

CANON 13

OF THE CHANCELLOR AND LEGAL ADVISERS

1. Interpretation

(1) In this Canon, unless the context otherwise requires:

Advisory opinion means any opinion given pursuant to clause 6;

Chancellor means the person appointed pursuant to clause 2;

Diocese means the Anglican Diocese of Waiapu;

Diocesan Registrar means the person appointed by the Standing Committee to act as the primary administrative officer of the Diocese;

Diocesan Canons means Canons, Regulations and Guidelines of the Diocese as enacted by the Synod or by any body on the delegated authority of the Synod;

Legal Adviser means a person appointed pursuant to clause 5;

President means the person acting as President of the Synod in accordance with the Standing Orders;

Ruling means any formal ruling given pursuant to clause 4;

Standing Orders means the Standing Orders of the Synod;

Vice-Chancellor means the person appointed pursuant to clause 3.

2. The Chancellor of the Diocese

(1) The Bishop must appoint a Chancellor of the Diocese to serve as the principal legal adviser to the Bishop, the Diocese and the Synod.

(2) Any person appointed as Chancellor of the Diocese must meet the qualifications set out in Title D, Canon V, clause 2.

(3) The Chancellor will have the functions set out in this Canon, the Diocesan Canons and in Title D, Canon V and will otherwise exercise such traditional roles as are part of the office of Chancellor in this Church not inconsistent with Title D or this Canon.

(4) Any person appointed as Chancellor may be removed from office at any time by the Bishop.

3. The Vice-Chancellor of the Diocese

(1) The Bishop may appoint a Vice-Chancellor of the Diocese to act as deputy to the Chancellor.

(2) Any person appointed as Vice-Chancellor of the Diocese need not meet the qualifications set out in Title D, Canon V, clause 2, but must hold a practicing certificate issued by the New Zealand Law Society.

(3) Where a person is appointed as Vice-Chancellor who meets the qualifications set out in Title D, Canon V, clause 2 then that person may carry out all the functions of the Chancellor in the absence of the Chancellor.

(4) The Vice-Chancellor will have the functions set out in this Canon and has no functions pursuant to Title D, Canon V.

(5) Any person appointed as Vice-Chancellor may be removed from office at any time by the Bishop.

4. Rulings by the Chancellor

- (1) At the request of the Bishop or the Standing Committee the Chancellor may provide rulings on the interpretation, meaning or effect of any of the Diocesan Canons.
- (2) At the request of any member of the Synod the Chancellor may, during any session of the Synod, provide rulings on any question arising under the Standing Orders.
- (3) Any ruling given by the Chancellor pursuant to clause 4(1) must be in a formal written document that contains reasons for the ruling and must be made in accordance with the laws of New Zealand and ecclesiastical law.
- (3) Any ruling given by the Chancellor pursuant to clause 4(2) may be given orally during the session of the Synod with a formal written document containing reasons to be provided later and any such ruling must be made in accordance with the laws of New Zealand and ecclesiastical law.
- (4) The Diocesan Registrar must keep a database of all rulings which must be accessible to members of Synod on request.
- (5) Any ruling given by the Chancellor is binding on all members of the Diocese, any person subject to any of the Diocesan Canons and the Synod unless:
 - (a) it is altered by a duly adopted Diocesan Canon; or
 - (b) it is superseded by a further ruling.
- (6) Before giving a ruling the Chancellor may consult with the Vice-Chancellor.
- (7) Any ruling altered or superseded in accordance with clause 4(5) remains in the database of rulings but that it is no longer of effect must be noted.

5. Legal Advisers

- (1) The Bishop may appoint Legal Advisers.
- (2) Any person appointed as a Legal Adviser must meet the qualifications set out in Title D, Canon V, clause 2.
- (3) Any Legal Adviser has the functions set out in this Canon, the Diocesan Canons and in Title D, Canon V.
- (4) Any person appointed as a Legal Adviser may be removed from office at any time by the Bishop.

6. Advisory opinions

- (1) At the request of the Bishop, the Diocesan Registrar or the Standing Committee the Chancellor or Vice-Chancellor or any other Legal Adviser may provide to the Bishop, the Diocesan Registrar, Standing Committee or the Synod advisory opinions on any legal issue that concerns the Diocese or associated entities.
- (2) Whoever requests an advisory opinion under clause 6(1) will direct who it is to be provided to and the opinions are to be confidential and privileged to the persons to whom they are provided.