

General Synod - Matrimony (Prohibited Relationships) Canon 1981 Adopting Ordinance 1982

Long Title

An Ordinance to adopt General Synod Canon No 15, 1981.

Preamble

Whereas

- A. A certain Canon entitled "Matrimony (Prohibited Relationships) Canon 1981" has been made by the General Synod of the Anglican Church of Australia.
- 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.

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.

Citation

2. This Ordinance may be cited as "General Synod - Matrimony (Prohibited Relationships) Canon 1981 Adopting Ordinance 1982".

Schedule

A Canon concerning Canon 99 of the Canons Ecclesiastical made in the year 1603 and the prohibition of the solemnization of matrimony between persons within certain prohibited relationships.

WHEREAS certain Constitutions and Canons Ecclesiastical made in the year 1603 (hereinafter called "the Canons of 1603") were published in England by lawful authority AND WHEREAS certain of the Canons of 1603 continue to apply to and be in force in the several dioceses of The Anglican Church of Australia.

AND WHEREAS it is desirable to repeal Canon 99 of the Canons of 1603 insofar as it applies to or is in force in the several dioceses of The Anglican Church of Australia and to prohibit the solemnization of matrimony between persons within certain prohibited relationships.

NOW THEREFORE the General Synod prescribes as follows -

1. This canon may be cited as the "Matrimony (Prohibited Relationships) Canon 1981".
2. In this canon unless the context otherwise requires -
"adopted" in relation to a child means adopted under the law of any place (whether in or outside Australia) relating to the adoption of children;
"minister" means a minister who on the nomination of this Church is authorised by the law of the Commonwealth of Australia to solemnise matrimony;
"prohibited relationship" means any relationship described in the Schedule as extended by Sections 5 and 6;
"the Canons of 1603" means the Constitution and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603.
3. The Canon numbered 99 included in the Canons of 1603 shall henceforth have no operation or effect in this Church.
4. A minister shall not solemnize matrimony between persons who are within a prohibited relationship.
5. A prohibited relationship shall include a relationship of the half-blood and a relationship traced through or to any person born of unmarried parents.
6. (1) A prohibited relationship shall include a relationship traced through or to a person who is or was an adopted child and for that purpose the relationship between an adopted child and his adoptive parent or each of his adoptive parents shall be deemed to be or to have been the natural relationship of child and parent.

(2) Nothing in subsection (1) of this section makes it lawful for a clergyman to solemnize a marriage which he could not lawfully have solemnized if that subsection had not been enacted.

(3) For the purpose of this section -

(a) a person who has at any time been adopted by another person shall be deemed to remain the adopted child of that other person notwithstanding that any order by which the adoption was effected has been annulled, cancelled or discharged or that the adoption has for any other reason ceased to be effective; and

(b) a person who has been adopted on more than one occasion shall be deemed to be the adopted child of each person by whom he has been adopted.

7. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

The Schedule

The relationship between a man and woman who is or has been his-

mother	mother's father's wife
daughter	wife's father's mother
father's mother	wife's mother's mother
mother's mother	wife's daughter's daughter
sons' daughter	wife's sons' daughter
daughter's daughter	son's son's wife
sister	daughter's sons's wife
wife's mother	father's sister
wife's daughter	mother's sister
father's wife	brother's daughter
son's wife	sister's daughter
father's father's wife	

The relationship between a woman and a man who is or has been her -

father	mother's mother's husband
son	husband's father's father
father's father	husband's mother's father
mother's father	husband's son's son
son's son	husband's daughter's son
daughter's son	son's daughter's husband
brother	daughter's daughter's husband
husband's father	father's brother
husband's son	mother's brother
mother's husband	brother's son
daughter's husband	sister's son
father's mother's husband	

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