



**Diocese of the Virgin Islands**  
*(Episcopal Church / Anglican)*

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By authority of the Bishop

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**DISCUSSION PAPER No. 3/09**  
**Ecclesiastical Authority**

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## TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY .....	1
II.	QUALIFICATIONS AND ELECTION TO THE HISTORIC EPISCOPATE .....	1
III.	BISHOP’S RESIDENCE .....	2
IV.	POWERS OF THE BISHOP .....	2
V.	RELATIONSHIP WITH THE EPISCOPAL CHURCH .....	3
VI.	RELATIONSHIP WITH OTHER DIOCESAN BODIES.....	3
VII.	RELATIONSHIP WITH PARISHES AND MISSIONS .....	3
VIII.	THE DIACONATE .....	4
IX.	THE REGIONAL DEANERIES .....	5
(a)	Constitution of Regional Deaneries.....	5
(b)	Composition of Deaneries.....	6
(c)	Deanery Meetings .....	6
(d)	Authority.....	6
X.	SUBMISSIONS .....	7

## I. EXECUTIVE SUMMARY

The Ecclesiastical Authority is the chief executive and chief pastor within the Diocese with the power to make executive and pastoral decisions that govern the entire Diocese. When there is a Bishop, the Ecclesiastical Authority resides in the Bishop, but when there is no Bishop the Ecclesiastical Authority resides in the Standing Committee. As part of the historic episcopate, the Bishop can trace his lineage back to the Apostles and the authority of the Bishop as chief pastor and chief shepherd within the Diocese is established by tradition, but largely not detailed in the Diocesan Constitution and Canons. However, as the Bishop is central to the spiritual and temporal life of the Diocese it is important that a thorough review of the election, ordination and consecration, along with the powers and work of the Bishop is conducted in light of the growing obligations of the office.

## II. QUALIFICATIONS AND ELECTION TO THE HISTORIC EPISCOPATE

*“Keep watch over yourselves and over all the flock, of which the Holy Spirit has made you overseers, to shepherd the church of God that he obtained with the blood of his own Son.” Acts 20:28 (NSRV)*

According to The New Oxford Annotated Bible (Augmented, 3<sup>rd</sup> Edition, 2007) the Greek word “episcopoi” was used to designate secular officials and therefore came to describe the elders of the church. It was their responsibility to act as shepherds of the flock, and later considered pastors of the people. Therefore, a bishop is the chief shepherd or chief pastor within a diocese. Generally, the election process of the Bishop is to be determined by rules prescribed by Diocesan Convention.<sup>1</sup> However, the minimum requirements for a Bishop of The Episcopal Church is that he or she must be 30 years of age,<sup>2</sup> have the consent of the majority of Standing Committees of all the Dioceses, or the House of Deputies if election took place within 100 days of the General Convention,<sup>3</sup> have the consent of a majority of the Bishops of The Episcopal Church,<sup>4</sup> ordained and consecrated by three Bishops,<sup>5</sup> and make a declaration.<sup>6</sup> It becomes necessary to explore the history of Episcopal elections in the Diocese and determine what, if any, amendments are necessary to the process.

Although the election of the Bishop is subject to a procedure adopted by the Diocesan Convention, the resignation of the Bishop can only be with the consent of the House of Bishops.<sup>7</sup> The only exception is that a Bishop must resign upon attaining the age of 72.<sup>8</sup> During any vacancy in the episcopate, there must be a clear procedure for obtaining the provisional charge of the Diocese by another Bishop.<sup>9</sup>

Following election and continuing for 3 years following ordination to the episcopate, the new Bishop is expected to pursue a process of formation authorized by the House of Bishops.<sup>10</sup> However, from

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<sup>1</sup> Art. II.1 and See also, Title III.11.1.

<sup>2</sup> Art. II.2(a).

<sup>3</sup> Art. II.2(b) and See also, Title III.11.3, but note this requirement was amended at the 76<sup>th</sup> General Convention.

<sup>4</sup> Art. II.2(c).

<sup>5</sup> Art. II.2(d).

<sup>6</sup> Art. VIII.

<sup>7</sup> Art. II.6.

<sup>8</sup> Art. II.9.

<sup>9</sup> Title III.13.

<sup>10</sup> Title III.12.1.

taking up the duties of Bishop, it is mandated that a record of all official acts is kept which can be passed on to any successor.<sup>11</sup>

### **III. BISHOP'S RESIDENCE**

The Bishop must reside in the Diocese.<sup>12</sup> However, despite this canonical requirement no provision is made for the formal establishment, maintenance and consecration of the Bishop's Residence. Generally, the rules governing consecrated property of the Church should apply to the Bishop's Residence since the Bishop should have control over any encumbrance or alienation of his residence to protect the security of the key servant of the Diocese.

Related to the physical residence of the Bishop is his actual residency within the Diocese. It is important for the proper functioning of the Diocese and the continued guidance that the shepherd should not be away from his flock for undue lengths of time. However, if for any reason the Bishop must be absent from the Diocese for more than 3 consecutive months he or she must obtain the consent of the Diocesan Convention or the Standing Committee.<sup>13</sup> When absent from the Diocese for 6 consecutive months then the Standing Committee must be authorized to act as the Ecclesiastical Authority during that absence.<sup>14</sup>

### **IV. POWERS OF THE BISHOP**

*"He that honoreth the bishop is honored of God; he that doeth aught without the knowledge of the bishop rendereth service to the devil."* Ignatius of Antioch, Epistle to the Smyrnans 9:1.

Although Saint Ignatius' work is not part of the inspired writings included in our biblical canon, he was one of the earliest writers, apart from Clement of Rome, to show the evolution of the hierarchical office that eventually became dominant among the early Christians. Arising from the view of Saint Ignatius we get a developed set of powers that the Bishop as "Ordinary" would have over the church. He, therefore, had power to make laws, enforce the laws, and to adjudicate based on the law, and whatever residue of those powers remain in the Bishop of the Diocese can only be exercised within the Diocese with certain specific exceptions.<sup>15</sup>

In the Bishop's exercise of his ordinary legislative authority, it would be appropriate to make provision for Resolutions passed by the Diocesan Convention to also have the Bishop's approval. However, as a failsafe mechanism it may be necessary for a supermajority of the Diocesan Convention (whether two-thirds or seventy-five percent) to pass a Resolution where the Bishop must give his approval.

In the exercise of the Bishop's ordinary executive authority, there should be reserved to the Bishop the authority to make regulations, rules and other written documents for the proper administration of the Diocese between meetings of the Diocesan Convention. There should also be a process by which such regulations, rules and other written documents be laid before the Diocesan Convention

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<sup>11</sup> Title III.12.3(c).

<sup>12</sup> Title III.12.4(a).

<sup>13</sup> Title III.12.4(b).

<sup>14</sup> Title III.12.4(c).

<sup>15</sup> Art. II.3.

which may overturn them by negative resolution. However, one related ordinary executive power in the Bishop is his power of dispensation that is typically expressed through dispensation with ordination requirements, with the advice and consent of the Standing Committee.<sup>16</sup> Additionally, it is for the Bishop to establish criteria for background checks prior to the Ordination of Deacons,<sup>17</sup> but can do the same thing in relation to the reception or ordination of clergy from other churches in conjunction with the Standing Committee.<sup>18</sup> However, the Bishop alone may approve professionals providing medical and psychological evaluations prior to reception or ordination of clergy from other churches.<sup>19</sup>

The Bishop's ordinary judicial authority is normally exercised in relation to determining disputes between vestries and Rectors and his decisions in those situations are final. However, the general discipline of clergy and the excommunication of laity would all be within the ordinary jurisdiction of the Bishop subject to canonical limitations on those powers. As all the issues related to the Bishop's ordinary judicial authority would be discussed in subsequent discussion papers, it is sufficient to say that in general terms these ordinary judicial powers have in large part been delegated to other bodies within the Diocese and otherwise regulated specifically by canons.

## **V. RELATIONSHIP WITH THE EPISCOPAL CHURCH**

The Bishop is required to forward an Annual Diocesan Report to the Executive Council of the General Convention of The Episcopal Church by September 1 each year.<sup>20</sup> The obligation of the Bishop to provide a true picture of the State of the Diocese to The Episcopal Church requires that he or she be able to exercise ordinary jurisdiction in relation to all non-parochial institutions of the Church, including Episcopal schools, so that he can obtain accurate information to comply with the necessary obligations.

## **VI. RELATIONSHIP WITH OTHER DIOCESAN BODIES**

The key bodies with which the Bishop must work in the exercise of many of his key functions are the Standing Committee and the Commission on Ministry, and both have functions provided by the Canons of The Episcopal Church. The work of those two bodies and their concurrent relationship with the Bishop will be explored in a subsequent discussion paper dealing with those bodies.

## **VII. RELATIONSHIP WITH PARISHES AND MISSIONS**

Although, obligations of Parishes and Missions will be discussed in subsequent discussion papers, it is worth noting that all Parishes and Missions must prepare, with the approval of their Vestry or Bishop's Committee as appropriate, and file with the Bishop not later than March 1 every year and the Bishop must keep a copy and submit the report to the Executive Council of the General Convention of The Episcopal Church by May 1 every year.<sup>21</sup> However, these obligations on the part

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<sup>16</sup>Title III.5.3.

<sup>17</sup>Title III.6.5(j).

<sup>18</sup>Title III.10.1(a).

<sup>19</sup>Title III.10.1(b).

<sup>20</sup>Title I.6.4; and *See*, Title III.12.3(d) which requires the Bishop to deliver a report on the State of the Diocese at each annual meeting of the Diocesan Convention.

<sup>21</sup>Title I.6.1.

of parishes and missions come without sanctions and the Bishop has no means of enforcing these obligations. This should be one of the requirements to be discussed in connection with the “Diocesan Convention” and the possibility of having Parishes or Missions that fail to comply with these obligations to be refused seat and vote at Diocesan Convention.

The Bishop has a responsibility to visit every congregation in the Diocese once every 3 years, and if there is a problem between the Bishop and the congregation that does not afford an Episcopal visitation within 3 years, a Council of Conciliation may be established from neighboring Bishops and their decision is final.<sup>22</sup> Generally, the duty to conduct Episcopal visitation comes must come with concomitant powers to thoroughly investigate the conduct of clergy and laity and the entire affairs of any congregation within the Diocese, including its finances, property and records. However, his responsibility as chief pastor within the Diocese is determined by his power to provide a Charge to the Clergy within the Diocese as well as a Pastoral Letter to the people on points of doctrine, discipline or worship.<sup>23</sup> The nature, form and effect of either a clerical Charge or a Pastoral Letter is not canonically determined and it needs to be clear that any direction by the Bishop in a clerical Charge or a Pastoral Letter must be followed and failure to follow it may result in an appropriate censure of the clergy or laity.

The Bishop has responsibility over the protection of consecrated Churches and Chapels within the Diocese and no Church or Chapel can be consecrated unless the Bishop is sufficiently satisfied that the buildings and the grounds on which either is to be erected have been secured for ownership and use by the congregation or institution affiliated with the Church.<sup>24</sup> As an extension to that responsibility, the encumbrance or alienation of any consecrated Church or Chapel, or any Church or Chapel used solely for Divine Services, is strictly prohibited without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee.<sup>25</sup>

## **VIII. THE DIACONATE**

The Deacons of the Diocese serve directly under the authority of, and are accountable to, the Bishop.<sup>26</sup> The Bishop assigns each Deacon in their Ministry, and if they are assigned to work with a congregation, the Deacons may have a letter of agreement, subject to the Bishop’s approval, setting out the mutual responsibilities in their assignment between them and the Rector or Priest in Charge.<sup>27</sup> The Bishop should be able to establish a standard letter of agreement for Deacons by regulation as is done in most Dioceses. All Deacons in the Diocese form a “Community of Deacons” and the Bishop may appoint one or more Archdeacons to assist the Bishop in the formation, deployment, supervision and support of the Deacons.<sup>28</sup> Additionally, the Bishop has the power to establish a Council of Deacons to oversee, study, and promote the Diaconate<sup>29</sup> and it needs to be determined whether or not this would be a worthwhile exercise for our small Diocese. However, no

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<sup>22</sup> Title III.12.3(a).

<sup>23</sup> Title III.12.3(b).

<sup>24</sup> Title II.6.1.

<sup>25</sup> Title II.6.2.

<sup>26</sup> Title III.7.1.

<sup>27</sup> Title III.7.4(a).

<sup>28</sup> Title III.7.2.

<sup>29</sup> Title III.7.3.

canonical structure exists presently for the Diaconate within the Diocese and a proper review of the Diaconate and its functioning would be necessary to chart a way forward for the Diocese.

## **IX. THE REGIONAL DEANERIES**

### **(a) Constitution of Regional Deaneries**

There are three canonically specified regional deaneries, namely, the Deaneries of (i) St. Thomas and St. John; (ii) St. Croix; and (iii) the Virgin Islands (UK).<sup>30</sup> Where the geographic jurisdiction of the Diocese provides for the Virgin Islands and the United States of America and the “British Virgin Islands”,<sup>31</sup> some reference back to the fact that the composite part of the Diocese being the Virgin Islands of the United States of America is being divided into two Regional Deaneries, while the other composite part of the Diocese, namely, the Virgin Islands (UK), will form the third Deanery, needs to be clarified.

Although the issue of parochial boundaries will not be dealt with in this discussion paper, since the Bishop has authority to recognize parochial boundaries as constituting the boundaries of any parish, acting with the advice and consent of the Standing Committee,<sup>32</sup> the normal practice in delimiting regional deaneries is based on a group of parishes whose collective external boundaries form the boundary of a deanery. Therefore, the administrative reorganization of parish boundaries may assist with solving any questions of proper delimitation of deaneries within the Diocese.

As part of this discussion it is also important to understand the history of the Diocese as it is now comprised of the three regional Deaneries. It was not until the 1960s that the Deanery of the Virgin Islands (UK) became a part of the then Missionary Diocese of the Virgin Islands after severing ties with the See of Antigua which was established in 1842. However, this was seen as a practical measure since the economic costs associated with the Bishop exercising both spiritual and temporal jurisdiction over three congregations in the Virgin Islands (UK) and for these congregations to participate in the life of what is now the Diocese of the Leeward Islands and Aruba, within the Church in the Province of the West Indies, made the option to associate with the Church in the neighboring U.S. Virgin Islands more palatable. Although a sense of kinship to the Church in the Province of the West Indies remains for the Deanery of the Virgin Islands (UK) and those historical ties have been nourished through a rich history of cross fertilization of the laity within those islands, there remains lingering considerations about whether a modern relationship within the Province of the West Indies may not be now merely be a question of when and not if? As a result of this, an outline of the procedure to be adopted for the separation of the Deanery of the Virgin Islands (UK) to return to its historic association with the Church in the Province of the West Indies by agreement with the Presiding Bishop of The Episcopal Church that continuation in union with The Episcopal Church would no longer be feasible after separating out from the Diocese of the Virgin Islands.<sup>33</sup>

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<sup>30</sup> Diocesan Canon 20.1.

<sup>31</sup> Diocesan Constitution, Art. I.3.

<sup>32</sup> Title I.13.3(a).

<sup>33</sup> See, Title I.11.4(b).

## **(b) Composition of Deaneries**

Each Deanery is comprised of those canonically resident clergy and lay and alternate delegates to Diocesan Convention. The problem with the composition is that it is not possible to be canonically resident in a Deanery since a person is canonically resident in a Diocese, and the lay delegation from each parish or mission is not tied to the parish or mission within the Deanery. Therefore, there are serious jurisdictional issues with the composition of the regional deaneries and it would be necessary to tie the determination of the composition of the deaneries to those who would be on a certified list of clergy for purposes of the Diocesan Convention whose primary service is in a congregation or other institution within that Deanery as well as the lay delegation who were elected by a congregation within that Deanery.

Since the Bishop appoints the Dean and the members of the Deanery appoint the Sub-Dean from among their membership,<sup>34</sup> the lingering question becomes whether or not the Dean has a vote within the Deanery since the Dean may not himself be a canonically resident clergy or a member of the lay delegation to Diocesan Convention. Therefore, if the Dean would not ordinarily be a member of the Deanery without being appointed Dean, that person is not a constituent member of the Deanery entitled to a vote at its meetings. This peculiarity needs to be clarified by ensuring that the Dean becomes a constituent member of the Deanery. Additionally, the Dean serves at the pleasure of the Bishop while the Sub-Dean, who is elected by the members of the Deanery, serves for a 2 year term which is only renewable once.<sup>35</sup> However, even though it is not necessary to elect a Sub-Dean every year after Diocesan Convention, there is still a requirement to meet within one month after Diocesan Convention for the purpose of electing the Sub-Dean.<sup>36</sup> This anomaly needs to be rectified as it has caused confusion and is likely to continue to confuse if not clarified.

## **(c) Deanery Meetings**

Currently, Deanery meetings are determined by the Deanery except upon a requisition by the Bishop.<sup>37</sup> The problem is generally non-attendance at Deanery meetings by both the clerical and lay delegations to Diocesan Convention. It may be necessary to consider to restrict the ability of clerical and lay delegations from voting at Diocesan Convention if they have failed to attend any three or more consecutive meetings of the Deanery. However, there should be consequences for failure to attend Deanery meetings regularly as part of the duty and obligation of clergy and lay delegates. Alternatively, where neither lay or alternate delegates attend a Deanery meeting from a congregation that congregation should suffer some penalty in its seat and vote at the Diocesan Convention, as it may not always be possible for a lay delegate to attend a Deanery meeting but the reason for appointing alternates is to ensure full representation in the affairs and life of the church.

## **(d) Authority**

The Regional Deaneries operate similarly to the Executive Council of the General Convention of The Episcopal Church, in that their responsibilities are to serve as a bridge during the intervening period

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<sup>34</sup> Diocesan Canon 20.3(a).

<sup>35</sup> Diocesan Canon 20.3(c).

<sup>36</sup> Diocesan Canon 20.3(b).

<sup>37</sup> Diocesan Canon 20.4.

between two Diocesan Conventions and between the Diocesan Convention and Parishes and Missions. It would only seem appropriate, therefore, that each Regional Deanery have the powers similar to that of the Executive Council of the General Convention.<sup>38</sup> The Deanery should have power to appoint such officers, who need not be members of the Deanery, as would be appropriate to carry out its work, for example, a Secretary, Treasurer and Parliamentarian. It should also have power to appoint committees and to be able to have such employees as may be necessary to carry out its work. The Deanery should also have a role to play in the Diocesan Budget process. There should also be a process for the joint meetings of committees of all the Deaneries, especially in relation to the budget of the Diocese. The joint meetings of committees from the Deaneries may be a better way to reconfigure and constitute Diocesan committees, and replace existing committees. However, Diocesan Committees will be explored separately, but will rely heavily on exploring views in this regard.

## **X. SUBMISSIONS**

The Revision Group welcomes any submissions regarding the issues identified above, or any other matter related to the Diocesan Convention.

Submissions will be made publicly available on the Revision Group's website. If a submission, or any part of it, is to be treated as confidential, please indicate this clearly on the submission.

Submissions should be made by **1 September 2009** to:

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<sup>38</sup> Title I.4.2(e).