

## **ACT NINE**

### ***Of the Ministers of the Church***

#### Authority of the Bishop

- 1 No Cleric, Officer of the Church, member of the Diocese, House of God or place of worship, lands, houses, buildings or treasures of the Church within the Diocese, shall, for any reason, be exempt from the authority and jurisdiction of the Bishop. The Bishop, whensoever he/she shall see fit, shall hold visitations, administer Confirmation, and perform all other spiritual functions in any such Houses of God or places of worship.

#### Appointment of Incumbent

- 2 Saving the rights secured by the Church Properties Act No. 9 of 1910 as amended by Act No. 60 of 1975 to certain Parishes described therein, the appointment of an Incumbent rests with the Bishop.

#### Removal from Cure

- 3 In the case of all Clergy duly instituted to a Benefice, it shall not be lawful for the Bishop after such institution to remove them from their cures without their own consent except it be either –
  - (a) in execution of the sentence of an Ecclesiastical Court by which such removal shall have been duly decreed; or
  - (b) in accordance with the provisions of Section 8 of Canon 25 of the Tenure of Clergy;

provided, however, that every Cleric shall, at the end of the month in which he/she attains the retirement age stipulated in the Constitution and Canons of the Anglican Church of Southern Africa, resign from his/her benefice, cure or other paid office, not being of a private nature, and shall, upon such resignation being accepted by the Bishop, remove therefrom. Provided, further, that the Bishop may, subject to the approval of the Diocesan Board of Trustees and in special circumstances, defer the acceptance of such resignation for such period as may be deemed expedient.

#### Removal at Instance of Parishioners

- 4 In no case shall a duly instituted Cleric be subject to removal from a Pastoral Charge at the instance of the parishioners themselves, except by recourse to the procedures in the Constitution and Canons of the ACSA and the Acts of the Diocese.

Relinquishment of Cure

- 5** No Cleric shall relinquish and remove from his/her cure without consent of the Bishop, unless three months' notice shall have been given by him/her to the Bishop in writing.

Benefice

- 6** The following conditions shall constitute a benefice in this Diocese to which institution or collation may take place:
- (a) The existence of a Pastoral Charge within which the cure of souls is to be exercised; and
  - (b) Either
    - (i) a Rectory or glebe, or other endowment of which the Incumbent shall have undisputed possession; or
    - (ii) a consecrated Church or licensed building, the use of which is secured to the Incumbent by such institution or collation; or
    - (iii) both the above.

Title of Incumbents

- 7**
- (a) Incumbents of Parishes in this Diocese shall be entitled Rectors, and their residences Rectories.
  - (b) Before any Priest, assistant Cleric or stipendiary lay minister takes up his/her appointment in any Pastoral Charge, the Archdeacon shall render to the Bishop a certificate that his/her proposed official residence and the outbuildings are in a proper state of repair. Alternatively, that some other suitable and financially viable arrangement is made in respect of residential accommodation.

Assistant Clerics - Appointments

- 8** Assistant Clerics shall be appointed by the Incumbent of the Pastoral Charge in which each is intended to serve, subject to the Bishop being willing to license him/her.

Agreement as to Notice

- 9** Before the Bishop licenses an Assistant Cleric he/she shall require the Incumbent and the Assistant Cleric to sign an agreement to the following effect:

- (a) That three months' notice must be given by the Assistant cleric to his/her Incumbent if he/she wishes to resign his/her appointment.
- (b) That six months' notice must be given by the Incumbent to his/her Assistant Cleric if he/she wishes him/her to leave.
- (c) That such notice, to be valid, must in either case be accepted by the Bishop in writing.
- (d) That upon the application of either party, the Bishop shall, if he/she shall see sufficient cause, be empowered to dissolve the contract subject to one month's notice.

#### Other Ecclesiastical Cures

- 10** The appointment to all other ecclesiastical cures in this Diocese, which are not herein specified, shall rest with the Bishop.

#### Bishop's Licence

- 11** Every Cleric in the Diocese shall hold a licence from the Bishop or else receive the Bishop's permission to officiate before undertaking any service or administration in the Diocese.

#### Roll of Clergy

- 12** Every Cleric upon receiving a licence from the Bishop to any cure or public office shall be enrolled upon the Roll of Clerics of the Diocese. Thereafter, unless otherwise stipulated at the time of granting the licence, such cleric shall come under any Act or Bylaw of the Diocese or other provisions then in force for grading the stipends of the Clergy. He/She shall be entitled to payment of the stipend for the time being in force for so long as he/she holds the licence of the Bishop.

#### Provision of Stipends

- 13** The Bishop shall not introduce into the Diocese nor license a stipendiary Cleric or Lay Minister to work until he/she has, in conjunction with the Diocesan Board of Trustees decided that a stipend can be provided for him/her.

#### No Fees for Offices or Services

- 14** (a) No fee whatever shall be charged by any Cleric or Lay Minister or Church Officer for, or in connection with, any Church office or service, except as authorised by this Act. Such expenses as shall have been incurred in discharging any Church office or service may be recovered from the recipients of the office or service. All people are, however, to be

encouraged to make freewill offerings at all times, especially those who have benefited from any service of the Church.

- (b) A fee as determined by Diocesan Council may be charged for a document search, including the issue of a certified extract therefrom, if asked for. Any stamps required by law to be affixed to such a certified extract shall be deemed expenses, and shall be paid for by the person requiring such extract.
- (c) The Diocesan Council may, from time to time, determine other fees to be charged. In doing so Diocesan Council shall receive recommendations from the Diocesan Board of Trustees and any Regional Property and Finance Committee may make proposals to the Diocesan Board of Trustees in this regard. Any fee, including the search fee referred to in para. (b) above, shall be approved by the Bishop and made known by him/her by way of Bylaw.

#### Retirement of Stipendiary Clergy

- 15**
- (1)
    - (a) Stipendiary Clergy shall retire at the age indicated in the relevant ACSA pension fund regulations. On retirement, the Bishop's license granted to a clergyperson automatically lapses.
    - (b) The Bishop may, with the agreement of a clergyperson, grant her/him a licence or permission to officiate on conditions so agreed upon, that the retiree may continue her/his ministry.
    - (c) The continued ministry of a retiree shall be by such arrangement as agreed upon by the Bishop and the retiree.
    - (d) It must be remembered that in terms of the Marriage Officers Act 1961, on retirement, resignation or dismissal a clergyperson ceases to be a marriage officer for the purposes of the civil law. If a retired clergyperson holding the Bishop's licence or permission to officiate wishes to continue to be a marriage officer for the purposes of the civil law, she/he should consult the Bishop.
  - (2) Stipendiary Clergy who are not members of the Anglican Church of Southern Africa pension fund, will also retire (i.e., her/his services will terminate) at the end of the month in which they turn 65 years of age. Sections 15(1)(c) of this Act also applies to the continued ministry of such a retiree.
  - (3) Amplification/Guidelines

The Bishop may amplify the provisions and provide guidelines for their application. This may include the issue of By-law(s).