

THE LIBERAL CATHOLIC CHURCH

General Constitution 2004



THE LIBERAL CATHOLIC CHURCH
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This General Constitution as revised by the General Episcopal Synod of August 2004, is officially authorized as that of The Liberal Catholic Church. The General Constitution and the Code of Canons together form the body of Canon Law of The Liberal Catholic Church.

On behalf of the General Episcopal Synod.

+TOM DEGENAARS Presiding Bishop

Oosterbeek, the Netherlands, Michaelmas 2004

A Constitution and Rules for the Clergy of the Old Catholic Church in Great Britain was formally adopted at a joint meeting of the Episcopal and Clerical Synods held in London on 20th April 1916 under the chairmanship of Bishop Wedgwood. It was published in London, undated and authorized by Bishop Wedgwood and Canon J. B. Sraton. Provost. After the name of the Church had officially been changed on 6th September 1918, the same document was subsequently issued with a cover bearing the name *The Liberal Catholic Church*.

On All Saints' Day 1919. Bishop Leadbeater 'provisionally authorized for the Province of Australasia' a new Constitution 'having received the assent of all the clergy in Australasia and the approval of the Presiding Bishop.' This Constitution with minor alterations. was authorized for the whole Church in 1923. The same document, again with minor alterations, was authorized by Bishop Leadbeater on behalf of the General Episcopal Synod for The Liberal Catholic Church in 1926.

First Edition: London, Maundy Thursday 1916

Second Edition: Sydney, All Saints' Day 1919

Third Edition: Sydney, 1913

Fourth Edition: Sydney, Whitsunday 1926

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CONTENTS

SECTIONS

- I Preamble
- II General Episcopal Synod
- III Presiding Bishop
- IV Bishops
- V Clergy and Members
- VI Canons Canon Law and Provincial Constitutions
- VII Official Documents

SECTION 1: PREAMBLE

§ 1 Name

The name of the Church is “The Liberal Catholic Church”, referred to hereafter in this Constitution as “the Church”.

§ 2 Autonomy

The Church is autonomous, neither owing allegiance to nor submitting to the authority of any other body, whether in matters of faith, government or discipline save that its assemblies are subject to such of the laws of the land in which they are held as may be applicable.

§ 3 Purpose

The Church exists for the purpose of administering the sacraments (according to the liturgy authorized for the time being by the General Episcopal Synod) to those who reverently approach them, and for the purpose of promoting by its worship, teaching and otherwise the spiritual welfare of mankind. The principles and doctrine of the Church shall be those set forth in its Statement of Principles and Summary of Doctrine for the time being authorized by the General Episcopal Synod.

§ 4 Religious Freedom

The Church allows its members complete freedom of thought, and also freedom in the interpretation of its Liturgy and Summary of Doctrine, of scriptures, creeds and ecclesiastical tradition.

§ 5 Membership

The members of the Church shall be those whom any person thereunto authorized shall have either baptized or confirmed according to its rites, or formally admitted to its membership.

SECTION II: GENERAL EPISCOPAL SYNOD

§ 6 Composition and Powers

There shall be a General Episcopal Synod (hereinafter called “the Synod”) which shall consist of all bishops of the Church on the Active List and in good standing. Such Synod shall be charged with and shall control the general government and administration of the affairs of the Church and without thereby in any way limiting the scope of its functions, it is hereby expressly declared to have the following powers:

- (a) To elect bishops.
- (b) To define geographical areas into provinces and dioceses and to assign bishops thereto.
- (c) To approve the establishment of Provincial Episcopal Synods at such time and in such manner as desirable.
- (d) To determine such titles as may be accorded to the bishops and clergy of the Church.
- (e) To add to, vary, or amend this Constitution as hereinafter provided.
- (f) To authorize the use of a liturgy or liturgies and to add to, vary or amend the same. as hereinafter provided and to issue the necessary instructions to bishops, clergy and lay members in relation thereto.
- (g) To add to, vary or amend the Statement of Principles and Summary of Doctrine as hereinafter provided.

(h) To act as a final Court of Appeal on matters touching the welfare of the Church.

- (i) To delegate to not fewer than five of its members (of whom the Presiding Bishop shall be one) the exercise of any of its powers specified in such delegation for such time and subject to such conditions and restrictions (if any) as may be determined.

§ 7 Exercise of Powers

The Synod shall exercise its powers, whether expressed, implied or inherent, upon such lines and in such manner as not fewer than two-thirds of its members shall determine, or as may be determined by not less than a two-thirds vote in any regularly convened meeting thereof, and may at any time vary or rescind any previous action, resolution or determination except as provided in paragraphs 8, 9 and 10.

§ 8 Action by Proxy

Any member of the Synod may designate another member to act as his proxy in any meeting of the Synod and to cast an additional vote on his behalf; but no member shall serve as proxy for more than three members at the same time.

§ 9 Quorum

Not less than half of the entire membership of the Synod present, either in person or by proxy, shall constitute a Quorum.

§ 10 Abstention

In any voting by the Synod, or in any voting required by Canon Law, abstention from casting a ballot shall constitute a waiver of right to vote in such voting and shall operate to reduce by the number of such abstentions the total number of votes, not less than two thirds of which is required. Failure to reply within a specified time to a call for vote by correspondence shall constitute abstention, but the Presiding Bishop may, at his discretion, extend the closing date for a vote by correspondence if he has reason to believe that delivery of letters has been excessively delayed.

SECTION III: PRESIDING BISHOP

§ 11 Title and Rights

There shall be an officer styled the Presiding Bishop, who shall be the executive head of, and shall preside over, the meetings of the Synod, with the right, should he so desire, to conduct all consecrations of bishops-elect after their approval by the Synod, and also without abrogating the jurisdiction of the Ordinary, to take precedence in provinces and dioceses.

§ 12 Powers and Duties

He shall have power to take emergency action. He shall report to the Synod his action upon all matters deemed by him to be of importance, and shall refer any matter to that body to be dealt with by it, upon being so requested in writing by not fewer than five of its members. He shall be ex officio Ordinary for any territory to which an Ordinary has not yet been regularly assigned and for any territory not regularly incorporated into a diocese or province and for any province in which the office of Regionary Bishop shall be vacant.

§ 13 Election and Tenure

The Presiding Bishop shall be elected by the Synod from the number of its members and by secret ballot. The holder of the office shall continue therein during the pleasure of the Synod: his tenure of office shall be terminated by not fewer than two thirds of its members voting in favour of such termination, or by his death or resignation from office. The manner of conducting elections and the procedure for involuntary termination of tenure shall be established by Canon.

§14 Vicar General

The Presiding Bishop shall have the right to designate another member of the Synod as his Vicar General, and he may depute such Vicar General to exercise any specified powers of the Presiding Bishop's office for any specified time, occasion or location. In the event of a

vacancy in the office of Presiding Bishop, the Vicar General or, if there be no Vicar General, the senior member of the Synod shall exercise all the powers of the Presiding Bishop's office until a new Presiding Bishop shall have been elected.

§15 Deputy

The Presiding Bishop may appoint any member of the Synod to act as his deputy for a specified time, occasion or location, and to exercise such of his powers as may be delegated in such appointment, including the consecration of a bishop.

SECTION IV: BISHOPS

§16 Consecration and Assignment

No person shall be consecrated as a bishop without the consent of not fewer than two thirds of the members of the Synod unless the power to give such consent shall have been delegated by the Synod in the manner provided in § 6 (i). He can only be assigned as Ordinary to a territory with the consent of at least half of the members of the Clerical Synod of such territory.

§17 Powers of Regionary Bishops

The Regionary Bishop, in addition to exercising the spiritual powers and the jurisdiction proper to his office, shall in his province be charged with the execution of the directions and decisions of the Synod.

§ 18 Canonical Obedience

Bishops are under obligation of canonical obedience to the Canon Law of the Church.

§ 19 Conferring Orders

Within his jurisdiction, the Ordinary exercises his inalienable right in admitting to Holy Orders, up to and including the Priesthood those whom he may deem to be qualified subject to such conditions as may be laid down by the Synod.

§ 20 **Assignment of Clergy**

The Ordinary shall be charged with the duty of assigning clergy to their respective spheres of work or parishes, but in doing so he shall have due regard to the wishes of all parties concerned, and shall (either directly or through their appointed representatives) fully consult those lay members of the Church to whom such clergy are to minister.

§ 21 **Vicar General**

- (i) A Regionary, Diocesan, or Commissary Bishop may appoint a bishop or priest as the Vicar General for his territory or part thereof, who shall exercise only such powers as may be delegated to him.
- (ii) When the Ordinary is unable to act, or is absent from his jurisdiction, his administrative functions, other than those of dismissal from the Church, shall be exercised by the Vicar General or by some other person appointed by him. When the office of Ordinary becomes vacant, the Vicar General shall immediately report this vacancy to the Regionary Bishop and Presiding Bishop who shall forthwith appoint an interim agent as the legal head of such jurisdiction, the Regionary Bishop or the Presiding Bishop being the Ordinary.

§ 22 **Absence of Vicar General**

In the case of the absence of a Vicar General, and when such function is required by Canon Law, the most senior active member of the clergy (including bishops) of the territory will automatically become Acting Vicar General.

§ 23 **Regulation of Clergy, Other Than Bishops**

The Ordinary may inhibit from the exercise of clerical and administrative functions any member of the clergy under his jurisdiction who disregards his obligation of canonical obedience or whose conduct, whether in private life or in the service of the Church, he considers to be sufficiently disedifying or prejudicial to the good order of the

Church. The person so sentenced has the right of appeal to the Regionary and thence to the Judiciary Committee and to the Synod. The one so sentenced shall stand suspended from office and from good standing pending the final decision. Notice of appeal must be given in writing to the Regionary and the Presiding Bishop at each stage within thirty days after receiving written notification of the sentence and the appeal dispatched within sixty days after receipt of such notification. All relevant documents must be made available to each party concerned.

§ 24 **Diocesan Bishops**

A Diocesan Bishop is a bishop having jurisdiction over a diocese and shall be the Ordinary for such diocese. He can be assigned as Diocesan Bishop to such diocese only with the consent of at least half of the members of the Clerical Synod of the diocese. He shall be charged with the execution in his diocese of the directions and decisions of the Synod.

§ 25 **Auxiliary Bishops**

An Auxiliary Bishop shall exercise only such powers of the episcopate as are authorized in writing by the Ordinary.

§ 26 **Regulation of Bishops**

The Synod may, either directly or through its Judiciary Committee, suspend or depose from office any bishop (other than the Presiding Bishop) who disregards his obligation of canonical obedience or who illicitly exercises his powers of ordination or whose conduct is considered to be such as to bring the Episcopal Order into disrepute, to bring discredit upon the Church, or to be prejudicial to good order therein. A bishop may appeal to the Synod against any sentence of the Judiciary Committee. A two thirds majority of members of the Synod voting shall be required to determine the issue.

No member of the Liberal Catholic Church in the Episcopal Order, whencesoever derived and whatsoever his status then in the Church, shall act as Consecrator to the Episcopate of anyone not

regularly elected thereto in accordance with the Canon Law of this Church. Any such member so acting or so participating in such illicit consecration shall then and there become *ipso facto* deprived of any function in and dismissed from the Liberal Catholic Church, and the Presiding Bishop and the Judiciary Committee of the Synod shall have the duty and the authority to determine the facts in any such case and to declare such *ipso facto* deprivation and dismissal to have been then and there incurred, and no further ratification by the Synod shall be required.

SECTION V: CLERGY AND MEMBERS

§ 27 Canonical Obedience Required

All clergy in Major Orders are under an obligation of canonical obedience to the Canon Law of the Church and to the Ordinary, Resignation or being debarred from the ranks of the clergy, or termination of membership in the Church, shall automatically dispense from such obligation.

§ 28 Canonical Obedience Defined

By canonical obedience is to be understood obedience only to matters included in Canon Law.

§ 29 Use of Liturgy

The services of the Church are to be conducted by the clergy in strict conformity with the liturgy and instructions from time to time authorized by the Synod: minor liturgical instructions may be issued and non-liturgical services authorized by the Ordinary.

§ 30 Clergy Licences

Before holding services in connection with the Church in any province or diocese, clergy shall obtain the licence therefor from the Ordinary. Exception to this rule is made in the case of private celebrations of the Holy Eucharist with only members of the household present. Such licence shall establish good standing in such province or diocese, and the Ordinary may require annual renewal of licence. If the Ordinary shall fail to renew such licence, the priest or deacon shall have the right to appeal to the Synod.

§31 Clerical Synod and Chapter

The priests and deacons in good standing and on the Active List of each province or diocese shall constitute a Clerical Synod whose function shall be to meet together and discuss matters affecting the welfare of the Church; it may make recommendations to, and may be consulted by, the bishop of the province or diocese. Where circumstances render it advantageous, a bishop of a province or diocese may form a Chapter, the members of which shall be selected with the approval of the Clerical Synod, for the purpose of exercising, when required, the advisory functions of such Clerical Synod. At their discretion, provincial clerical synods may invite visitors to their meetings.

§32 Clerical Synod Procedure

The bishop of a province or a diocese, or his representative, may preside over all meetings of the Clerical Synod. It shall conduct its meetings and transact its business in such manner as not fewer than two-thirds of the number of its members shall determine. Where it is impracticable for meetings to be held, the Clerical Synod may transact its business by correspondence. The clergy should keep themselves informed as to the opinion of the lay members of the Church on matters touching the welfare of the Church in their several parishes.

§ 33 Finance and Property

Both in the province or diocese and in each parish or centre of work in the Church the administration of finance shall if practicable be left in the hands of representatives of the laity. The manner and terms upon which any property shall be held in trust for or on behalf of a church shall be determined by the congregation or parish concerned, with the approval of the Ordinary and in accordance with the constitutional requirements of the province or diocese.

§ 34 Laymen

The Ordinary may at his discretion authorize lay persons to lecture or to conduct certain public services within his province or diocese under the auspices of the Church.

No lay member shall issue a publication or make public statements using the name of the Church without authorization of the Ordinary. An Ordinary may, in exceptional circumstances, suspend any lay member of the church from his administrative functions. He shall thereupon notify all parties concerned. Such member so sentenced may appeal to the Judiciary Committee under the same conditions as stated for the Clergy in § 23.

SECTION VI: CANONS, CANON LAW AND PROVINCIAL CONSTITUTIONS

§ 35 Canons Defined

Administrative and regulatory resolutions of the Synod of continuing effect heretofore or hereafter adopted shall be known as Canons, and shall have the same authority and effect and require the same canonical obedience as this Constitution: and the Code of Canons in conjunction with this Constitution shall form the body of Canon Law of the Church.

§ 36 Purpose of Canons

It shall be the purpose of Canons to implement, to interpret in detail, and to establish methods for carrying out, the provisions of this Constitution, and such Canons shall be in accordance with, or logical extensions of the provisions of this Constitution.

§ 37 Adoption of Canons

Canons may be adopted, added to, varied, amended or repealed at any time by not less than a two thirds vote of the Synod in session, or by not less than a two thirds vote of the members conducted by correspondence.

§38 Provincial Constitutions

Provincial Constitutions shall, before adoption, be submitted to the Presiding Bishop for approval on behalf of the Synod, and upon approval thereof shall become part of the Canon Law of the Church in such province. Such Provincial Constitutions shall be in accordance

with, or a logical extension of the provisions of the General Constitution, and shall comply with the applicable laws of the countries comprising such province. The Presiding Bishop shall have authority to waive, with respect to any province or any country therein, any provisions of the General Constitution or of the Canons dependent thereon which shall be certified by the Regional Bishop of such province to be contrary to the law of the country or countries concerned.

§ 39 Diocesan Constitutions

Diocesan Constitutions, where required, shall be subject to the same provisions as set forth in the preceding paragraph for Provincial Constitutions.

§ 40 Conformity with the General Constitution

Each Provincial Constitution and each Diocesan Constitution shall, except as specifically waived under the provisions of Section VI, § 38 of the General Constitution, contain a clause affirming that all the provisions of such Provincial (or Diocesan) Constitution are in accordance with and subordinate to the General Constitution and Canons of the Church, and that any provision of such Provincial (or Diocesan) Constitution which may be determined to be or may become inconsistent with the said General Constitution and Canons shall be or shall become null and void to the extent of such inconsistency.

SECTION VII: OFFICIAL DOCUMENTS

§ 41 Official Documents Defined

This Constitution, the authorized liturgy of the Church and the authorized Statement of Principles and Summary of Doctrine shall constitute official documents of the Church. The primary version of all official documents shall be maintained in the English language.

§ 42 **Revision of Official Documents**

Official documents may be revised or added to by a not less than two thirds vote of the Synod in plenary session provided that proposals for such revision have been received by the Presiding Bishop not less than six months prior to the plenary session's being held. All such proposals shall be communicated to the members of the Synod not less than three months prior to such session. If material alterations are made in such proposals by the Synod in session, such proposals shall then be dealt with in accordance with § 43.

§ 43 **Interim Amendments**

Official documents may be added to, varied, or amended between plenary sessions by resolution in the usual manner, but such resolutions shall require approval in writing of not fewer than two thirds of members of the Synod voting.

§ 44 **Translations of Official Documents**

Translations of the official documents of the Church or parts thereof into languages other than English shall be prepared under the supervision of the Regionary Bishops of the provinces concerned and when vouched for by such bishops as constituting a true and accurate rendering of the sense of the original, shall be authorized for use by the Presiding Bishop on behalf of the Synod.

§ 45 **Translation of Canons**

Translations of the Code of Canons shall be prepared and authorized in the same manner as herein provided for translations of official documents.

§ 46 **Interpretation**

In any question as to the interpretation of the precise meaning of any provision or term in the Canon Law, the text of the English version shall prevail.

