. The audit should be done during the first quarter (1/4) of the calendar year.
- j) To support and encourage the Lay Readers evangelists and catechists serving the Church.
- k) To seek ways and means of bringing back to the fellowship of the church the backsliding Christians and to evangelize the un-reached people within the Parish.
- l) To ensure that the local church meets its financial obligations to the Diocese and Parish.

14. LOCAL CHURCH COUNCIL REGULATIONS

- a) The Council Meetings shall be held at least four (4) times a year. At least one (1) week's notice must be given of such meetings in writing.
- b) Any member of the Local Church Council will cease to be a member of the Council if he ceases to be a communicant member of The Anglican Church of Kenya or if he fails to attend three (3) consecutive meetings of the Council without apology or five (5) consecutive meetings with apology.
- c) The Parish Vicar may in consultation with the Parish Council and the Diocesan Bishop dissolve the Local Church Council if he is convinced that the Council has acted irresponsibly. Before such dissolution, the members of the Church Council shall be heard by the Archdeacon or any other person appointed by the Bishop.
- d) The Parish Vicar shall report such dissolution to the Bishop within three (3) days. If the Bishop is satisfied that the Council has acted irresponsibly, it shall remain dissolved and the affairs of the Church will be conducted by the Vicar and five (5) other persons appointed by the Bishop for a period of three (3) months after which a special General Meeting will be held to carry out fresh elections.
- e) PARISH VICAR

The Parish Vicar shall be kept informed of all meetings and financial affairs of the church and shall have access to all minutes, financial records and accounts.

f) **MINUTES**

The Minutes of each meeting shall be recorded by the Secretary of the Council and shall be forwarded to the Secretary of the Parish Council.

g) **BANK ACCOUNT**

i) Subject to b) below, all Local Church monies shall be deposited with a bank in an account designated as "ACK_____Church". The signatories thereof shall be not less than four (4) and must include the Parish Vicar, Vice Chairperson, Treasurer and Secretary. The mandate for operating the said account shall be any three (3) PROVIDED THAT the Treasurer's signature shall be mandatory.

ii) All Local Church department monies shall be deposited with a bank in an account designated as "ACK_____Church department". The signatories thereof shall be not less than four (4) and must include the Parish Vicar, Chairperson, Treasurer and Secretary of the department. The mandate for operating the said account shall be any three (3) provided that the Treasurer's signature shall be mandatory.

iii) The Parish Vicar in consultation with the Bishop shall have the authority to freeze any Local Church account provided that there is just cause so to do.

iv) All bank plate books and related documents shall be retained in a safe in the church office.

h) **AUDITED ACCOUNTS AND BUDGET**

Audited Annual Accounts with a Budget for the ensuing year shall be laid by the Church Treasurer before each Annual meeting of the congregation of the Church.

i) **FUND RAISING**

No fundraising or unbudgeted expenditure shall take place or be incurred except with prior authority of a resolution of the Local Church Council passed by a simple majority.

Special guests to conduct fund raising will be invited by the Vicar of the Parish except in cases of members of Parliament (other than from the Constituency in which Parish is situated) and citizens of National importance who shall be invited by the Bishop at his own discretion.

REGULATION XI ON ARCHDEACONARIES

1. There shall be an Archdeaconry Council in each archdeaconry which shall comprise of the following;

a) The Archdeacon who shall be Chairperson;

b) All priests in the archdeaconry;

- c) Two (2) representatives from each parish PROVIDED THAT they must be office bearers;
- d) All archdeaconry chairpersons of the following departments:
 - i) Mothers Union;
 - ii) Kenya Anglican Men's Association;
 - iii) Kenya Anglican Youth Organization;
 - iv) Sunday School
 - v) Boys and Girls Brigade;
 - vi) Christian Community Services;
 - vii) Education;
 - viii) Choir.
- e) Vice Chairperson who shall be a priest and elected from the above members;
- f) Secretary who shall be a layperson and elected from the above members;
- g) Treasurer who shall be a layperson and elected from the above members;

2. Functions

- (a) To organize missions in parishes within the archdeaconry;
- (b) To organize operation of departments within the archdeaconry;
- (c) To settle church disputes within the archdeaconry;
- (d) To form a faculty board within the archdeaconry;
- (e) Any other function assigned to the Archdeaconry Council by the Bishop.

3. Meetings

- a) The Archdeaconry Council shall meet at least three (3) times in a year;
- b) The quorum for the meeting shall be not less than one third (1/3) of the membership.

REGULATION XII RURAL DEANERIES

- 1. There shall be a Rural Diaconal Council in each rural deanery, which shall comprise of the following:
 - a) The Rural Dean who shall be Chairperson;
 - b) All priests in the Rural Deanery

- c) Two (2) representatives from each parish PROVIDED THAT they must be office bearers.
- d) All rural deanery chairpersons of the following departments:
 - i) Mothers Union;
 - ii) Kenya Anglican Men's Association;
 - iii) Kenya Anglican Youth Organization;
 - iv) Sunday School
 - v) Boys and Girls Brigade;
 - vi) Christian Community Services;
 - vii) Education;
 - Viii) Choir
- e) Vice Chairperson who shall be elected from the above members;
- f) Secretary who shall be elected from the above members;
- g) Treasurer who shall be elected from the above members.

2. **Functions**

- a) To undertake pastoral care within the Rural Deanery;
- b) Any other function assigned to the Rural Deanery Council by the Archdeacon.

3. **Meetings**

- a) The Rural Deanery Council shall meet at least three (3) times in a year;
- b) The quorum for the meeting shall be not less than one third (1/3) of the membership.

REGULATION XIII REGULATIONS GOVERNING OTHER DIOCESAN BOARDS AND COMMITTEES

1. **FREQUENCY OF MEETINGS**

The meetings of other Boards and Committees shall be held at least once every six (6) months and once every four (4) months respectively.

2. **NOTIFICATION**

The Secretary, in consultation with the Chairperson, will draw up an Agenda for the meeting and will send out a letter to all the members of the Board two (2) weeks before the meeting, notifying the members of the date, the time, the place and Agenda of the meeting.

3. **VENUE**

The Boards and Committee Meetings will preferably be held at convenient place suggested by the Chairperson and accepted by the Bishop.

4. QUORUM

The quorum of the Boards and Committee meetings shall be five (5) members, two (2) of who shall be laypersons except in the case of Theological and Liturgical Committee. The quorum of the latter shall be any five (5) members.

5. EXECUTIVE COMMITTEE

The Board or the Committee may appoint an executive Committee up to five (5) people which shall meet at least four (4) times in the year, and which shall have power to take decision on behalf of the Committee on urgent matters. The Chairperson and the Secretary of the Board or Committee shall also be the Chairperson and the Secretary of the Executive Committee, which shall be composed of at least three (3) members.

6. MINUTES OF THE BOARDS OR COMMITTEES

The Secretary will record the Minutes of the meetings of the Board or Committee and shall normally submit them to the Diocesan Office for typing and circulation.

The Minutes shall be sent to all the members within two (2) weeks from the date of the meeting and a copy will be sent to the Diocesan Office. A summary of important decisions of the Board will be submitted in writing to the Bishop, Synod or Standing Committee.

7. SUB-COMMITTEE

The Board or the Committee may establish a Sub-Committee or sub-committees for a specific task. Once the task has been accomplished, the sub-committee shall automatically be dissolved. The Board or the Committee must approve the decision of the sub committee.

8. CESSATION OF MEMBERSHIP

A member of the Committee who loses the privilege of receiving Holy Communion in the Church or who fails to attend three (3) consecutive meetings without apology or five (5) consecutive meetings with apology shall cease to be a member of the committee.

10. RESPONSIBILITY

All Boards or Committees are considered as appointed by the Standing Committee of Synod and shall be responsible to that Committee provided that the Bishop shall have the right to veto any decision of the Board or Committee which he considers to be uncanonical, unconstitutional or contrary to the general principles of the Church.

11. DISSOLUTION

The Bishop, in consultation with the Standing Committee may dissolve a Board or Committee if he is convinced that it has acted irresponsibly or has become redundant .Before such dissolution, the members of such a Board shall be heard by the Bishop or his appointee(s).

11. FINANCE

(a) Each Board or committee shall be expected to draft its budget for the ensuing year, which must be submitted to the board of finance by the 1st of September of each year.

(b) Once the budget has been approved, the Board or the Committee will be expected to

operate within the limits of the budget.

- (c) Any decision of the Board or the Committee, which have financial implications beyond the approved budget, shall be subject to approval by the Diocesan Board of Finance.
- (d) When separate accounts are kept, the Board or the Committee must ensure that the proper books of accounts are kept and are audited.

IV. SUPPLEMENT

CONSTITUTION OF THE CATHEDRAL CHAPTER

and

THE CATHEDRAL PARISH CHURCH COUNCIL

and

THE CATHEDRAL STATUTES

of

THE CATHEDRAL CHURCH OF ST. ANDREW'S THIKA

PREAMBLE

THE ESTABLISHMENT OF THE CATHEDRAL AND ITS CHAPTER TOGETHER WITH THE CATHEDRAL PARISH CHURCH COUNCIL. ESTABLISHMENT OF CATHEDRAL CHURCH OF THE DIOCESE.

In consideration of the institution of a Diocese the institution of a Cathedral is a logical consequence. The term "Cathedral" derives from the Greek word CATHEDRA meaning the "Chair of the Bishop": THE SEE OF THE DIOCESE. Traditionally, in addition to the establishment of a cathedral Church, are collegiate Churches that form a Diocese. With the Bishop the establishment of a cathedral Church consists in addition a Dean originally meaning "the head of chapter of collegiate" which ecclesiastically later came to denote the head of a cathedral Church also known as Provost, a clergyman invested with precedence of jurisdiction under the Bishop. The Bishop, Provost or Sub-dean (both being synonymous) and the Canons constitute the Cathedral Chapter, which act as a Council to Bishop.

I THE CATHEDRAL CHAPTER

1. THE CONSTITUTION

There shall be established a Constitution of the Cathedral Chapter hereinafter called the "Chapter and Statutes" respectively. The Cathedral shall be called the Cathedral Church of St. Andrew's, Thika

2. THE BISHOP'S JURISDICTION

The Diocesan Bishop as Dean possesses jurisdiction over the Cathedral of his Diocese and its establishment; while the Provost or sub-dean,(these titles nevertheless being synonymous), has an independent position and dignity of his own, irrespective of other Diocesan officials. The Provost or the Vicar and all other priests of the Cathedral shall be appointed by the Diocesan Bishop

3. MEMBERSHIP OF THE CATHEDRAL CHAPTER

There shall be established a Cathedral Chapter hereinafter called "the Chapter" whose membership shall consist of the following"

- (a) The Bishop who shall be Chairperson and in his absence the Provost shall be Chairperson.
- (b) The Assistant or Coadjutor Bishop, (if any).
- (c) The Provost (Sub-Dean) or the Vicar
- (d) The Canons of the Cathedral , who shall be known as "Council of the Bishop".
- (e) The Archdeacon or Archdeacons of the Diocese and the Diocesan Administrative Secretary who shall be co-opted by the Bishop in consultation with the Provost and who shall be non-voting members but shall advise the Chapter on vital issues under deliberation by the Chapter.
- f) Two (2) representatives elected by the Cathedral Parish at its Annual General Meeting.
- g) Four (4) Communicant Lay members of the Diocese appointed by the Standing Committee of Synod.
- h) The Chapter shall elect its recording secretary from among its members at its Statutory Annual Session. The retiring Secretary may be re-elected.
- i) Two laypersons appointed by the Diocesan Bishop

4. FUNCTIONS

- a) To assist and advise the Provost regarding the worship of the Cathedral on all ordination services, consecration services and all other occasions that are specified to be diocesan services.
- b) To undertake alterations modifications and improvements of the Cathedral building and the fixtures thereof.

5. MEETINGS OF THE CHAPTER

- a) The Chapter shall have only One (1) Statutory Annual Session whose Convener shall be the Provost in prior consultation with the Bishop.
- b) Notwithstanding the preceding Clause (a) hereinabove, the Bishop at his discretion and in consultation with the Council of the Bishop may by notice in writing convene the Chapter to meet within Fourteen (14) days from the date of the notice sent to all members thereof.

6. THE CHAIRPERSON OF THE CHAPTER

The Provost in the absence of the Bishop shall be the Chairperson of the Chapter. In the absence of the Provost the Chapter shall appoint one member thereof to be the Chairperson for the purposes of the meeting in session.

7. VOTING

Each member of the Chapter shall have only One (1) vote. The Chairperson shall have a casting vote

8. STANDING ORDERS

The Chapter shall make its own Standing Orders in accordance with the agenda before it.

9. QUORUM

The quorum for any meeting of the Chapter, (unless otherwise determined by the Chapter voting for the purpose by show of hands) shall not be less than Eight (8) members present and voting three of whom must be laypersons.

10. MINUTES OF THE CHAPTER.

Minutes of the Chapter shall be circulated to all the members of the Chapter and the Bishop.

II THE CATHEDRAL PARISH COUNCIL

1. ESTABLISHMENT

There shall be a Cathedral Parish Council, hereinafter within the context of this Constitution called "The Parish Council".

2. THE EX OFFICIO MEMBERS:

- (a) The Provost who shall be Chairperson,
- (b) All priests in the Cathedral Parish,
- (c) the Church Warden,
- (d) Up to two Lay Reader of the Cathedral who shall be elected at the Cathedral Parish Annual General Meeting.

3. THE ELECTED MEMBERS

- (a) The Treasurer.
- (b) The Secretary.
- (c) The Nine (9) members who shall be elected at the Annual General Meeting.
- (d) The chairpersons of Mothers Union, Kenya Anglican Men's Association and Kenya Anglican Youth Association.

- (e) Two (2) representative members of each of the Cathedral Parish constituent Churches.

4. ELECTION AND LIFE OF THE CATHEDRAL PARISH CHURCH COUNCIL

The Cathedral Parish Church Council shall be elected at the Cathedral Parish Bi-Annual General Meeting of the Cathedral Parish and shall remain in office for a period of two (2) years.

5. THE DATE OF THE CATHEDRAL PARISH ANNUAL GENERAL MEETING

- (a) Each Annual General Meeting shall be convened by the Vicar of the Cathedral Parish not later than the first Sunday after Easter in the year and its session shall be preceded by the celebration of the Holy Communion within the context of the usual Sunday Holy Communion Service.
- (b) At least a Fourteen (14) days notice shall have been published in two consecutive Divine Services, and affixed on the Church Notice Board conspicuously to be read by all.
- (c) Should for any unforeseen circumstances the Annual General Meeting thus convened fail to take place, a further One (1) month notice after the date of the abortive meeting shall be announced in two consecutive Sundays at the Divine Service and in the manner of the abortive Annual General Meeting.

6. THE ELIGIBILITY OF THE ANNUAL GENERAL MEETING MEMBERSHIP AND ELECTORAL AND VOTING RIGHT

The majority age for the purpose of electoral right shall be Eighteen (18) years of age. The elector shall be a baptized and practicing communicant of the Anglican Church and a regular worshipper who also participates in one or other regular activities in the Cathedral Parish.

7. THE AGENDA FOR ANNUAL GENERAL MEETING

The following items shall constitute the Agenda for the Annual General Meeting.

- (a) Tabling, acceptance and signing to confirm the minutes of the previous Session of the Annual General Meeting.
 - (b) Receiving the Audited Statements of Accounts relating to the Cathedral Parish.
 - (c) Receiving the Vicar's Pastoral Report.
 - (d) Election of the Cathedral Church Council with its ex-officio members, namely the Honorary Treasurer and the Secretary.
 - (e) Election of the Two (2) Lay delegates to the Diocesan Synod.
 - (f) Elect Sides-men, and Peoples' Warden.
 - (g) The Vicar will appoint the Vicar's Warden
- N.B. The choosing, nominating and licensing of Cathedral Church Lay Readers shall follow the procedure laid down in the Diocesan Constitution Appendix II, the Provost taking the responsibility of the Archdeacon in forwarding the applications to the Bishop for appointment and licensing of the Lay Readers.

8. QUORUM

The quorum to suffice the Council to transact business shall be Two-Thirds (2/3) of the total Council membership of those present, PROVIDED ALWAYS that there arising any motion necessitating greater representative vote, the Chairperson shall call for different of the motion until next meeting of the Parish Church Council.

9. FINANCE

- (a) The Cathedral Parish Church Council or any other Body operating under the Cathedral Chapter in regard to receipt and expenditure of all funds that come under the orbit of the Cathedral Chapter shall cause to be prepared an annual audited and certified statement of account countersigned by the Honorary Treasurer of the Cathedral Parish Church Council to the Cathedral Chapter.
- (b) Such statements of Income and Expenditure as shall be submitted by the Cathedral Parish Church Council and all other constituent committees with financial responsibility to the Chapter shall have been certified by the Honorary Treasurer of the Cathedral Parish Church Council prior to their being submitted to the Chapter for acceptance and record or otherwise.

10. FINANCE AND GENERAL PURPOSES COMMITTEE.

- (a) There shall be a Finance and General Purpose Committee (hereinafter called "The Finance Committee" to be elected by the Cathedral Parish Church Council at its Annual General Meeting.
- (b) **Membership:**

- i) The Provost,
- ii) The Vice-Chairperson who shall be a layperson elected by the Cathedral Parish Council
- iii) One (1) Archdeacon appointed by the Bishop.
- iv) The people's wardens of the daughter churches of the Cathedral, (if any).
- v) One Lay Reader who shall be elected by the Parish Church Council
- vi) The honorary treasurer,
- vii) The secretary of the parish council.
- viii) Two (2) senior lay people being knowledgeable in church funds management, elected at the Annual General Meeting.
- ix) The chairpersons of the Mothers Union, the Kenya Anglican Men's Association and the Kenya Anglican Youth Organization.

11. FUNCTIONS:

- (a) To take charge of all matters related to financial affairs of the Cathedral Parish.
- (b) To prepare the Cathedral Parish Annual budget.
- (c) To prepare an Audited Statement of Account to be tabled before the Annual General Meeting.
- (d) To prepare and issue terms of reference and conditions of service to all prospective employees of the Cathedral stipendiary staff and to award all kinds of contract undertakings to the approved tender.

III THE CONSTITUENT CHURCHES OF CATHEDRAL PARISH

1. **WHEREAS** it may become possible for the Cathedral Parish to consist other local churches besides the Cathedral congregation itself, and as it or they fall within the Cathedral jurisdiction: each congregation to be known as "The Daughter" Church shall have the right to send its Two (2) lay delegates to sit and vote at the Cathedral Parish Council and the Curate (if any)

2. **ELECTION OF LOCAL CHURCH COUNCIL**

Election of the Local Church Council shall be held at the Daughter Church Bi-Annual General Meeting to be held on the Sunday preceding the Cathedral Parish Bi-Annual General Meeting shall be presided over by the Provost or his nominee who may be the Curate thereof. The Local Church Council shall be elected in the same as manner as any other local church in the Diocese.

3. **THE MEETINGS OF THE LOCAL COUNCIL.**

The Local Church Council shall hold four ordinary statutory sessions in One (1) year that is to say one session in every Three (3) consecutive Calendar months. There may be held an extraordinary meeting should the need arise.

4. **MINUTES OF THE LOCAL COUNCIL**

The minutes of the Council shall be circulated to all the members of the Local Council, or recorded in a Minute Book wherefrom they shall be read aloud as the third item of the Agenda to be followed by brief discussion of such every matter. When typed and circulated to all the members of the Committee, a copy thereof shall be sent to the Provost.

5. **FINANCE COMMITTEE**

There shall be a Finance Committee to oversee the Church finances, of which membership shall consist the Vice Chairperson, the Secretary of the said Committee elected at the ANNUAL GENERAL MEETING; Two (2) additional lay elected members of the Local Church Council, the Curate and the two Church wardens.

IV THE STATUTES OF THE CATHEDRAL

STATUTE I THE BISHOP IN THE CATHEDRAL

1. Pre-eminently, the Bishop possesses jurisdiction as Visitor over the Cathedral Church of his Diocese, and its establishment and as the Dean of the Cathedral, an independent position and dignity of his own, irrespective of the Diocesan officials. It is in the Cathedral he has his CATHEDRA, that is, his Episcopal chair in the Cathedral and all parochial Churches and chapels in the Diocese

2. THE BISHOP'S EPISCOPAL FUNCTIONS

a) The Bishop shall have his right, notwithstanding upon having given to the Provost a prior Two (2) months' notice of his coming to the Cathedral to perform his Episcopal duties of which the

Provost shall cause to be included in the Cathedral Calendar of Events from time to time.

- b) The Bishop shall have the right to preach on Six (6) various occasions in the year and one of the occasions being a major festival of his own choice in the Church Calendar. The Bishop shall consult with the Provost to have the said occasions be included in the Cathedral Calendar of events every year.
- c) The Bishop has the right of use of the Cathedral on any weekday for any Diocesan occasional service or any Episcopal function upon a prior notification to the Provost to enable the latter to facilitate such functions.
- d) The Bishop upon a prior notification to the Provost shall arrange a visitation or visitations as he shall desire or he may be requested by the Provost or the Chapter to have such a visitation be arranged.
- e) Upon the occasion of such a visitation aforesaid all the members of the Cathedral Chapter, the Cathedral Parish Council, all the Clergy and all lay stipendiary workers in the ministry of the Cathedral shall be summoned to appear before the Bishop to honestly answer all the questions the Bishop may desire to put to them, and or for them to be afforded opportunity to address to the Bishop such enquiries, complaints they may wish the Bishop to consider;
- f) The Bishop upon such an occasion may give such admonitions, counsel or rebuke as he may deem necessary and fit so to do.

STATUTE II BISHOP AS THE DEAN

1. THE FUNCTION OF THE BISHOP AS THE DEAN OF CATHEDRAL

- a) The Bishop ordinarily shall hold the office of the Dean of the Cathedral or alternatively cause a Provost to be appointed to function as the Dean. But in case the Bishop decides to perpetually be the Dean, the Provost thus appointed shall function synonymously as the Rector and Sub-Dean of the Cathedral, taking precedence next after the Bishop.
- b) In case of absence of the Provost from the Cathedral for a prolonged period exceeding Thirty (30) days, the Bishop in his capacity as the Dean of the Cathedral shall function as such until the Provost shall have resumed duty.

STATUTE III CONFERMENT OF CANON OR CANON EMERITUS

The Bishop has the prerogative to confer to any Priest or lay person of an outstanding service to the Church and whom he may consider worthy of such an honor the honorary title of CANON or CANON EMERITUS and which shall be awarded during active service or upon the retirement from the active service of the Church in respect of such a candidate.

STATUTE IV OF BISHOP AS PRIMUS INTER PARES STATUS

The right of the Bishop as the Ordinary in the Cathedral shall be synonymous of **PRIMUS INTER PARES** that he possesses upon any other parochial Church in his Diocese.

STATUTE VI OF THE PROVOST

1. THE PROVOST AS THE VICAR OF CATHEDRAL PARISH

The Provost whose status in relation to the Cathedral shall be that of the Vicar of the Cathedral Parish (vide 2.7 supra.) save that it shall be the prerogative of the Bishop to appoint or remove the Provost at any time.

2. THE PROVOST'S POSITION AS DEAN vis-à-vis THE BISHOP

- a) The Provost shall have such place of dignity and precedence as that inherent in his office and as generally is accorded to the Sub-Dean of a Cathedral.

- b) The Provost's Stall in the chancel shall be the Vicar's stall situated in the South side next to the Choir Stalls and his Seat in the Sanctuary shall be situated on the North side of Sanctuary.
- c) The Provost, save as it shall not conflict with what is provided in the Statutes relating to the Bishop in the Cathedral, shall have full authority, superintendence and control over all Services in the Cathedral Church including its diverse ministrations subject to the revisions of the Laws which govern the life of the Cathedral as would be enacted by the Diocesan Synod from time to time. He shall also, without prejudice to the functions inherent in the professional expertise of the Master of the Cathedral Church Music or the Preceptor who shall always be under the Provost's control including the Cathedral.
- d) The posts of Master of Cathedral Music or the Preceptor shall remain voluntary service.

STATUTE VII OF THE PROVOST, ARCHDEACON AND CANONS USUAL RIGHTS IN THE CATHEDRAL

The Provost, Archdeacons and Canons shall, subject to the Bishop's rights as is set forth in these Statutes, have in the Cathedral Church the usual rights and duties of an incumbent in a Parish Church.

STATUTE VIII OF PERMISSION TO PREACH IN THE CATHEDRAL

No other person other than a Clerk in Holy Orders shall be permitted to preach or officiate in the Cathedral unless he or she shall previously have received the permission from both the Bishop and the Provost to that effect.

STATUTE IX OF THE GENERAL STAFF OF THE CATHEDRAL

The Assistant Clergy or Curate (if any), the Master of Cathedral Music, the Organist and the Verger shall be responsible to the Provost to whom they shall be answerable in the performance of their respective duties in the Cathedral.

STATUTE X OF THE PROVOST'S RESPONSIBILITY TO ASSIGN DUTIES

Subject to any rights obtaining in the Canon ARTICLE of the Church in the Diocese, or any other constitutional provisions. the Church Wardens and Sides-men shall perform duties assigned to them in the Cathedral under the direction of the Provost.

STATUTE XI ON INCAPACITY OF THE PROVOST TO PERFORM HIS DUTIES

1. Whenever the post of the Provost falls vacant by reason of his incapacity to perform his duties appertaining to his office or for the reason of prolonged absence from his duties for a period exceeding Six (6) weeks, the Bishop shall immediately be informed whereof he shall in consultation with the Cathedral Parish Church Council convened under a fortnight notice of urgency to appoint a senior clergyman who shall perform such appropriate ministries in the Cathedral pending resumption of duties by the Provost.

2. Upon any lesser period of incapacity of the Provost to perform his duties by reason of illness or absence from duty or the normal annual leave, it shall be incumbent upon the Assistant Clergy to perform the ministry till the Provost shall resume duty. However, it shall be incumbent upon the Provost to inform the Bishop and other officers prior to taking leave of absence of whatever duration from Cathedral duties.

STATUTE XII OF SUFFRAGAN OR ASSISTANT BISHOP

A Suffragan or an Assistant Bishop (if there be such), shall normally be installed by the Provost in such Seat in the Sanctuary as the Provost shall allot in consultation with the Cathedral Chapter and The Cathedral Parish Church Council.

STATUTE XIII OF THE MINISTRY OF ARCHDEACONS IN THE CATHEDRAL

Each an Archdeacon shall have the right to minister in the Cathedral once each year on such an occasion as shall be assigned to him by the Provost, and prior to the Provost having consulted with the particular Archdeacon concerned. Such an assignment may include the celebration of the Holy Communion and delivery of a homily.

STATUTE XIV OF CANONS

1. The Bishop shall in consultation with the Cathedral Chapter appoint a senior priest to be a canon in the Diocese.
2. Each Canon of the Diocese shall following his being made Canon be installed by the Provost in such a Stall situate in the Chancel of the Cathedral as shall be allotted to such a Canon. The Canon stalls of the Cathedral Church provided are:
 - a) The Stall of Saint Matthew,
 - b) The Stall of Saint Mark,
 - c) The Stall of Saint Luke,
 - d) The Stall of Saint John,
 - e) Any other Stalls of other Saints as the Cathedral Chapter may deem appropriate.

3. THE OCCASIONS OF THE CANONS IN THE CATHEDRAL

- a) The Provost may invite any of the Canons at least once a year to celebrate Holy Communion and to preach in the Cathedral Church or to perform such other office as he may determine and assign from time to time.
- b) It shall be the duty of every Canon:-
 - i) To co-operate in every undertaking of the Chapter;
 - ii) To preserve the reverence and influence of the Cathedral.
 - iii) To support the activities of the Cathedral Church throughout the Diocese.

- iv) At the request of the Bishop, to assist and advise the Bishop in all matters appertaining to the Cathedral Church and the Diocese at large.
4. The Bishop shall in consultation with the Cathedral Chapter appoint a lay person to be a lay canon of the Diocese.

STATUTE XV OF RURAL DEANS IN THE CATHEDRAL

Such Rural Deans as are in the Diocese and are not members of the Chapter shall be permitted at any service held in the Cathedral Church to robe and occupy such special seats as shall be allotted to each and several of them by the Provost.

STATUTE XVI OF APPOINTMENT OF THE CATHEDRAL CLERGY

The Provost may after prior consultation with the Bishop and the Cathedral Church Council respectively nominate such an Assistant Clergy for appointment by the Bishop as it shall become necessary to augment the ministry of the Cathedral and the Cathedral Parish.

STATUTE XVII OF THE APPOINTMENT OF THE MASTER OF CATHEDRAL MUSIC AND THE ORGANIST

1. There shall be a Master of Cathedral Church Music and an Organist who may be one and same person as it may be the requirement of the Cathedral Church, however the post shall be non-stipendiary and of which appointment shall be made by the Provost after prior consultation with the Cathedral Church Council.

Notwithstanding, the Provost shall have been satisfied with the credential relating to this appointment before the proposal is made for the appointment. Preferably, the candidate for the appointment should be an Anglican communicant Christian or any other Christian Denomination in communion with the Anglican Church. The Cathedral Church Council may consider a nominal honorarium for the necessary expenses such a person may unavoidably incur.

2. Should the Master of Cathedral Music and the Organist be two different persons, either one of the two should mutually in between themselves and the Provost become the Cathedral Choir Master.

STATUTE XVIII OF THE CATHEDRAL CHURCH CHOIR

The members of the Cathedral Church Choir shall be recruited from amongst the members of the Cathedral congregation giving preference to communicants. It should be made clear from the outset the singing in the Church Choir is an honorable privilege that entails greater Christian responsibility in the worship of God, and for that very reason is a service voluntarily rendered to God.

STATUTE XIX OF VERGERS

1. Vergers, as paid workers of the Cathedral are subject to the Terms and Conditions of Service issued by the Finance Committee from time to time. Like any other stipendiary employees in the service of the Cathedral come under the responsibility of the Provost.
2. Termination of service for vergers and other wage earning employees of the Cathedral shall become effective upon a Three (3) months' notice to terminate service given by either side which require such termination of service: and PROVIDED ALWAYS that such termination of service may be caused by serious misconduct or any other action of criminal nature For the former the Provost can summarily terminate the verger's service with or without forfeiture of the verger's benefits.

STATUTE XX OF THE FABRIC OF THE CATHEDRAL MAINTENANCE AND REPAIR

The Chapter shall be responsible for the maintenance and the necessary repair of the fabric of the Cathedral, but the Chapter in discharging of its responsibility in either or both of the said matters, may delegate its responsibility to the Cathedral Parish Council, PROVIDED ALWAYS that the said Cathedral Parish Council shall have no inherit power to authorize the expenditure relating thereto a sum extending over Kenya Shillings One Hundred Thousand (Kshs. 100,000/-) relating to any work or service rendered thereto without the prior written permission by the Chapter.

STATUTE XXI OF THE ORDER OF PRECEDENCE

1. The order of precedence in the Cathedral shall be determined by the ecclesiastical status and ordination seniority of the individual as follows:
 - a) The Clerical Order
 - i) The Diocesan Bishop
 - ii) All other Bishops
 - iii) The Vicar General
 - iv) The Diocesan Administrative Secretary
 - v) The Provost/Sub-dean
 - vi) The Archdeacons
 - vii) The Canons
 - viii) The Rural Deans
 - ix) The Priests in the order of seniority by ordination
 - x) The Deacons in the order of seniority by ordination
 - b) Similar Order shall be observed with respect to the Cathedral Chapter.
 - c) During all Diocesan functions at the Cathedral, the Order of Procession shall be as follows:-
 - i) The Diocesan Bishop
 - ii) The Diocesan Chancellor

- iii) All other Bishops in the Diocese (if any)
- iv) Visiting Bishops
- v) The Vicar-General (if any)
- vi) Diocesan Administrative Secretary
- vii) The Provost or Vicar of the Cathedral
- viii) The Archdeacons
- ix) The Canons
- x) Lay Members of the Standing Committee of Synod
- xi) Priests in order of seniority by ordination
- xii) Deacons in order of seniority by ordination
- xiii) Church Army Officers
- xiv) Lay Readers
- xv) The Choir

SCHEDULE OF DEFINITIONS OF TECHNICAL TERMS USED IN THIS CONSTITUTION

1. BISHOP shall mean the Diocesan Bishop of the Anglican Diocese of Thika
2. CONSTITUTION shall mean the Constitution of the Cathedral Chapter and the Cathedral Parish Council.
3. ARCHDEACONRY shall mean the Archdeacon or a number of Archdeacons in the Diocese of Thika
4. EPISCOPACY shall mean the Diocesan Bishop and any other Bishops in the Diocese of Thika
5. CATHEDRAL CHURCH shall mean the Established Cathedral Church of the Diocese of Thika
6. CATHEDRAL PARISH CHURCH COUNCIL shall mean the established Cathedral Parish Church Council established under the Constitution enacted under Definition 2 hereinabove.
7. DIOCESE shall mean the Diocese of Thika

8. VICAR shall mean the Provost of the Cathedral Church of the Diocese Thika of the Anglican Church of Kenya.

IV. ADDENDUM

CONCERNING HOLDERS OF OFFICE DIGNITY OR PREFERMENT

Notice should be taken that wherever mention is made concerning the holder of any office dignity or preferment within the context of this Constitution it shall be construed and understood as it appertains to the holder for the time being is in the employment of the Cathedral and shall lapse with its holder's resignation, retirement or termination of service.

V. APPENDICES

PREAMBLE

" WHEREAS Regulations made by the Provincial Synod pursuant to the powers conferred by the Provincial Constitution of the Anglican Church of Kenya to provide for the better care of Parochial Registers and other Records in ecclesiastical custody and the establishment of Provincial and Diocesan Record offices within the said Province," the Diocese herewith wish under By-ARTICLE I of the said Provincial Constitution 1992 [Edition] to make the following Archival Regulations hereinafter called "The Archives Regulations".

APPENDIX I OF ARCHIVAL REGULATION

1. OF THE ARCHIVAL REGISTER BOOKS

- a) All Register Books belonging to any parish within the Diocese shall, until such time as the same are deposited in the Record Office of the Diocese, be kept by and remain in the power and custody of the Parish Vicar of each respective parish.
- b) All such Archival Register Books shall be kept by such Parish Vicar safely and securely against damage by fire, damp or otherwise and against any wrongful interference therewith either in a dry well-painted iron chest or in a safe.
- c) Every chest or safe shall be provided repaired and painted as occasion may require at the expense of the Parish.
- d) Every such chest or safe shall constantly be kept locked in some dry, safe and secure place within the usual place of residence of such Parish Vicar if resident within the Parish, or in the Parish Church or office.

- e) The Register and Record books shall not, nor shall any of them, be taken or be removed from or out of the said chest or safe at any time, or for any cause whatever, except for the purpose of rebinding or otherwise repairing the same or making entries therein or to obtain copies from out of the same, or to produce evidence in some court of or ecclesiastical or other tribunal to be inspected as to the state and condition thereof, or for such other purpose as the Bishop or the Registrar of the Diocese may from time to time direct.
- f) Immediately after any rebinding or other repair or after making such respective entries or producing the said register books respectively for the purpose aforesaid, the said register books shall forthwith again be safely and securely deposited in the said chest or safe.
- g) The expense of complying with this Regulation shall be met by the Parochial Church Council concerned out of any monies in the hands of the Council either specially collected for the purpose of or otherwise available.
- h) The provisions of this Regulation shall be binding upon all persons concerned, either as owners or as custodians of such register books.

2. DIOCESAN RECORD OFFICE

- a) There shall be in the Diocese a Diocesan Record office either in the same place as that at which the Diocesan Registry Office is situate or some other place selected by the Bishop of the Diocese concerned who shall have power to make such rules not in-consistent with the Provincial Archives Regulation, and to appoint such officer as shall be necessary for the conduct of the business of such Diocesan Record Office.
- b) The Bishop shall, in selecting the place where the Diocesan Record Office is to be established under this Regulation, have regard to the question whether it affords adequate security against damage by fire, damp, or otherwise.
- c) Any Register books deposited in the Diocesan Record Office shall be kept by and remain in power and custody of the Officer for the time being in-charge of that Office.

3. DEPOSIT OF PAROCHIAL REGISTERS AND RECORDS IN THE DIOCESAN RECORD OFFICE

- (a) Upon establishment of a Diocesan Records Office, every Parish Vicar in the Diocese shall, subject to the provisions of this Regulation, deposit all Registers and Records in the Diocesan Records Office:
- (b) Any Register books which are in his/her power and custody, not being the books in actual use for the purpose of making entries therein; and

- (c) Any documents of value as historical records or as evidence of legal rights, which are in his/her custody or in that of the Churchwardens of the Parochial Church Council, or in the joint custody of any of them.

3. ORDERS FOR DEPOSIT OF PAROCHIAL REGISTERS AND PAROCHIAL RECORDS MAY BE MADE IN CERTAIN CASES.

- a) This order shall be facilitated by requisite form to be used for which is herewith annexed to this Regulation. The form shall be sent by post or be hand delivered to all Churches in the Diocese to be filled with details of the archival materials, and shall be delivered personally by the Parish Vicar at the Diocesan Record Office and a receipt be obtained therewith.
- b) A copy of periodical celebration of brochure relating to celebration and anniversary in respect of every individual Church in the Diocese sent by post or be hand delivered to the Diocesan Record Office.
- c) A minimal archival research fee shall be levied on individuals or students for the use of the archives and a receipt is obtained.
- d) Any research applicant who purposes to use the archives shall before the application is granted, sign an undertaking that he/she will abide with the Rules for the use of the archives.
- e) Under no circumstances permission shall be given to whosoever to take any archival material outside the Diocesan Record Office.
- f) The Diocesan Record Office shall provide a reading Room within the Record Office, at least two (2) chairs and a convenient reading desk for use by the researchers. All bags of whatever form and brief cases shall never be allowed into the Record Office.
- g) Some of the Archival material in form of "confidential personal files" relating to a living person shall be classified as RESTRICTED MATTER and shall in no way be made accessible to no one without expressive permission of the Diocesan Bishop and after the Bishop's prior consultation with the person to whom the particular file relates. Such permission shall always in written form.

APPENDIX II OF REGULATION OF APPOINTING AND LICENSING OF LAY READERS

1. PRELIMINARIES OF APPOINTING A LAY READER OR LAY READERS

- a) Upon there having arisen the need for the appointment of a Lay Reader or Lay Readers in a Local Church, the Church Council shall consult with the Vicar of the Parish who shall convene the Church Council for the purpose of confirming the need and setting the date for inviting the communicants of the church to nominate suitable persons for appointment as Lay Readers.

- b) The Church Council shall examine the nominees and thereafter seek the consent of those found suitable, to serve as lay readers.
- c) The names of those found suitable shall then be forwarded to the Parish Council.

2. THE PROCESS OF APPOINTMENT

- a) The Vicar of the Parish shall within fourteen (14) days of the receipt of the said names by the Parish Council cause an announcement to be made in all the churches in the Parish of the selection of the said persons;
- b) In the event that an objection is raised in respect of any person, and the Parish Council finds that the objection has merit, the name of such person shall be withdrawn;
- c) The Vicar shall thereafter forward the names of the selected persons to the Archdeacon within whose jurisdiction the Parish is situate;
- d) The Archdeacon shall interview the said persons and satisfy himself that the same are suitable for appointment to the office of Lay Reader;
- e) The Archdeacon shall thereafter forward the names of the said persons to the Bishop, who shall satisfy himself that the proper procedure for selection of the said persons has been followed and shall recommend the said persons for training.
- f) Upon training, the Bishop shall fix a date for the granting of licenses to the said persons.

3. THE ELIGIBILITY FOR THE APPOINTMENT OF A LAY READER

- a) The basic requirements for the appointment of a Lay Reader shall be as follows:
 - i) The candidate shall be of the age between Thirty (30) and Fifty (50) years, male or female.
 - ii) The candidate shall have a minimum of secondary level education.
 - iii) A married candidate shall have obtained prior written consent of the spouse.
 - iv) The aspiring candidate shall be of no less than Five (5) years standing since conversion, a regular communicant member of the Church and duly confirmed in the Anglican Church.
 - v) A person of good repute.

4. ON SERVICE RETIREMENT AND RELINQUISHING OF THE OFFICE OF LAY READER

- a) The office of a Lay Reader in the Church is voluntary and no stipend, salary or wages shall accrue thereto;
- b) The license of a Lay Reader is granted by the Bishop at his discretion and may be withdrawn by the Bishop at his discretion. A Lay Reader whose license has been so withdrawn shall not be eligible for election in any council or committee within the church.
- c) The service of a Lay Reader shall terminate upon the holder of the Bishop's license attaining Sixty Five (65) years of age unless the Bishop at his discretion and at the request of the Parish Council shall extend the tenure of office provided that such extension shall in no case exceed a period of Four (4) years.
- d) The Lay Reader shall be accorded a colourful retirement service by his/her local church officiated by the Archdeacon. Henceforth, he will not hold any elective office but will be given a seat of honour in a suitable place in the local church.
- e) The Lay Reader shall cease to be a Lay Reader by reason of infirmity, which prevents him from performing his duties as such or by reason of having been convicted of a criminal offence by a court of competent jurisdiction.

