



## **CBR PROVISIONS RELATING TO CHURCHWARDENS**

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### **C.5.04 CHURCHWARDENS**

1. At the annual Vestry meeting or any adjournment thereof, one Churchwarden shall be appointed by the cleric in charge of the Parish to which the said Church belongs, and one other shall be elected by a majority of those present and entitled to vote at such Vestry meeting. If the cleric being present and entitled to vote at such Vestry meeting declines or neglects to nominate a Churchwarden, or if the said cleric being absent from such meeting neglects to appoint in writing a Churchwarden, then both the Churchwardens for the current year shall be elected by the members of the Vestry present; and if the members of such Vestry neglect at such Vestry meeting to elect a Churchwarden, both such Churchwardens for the current year shall be appointed by the cleric.
2. As a general rule, no person shall be eligible for the office of Churchwarden except a member of such Vestry residing within twenty miles from such Church; and the Churchwardens shall hold office for one year from the time of their appointment, or until the nomination or election of their successors.
3. If any Churchwarden declines to accept office, or to act when called on by the cleric or Vestry, or is deprived of office, or resigns in writing to the cleric, or changes residence to twenty miles or more from the Church of which he or she was chosen Churchwarden, or becomes incapable to act, or is convicted of any indictable offence, or ceases to be a member of the Anglican Church of Canada, or of the Church or congregation for which he or she has been elected, or ceases to attend public worship in such Church or congregation for the space of six months, or dies, such office shall become vacant, and a Vestry meeting shall be called within one month in the manner provided for in this Canon for the nomination by the cleric or for the election by the said Vestry, as the case may be, of a new Churchwarden in place of the one whose office is vacated for any of the causes aforesaid, provided always that in any case of such new appointment by the cleric, such cleric may, if the cleric thinks fit, instead of a Vestry meeting being called for the purpose, nominate and appoint another Churchwarden during Divine Service on any Sunday within the time specified for making such appointments.
4. Where there is more than one congregation in a parish, one Vestry must be established for each congregation in the parish, and in the case of more than one Vestry, Churchwardens must be appointed for each congregation.

5. The responsibilities and duties of the Churchwardens and any Deputy Churchwardens shall be as are from time to time prescribed by Statute, Canon, Bylaw and Regulation.

#### **B.1.02(1)(c) DEFINITIONS**

a "Corporation" means the Incumbent and the Churchwardens of a Parish or a Congregation acting together. For greater certainty a Deputy Churchwarden of a Parish or Congregation is not a member of the Corporation

#### **B.5.09 PARISH LISTS AND STATISTICS**

1. Each parish and congregation shall maintain such records of its members and in such manner as may be specified by Regulation.
2. The Incumbent shall give necessary assistance to the Churchwardens in compiling the statistical returns to the Synod required from them.
3. Parish records not in actual use, title deeds, and similar documents shall be placed in the care of the Office of the Synod for safekeeping, except such documents in the Deanery of West Quebec which shall remain in the Deanery as Quebec law requires.

### **B.5.10 VESTRIES**

1. Subject to paragraph 5.10(2), the Annual Meeting of each Vestry shall be held not later than the last day of February in each and every year after due notice thereof given during Divine Service on the next two preceding Sundays.
2. The Annual Meeting of Vestry may, in special circumstances, be held on a day later than the last day in February, due notice having been given.
3. It shall be the duty of the Incumbent to convene the Annual Meeting of each Vestry, and it shall be in the power of the Incumbent of any Parish or of the Churchwardens thereof to call a Vestry meeting whenever they deem it desirable to do so, and it shall be their duty so to do on receipt of written request signed by at least ten members of the Vestry.
4. Upon failure of the Incumbent or Churchwardens to call a special meeting of the Vestry upon such written request, such members shall notify their Archdeacon or the Bishop (if the Archdeacon be the Incumbent), and such Archdeacon or the Bishop (if the Archdeacon be the Incumbent) may after giving the requisite notice, convene such meeting of the Vestry and shall preside thereat.
5. A special meeting of the Vestry shall be called by giving due notice thereof during Divine Service on the two Sundays next preceding the special meeting; provided that the Archdeacon may, in extraordinary circumstances and in writing, permit the giving of notice only on the Sunday next preceding; and all notice of special Vestry meetings shall state precisely the purpose for which the meeting is called, and no other business shall be dealt with at that meeting.
6. The Chairperson at all Vestry meetings shall be the Incumbent of the Parish or such person as the Incumbent shall appoint with the consent of the meeting or in the absence of such Incumbent, and any such appointee shall be such person as the majority present at such meeting shall elect. The Vestry Clerk, when there is one, and present, or in the case there be no Vestry Clerk, or he or she be absent, then such person as the Vestry shall name, shall be Secretary of such Vestry meeting, and the proceedings of such Vestry meeting shall be entered in a book to be kept for that purpose, and preserved in the custody of the Churchwardens. The Incumbent of a Parish shall present a report to the Annual Meeting of each Vestry on the state of the Church in the Parish and such other matters as he or she considers advisable.
7. Each Vestry may make rules for the regulation of their proceedings and the management of the temporalities of the Parish or Congregation to which they belong, provided that the same shall not be repugnant to any law or Statute in force in the Provinces of Ontario or Quebec as the case may be or contrary to any Canon, Bylaw or Regulation.

8. Where there is more than one congregation in a Parish, a meeting of vestry of one congregation may be held jointly with the vestry of one or more other congregations in the Parish, provided that the requirements of the Canons governing vestries are met.

#### **B.5.11 PARISH AND CONGREGATIONAL COUNCILS**

1. At each Annual Meeting of the Vestry of each congregation, there shall be established a committee of the Vestry to be known, where there is one congregation in the Parish, as the Parish Council, and, where there are two or more congregations in the Parish, each Council shall be known as the Congregational Council.
2. Each Council shall consist of:
  - a) the Incumbent;
  - b) any Associate Incumbents;
  - c) the Churchwardens;
  - d) the Parish or Congregational Treasurer, if any;
  - e) the Lay Members of Synod from that congregation, if any; and
  - f) additional members as may be determined by the Annual Meeting of the Vestry elected in the manner provided for the election of Lay Members of Synod in these Bylaws.
3. Vacancies in the Council occurring between Vestry meetings may be filled by appointment by the Incumbent.
4. Subject to section 5, the Chairperson of the Council shall be elected annually at the first meeting of the Council and shall act as Chairperson at meetings of the Council, and in his or her absence, one of the Churchwardens shall so act; and the Council shall elect a Secretary; and the proceedings of each meeting shall be entered by the Secretary in a book to be kept for the purpose.
5. Should a Parish or Congregation fail to elect a Chairperson of the Council within 30 days following the date of the Annual Meeting of Vestry, the Chairperson of the Council shall be the Incumbent, or another member of the Council designated by the Incumbent.
6. The Council shall hold regular meetings, monthly if possible.
7. The agenda for each meeting shall be prepared in consultation with the Incumbent.
8. The rights, powers and duties of the Council shall be:
  - a) to take appropriate action in connection with matters referred to it by the Vestry and in accordance with directions received relating thereto;

- b) to assist Incumbents in the development of policy for, and support of, the work of Christian education in the congregation;
- c) to receive from the Churchwardens at least quarterly a written financial statement and to make recommendations thereon;
- d) to receive the budget to be submitted at the annual meeting of the Vestry as prepared, after consultation with the Incumbent, by the Churchwardens, and to make recommendations thereon;
- e) to make recommendations on any other matter affecting the parochial and extra parochial responsibilities of the Parish or Congregation, as the case may be; and
- f) between meetings of the Vestry and subject to any applicable Statutes of Ontario and Quebec and the provisions of the Canons, Bylaws and Regulations, to have all the rights, powers and duties of the Vestry.

#### **B.5.12 PARISH CENTRAL COMMITTEES**

1. In each Parish consisting of two or more congregations there shall be formed a committee to be known as the Parish Central Committee.
2. The Parish Central Committee shall be composed of:
  - a) the Incumbent;
  - b) any Associate Incumbent;
  - c) the Churchwardens; and
  - d) the Lay Members of Synod.
3. The Chairperson of the Parish Central Committee shall be the Incumbent.
4. A Vice Chairperson shall be elected annually by the Parish Central Committee.
5. The Parish Central Committee shall elect a Secretary and a Treasurer from among the members of the Parish, and the proceedings of each meeting shall be entered in a book to be kept for that purpose.
6. The Parish Central Committee shall hold meetings at least four times during each calendar year.
7. The duties of the Parish Central Committee shall be:
  - a) to advise the Incumbent and Churchwardens in such matters as are of a parochial, deanery or Diocesan nature, but not those solely of an individual congregation;
  - b) to consider any such matters referred to it by any of the several vestries;
  - c) to receive from the Churchwardens or Treasurers at each regular meeting a written

financial statement of each congregation; and

- d) to prepare from time to time recommendations for the consideration of each congregation of its share of responsibility with respect to:
  - i) assessable expenditure;
  - ii) remittances to the Office of the Synod;
  - iii) rectory maintenance, if any; and
  - iv) other matters of parochial concern.

#### **B.5.15 CHURCH PROPERTY**

1. The possession of all Church land and buildings, the Churchyard and any burying ground attached or belonging thereto, is vested in members of the Corporation for the time being, and the care of the property is therefore their joint responsibility.
2. The members of the Corporation shall act jointly in matters concerning the use of the Church buildings and grounds and none shall act without the approval of the other.
3. The members of the Corporation shall be responsible for the care of the land and buildings, furnishings and effects belonging to the Church, and for keeping such buildings, furniture and effects insured under the provisions of the Comprehensive Insurance Policy of the Diocese as contained in Bylaw 3.22(5). The same shall not prevent reasonable other or additional amounts of insurance coverage being placed by the Churchwardens with respect to the Church or its property or the Incumbent or Churchwardens as such.
4. For the purposes of all applicable laws, the members of the Corporation are deemed to be the trustees of Church property for which they are responsible.
5. Where income is being derived from Church land and buildings for the benefit of the clergy of the parish, the same shall be remitted to the Office of the Synod in accordance with the provisions of Bylaw 4.05 and the Regulations, but any taxes assessed against such lands and buildings shall first be deducted from the income thereof.
6. For those Incumbents and Associate Incumbents who have the use of a rectory, the Parish shall pay expenses for fuel, water, electricity, telephone services and internet services.

#### **B.5.16 MEMBERS OF THE CORPORATION**

1. The members of the Corporation are empowered to appoint the Treasurer, the Organist, the Vestry Clerk, and any other lay officers of the parish or congregation, as the case may be.
2. In the case of difference of opinion between the Incumbent and the Churchwardens regarding their respective powers and duties, and the exercise thereof, the matter under

dispute shall be referred to the Bishop for adjustment.

### **B.5.17 QUALIFICATIONS AND RESPONSIBILITIES OF CHURCHWARDENS**

1. A Churchwarden shall be not less than eighteen years of age and shall be a member in full communion of the Vestry of the congregation in which he or she regularly worships and is appointed to serve.
2. In all matters not lying solely in the right and power of the Churchwardens by virtue of applicable Statutes of Ontario and Quebec, it is their duty to carry out all legitimate directions of the Synod and of the Vestry of the congregation which they represent.
3. The two Churchwardens cannot exercise their powers separately, and neither can act without the consent of the other.
4. The Churchwardens shall present a financial report for the previous fiscal year to the Vestry at its Annual Meeting in such form as may be specified by Regulation together with a report thereon of the auditors appointed by the Vestry.
5. The books of the Churchwardens shall be open to inspection by any member of the Vestry at all reasonable times.
6. The Churchwardens shall also present at this meeting a budget of the financial requirements for the current year, including the remittances to the Office of the Synod. Such budget shall be presented to such bodies as may be specified by Regulation for review prior to the annual Vestry meeting. Such budget, as adopted, with or without amendment by the Vestry, shall govern the operations of the Churchwardens during such year, unless changed at a subsequent meeting of the Vestry; provided that in a situation in which the Incumbent and Churchwardens consider that the best interests of the parish will be served by a departure from the budget, they may act according to their best judgement and report their action to the next meeting of the Parish Council or Congregational Council, as the case may be; and provided that the Council may authorize a departure from the budget which they shall explain at the next Vestry Meeting.
7. On retiring from office, a Churchwarden shall pay and deliver over to his or her successors all monies, books, goods, chattels and other things belonging to the Church that are in his or her possession. In case of failure to comply with this within fourteen days of such retirement from office, the succeeding Churchwarden shall take such measures as may be necessary to compel compliance.
8. Churchwardens, or in their absence, their substitutes for the time being, assisted if necessary by the Sidesperson, shall collect the offering of the congregation at each service of the Church and shall count, enter and initial the amount of such offerings in the book provided for this purpose, as soon as reasonably possible, after such service, in the presence of the

Incumbent or some witness. They shall also take charge of all the revenue of the Church.

9. The Churchwardens shall make or cause to be made deposits of all monies coming into their possession for the Church to the credit of such Church in a chartered bank, or a trust or loan and savings company; and all payments shall be made by cheques on a chartered bank or trust company. All cheques shall be signed by both Churchwardens, or by one of them and another person designated for that purpose by the Vestry.
10. The financial returns required of Churchwardens by Bylaw or Regulation shall be forwarded by them to the Director of Financial Ministry or as he or she may direct at such times and in such manner as may be prescribed by Bylaw or Regulation.
11. The Churchwardens shall keep a record of all deeds, mortgages, insurance policies and other documents of importance pertaining to the Church buildings and lands, with full particulars regarding any trusts under which such property is held. Title Deeds and Mortgages shall be deposited at the Office of the Synod for reference and for safekeeping.
12. The Churchwardens shall make provision for the conduct of the Services of the Church and for the provision of all necessary supplies therefor.
13. The Churchwardens shall take care that due reverence is observed both within and without the Church during Divine Service; shall be responsible for the heating, ventilation, and cleaning of the Church and its furnishings; and shall not allow it to be used for any profane purpose.
14. In the event of the Churchwardens being unable to agree regarding any question coming within the scope of their duties, the matter in dispute shall be referred by either of them or by the Incumbent to the Archdeacon for adjudication. Appeal from the decision of the Archdeacon may be made to the Diocesan Council, and the decision and any consequential directions of the Diocesan Council shall be final and binding upon those concerned.
15. The Vestry may elect at its Annual Meeting, or any Parish Council may appoint, a person to act as Deputy to either or both of the Churchwardens, until the next Annual Meeting of the Vestry or until their successors are elected or appointed. A deputy to a Churchwarden shall in the absence of that Churchwarden have all the rights, privileges and duties of that Churchwarden, except those relating to or arising out of the Churchwarden's membership in the Corporation.
16. The Churchwardens, upon taking office, shall prepare, or if they are successors in office, shall secure, from their predecessors in office a true and proper inventory of all the real and personal property in the custody or care or in any way belonging to the congregation or congregations in respect of which they have been elected or appointed; and shall maintain the same and deliver a copy thereof, as so maintained to their successors in office.