

# General Synod - Use of the Surplice Canon 1977 Adopting Ordinance 1977

(Reprinted under the Interpretation Ordinance 1985.)

The General Synod - The Use of the Surplice Canon 1977 Adopting Ordinance 1977 as amended by the General Synod - The Use of the Surplice Canon 1977 Adopting Ordinance 1977 Amendment Ordinance 1985, the General Synod - The Use of the Surplice Ordinance 1977 Adopting Ordinance Amendment Ordinance 1988, the General Synod - The Use of the Surplice Canon 1977 Adopting Ordinance Amendment Ordinance 1991, the Miscellaneous Amendments Ordinance 1995, the General Synod - The Use of the Surplice Canon 1977 Adopting Ordinance 1977 Amendment Ordinance 1996 and the General Synod - The Use of the Surplice Canon 1977 Amendment Ordinance 1998.

## Table of Provisions

Clause	
1	Adoption of Canon
1A	General Rule
2	Where surplice not required - conduct of services generally
3	Where surplice not required - place licensed for public worship
4	No obligation to dispense with surplice
5	No other modification to clerical vesture
6	Minister to have regard to occasion and congregation
7-8	Disputes
9	Inconsistency
10	Canons of 1603
11	Citation
Schedule	

+ + + + +

## Long Title

An Ordinance to adopt a certain General Synod canon and to make regulations pursuant thereto.

## Preamble

Whereas

- A. A certain canon entitled "The Use of the Surplice Canon 1977" was passed by the General Synod of the Anglican Church of Australia during the session of the said Synod held in 1977.
- B. A copy of the said canon is contained in the Schedule hereto.
- C. It is expedient that the said canon be adopted by the Synod of this Diocese and that regulations be made pursuant to clause 1 of that canon.

Now the Synod of the Diocese of Sydney Hereby Ordains Declares Directs and Rules as follows -

## Adoption of Canon

1. The said canon is hereby adopted and shall so far as the same is applicable be applied to the order and good government of the Church in this Diocese.

## General Rule

1A. Subject to clauses 2 and 3, every minister saying the public prayers, or ministering the sacraments, or other rites of the church, must wear a decent surplice. A minister who is a graduate of a university may wear a hood appropriate to the university degree on the surplice.

## Where surplice not required - conduct of services generally

2. A minister of the Anglican Church of Australia in the Diocese of Sydney need not wear a surplice while conducting a service -
  - (a) in a hospital,
  - (b) in a private house,
  - (c) in a place which is not licensed for public worship, or
  - (d) in a place which is licensed for public worship in such circumstances as may be provided in accordance with the terms hereof.

### **Where Surplice not required - place licensed for public worship**

3. (1) Subject to this clause and to clause 6, a minister may dispense with the use of a surplice while conducting a service in a place consecrated or licensed for public worship.

(2) A minister may only dispense with the use of a surplice while conducting a service in a church and in the Cathedral -

- (a) with the approval of a vestry meeting of that church; or
- (b) if authorised by clause 3(4) or 3(5).

(3) For the purposes of clause 3(2)(a) -

- (a) a vestry meeting of a church is a vestry meeting of the church convened under the Church Administration Ordinance 1990; and
- (b) a vestry meeting of a church is taken to have given an approval if the meeting, by resolution, has given approval for a minister to dispense with the use of the surplice at a particular type of service or particular types of services; and
- (c) the approval of a vestry meeting of a church may be withdrawn by resolution of a later vestry meeting of the church.

(4) In a church where there is customarily conducted more than one service each Sunday, a minister may dispense with the use of a surplice while conducting one of those services each Sunday if-

- (a) the use of the surplice has not been dispensed with by a minister at another service conducted on that Sunday pursuant to clause 3(2)(a); and
- (b) in the course of making a determination about a service at which a minister may dispense with the use of a surplice under this subclause, the rector, curate-in-charge or minister concerned has consulted with the parish council, if any, of the parochial unit in which the church is situated and the churchwardens of that church.

(5) In a church where there is customarily conducted only one service each Sunday, a minister may dispense with the use of a surplice while conducting one of those services in each calendar month if -

- (a) the use of the surplice has not been dispensed with by a minister at another service conducted on a Sunday during that calendar month pursuant to clause 3(2)(a); and
- (b) in the course of making a determination about a service at which a minister may dispense with the use of a surplice under this subclause, the rector, curate-in-charge or minister concerned has consulted with the parish council, if any, of the parochial unit in which the church is situated and the churchwardens of that church.

(6) A minister may not dispense with the use of the surplice in accordance with this Ordinance while conducting a service at which a bishop is also a minister thereof unless that bishop has given his approval. If -

- (a) under this Ordinance, a minister may dispense with the use of a surplice while conducting a service in a church or in the cathedral; and
- (b) a bishop is present and proposes to participate in the service, and has given his approval under this clause,

the bishop may dispense with his rochet and chimere.

(7) Subclauses (2) to (6) inclusive apply to St Andrew's Cathedral with the following modifications-

- (a) each reference to the parish council of the parochial unit in which the church is situated is a reference to the St Andrew's Cathedral Chapter;
- (b) each reference to the rector is a reference to the Dean;
- (c) each reference to the churchwardens of that church is deleted; and
- (d) each reference to a vestry meeting of that church, or a church, is a reference to a meeting of the congregation of the Cathedral, convened and conducted in accordance with the rules and regulations made by the Chapter.

### **No obligation to dispense with surplice**

4. Nothing in this Ordinance shall oblige any minister to dispense with the wearing of a surplice when celebrating Divine Service, administering the Sacraments or performing any other rite or ordinance of the Anglican Church of Australia.

### **No other modification to clerical vesture**

5. Except as provided by the terms of this Ordinance, no modification is hereby made to the clerical vesture either required to be worn or forbidden to be worn by a clergyman.

### **Minister to have regard to occasion and congregation**

6. A minister may only dispense with the use of a surplice under clause 3 if -

- (a) the minister has had due regard to the occasion and the congregation concerned before exercising relief; and

- (b) his or her dress is appropriate having regard to the occasion and the congregation concerned.

## Disputes

7. Any question or dispute arising under this Ordinance that has been reported to the Archbishop-in-Council within a period of four (4) months following the incident referred to in the question or dispute shall be dealt with and determined by the Archbishop-in-Council or, if the Archbishop-in-Council so decides, by a Disputes Committee which shall consist of at least three (3) persons (of whom one (1) shall be a lay person) who shall be appointed from time to time by the Archbishop-in-Council and who shall hold office for such term and in accordance with such conditions as may be specified by the Archbishop-in-Council provided that if a clergyman, within 14 days of the termination of a dispute, undertakes to the Archbishop to comply with the provisions of this Ordinance in future and does in fact comply, no charge shall be laid before the Diocesan Tribunal.

8. (1) The Archbishop-in-Council or a Disputes Committee, as the case may be, shall enter into the consideration of any such question or dispute as aforesaid only upon the application of some persons or persons interested therein and for the purpose of determining the same, the Archbishop-in-Council or a Disputes Committee, as the case may be, may give all such notices and make such enquiries and do all such things as shall appear reasonable and proper in the circumstances.

(2) The Archbishop-in-Council or a Disputes Committee, as the case may be, shall in its absolute discretion be at liberty to dismiss any question or dispute arising under this Ordinance if the person who has or the persons who have raised the question or dispute do not provide the Archbishop-in-Council or the Disputes Committee with all information that may be required so that the matter may be dealt with as reasonably expeditiously as possible.

## Inconsistency

9. To the extent of any inconsistency between this Ordinance and the Announcements of Divine Services and Clerical Vestures Ordinance 1949 then this Ordinance shall prevail but apart from such inconsistency the 1949 Ordinance shall continue in full force and effect.

## Canons of 1603

10. The canons numbered 17, 24, 25, 58 and 74 of the Canons of 1603, in so far as the same may have any force, are repealed in so far as this Synod has authority to repeal the same.

## Citation

11. This Ordinance may be cited as "General Synod - The Use of the Surplice Canon 1977 Adopting Ordinance 1977".

## Schedule

A Canon to Provide Relief for Ministers from the Use of the Surplice in Certain Cases.

Whereas by resolution No. 42 of 1973 the Synod of the Diocese of Sydney resolved that "this synod considers the time has come when for the conduct of services not held in licensed buildings or at public services surplices be no longer mandatory provided the minister acts with discretion and sensitivity: this applies amongst other things to private communions in homes and hospitals".

And whereas it is desirable that relief should be provided in the cases and to the extent decided in each diocese by the synod of such diocese NOW the general synod prescribes as follows:-

1. A minister of the Church of England in Australia may be relieved of his obligation to use a surplice during his ministrations in such cases as aforesaid as and to the extent to which such obligation is dispensed with by an ordinance of the synod of the diocese in which he is licensed to minister.
2. This canon may be cited as "The Use of the Surplice Canon 1977".

## Table of Amendments

Preamble	Amended pursuant to the Interpretation Ordinance 1985.
Clause 1A	Inserted by Ordinance No 40, 1998.
Clause 2	Amended by Ordinances Nos 37, 1985 and 40, 1998.
Clause 3	Original clause 3 Inserted by Ordinance No 37, 1985 and amended by Ordinances Nos 31, 1988, 43, 1991, 24, 1995 and 41, 1996. New clause inserted by Ordinance No 40, 1998.
Clause 4	Inserted by Ordinance No 37, 1985.
Clause 5	Inserted by Ordinance No 37, 1985.
Clause 6	Original clause 6 inserted by Ordinance No 37, 1985. New clause 6 inserted by Ordinance No 40, 1998.
Clause 7	Inserted by Ordinance No 37, 1985 and amended by Ordinance No 31, 1988.
Clause 8	Inserted by Ordinance No 31, 1988.
Clause 9	Inserted as clause 8 by Ordinance No 37, 1985 and renumbered as clause 9 by Ordinance No 31, 1988.
Clause 10	Inserted by Ordinance No 40, 1998.

Clause 11

Originally numbered as clause 3 but amended and renumbered as clause 9 by Ordinance No 37, 1985; renumbered again as clause 10 by Ordinance No 31, 1988 and renumbered as clause 11 by Ordinance No 40, 1998.

ROBERT WICKS  
**Legal Officer**

MARK PAYNE  
**Diocesan Secretary**

22 May 2002