
School Chapels and Chaplains Ordinance 1954

No. 39, 1954.

AN ORDINANCE to make provision for the appointment of Chaplains to Schools within the Diocese of Sydney and for the licensing consecration and control of Chapels in connection with such schools.

WHEREAS it is expedient to provide for the appointment and tenure of office of Chaplains and Assistant Chaplains in Schools other than parish schools and to define their duties AND WHEREAS it is expedient to provide for the licensing consecration and use of Chapels in connection with such schools The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the Church of England Trust Property Act 1917 or otherwise ordains declares directs and rules as follows:-

PART I — GENERAL

1. This Ordinance may be cited as the "School Chapels and Chaplains Ordinance 1954."

2. Parts I-IV inclusive of this Ordinance shall apply to all schools which are or shall be constituted established or governed by or under the authority of the Synod of the Diocese of Sydney other than Parish schools.

3. The provisions of the Sydney Church Ordinance 1912 or any Ordinance amending the same shall to the extent that they may be inconsistent with the provisions of this Ordinance not apply to any Chapel licensed or consecrated under the provisions of this Ordinance.

4. On and after the first day of January one thousand nine hundred and fifty five the provisions of the Extra-Parochial Ordinance 1918 shall not apply to any school.

5. This Ordinance shall come into operation on the first day of January one thousand nine hundred and fifty five.

6. In this Ordinance unless inconsistent with the context—

- (a) "Archbishop" means the Archbishop for the time being of the Diocese of Sydney or the person for the time being entitled to exercise the powers vested in the Archbishop by the said Constitutions.

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- (b) "Archbishop-in-Council" means the Archbishop on the advice of the Standing Committee of Synod.
- (c) "School" (Except in Part V) includes a school or college constituted by or under the authority of an Ordinance of Synod.
- (d) "School Council" means the Council or other Governing body of any school.

PART II — CHAPLAINS

7. (a) The Archbishop-in-Council may declare by resolution that any school or part of a school (other than a parish school) which may be situated within any parish or parochial district or provisional district shall be excluded therefrom and shall be extra-parochial. Provided that no such declaration shall be made unless and until the incumbent of the parish or the minister-in-charge of the parochial district or provisional district in which the chapel or if there is no chapel the principal building of such school or part lies and the churchwardens of such parish or parochial district or provisional district have been furnished in writing with notice of the intention to take such action and shall also have been invited to express their opinion on the proposed exclusion. Provided also that the Archbishop-in-Council may at any time declare that any such school shall cease to be extra-parochial.

(b) Any school which was extra-parochial before the passing of the Extra-Parochial Ordinance 1918 and any school which has been declared to be Extra-Parochial under the provisions of that Ordinance shall be deemed to have been declared Extra-Parochial under the provisions of this Ordinance.

(c) Any person duly licensed and holding office as Chaplain or Assistant Chaplain in any school at the time when this Ordinance shall come into operation shall continue to hold such office as if he had been appointed and licensed as such Chaplain or Assistant Chaplain under the provisions of this Ordinance.

8. (a) The Archbishop with the approval of the Council of any school which is or shall be declared to be Extra-Parochial may appoint a Clerk in Holy Orders to be Chaplain or Assistant Chaplain in and for the said school.

(b) Such appointment may be either a full-time appointment or a part-time appointment.

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9. (a) The Archbishop shall license such Clerk in the form or to the effect of the form contained in the First Schedule or the Second Schedule to this Ordinance as the case may require.

(b) Upon the issue of such licence such Chaplain or Assistant Chaplain shall become a member of the staff of such school.

(c) Upon the issue of such licence such Chaplain shall be deemed to be a clergyman holding a distinct official position in the Diocese for the purpose of the XIVth of the Constitutions contained in the Schedule to the Church of England Constitutions Act Amendment Act of 1902.

10. (a) The School Council may by the vote of a majority of its members after opportunity has been given to a Chaplain or Assistant Chaplain to show cause dismiss such Chaplain or Assistant Chaplain from his office and shall give written notice of such dismissal to the Archbishop who shall upon receiving such notice revoke the licence of such Chaplain or Assistant Chaplain.

(b) Subject as aforesaid a Chaplain or Assistant Chaplain appointed and licensed as aforesaid shall hold office at the pleasure of the Archbishop who shall have power to revoke such appointment and license at any time at the Chaplain's or Assistant Chaplain's own request or (after opportunity given him to show cause) in any of the following cases:—

- (i) On any ground for which the licence of a clergyman may be revoked or withdrawn under the Tribunal Ordinance 1904 the Incapacity and Inefficiency Ordinance 1906 or any Ordinance amending or replacing the same in accordance with the provisions of such Ordinance or Ordinances.
- (ii) At the discretion of the Archbishop.
- (iii) In any other case where such licence may be revoked in accordance with the twenty-first of the Constitutions contained in the Schedule to the Church of England Constitution Act Amendment Act of 1902.

11. The Headmaster Headmistress or other Principal Teacher of any school shall have the right at his or her discretion to suspend any Chaplain or Assistant Chaplain from his duties and shall thereupon notify the Archbishop and the School Council of such action.

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12. A Chaplain or Assistant Chaplain of any school shall be under the direction of the School Council and of the Headmaster Headmistress or other Principal Teacher of such school save that in all matters mentioned in sub-clauses (i), (iii) and (iv) of section fifteen he shall have the right to refer any direction to the Archbishop before being bound to comply with it and the decision of the Archbishop thereon shall be final.

13. In so far as religious instruction cannot be conveniently given by the Chaplain or Assistant Chaplain if any of any school such instruction as set out in Clause 15 (iii) may be given with the consent of the Archbishop by the Headmaster Headmistress or other Principal Teacher of the school or any other person or persons approved by the Archbishop.

14. (a) In any of the following cases that is to say:—

(i) Where a school has been declared to be Extra-Parochial under this Ordinance but no Chaplain has been appointed and licensed under this Ordinance or

(ii) Where a Chaplain has been appointed under the provisions of this Ordinance and the office of Chaplain has since become vacant and there is no Assistant Chaplain appointed and licensed under this Ordinance the Archbishop with the approval of the School Council may appoint a Clerk in Holy Orders holding a licence in the Diocese as Acting Chaplain and such Acting Chaplain shall exercise the rights and duties of Chaplain of such school until such time as a Chaplain is so appointed and licensed Provided that the Archbishop may remove any such Acting Chaplain at any time.

(b) Clauses 10A, 11, 12 and 13 shall apply to an Acting Chaplain.

15. The rights and duties of a Chaplain in any school shall be:—

(i) To celebrate Divine Service administer the Sacraments and perform the Rites and Ordinances of the Church of England in accordance with the law of the Church of England in any consecrated or licensed Chapel or in any other place within the school approved by the Archbishop for the purpose and to have access and admission into such Chapel or place at all proper times.

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- (ii) To have the charge of and be responsible for the safe custody of all Chapel Registers and Records other than current Books of Account and to keep the same within the Chapel or in such other place as the Archbishop shall from time to time in writing appoint and if there be no Chaplain for the time being such custody and responsibility shall belong and attach to the Headmaster Headmistress or other Principal Teacher of the school.
- (iii) To give religious instruction to the scholars in the school in accordance with the doctrines liturgy articles and formularies of the Church of England including instruction in the following matters:—
 - (a) The contents and teaching of the canonical books of the Old and New Testaments.
 - (b) The Book of Common Prayer, its history and contents.
 - (c) The origin and history of the Christian Church.
 - (d) The history of the Reformation.
 - (e) The nature duties and claims of the Ministerial office.
 - (f) The character intention and efficacy of the Sacraments as set forth in the Church Catechism.
 - (g) Generally the doctrine ordinances history and discipline of the Church of England.
- (iv) To exercise a general pastoral ministry within the school in relation to all persons residing there or upon properties used in connection therewith as well as to the scholars.
- (v) To invite persons to preach or otherwise assist at Divine Service and administrations of the Sacraments within the school with the approval of the Headmaster Headmistress or other Principal Teacher of the School and the Archbishop.
- (vi) To perform within the school such duties other than those aforesaid as the Headmaster Headmistress or other Principal Teacher of the school may reasonably require. Provided that Sub-Clauses (i), (iii) and (iv) of the Clause shall have precedence over such other duties.

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16. The rights and duties of an Assistant Chaplain appointed and licensed under this Ordinance shall be the same as those of a Chaplain under Sub-Clause (i), (iii), (iv), and (vi) of Section 15 above.

17. The stipend of a Chaplain Assistant Chaplain or Acting Chaplain appointed and licensed under this Ordinance shall be fixed and paid by the School Council with the consent of the Archbishop.

18. The Headmaster Headmistress or other Principal Teacher of the school shall satisfy the Archbishop that an adequate amount of time is given to religious instruction in the school curriculum.

PART III — CHAPELS

19. The approval in writing of the Archbishop shall be obtained for the position and the plans and specifications of any building intended to be built for use as a Chapel in any school.

20. (a) No building shall be consecrated or licensed as a Chapel in or for any school unless and until the site upon which it is erected has been vested in the Church of England Property Trust Diocese of Sydney or the School Council being a Body Corporate or such other trustee or trustees or Body Corporate as may be approved by the Archbishop-in-Council and has also been provided with such things as may be requisite for the celebration of Divine Service according to the law and usage of the Church of England and the Archbishop shall be satisfied that proper provision is to be made for periods of Divine Worship as part of the school curriculum.

(b) A building or part of a building in such school may be consecrated or licensed as a Chapel by the Archbishop for such purposes of the Church of England as he may deem fit and no building or part of a building shall be used as a Chapel in a school whether an Extra-Parochial School or otherwise unless and until it has been consecrated or licensed as aforesaid. Provided that in any case where a school has been declared to be Extra-Parochial under this Ordinance adequate provision shall be made to the satisfaction of the Archbishop for the conduct of Divine Worship in some part of the School approved by him for the purpose.

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21. The provisions of Sections 21 and 24 of the Sydney Church Ordinance 1912 shall apply to such Chapel as if they were expressly contained in this Ordinance.

22. The Headmaster Headmistress or other principal teacher of the school with the approval of the Archbishop may give addresses or take part in the conduct of Divine Service in the Chapel or invite any person to preach therein or to conduct or assist in the conduct of services or give an address therein.

23. A Chapel shall not be used for any purpose other than the celebration of Divine Service the administration of the Sacraments the performance of the Rites and Ordinances of the Church of England or the giving of religious instruction except with the consent in writing of the Archbishop.

24. Every consecrated or licensed Chapel existing in any school at the time when this Ordinance shall come into operation shall for the purposes of this Ordinance be deemed to be a Chapel consecrated or licensed as the case may be under the provisions of this Ordinance.

PART IV — SCHOOLS NOT EXTRA-PAROCHIAL

25. (a) A School which has not been declared to be extra-parochial under the provisions of this Ordinance or a school which has been so declared but has ceased to be extra-parochial shall be deemed to be within the parochial care of the incumbent of the parish or the minister in charge of the parochial district or provisional district as the case may be in which the Chapel or if there is no Chapel the principal building of the school lies and such incumbent or minister shall exercise the rights and duties of Chaplain of such school as provided in clauses (i), (iii), (iv), and (v) of Section 15 of this Ordinance.

(b) Subject to the Archbishop's approval an Assistant Curate or other person or persons may at the request of such incumbent or minister in charge assist him in the performance of his duties as Chaplain of such school.

(c) The Archbishop may at his discretion license or authorise a part of a building in any school under this Part to be used for Divine Worship and may revoke such licence or authority at his discretion.

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(d) The Headmaster Headmistress or other Principal Teacher of the school may at his or her discretion suspend any person exercising the rights and duties of a Chaplain or any of them under this section and shall thereupon notify the Archbishop and the School Council.

PART V — CHAPLAINS AND CHAPELS IN PRIVATE SCHOOLS

26. No clergyman of the Church of England other than the Rector of the Parish in which the school is situated shall act as Chaplain in any school within the Diocese of Sydney which is not a school constituted by or under the authority of an Ordinance of Synod or a parish school unless he is licensed to act as Chaplain of such school by the Archbishop in the form or to the effect of the form contained in the Third Schedule to this Ordinance. In the event of the Archbishop licensing a Chaplain other than the Rector of the Parish in such a School the right of the Rector to be Chaplain ceases.

27. No clergyman of the Church of England shall celebrate Divine Service administer the Sacraments perform any other rite or ordinance of the Church of England or preach any sermon in any Chapel of any such school unless such Chapel is licensed for the purpose by the Archbishop and such clergyman is licensed or otherwise authorised by the Archbishop to do so.

28. Any licence or other authority issued by the Archbishop under this Part to any clergyman shall be issued at the pleasure of the Archbishop who shall have power to revoke such licence or authority at such clergyman's own request or (after opportunity given to him to show cause) at the discretion of the Archbishop or on any ground for which the licence of a Chaplain could be revoked under Section 10 of this Ordinance.

29. The Archbishop may license the incumbent of the parish in which any such school exists or any other Clerk in Holy Orders to act as Chaplain in any such school under this Part at the request or with the approval of the School Council and any Chaplain so licensed shall hold office during the pleasure of the Archbishop and during his tenure of such office shall have the rights and duties of a Chaplain as provided in Sub-Clauses (i), (ii), (iii), (iv), and (v) of Section 15 of this Ordinance and may agree to perform such other duties as are referred to in Sub-Clause

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(vi) of the said Section. Provided that if any question or dispute shall arise as to the exercise by the Chaplain of his rights or duties or any of them in his spiritual ministrations such question or dispute shall be determined by the Archbishop whose decision shall be final.

30. (a) The Archbishop may if he thinks fit at the request or with the approval of the School Council license as a Chapel any building or part of a building in any school under this Part. Provided that no such building or part of a building shall be so licensed unless and until it has been provided with such things as may be requisite for the celebration of Divine Service according to the law and usage of the Church of England. Provided further that the Archbishop may at any time revoke such licence without being required to give his reasons for so doing.

(b) If a Chaplain is appointed and if there is no licensed Chapel adequate provision shall be made to the satisfaction of the Archbishop for the conduct of Divine Worship in some part of the school approved by him for the purpose.

31. The provisions of Sections 21 to 23 inclusive of this Ordinance shall apply to a Chapel under this Part.

32. Notwithstanding anything to the contrary in this Ordinance no Chapel shall be licensed and no clergyman shall be licensed as a Chaplain under this Part unless and until a copy of this Ordinance has been supplied to the School Council of the school to which such licence is intended to refer and such School Council has signified in writing duly authorised its acceptance of the several provisions of this Ordinance as binding upon such school in so far as the same can apply to it.

33. In this Part "School Council" shall be deemed to include the proprietor or proprietors of the school in any case where such school is owned by an individual proprietor or proprietors.

FIRST SCHEDULE

(Here insert the name of the Archbishop), by Divine Providence
ARCHBISHOP OF SYDNEY AND METROPOLITAN

to our beloved in Christ Clerk
GREETING, We do by these Presents give and grant unto you
in whose fidelity morals learning sound doctrine and diligence
We do fully confide our Licence and Authority to act as Chaplain

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and Ordinances in that behalf lawfully established and promulgated and not otherwise or in any other manner; (you having duly made and subscribed such Declaration and taken and subscribed such Oaths as are required by law to be subscribed made and taken).

And we require and appoint that you reside
or at some other place approved by us.

This Licence shall be at any time revocable at our will and pleasure.

GIVEN under the Seal of the See of Sydney which in this behalf is used this day of in the year of Our Lord One thousand Nine hundred and and of our Consecration the and of our Translation.

REGISTERED AT SYDNEY

the day and year within
written. By me

REGISTRAR

THIRD SCHEDULE

(Here insert the name of the Archbishop), by Divine Providence ARCHBISHOP OF SYDNEY AND METROPOLITAN Clerk
to our beloved in Christ
GREETING, WE at the request (or with the approval of (here insert the name of the School Council) the said (here insert the name of the School Council) having first signified to us in writing duly authorised its (or his or her or their) acceptance of the several provisions of the School Chapels and Chaplains Ordinance 1954 as binding upon the said school in so far as the same can apply to it DO BY THESE PRESENTS give and grant unto you in whose fidelity morals learning sound doctrine and diligence we do fully confide our Licence and Authority to act as Chaplain within the said school within our Diocese and Jurisdiction with duties to instruct in Church doctrine and conduct the Services in the Chapel or other place approved by us and perform other Ecclesiastical duties belonging to the said Office according to the form prescribed in the Book of Common Prayer made and published by authority of Parliament and the Canons Constitutions and Ordinances in that behalf lawfully established and promulgated and not otherwise or in any other manner (you

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having duly made and subscribed such Declaration and taken and subscribed such Oaths as are required by law to be subscribed made and taken).

And we require and appoint that you reside
or at some other place approved by us.

This Licence shall be at any time revocable at our will and pleasure.

GIVEN under the Seal of the See of Sydney which in this behalf
is used this day of in the year of Our Lord One thousand
Nine hundred and and of our Consecration the and
of our Translation.

REGISTERED AT SYDNEY

the day and year within

written. By me

REGISTRAR

I certify that the Ordinance as printed is in accordance with
the Ordinance as reported.

W. G. HILLIARD, Bishop,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of
the Diocese of Sydney this 22nd day of October, 1954.

S. H. DENMAN,
Secretary of the Synod.

H. V. ARCHINAL,
Deputy Secretary of the Synod.

I assent to this Ordinance.

22/10/1954.

HOWARD SYDNEY,
Archbishop of Sydney.
