

ANGLICAN CHURCH OF KENYA

Summary of the Proposed Changes to the 2002 Constitution

#	Reference	Current clause(s)	Proposed change
1	Article I no.5 (Now: Article I no.6)	"Bishops of the Province" and "Bishops" means all Bishops whether Diocesan, Coadjutor, Suffragan or Assistant duly consecrated and serving as such within the Church.	Article I no.6 "Bishops of the Anglican Church of Kenya" and "Bishops" means all Bishops whether Diocesan, Coadjutor, Suffragan or Assistant duly consecrated and serving as such within the Anglican Church of Kenya.
2	ARTICLE 1 - ON DEFINITIONS (new as No.10)	(new clause)	No.10 (new – addition) "Canon", in relation to a person, is an honorary title conferred on an ordained or lay member of the church
3	ARTICLE I no.10 (in the current 2002 constitution) – now no.12	10. "The Anglican Church of Kenya" and "Church of Kenya" both mean the Community which is associated under the Provisions herein set forth. The title "Anglican Church of Kenya" is not intended to exclude other (such as Anglican Church) under which this Church, or any portion of it may be known, but being used to express the fact that the whole Church thus entitled is united in this Provincial organization, through which it is connected with other Churches of the Anglican Communion.	12. "The Anglican Church of Kenya" and "Church of the Province of Kenya" and "church of Kenya" and "This Church" all mean the Community which is associated under the Provisions herein set forth. The title Anglican Church of Kenya is not intended to exclude other titles (such as Anglican Church) under which this Church, or any portion of it may be known, but being used to express the fact that the whole Church thus entitled is united in this Provincial organization, through which it is connected with other Churches of the Anglican Communion.
4	Article I – no.26 now clause no.21	26. " Provincial Synod " means an assembly of the Houses of Bishops, Clergy and Laity of the Anglican Church of Kenya, constituted, convened and held in accordance with this Constitution.	21. " General Synod " means an assembly of the Houses of Bishops, Clergy and Laity of the Anglican Church of Kenya, constituted, convened and held in accordance with this Constitution.
5	Article I no. (now no.28)	27. "Province of Kenya" and "this Province" both mean the geographical area from time to time comprising the several Dioceses specified in Article I of this Constitution.	28. "The Church of Kenya" and "this Province" both mean the geographical area from time to time comprising the several Dioceses specified in Article II of this

			Constitution, making up the Anglican Church of Kenya.
6	Article I no.33 (now no.34)	33. "Session of the Synod" means the meeting or series of meetings of the Synod (whether Provincial or Diocesan) concerned in pursuance of any one summons issued by the Archbishop or Bishop as the case may be.	34. "Session of the Synod" means the meeting or series of meetings of the Synod (whether General or Diocesan) convened in pursuance of any one summons issued by the Archbishop or Bishop as the case may be.
7.	Article II no.2	2. By an Act of Synod, the name of the Church was changed to the Anglican Church of Kenya (ACK).	2. By an Act of Synod in 1998, the name of the Church was changed from the Church of the Province of Kenya (CPK) to The Anglican Church of Kenya (ACK).
8.	Article II no.3	(new - addition)	3. The Anglican Church of Kenya during the year of adoption of this Constitution consists of the Dioceses as set out in Schedule 1.
9.	Article II (no.3 in current – no.4 in proposed)	... or re-arrange this Province or re-arrange this Church ...
10	Article II (no.4 in current – no.5 in proposed) the concurrence of all the Dioceses of the Church, of the Provincial Synod, and of the Archbishop of Kenya, the concurrence of all the Dioceses of the Church, of the General Synod, and of the Archbishop of Kenya, ...
11	Article III - on Doctrine and Worship	Remains (replace "Province" with " Church " – only where appropriate	" Church " replaces "Province" (But only where appropriate.
12	Article XI - On the Elections of Bishops		Harmonize with #14 below, article 11.2, which says: "... the procedure for electing a person to fill the vacant bishopric shall if circumstances permit be commenced after the retirement service for the exiting bishop has been held ..." Also: add clause: That the Archbishop takes full charge of a vacant diocese and administers it directly or through a commissar for the period of transition
13	Article VI no.2 ON the Election of the Archbishop (in the current) and Article	2. When the Office of the Archbishop becomes canonically vacant the Dean of the Province ... the Office of the Archbishop becoming vacant inform the Provincial Chancellor (or if there is	2. When the Archbishopric becomes canonically vacant the Dean of the Anglican Church of Kenya ... Archbishopric becoming vacant inform the Chancellor of Anglican

			<p>recognized institution by the Anglican Church of Kenya.</p> <p>c) Must possess a relevant degree from a university that is recognized or accredited by the Anglican Church of Kenya.</p> <p>d) Must have no prior criminal record.</p> <p>e) Must not have faced or be facing any charge as in Canon 16 of this constitution.</p> <p>f) Must have demonstrated passion for mission work.</p> <p>g) Must have been a practicing member of the Anglican Communion for at least 15 years.</p>
16	Article 11 no.7	<p>7. The Diocesan Chancellor shall then send the list of valid nominations to the Search Committee hereafter defined and state his reasons for deleting the name of any person from the list of those validly nominated.</p>	<p>7. On the day after closure of nominations, the Diocesan Chancellor together with the Clerical and Lay Secretaries of the Diocesan Synod shall check the nominations, satisfying themselves that all those nominated are Priests of a Diocese of the Anglican Communion and that all those who have signed nominations, are members of the Diocesan Synod and the Standing Committee of the General Synod, as the case may be, that no member has signed more than one nomination form and that no member does not meet the nomination criteria set in Article 11 (5) above. They shall also satisfy themselves concerning the age, canonical status and ordination of those nominated and shall delete the name of any person not validly nominated.</p>
17.	Article 11, no.8	<p>8. There shall be a Search Committee which shall be established in accordance with this Constitution. The Search Committee shall consist of three (3) priests and three (3) laypersons from the vacant see; two</p>	<p>8. (a) The Diocesan Chancellor shall then send the list of valid nominations to the Chancellor of the Anglican Church of Kenya and state his reasons for deleting the name of any person from the list of</p>

		<p>(2) Bishops, two (2) priests and two (2) laypersons from the Province. The Chairman shall be a Bishop and the Secretary shall be a layperson. The diocesan members of the Search Committee shall be appointed by the archbishop from a list of names submitted by the diocese and composed of members with proven integrity and commitment to the Church and as far as practicable there shall be a gender balance in the composition of the membership of the Search Committee.</p>	<p>those validly nominated and a copy of the reasons shall be supplied to the person whose name is deleted. The Chancellor of the Church shall satisfy the validity of the nominations whereupon shall send the list of valid nominations to the Search Committee hereinafter defined.</p> <p>(b) Any appeal shall be submitted to the office of the Archbishop within five working days from the day of the search, who shall constitute an appeals committee of three within five days of receiving the appeal. It shall be chaired by a bishop and with a clergy and laity as members. The members shall be from dioceses other than the one with the issue. The appeal should be concluded within five days.</p> <p>(c) There shall be announced a <i>si-quis</i> for those validly nominated in the diocese and online starting 21 days before the search committee. All issues raised pursuant to the <i>si quis</i> shall be forwarded to the Provincial Chancellor for determination and if found to be of substance a further inquiry shall be held to determine the issue.</p>
18	Article 11 no.9	<p>9. The Search Committee shall prior to its sitting receive all necessary information on the candidates and interview and evaluate candidates validly nominated for the vacant see and shall recommend up to the three candidates for presentation to the archbishop. The Chairman of the Search Committee shall then send the list of the short-listed candidates to the Diocesan Chancellor who shall submit the same to the archbishop. The archbishop shall satisfy himself</p>	<p>9. There shall be a Search Committee, which is hereby established. The Search Committee shall consist of seven people three (3) Bishops, two (2) priests and two (2) laypersons from different regions of the Province. The Chairman shall be a Bishop and the Secretary shall be a layperson. These members shall be appointed by the Archbishop.</p>

		concerning the age, ordination and canonical status of those nominated.	
19	Article 11 no.10 (new clause)		10. All candidates validly nominated shall appear before the committee whether in person, online or through any other suitable method personally before the Search Committee, which shall interview and evaluate all candidates legally nominated for the election of the vacant see and shall recommend not more than five (5) candidates for the election. The decision of the Search Committee shall be final. The Chairman of the Search Committee shall then send the list of the short-listed candidates to the Provincial Chancellor who shall consult with the Archbishop to set the date of election. All persons whose names are submitted shall be eligible to proceed to the election.
20	Article 11 no.20, 21 (new)	Additions	20. a) If at any stage of the electoral process none of the candidates are found to be suitable for election; or b) If the process of electing a Bishop cannot be completed for any reason the process will be repeated all over again until a new Bishop is elected. PROVIDED that any candidate previously interviewed and not recommended by the Search Committee for election shall not be eligible to be nominated again. 21. The Search Committee stands dissolved upon the successful consecration of the Bishop-elect.
21	Article XIII - On the Provincial Officers / Article 13 – On the Officers of the Anglican Church of Kenya	There shall be a Provincial Chancellor, Deputy Provincial Chancellor, Provincial Registrar, Provincial Secretary, Provincial Treasurer, Clerical Secretary of Synod and Lay Secretary of Synod. The manner of appointment and the functions of these	There shall be the following Officers of the Anglican Church of Kenya, namely: a. General Secretary, b. Chancellor c. Deputy Chancellor, d. Registrar, e. Treasurer,

		several officers shall be defined by Canon.	f. Clerical Secretary of the General Synod and g. Lay Secretary of General Synod. The manner of appointment and the functions of these several officers shall be defined by Canon.
22	Article IV no.3 – On Chancellors ...		3. Each Diocesan Bishop shall appoint a legal adviser who shall be styled and known as "Diocesan Chancellor". Being a Chancellor does not mean that the Chancellor shall be the advocate of the Diocese or appear in Court on behalf of the Diocese. He/She may however advise on suitable advocates to appear in Court on behalf of the Diocese.
23	Article 15 (in the proposal additional to the existing section)	Additional	1. Each Diocesan Bishop, after consultation with his Diocesan Appointment Committee shall appoint: a. Diocesan Administrative Secretary b. Vicar general c. Registrar d. Archivist e. Archdeacons f. Treasurer as elected by the Ordinary Session of the Synod g. Clerical Secretary h. Lay secretary
24	Article XXIV - On the Provincial Boards	This whole section be deleted and replaced by the Proposed Article 24 included here in the right column	Article 24 - On the General Synod and Diocesan Boards 1. The General Synod shall from time to time form and constitute boards of Anglican Church of Kenya and their committees and assign functions. 2. The Diocesan Synods shall from time to time form boards and committees and assign functions to them.
25	Article XXV - On Tribunals	No. 3 is new (addition)	3. The Tribunals established under Canon 15 shall have the first mandate to handle any disputes

			within their jurisdiction and shall employ alternative means of dispute resolution including mediation before any matter is taken to Court.
26	Article XXVII /27	Reads: Article XXVII – On the relations between the Church and the Diocese	Proposed to read: Article 27 – On the relations between the ACK and her dioceses
27	New Canon	On 39 Articles of Religion	Affirm the 39 Articles of Religions as sufficient expression of Anglican faith but rephrase articles 35, 36 and 37 in a language that reflects contextual realities.
28	New Canon	On appointment and collation of lay and clerical canons	Proposed: The number of clerical canons must not exceed the number of stalls in the diocesan cathedral; and the number of lay canons must not exceed 12 in number of actively serving canons at any given time
29.	Article XI on the election of Bishops	Clause no.3 of current article XI provides that a combined a) Provincial representatives (members of Provincial Standing Committee) and b) elected members of the Diocesan Standing Committee of the Synod ... shall be the electoral college	Proposed: that there shall be an electoral college comprising all elected members of the diocesan synod. (Note: the diocesan electoral college replaces the current 23 member electoral college, which draws membership from both the Province and the Diocese.

NOTE

1. Numbering – in the proposed constitution, the numbering changes from Roman numeral (I, II, III, IV, V, etc.) to Arabic numerals (i.e., 1,2,3,4,5, etc.)
2. The Dean of the Province changes to Dean of the Anglican Church of Kenya, and Dean of the Church; Provincial Chancellor changes to Chancellor of the Anglican Church of Kenya and Chancellor; Provincial Secretary changes to General Secretary, Provincial Registrar changes to Registrar of the Anglican Church of Kenya.
3. Provincial Synod changes to General Synod; the Standing Committee of the Provincial Synod changes to Standing Committee of the General Synod
4. Canons shall be edited to align with the articles and definitions
5. Schedules shall be prepared/updated and attached to the constitution (that is, the Articles, canons and definitions)
6. All mention of the word ‘employment’ with regard to services by ordained ministers and evangelists/catechists will be deleted and replaced with: ‘pastoral services’
7. Adherence to the 39 Articles of Religions – discussed that articles 35, 36 and 37 needed rewording but we do not have a proposed draft.

8. Nature and office of Church Canon – discussed and following agreed but no suggestion on where to place this proposed provision:
 - a. Should not exceed 16 in any diocese.
 - b. A Canon must have unique, constructive & demonstrated skills.
 - c. Mission & ministry service at the cathedral.
 - d. Retirement Age 70.
 - e. Should only robe when serving in the cathedral.

Work in Progress (Discussed but no drafts were, provided for inclusion in the document) – we need drafts on the following:

1. There is need to include a Preamble to the Constitution.
2. Priesthood - Is it employment or a calling? (Note: suggestion to leave this to dioceses and need to improve adherence to human resource policy)
3. Assistant Bishops - What happens upon retirement of appointing authority? Back to the parish? (Note: this discussion was not concluded)
4. Canon XX11A On definition of marriage – suggested: redefined to reflect current realities (Note: matter not concluded/no proposed definition)