

## CODEX IURIS CANONICI

### LIBER I. DE NORMIS GENERALIBUS

**Can. 1** - Canones huius Codicis unam Ecclesiam latinam respiciunt.

**Can. 2** - Codex plerumque non definit ritus, qui in actionibus liturgicis celebrandis sunt servandi; quare leges liturgicae hucusque vigentes vim suam retinent, nisi earum aliqua Codicis canonibus sit contraria.

**Can. 3** - Codicis canones initas ab Apostolica Sede cum nationibus aliisque societatibus politicis conventiones non abrogant neque iis derogant; eadem idcirco perinde ac in praesens vigere pergunt, contrariis huius Codicis praescriptis minime obstantibus.

**Can. 4** - Iura quaesita, itemque privilegia quae, ab Apostolica Sede ad haec usque tempora personis sive physicis sive iuridicis concessa, in usu sunt nec revocata, integra manent, nisi huius Codicis canonibus expresse revocentur.

**Can. 5** - § 1. Vigentes in praesens contra horum praescripta canonum consuetudines sive universales sive particulares, quae ipsis canonibus huius Codicis reprobantur, prorsus suppressae sunt, nec in posterum reviviscere sinantur; ceterae quoque suppressae habeantur, nisi expresse Codice aliud caveatur, aut centenariae sint vel immemorabiles, quae quidem, si de iudicio Ordinarii pro locorum ac personarum adiunctis submoveri nequeant, tolerari possunt.

§ 2. Consuetudines praeter ius hucusque vigentes, sive universales sive particulares, servantur.

**Can. 6** - § 1. Hoc Codice vim obtinente, abrogantur:

1° Codex Iuris Canonici anno 1917 promulgatus;

2° aliae quoque leges, sive universales sive particulares, praescriptis huius Codicis contrariae, nisi de particularibus aliud expresse caveatur;

3° leges poenales quaelibet, sive

## 1983 CODE OF CANON LAW

### BOOK I. GENERAL NORMS

**Can. 1** - The canons of this Code regard only the Latin Church.

**Can. 2** - For the most part the Code does not define the rites which must be observed in celebrating liturgical actions. Therefore, liturgical laws in force until now retain their force unless one of them is contrary to the canons of the Code.

**Can. 3** - The canons of the Code neither abrogate nor derogate from the agreements entered into by the Apostolic See with nations or other political societies. These agreements therefore continue in force exactly as at present, notwithstanding contrary prescripts of this Code.

**Can. 4** - Acquired rights and privileges granted to physical or juridic persons up to this time by the Apostolic See remain intact if they are in use and have not been revoked, unless the canons of this Code expressly revoke them.

**Can. 5** - § 1. Universal or particular customs presently in force which are contrary to the prescripts of these canons and are reprobated by the canons of this Code are absolutely suppressed and are not permitted to revive in the future. Other contrary customs are also considered suppressed unless the Code expressly provides otherwise or unless they are centenary or immemorial customs which can be tolerated if, in the judgment of the ordinary, they cannot be removed due to the circumstances of places and persons.

§ 2. Universal or particular customs beyond the law (praeter ius) which are in force until now are preserved.

**Can. 6** - § 1. When this Code takes force, the following are abrogated:

1° the Code of Canon Law promulgated in 1917;

2° other universal or particular laws contrary to the prescripts of this Code unless other provision is expressly made for particular laws;

3° any universal or particular penal laws

universales sive particulares a Sede Apostolica latae, nisi in ipso hoc Codice recipiantur;

4° ceterae quoque leges disciplinares universales materiam respicientes, quae hoc Codice ex integro ordinatur.

§ 2. Canones huius Codicis, quatenus ius vetus referunt, aestimandi sunt ratione etiam canonicae traditionis habita.

## TITULUS I. DE LEGIBUS ECCLESIASTICIS

**Can. 7** - Lex instituitur cum promulgatur.

**Can. 8** - § 1. Leges ecclesiasticae universales promulgantur per editionem in *Actorum Apostolicae Sedis commentario officiali*, nisi in casibus particularibus alius promulgandi modus fuerit praescriptus, et vim suam exerunt tantum expletis tribus mensibus a die qui *Actorum* numero appositus est, nisi ex natura rei illico ligent aut in ipsa lege brevior aut longior vacatio specialiter et expresse fuerit statuta.

§ 2. Leges particulares promulgantur modo a legislatore determinato et obligare incipiunt post mensem a die promulgationis, nisi alius terminus in ipsa lege statuatur.

**Can. 9** - Leges respiciunt futura, non praeterita, nisi nominatim in eis de praeteritis caveatur.

**Can. 10** - Irritantes aut inhabilitantes eae tantum leges habendae sunt, quibus actum esse nullum aut inhabilem esse personam expresse statuitur.

**Can. 11** - Legibus mere ecclesiasticis tenentur baptizati in Ecclesia catholica vel in eandem recepti, quique sufficienti rationis usu gaudent et, nisi aliud iure expresse caveatur, septimum aetatis annum expleverunt.

**Can. 12** - § 1. Legibus universalibus tenentur ubique terrarum omnes pro quibus latae sunt.

§ 2. A legibus autem universalibus, quae in certo territorio non vigent, eximuntur omnes qui in eo territorio actu versantur.

§ 3. Legibus conditis pro peculiari territorio ii subiciuntur pro quibus latae sunt, quique ibidem domicilium vel quasi-domicilium habent et simul actu commorantur, firmo praescripto

whatsoever issued by the Apostolic See unless they are contained in this Code;

4° other universal disciplinary laws regarding matter which this Code completely reorders.

§ 2. Insofar as they repeat former law, the canons of this Code must be assessed also in accord with canonical tradition.

## Title I. Ecclesiastical Laws

**Can. 7** - A law is established when it is promulgated.

**Can. 8** - § 1. Universal ecclesiastical laws are promulgated by publication in the official commentary, *Acta Apostolicae Sedis*, unless another manner of promulgation has been prescribed in particular cases. They take force only after three months have elapsed from the date of that issue of the *Acta* unless they bind immediately from the very nature of the matter, or the law itself has specifically and expressly established a shorter or longer suspensive period (*vacatio*).

§ 2. Particular laws are promulgated in the manner determined by the legislator and begin to oblige a month after the day of promulgation unless the law itself establishes another time period.

**Can. 9** - Laws regard the future, not the past, unless they expressly provide for the past.

**Can. 10** - Only those laws must be considered invalidating or disqualifying which expressly establish that an act is null or that a person is unqualified.

**Can. 11** - Merely ecclesiastical laws bind those who have been baptized in the Catholic Church or received into it, possess the sufficient use of reason, and, unless the law expressly provides otherwise, have completed seven years of age.

**Can. 12** - § 1. Universal laws bind everywhere all those for whom they were issued.

§ 2. All who are actually present in a certain territory, however, are exempted from universal laws which are not in force in that territory.

§ 3. Laws established for a particular territory bind those for whom they were issued as well as those who have a domicile or quasi-domicile there and who at the same time are actually

can. 13.

**Can. 13** - § 1. Leges particulares non praesumuntur personales, sed territoriales, nisi aliud constet.

§ 2. Peregrini non adstringuntur:

1° legibus particularibus sui territorii quamdiu ab eo absunt, nisi aut earum transgressio in proprio territorio noceat, aut leges sint personales;

2° neque legibus territorii in quo versantur, iis exceptis quae ordini publico consulunt, aut actuum sollemnia determinant, aut res immobiles in territorio sitas respiciunt.

§ 3. Vagi obligantur legibus tam universalibus quam particularibus quae vigent in loco in quo versantur.

**Can. 14** - Leges, etiam irritantes et inhabilitantes, in dubio iuris non urgent; in dubio autem facti Ordinarii ab eis dispensare possunt, dummodo, si agatur de dispensatione reservata, concedi soleat ab auctoritate cui reservatur.

**Can. 15** - § 1. Ignorantia vel error circa leges irritantes vel inhabilitantes earundem effectum non impediunt, nisi aliud expresse statuatur.

§ 2. Ignorantia vel error circa legem aut poenam aut circa factum proprium aut circa factum alienum notorium non praesumitur; circa factum alienum non notorium praesumitur, donec contrarium probetur.

**Can. 16** - § 1. Leges authentice interpretatur legislator et is cui potestas authentice interpretandi fuerit ab eodem commissa.

§ 2. Interpretatio authentica per modum legis exhibita eandem vim habet ac lex ipsa et promulgari debet; si verba legis in se certa declaret tantum, valet retrorsum; si legem coarctet vel extendat aut dubiam explicet, non retrahitur.

§ 3. Interpretatio autem per modum sententiae iudicialis aut actus administrativi in re peculiari,

residing there, without prejudice to the prescript of can. 13.

**Can. 13** - § 1. Particular laws are not presumed to be personal but territorial unless it is otherwise evident.

§ 2. Travelers are not bound:

1° by the particular laws of their own territory as long as they are absent from it unless either the transgression of those laws causes harm in their own territory or the laws are personal;

2° by the laws of the territory in which they are present, with the exception of those laws which provide for public order, which determine the formalities of acts, or which regard immovable goods located in the territory.

§ 3. Transients are bound by both universal and particular laws which are in force in the place where they are present.

**Can. 14** - Laws, even invalidating and disqualifying ones, do not oblige when there is a doubt about the law. When there is a doubt about a fact, however, ordinaries can dispense from laws provided that, if it concerns a reserved dispensation, the authority to whom it is reserved usually grants it.

**Can. 15** - § 1. Ignorance or error about invalidating or disqualifying laws does not impede their effect unless it is expressly established otherwise.

§ 2. Ignorance or error about a law, a penalty, a fact concerning oneself, or a notorious fact concerning another is not presumed; it is presumed about a fact concerning another which is not notorious until the contrary is proven.

**Can. 16** - § 1. The legislator authentically interprets laws as does the one to whom the same legislator has entrusted the power of authentically interpreting.

§ 2. An authentic interpretation put forth in the form of law has the same force as the law itself and must be promulgated. If it only declares the words of the law which are certain in themselves, it is retroactive; if it restricts or extends the law, or if it explains a doubtful law, it is not retroactive.

§ 3. An interpretation in the form of a judicial sentence or of an administrative act in a

vim legis non habet et ligat tantum personas atque afficit res pro quibus data est.

**Can. 17** - Leges ecclesiasticae intellegendae sunt secundum propriam verborum significationem in textu et contextu consideratam; quae si dubia et obscura manserit, ad locos parallelos, si qui sint, ad legis finem ac circumstantias et ad mentem legislatoris est recurrendum.

**Can. 18** - Leges quae poenam statuunt aut liberum iurium exercitium coarctant aut exceptionem a lege continent, strictae subsunt interpretationi.

**Can. 19** - Si certa de re desit expressum legis sive universalis sive particularis praescriptum aut consuetudo, causa, nisi sit poenalis, dirimenda est attentis legibus latis in similibus, generalibus iuris principiis cum aequitate canonica servatis, iurisprudencia et praxi Curiae Romanae, communi constantique doctorum sententia.

**Can. 20** - Lex posterior abrogat priorem aut eidem derogat, si id expresse edicat aut illi sit directe contraria, aut totam de integro ordinet legis prioris materiam; sed lex universalis minime derogat iuri particulari aut speciali, nisi aliud in iure expresse caveatur.

**Can. 21** - In dubio revocatio legis praeexistentis non praesumitur, sed leges posteriores ad priores trahendae sunt et his, quantum fieri potest, conciliandae.

**Can. 22** - Leges civiles ad quas ius Ecclesiae remittit, in iure canonico iisdem cum effectibus servantur, quatenus iuri divino non sint contrariae et nisi aliud iure canonico caveatur.

## TITULUS II. DE CONSUETUDINE

**Can. 23** - Ea tantum consuetudo a communitate fidelium introducta vim legis habet, quae a legislatore approbata fuerit, ad normam canonum qui sequuntur.

**Can. 24** - § 1. Nulla consuetudo vim legis

particular matter, however, does not have the force of law and only binds the persons for whom and affects the matters for which it was given.

**Can. 17** - Ecclesiastical laws must be understood in accord with the proper meaning of the words considered in their text and context. If the meaning remains doubtful and obscure, recourse must be made to parallel places, if there are such, to the purpose and circumstances of the law, and to the mind of the legislator.

**Can. 18** - Laws which establish a penalty, restrict the free exercise of rights, or contain an exception from the law are subject to strict interpretation.

**Can. 19** - If a custom or an express prescript of universal or particular law is lacking in a certain matter, a case, unless it is penal, must be resolved in light of laws issued in similar matters, general principles of law applied with canonical equity, the jurisprudence and practice of the Roman Curia, and the common and constant opinion of learned persons.

**Can. 20** - A later law abrogates, or derogates from, an earlier law if it states so expressly, is directly contrary to it, or completely reorders the entire matter of the earlier law. A universal law, however, in no way derogates from a particular or special law unless the law expressly provides otherwise.

**Can. 21** - In a case of doubt, the revocation of a pre-existing law is not presumed, but later laws must be related to the earlier ones and, insofar as possible, must be harmonized with them.

**Can. 22** - Civil laws to which the law of the Church yields are to be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless canon law provides otherwise.

## Title II. Custom

**Can. 23** - Only that custom introduced by a community of the faithful and approved by the legislator according to the norm of the following canons has the force of law.

**Can. 24** - § 1. No custom which is contrary to

obtinere potest, quae sit iuri divino contraria.

§ 2. Nec vim legis obtinere potest consuetudo contra aut praeter ius canonicum, nisi sit rationabilis; consuetudo autem quae in iure expresse reprobatur, non est rationabilis.

**Can. 25** - Nulla consuetudo vim legis obtinet, nisi a communitate legis saltem recipiendae capaci cum animo iuris inducendi servata fuerit.

**Can. 26** - Nisi a competenti legislatore specialiter fuerit probata, consuetudo vigenti iuri canonico contraria aut quae est praeter legem canonicam, vim legis obtinet tantum, si legitime per annos triginta continuos et completos servata fuerit; contra legem vero canonicam, quae clausulam contineat futuras consuetudines prohibentem, sola praevalere potest consuetudo centenaria aut immemorabilis.

**Can. 27** - Consuetudo est optima legum interpres.

**Can. 28** - Firmo praescripto can. 5, consuetudo, sive contra sive praeter legem, per contrariam consuetudinem aut legem revocatur; sed, nisi expressam de iis mentionem faciat, lex non revocat consuetudines centenarias aut immemorabiles, nec lex universalis consuetudines particulares.

### TITULUS III. DE DECRETIS GENERALIBUS ET DE INSTRUCTIONIBUS

**Can. 29** - Decreta generalia, quibus a legislatore competenti pro communitate legis recipiendae capaci communia feruntur praescripta, proprie sunt leges et reguntur praescriptis canonum de legibus.

**Can. 30** - Qui potestate executiva tantum gaudet, decretum generale, de quo in can. 29, ferre non valet, nisi in casibus particularibus ad normam iuris id ipsi a legislatore competenti expresse fuerit concessum et servatis condicionibus in actu concessionis statutis.

**Can. 31** - § 1. Decreta generalia executoria, quibus nempe pressius determinantur modi in lege applicanda servandi aut legum observantia urgetur, ferre valent, intra fines

divine law can obtain the force of law.

§ 2. A custom contrary to or beyond canon law (praeter ius canonicum) cannot obtain the force of law unless it is reasonable; a custom which is expressly reprobated in the law, however, is not reasonable.

**Can. 25** - No custom obtains the force of law unless it has been observed with the intention of introducing a law by a community capable at least of receiving law.

**Can. 26** - Unless the competent legislator has specifically approved it, a custom contrary to the canon law now in force or one beyond a canonical law (praeter legem canonicam) obtains the force of law only if it has been legitimately observed for thirty continuous and complete years. Only a centenary or immemorial custom, however, can prevail against a canonical law which contains a clause prohibiting future customs.

**Can. 27** - Custom is the best interpreter of laws.

**Can. 28** - Without prejudice to the prescript of can. 5, a contrary custom or law revokes a custom which is contrary to or beyond the law (praeter legem). Unless it makes express mention of them, however, a law does not revoke centenary or immemorial customs, nor does a universal law revoke particular customs.

### Title III. General Decrees and Instructions

**Can. 29** - General decrees, by which a competent legislator issues common prescripts for a community capable of receiving law, are laws properly speaking and are governed by the prescripts of the canons on laws.

**Can. 30** - A person who possesses only executive power is not able to issue the general decree mentioned in can. 29 unless, in particular cases, it has been expressly granted to that person by a competent legislator according to the norm of law and the conditions stated in the act of the grant have been observed.

**Can. 31** - § 1. Those who possess executive power are able to issue, within the limits of their competence, general executory decrees, namely, those which more precisely determine

suae competentiae, qui potestate gaudent  
exsecutiva.

§ 2. Ad decretorum promulgationem et  
vacationem quod attinet, de quibus in § 1,  
serventur praescripta can. 8.

**Can. 32** - Decreta generalia exsecutoria eos  
obligant qui tenentur legibus, quarum eadem  
decreta modos applicationis determinant aut  
observantiam urgent.

**Can. 33** - § 1. Decreta generalia exsecutoria,  
etiamsi edantur in directoriis aliusve nominis  
documentis, non derogant legibus, et eorum  
praescripta quae legibus sint contraria omni vi  
carent.

§ 2. Eadem vim habere desinunt revocatione  
explicita aut implicita ab auctoritate competenti  
facta, necnon cessante lege ad cuius  
exsecutionem data sunt; non autem cessant  
resoluto iure statuentis, nisi contrarium  
expresse caveatur.

**Can. 34** - § 1. Instructiones, quae nempe  
legum praescripta declarant atque rationes in  
iisdem exsequendis servandas evolvunt et  
determinant, ad usum eorum dantur quorum  
est curare ut leges exsecutioni mandentur,  
eosque in legum exsecutione obligant; eas  
legitime edunt, intra fines suae competentiae,  
qui potestate exsecutiva gaudent.

§ 2. Instructionum ordinationes legibus non  
derogant, et si quae cum legum praescriptis  
componi nequeant, omni vi carent.

§ 3. Vim habere desinunt instructiones non  
tantum revocatione explicita aut implicita  
auctoritatis competentis, quae eas edidit,  
eiusve superioris, sed etiam cessante lege ad  
quam declarandam vel exsecutioni  
mandandam datae sunt.

#### TITULUS IV. DE ACTIBUS ADMINISTRATIVIS SINGULARIBUS

##### CAPUT I. NORMAE COMMUNES

**Can. 35** - Actus administrativus singularis, sive  
est decretum aut praeceptum sive est  
rescriptum, elici potest, intra fines suae  
competentiae, ab eo qui potestate exsecutiva

the methods to be observed in applying the law  
or which urge the observance of laws.

§ 2. With respect to the promulgation and  
suspensive period (vacatio) of the decrees  
mentioned in § 1, the prescripts of can. 8 are to  
be observed.

**Can. 32** - General executory decrees oblige  
those who are bound by the laws whose  
methods of application the same decrees  
determine or whose observance they urge.

**Can. 33** - § 1. General executory decrees, even  
if they are issued in directories or in documents  
of another name, do not derogate from laws,  
and their prescripts which are contrary to laws  
lack all force.

§ 2. Such decrees cease to have force by  
explicit or implicit revocation made by  
competent authority as well as by cessation of  
the law for whose execution they were given.  
They do not, however, cease when the  
authority of the one who established them  
expires unless the contrary is expressly  
provided.

**Can. 34** - § 1. Instructions clarify the prescripts  
of laws and elaborate on and determine the  
methods to be observed in fulfilling them. They  
are given for the use of those whose duty it is  
to see that laws are executed and oblige them  
in the execution of the laws. Those who  
possess executive power legitimately issue  
such instructions within the limits of their  
competence.

§ 2. The ordinances of instructions do not  
derogate from laws. If these ordinances cannot  
be reconciled with the prescripts of laws, they  
lack all force.

§ 3. Instructions cease to have force not only  
by explicit or implicit revocation of the  
competent authority who issued them or of the  
superior of that authority but also by the  
cessation of the law for whose clarification or  
execution they were given.

#### Title IV. Singular Administrative Acts

##### Chapter I. Common Norms

**Can. 35** - A singular administrative act, whether  
it is a decree, a precept, or a rescript, can be  
issued by one who possesses executive power  
within the limits of that person's competence,

gaudet, firmo praescripto can. 76, § 1.

**Can. 36** - § 1. Actus administrativus intellegendus est secundum propriam verborum significationem et communem loquendi usum; in dubio, qui ad lites referuntur aut ad poenas comminandas infligendasve attinent aut personae iura coarctant aut iura aliis quaesita laedunt aut adversantur legi in commodum privatorum, strictae subsunt interpretationi; ceteri omnes, latae.

§ 2. Actus administrativus non debet ad alios casus praeter expressos extendi.

**Can. 37** - Actus administrativus, qui forum externum respicit, scripto est consignandus; item, si fit in forma commissoria, actus huius executionis.

**Can. 38** - Actus administrativus, etiam si agatur de rescripto *Motu proprio* dato, effectum caret quatenus ius alteri quaesitum laedit aut legi consuetudinive probatae contrarius est, nisi auctoritas competens expresse clausulam derogatoriam addiderit.

**Can. 39** - Condiciones in actu administrativo tunc tantum ad validitatem censentur adiectae, cum per particulas *si*, *nisi*, *dummodo* exprimuntur.

**Can. 40** - Exsecutor alicuius actus administrativi invalide suo munere fungitur, antequam litteras receperit earumque authenticitatem et integritatem recognoverit, nisi praevia earundem notitia ad ipsum auctoritate eundem actum edentis transmissa fuerit.

**Can. 41** - Exsecutor actus administrativi cui committitur merum executionis ministerium, executionem huius actus denegare non potest, nisi manifesto appareat eundem actum esse nullum aut alia ex gravi causa sustineri non posse aut condiciones in ipso actu administrativo appositas non esse adimpletas; si tamen actus administrativi executione adiunctorum personae aut loci ratione videatur inopportuna, exsecutor executionem intermittat; quibus in casibus statim certiore faciat auctoritatem quae actum edidit.

without prejudice to the prescript of can. 76, § 1.

**Can. 36** - § 1. An administrative act must be understood according to the proper meaning of the words and the common manner of speaking. In a case of doubt, those which refer to litigation, pertain to threatening or inflicting penalties, restrict the rights of a person, injure the acquired rights of others, or are contrary to a law which benefits private persons are subject to a strict interpretation; all others are subject to a broad interpretation.

§ 2. An administrative act must not be extended to other cases besides those expressed.

**Can. 37** - An administrative act which regards the external forum must be put in writing. Furthermore, if it is given in commissorial form, the act of its execution must be put in writing.

**Can. 38** - An administrative act, even if it is a rescript given *motu proprio*, lacks effect insofar as it injures the acquired right of another or is contrary to a law or approved custom, unless the competent authority has expressly added a derogating clause.

**Can. 39** - Conditions in an administrative act are considered added for validity only when they are expressed by the particles if (*si*), unless (*nisi*), or provided that (*dummodo*).

**Can. 40** - The executor of any administrative act invalidly carries out his or her function before receiving the relevant letter and verifying its authenticity and integrity, unless previous notice of the letter had been communicated to the executor by authority of the one who issued the act.

**Can. 41** - The executor of an administrative act to whom is entrusted merely the task of execution cannot refuse the execution of this act unless it clearly appears that the act itself is null or cannot be upheld for another grave cause, or the conditions attached to the administrative act itself have not been fulfilled. Nevertheless, if the execution of the administrative act seems inopportune due to the circumstances of person or place, the executor is to suspend the execution. In such cases the executor is to inform immediately the authority who issued the act.

**Can. 42** - Exsecutor actus administrativi procedere debet ad mandati normam; si autem condiciones essentielles in litteris appositae non impleverit ac substantialem procedendi formam non servaverit, irrita est exsecutio.

**Can. 43** - Actus administrativi exsecutor potest alium pro suo prudenti arbitrio sibi substituere, nisi substitutio prohibita fuerit, aut electa industria personae, aut substituti persona praefinita; hisce autem in casibus exsecutori licet alteri committere actus praeparatorios.

**Can. 44** - Actus administrativus exsecutioni mandari potest etiam ab exsecutoris successore in officio, nisi fuerit electa industria personae.

**Can. 45** - Exsecutori fas est, si quoquo modo in actus administrativi exsecutione erraverit, eundem actum iterum exsecutioni mandare.

**Can. 46** - Actus administrativus non cessat resolutio iure statuentis, nisi aliud iure expresse caveatur.

**Can. 47** - Revocatio actus administrativi per alium actum administrativum auctoritatis competentis effectum tantummodo obtinet a momento, quo legitime notificatur personae pro qua datus est.

## CAPUT II. DE DECRETIS ET PRAECEPTIS SINGULARIBUS

**Can. 48** - Decretum singulare intellegitur actus administrativus a competenti auctoritate exsecutiva editus, quo secundum iuris normas pro casu particulari datur decisio aut fit provisio, quae natura sua petitionem ab aliquo factam non supponunt.

**Can. 49** - Praeceptum singulare est decretum quo personae aut personis determinatis aliquid faciendum aut omittendum directe et legitime imponitur, praesertim ad legis observantiam urgendam.

**Can. 50** - Antequam decretum singulare ferat,

**Can. 42** - The executor of an administrative act must proceed according to the norm of the mandate. If, however, the executor did not fulfill the essential conditions attached to the relevant letter and did not observe the substantial form of proceeding, the execution is invalid.

**Can. 43** - The executor of an administrative act can, according to his or her prudent judgment, substitute another as executor unless substitution has been forbidden, the executor has been chosen for personal qualifications, or a substitute has been predetermined. In these cases, however, the executor may entrust the preparatory acts to another.

**Can. 44** - The executor's successor in office can also execute an administrative act unless the executor was chosen for personal qualifications.

**Can. 45** - If the executor has erred in any way in the execution of an administrative act, the executor is permitted to execute the same act again.

**Can. 46** - An administrative act does not cease when the authority of the one who established it expires unless the law expressly provides otherwise.

**Can. 47** - The revocation of an administrative act by another administrative act of a competent authority takes effect only from the moment at which the revocation is legitimately made known to the person for whom it has been given.

## Chapter II. Singular Decrees and Precepts

**Can. 48** - A singular decree is an administrative act issued by a competent executive authority in which a decision is given or a provision is made for a particular case according to the norms of law. Of their nature, these decisions or provisions do not presuppose a petition made by someone.

**Can. 49** - A singular precept is a decree which directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law.

**Can. 50** - Before issuing a singular decree, an



auctoritas necessarias notitias et probationes exquirat, atque, quantum fieri potest, eos audiat quorum iura laedi possint.

**Can. 51** - Decretum scripto feratur expressis, saltem summarie, si agatur de decisione, motivis.

**Can. 52** - Decretum singulare vim habet tantum quoad res de quibus decernit et pro personis quibus datum est; eas vero ubique obligat, nisi aliud constet.

**Can. 53** - Si decreta inter se sint contraria, peculiare, in iis quae peculiariter exprimuntur, praevalet generali; si aequae sint peculiaris aut generalis, posterius tempore obrogat priori, quatenus ei contrarium est.

**Can. 54** - § 1. Decretum singulare, cuius applicatio committitur executori, effectum habet a momento executionis; secus a momento quo personae auctoritate ipsius decernentis intimatur.

§ 2. Decretum singulare, ut urgeri possit, legitimo documento ad normam iuris intimandum est.

**Can. 55** - Firmo praescripto cann. 37 et 51, cum gravissima ratio obstet ne scriptus decreti textus tradatur, decretum intimatum habetur si ei, cui destinatur, coram notario vel duobus testibus legatur, actis redactis, ab omnibus praesentibus subscribendis.

**Can. 56** - Decretum pro intimato habetur, si is cui destinatur, rite vocatus ad decretum accipiendum vel audiendum, sine iusta causa non comparuerit vel subscribere recusaverit.

**Can. 57** - § 1. Quoties lex iubeat decretum ferri vel ab eo, cuius interest, petitio vel recursus ad decretum obtinendum legitime proponatur, auctoritas competens intra tres menses a recepta petitione vel recursu provideat, nisi alius terminus lege praescribatur.

authority is to seek out the necessary information and proofs and, insofar as possible, to hear those whose rights can be injured.

**Can. 51** - A decree is to be issued in writing, with the reasons at least summarily expressed if it is a decision.

**Can. 52** - A singular decree has force only in respect to the matters which it decides and for the persons for whom it was given. It obliges these persons everywhere, however, unless it is otherwise evident.

**Can. 53** - If decrees are contrary to one another, a particular decree prevails over a general in those matters which are specifically expressed. If they are equally particular or equally general, the decree later in time modifies the earlier to the extent that the later one is contrary to it.

**Can. 54** - § 1. A singular decree whose application is entrusted to an executor takes effect from the moment of execution; otherwise, from the moment it is made known to the person by the authority of the one who issued it.

§ 2. To be enforced, a singular decree must be made known by a legitimate document according to the norm of law.

**Can. 55** - Without prejudice to the prescripts of cann. 37 and 51, when a very grave reason prevents the handing over of the written text of a decree, the decree is considered to have been made known if it is read to the person to whom it is destined in the presence of a notary or two witnesses. After a written record of what has occurred has been prepared, all those present must sign it.

**Can. 56** - A decree is considered to have been made known if the one for whom it is destined has been properly summoned to receive or hear the decree but, without a just cause, did not appear or refused to sign.

**Can. 57** - § 1. Whenever the law orders a decree to be issued or an interested party legitimately proposes a petition or recourse to obtain a decree, the competent authority is to provide for the matter within three months from the receipt of the petition or recourse unless the law prescribes some other time period.

§ 2. Hoc termino transacto, si decretum nondum datum fuerit, responsum praesumitur negativum, ad propositionem ulterioris recursus quod attinet.

§ 3. Responsum negativum praesumptum non eximit competentem auctoritatem ab obligatione decretum ferendi, immo et damnum forte illatum, ad normam can. 128, reparandi.

**Can. 58** - § 1. Decretum singulare vim habere desinit legitima revocatione ab auctoritate competenti facta necnon cessante lege ad cuius executionem datum est.

§ 2. Praeceptum singulare, legitimo documento non impositum, cessat resolutio iure praecipientis.

### CAPUT III. DE RESCRIPTIS

**Can. 59** - § 1. Rescriptum intellegitur actus administrativus a competenti auctoritate executiva in scriptis elicitus, quo suapte natura, ad petitionem alicuius, conceditur privilegium, dispensatio aliave gratia.

§ 2. Quae de rescriptis statuuntur praescripta, etiam de licentiae concessione necnon de concessionibus gratiarum vivae vocis oraculo valent, nisi aliud constet.

**Can. 60** - Rescriptum quodlibet impetrari potest ab omnibus qui expresse non prohibentur.

**Can. 61** - Nisi aliud constet, rescriptum impetrari potest pro alio, etiam praeter eius assensum, et valet ante eiusdem acceptationem, salvis clausulis contrariis.

**Can. 62** - Rescriptum in quo nullus datur executor, effectum habet a momento quo datae sunt litterae; cetera, a momento executionis.

**Can. 63** - § 1. Validitati rescripti obstat subreptio seu reticentia veri, si in precibus expressa non fuerint quae secundum legem, stilum et praxim canonicam ad validitatem sunt exprimenda, nisi agatur de rescripto gratiae, quod *Motu proprio* datum sit.

§ 2. Item validitati rescripti obstat obreptio seu

§ 2. When this time period has passed, if the decree has not yet been given, the response is presumed to be negative with respect to the presentation of further recourse.

§ 3. A presumed negative response does not exempt the competent authority from the obligation of issuing the decree and even of repairing the damage possibly incurred, according to the norm of can. 128.

**Can. 58** - § 1. A singular decree ceases to have force through legitimate revocation by competent authority as well as through cessation of the law for whose execution it was given.

§ 2. A singular precept not imposed by a legitimate document ceases when the authority of the one who issued it expires.

### Chapter III. Rescripts

**Can. 59** - § 1. A rescript is an administrative act issued in writing by competent executive authority; of its very nature, a rescript grants a privilege, dispensation, or other favor at someone's request.

§ 2. The prescripts established for rescripts are valid also for the oral granting of a permission or favors unless it is otherwise evident.

**Can. 60** - Any rescript can be requested by all those who are not expressly prohibited from doing so.

**Can. 61** - Unless it is otherwise evident, a rescript can be requested for another even without the person's assent and has force before the person's acceptance, without prejudice to contrary clauses.

**Can. 62** - A rescript in which no executor is given has effect at the moment the letter is given; other rescripts, at the moment of execution.

**Can. 63** - § 1. Subreption, or concealment of the truth, prevents the validity of a rescript if in the request those things were not expressed which according to law, style, and canonical practice must be expressed for validity, unless it is a rescript of favor which is given *motu proprio*.

§ 2. Obreption, or a statement of falsehood,

expositio falsi, si ne una quidem causa motiva proposita sit vera.

§ 3. Causa motiva in rescriptis quorum nullus est executor, vera sit oportet tempore quo rescriptum datum est; in ceteris, tempore executionis.

**Can. 64** - Salvo iure Paenitentiariae pro foro interno, gratia a quovis dicasterio Romanae Curiae denegata, valide ab alio eiusdem Curiae dicasterio aliave competenti auctoritate infra Romanum Pontificem concedi nequit, sine assensu dicasterii quocum agi coeptum est.

**Can. 65** - § 1. Salvis praescriptis §§ 2 et 3, nemo gratiam a proprio Ordinario denegatam ab alio Ordinario petat, nisi facta denegationis mentione; facta autem mentione, Ordinarius gratiam ne concedat, nisi habitis a priore Ordinario denegationis rationibus.

§ 2. Gratia a Vicario generali vel a Vicario episcopali denegata, ab alio Vicario eiusdem Episcopi, etiam habitis a Vicario denegante denegationis rationibus, valide concedi nequit.

§ 3. Gratia a Vicario generali vel a Vicario episcopali denegata et postea, nulla facta huius denegationis mentione, ab Episcopo dioecesano impetrata, invalida est; gratia autem ab Episcopo dioecesano denegata nequit valide, etiam facta denegationis mentione, ab eius Vicario generali vel Vicario episcopali, non consentiente Episcopo, impetrari.

**Can. 66** - Rescriptum non fit irritum ob errorem in nomine personae cui datur vel a qua editur, aut loci in quo ipsa residet, aut rei de qua agitur, dummodo iudicio Ordinarii nulla sit de ipsa persona vel de re dubitatio.

**Can. 67** - § 1. Si contingat ut de una eademque re duo rescripta inter se contraria impetrentur, peculiare, in iis quae peculiariter exprimuntur, praevallet generali.

§ 2. Si sint aequae peculiariora aut generaliora, prius tempore praevallet posteriori, nisi in altero fiat mentio expressa de priore, aut nisi prior

also prevents the validity of a rescript if not even one proposed motivating reason is true.

§ 3. The motivating reason in rescripts for which there is no executor must be true at the time when the rescript is given; in others, at the time of execution.

**Can. 64** - Without prejudice to the authority of the Penitentiary for the internal forum, a favor denied by any dicastery of the Roman Curia cannot be granted validly by any other dicastery of the same Curia or by another competent authority below the Roman Pontiff without the assent of the dicastery before which the matter was initiated.

**Can. 65** - § 1. Without prejudice to the prescripts of §§ 2 and 3, no one is to petition from another ordinary a favor denied by one's own ordinary unless mention of the denial has been made. When this mention has been made, however, the ordinary is not to grant the favor unless he has obtained the reasons for the denial from the prior ordinary.

§ 2. A favor denied by a vicar general or by an episcopal vicar cannot be granted validly by another vicar of the same bishop even if the reasons for the denial have been obtained from the vicar who denied it.

§ 3. A favor denied by a vicar general or by an episcopal vicar and afterwards obtained from the diocesan bishop without any mention made of this denial is invalid. A favor denied by a diocesan bishop, however, even if mention is made of the denial, cannot be obtained validly from his vicar general or episcopal vicar without the consent of the bishop.

**Can. 66** - A rescript does not become invalid due to an error in the name of the person to whom it is given or by whom it is issued, or of the place where the person resides, or in the matter concerned, provided that, in the judgment of the ordinary, there is no doubt about the person or the matter.

**Can. 67** - § 1. If it happens that two contrary rescripts are obtained for one and the same thing, the particular prevails over the general in those matters which are particularly expressed.

§ 2. If they are equally particular or equally general, the earlier in time prevails over the later unless there is express mention of the

impetrator dolo vel notabili negligentia sua rescripto usus non fuerit.

§ 3. In dubio num rescriptum irritum sit necne, recurratur ad rescribentem.

**Can. 68** - Rescriptum Sedis Apostolicae in quo nullus datur exsecutor, tunc tantum debet Ordinario impetrantis praesentari, cum id in iisdem litteris praecipitur, aut de rebus agitur publicis, aut comprobari condiciones oportet.

**Can. 69** - Rescriptum, cuius praesentationi nullum est definitum tempus, potest exsecutori exhiberi quovis tempore, modo absit fraus et dolus.

**Can. 70** - Si in rescripto ipsa concessio exsecutori committatur, ipsius est pro suo prudenti arbitrio et conscientia gratiam concedere vel denegare.

**Can. 71** - Nemo uti tenetur rescripto in sui dumtaxat favorem concesso, nisi aliunde obligatione canonica ad hoc teneatur.

**Can. 72** - Rescripta ab Apostolica Sede concessa, quae exspiraverint, ab Episcopo dioecesano iusta de causa semel prorogari possunt, non tamen ultra tres menses.

**Can. 73** - Per legem contrariam nulla rescripta revocantur, nisi aliud in ipsa lege caveatur.

**Can. 74** - Quamvis gratia oretenus sibi concessa quis in foro interno uti possit, tenetur illam pro foro externo probare, quoties id legitime ab eo petatur.

**Can. 75** - Si rescriptum contineat privilegium vel dispensationem, servantur insuper praescripta canonum qui sequuntur.

#### CAPUT IV. DE PRIVILEGIIS

**Can. 76** - § 1. Privilegium, seu gratia in favorem certarum personarum sive physicarum sive iuridicarum per peculiarem actum facta, concedi potest a legislatore necnon ab auctoritate executiva cui legislator hanc potestatem concesserit.

§ 2. Possessio centenaria vel immemorabilis

earlier one in the later one or unless the person who obtained the earlier one has not used the rescript out of malice or notable negligence.

§ 3. In a case of doubt whether a rescript is invalid or not, recourse is to be made to the one who issued it.

**Can. 68** - A rescript of the Apostolic See in which no executor is given must be presented to the ordinary of the one who obtained it only when it is prescribed in the same letter, or it concerns public matters, or it is necessary that conditions be verified.

**Can. 69** - A rescript for whose presentation no time is specified can be shown to the executor at any time, provided that there is neither fraud nor malice.

**Can. 70** - If in a rescript the granting of a favor is entrusted to an executor, it is up to the prudent judgment and conscience of the executor to grant or deny the favor.

**Can. 71** - No one is bound to use a rescript given only in his or her favor unless bound to do so by a canonical obligation from another source.

**Can. 72** - Rescripts granted by the Apostolic See which have expired can be extended once by the diocesan bishop for a just cause, but not beyond three months.

**Can. 73** - Rescripts are not revoked by a contrary law unless the law itself provides otherwise.

**Can. 74** - Although one can use in the internal forum a favor granted orally, the person is bound to prove the favor in the external forum whenever someone legitimately requests it.

**Can. 75** - If a rescript contains a privilege or dispensation, the prescripts of the following canons are also to be observed.

#### Chapter IV. Privileges

**Can. 76** - § 1. A privilege is a favor given through a particular act to the benefit of certain physical or juridic persons; it can be granted by the legislator as well as by an executive authority to whom the legislator has granted this power.

§ 2. Centenary or immemorial possession

praesumptionem inducit concessi privilegii.

**Can. 77** - Privilegium interpretandum est ad normam can. 36, § 1; sed ea semper adhibenda est interpretatio, qua privilegio aucti aliquam revera gratiam consequantur.

**Can. 78** - § 1. Privilegium praesumitur perpetuum, nisi contrarium probetur.

§ 2. Privilegium personale, quod scilicet personam sequitur, cum ipsa extinguitur.

§ 3. Privilegium reale cessat per absolutum rei vel loci interitum; privilegium vero locale, si locus intra quinquaginta annos restituatur, reviviscit.

**Can. 79** - Privilegium cessat per revocationem competentis auctoritatis ad normam can. 47, firmo praescripto can. 81.

**Can. 80** - § 1. Nullum privilegium per renuntiationem cessat, nisi haec a competenti auctoritate fuerit acceptata.

§ 2. Privilegio in sui dumtaxat favorem concesso quaevis persona physica renuntiare potest.

§ 3. Privilegio concesso alicui personae iuridicae, aut ratione dignitatis loci vel rei, singulae personae renuntiare nequeunt; nec ipsi personae iuridicae integrum est privilegio sibi concesso renuntiare, si renuntiatio cedat in Ecclesiae aliorumve praeiudicium.

**Can. 81** - Resoluto iure concedentis, privilegium non extinguitur, nisi datum fuerit cum clausula *ad beneplacitum nostrum* vel alia aequipollenti.

**Can. 82** - Per non usum vel per usum contrarium privilegium aliis haud onerosum non cessat; quod vero in aliorum gravamen cedit, amittitur, si accedat legitima praescriptio.

**Can. 83** - § 1. Cessat privilegium elapso tempore vel expleto numero casuum pro quibus concessum fuit, firmo praescripto can. 142, § 2.

induces the presumption that a privilege has been granted.

**Can. 77** - A privilege must be interpreted according to the norm of can. 36, § 1, but that interpretation must always be used by which the beneficiaries of a privilege actually obtain some favor.

**Can. 78** - § 1. A privilege is presumed to be perpetual unless the contrary is proved.

§ 2. A personal privilege, namely one which follows the person, is extinguished with that person's death.

§ 3. A real privilege ceases through the complete destruction of the thing or place; a local privilege, however, revives if the place is restored within fifty years.

**Can. 79** - A privilege ceases through revocation by the competent authority according to the norm of can. 47, without prejudice to the prescript of can. 81.

**Can. 80** - § 1. No privilege ceases through renunciation unless the competent authority has accepted the renunciation.

§ 2. Any physical person can renounce a privilege granted only in that person's favor.

§ 3. Individual persons cannot renounce a privilege granted to some juridic person or granted in consideration of the dignity of a place or of a thing, nor is a juridic person free to renounce a privilege granted to it if the renunciation brings disadvantage to the Church or to others.

**Can. 81** - A privilege is not extinguished when the authority of the one who granted it expires unless it has been given with the clause, at our good pleasure (*ad beneplacitum nostrum*), or some other equivalent expression.

**Can. 82** - A privilege which is not burdensome to others does not cease through non-use or contrary use. If it is to the disadvantage of others, however, it is lost if legitimate prescription takes place.

**Can. 83** - § 1. A privilege ceases through the lapse of the time period or through the completion of the number of cases for which it had been granted, without prejudice to the

§ 2. Cessat quoque, si temporis progressu rerum adiuncta ita iudicio auctoritatis competentis immutata sint, ut noxium evaserit aut eius usus illicitus fiat.

**Can. 84** - Qui abutitur potestate sibi ex privilegio data, privilegio ipso privari meretur; quare, Ordinarius, frustra monito privilegiario, graviter abutentem privet privilegio quod ipse concessit; quod si privilegium concessum fuerit ab Apostolica Sede, eandem Ordinarius certiore facere tenetur.

#### CAPUT V. DE DISPENSATIONIBUS

**Can. 85** - Dispensatio, seu legis mere ecclesiasticae in casu particulari relaxatio, concedi potest ab iis qui potestate gaudent executiva intra limites suae competentiae, necnon ab illis quibus potestas dispensandi explicite vel implicite competit sive ipso iure sive vi legitima delegationis.

**Can. 86** - Dispensationi obnoxiae non sunt leges quatenus ea definiunt, quae institutorum aut actuum iuridicorum essentialiter sunt constitutiva.

**Can. 87** - § 1. Episcopus dioecesanus fideles, quoties id ad eorum spirituale bonum conferre iudicet, dispensare valet in legibus disciplinariis tam universalibus quam particularibus pro suo territorio vel suis subditis a suprema Ecclesiae auctoritate latis, non tamen in legibus processualibus aut poenalibus, nec in iis quarum dispensatio Apostolicae Sedi aliive auctoritati specialiter reservatur.

§ 2. Si difficilis sit recursus ad Sanctam Sedem et simul in mora sit periculum gravis damni, Ordinarius quicumque dispensare valet in iisdem legibus, etiam si dispensatio reservatur Sanctae Sedi, dummodo agatur de dispensatione quam ipsa in iisdem adiunctis concedere solet, firmo praescripto can. 291.

**Can. 88** - Ordinarius loci in legibus dioecesanis atque, quoties id ad fidelium bonum conferre iudicet, in legibus a Concilio plenario vel provinciali aut ab Episcoporum conferentia latis

prescripto can. 142, § 2.

§ 2. It also ceases if, in the judgment of the competent authority, circumstances are so changed in the course of time that it becomes harmful or its use illicit.

**Can. 84** - One who abuses the power given by a privilege deserves to be deprived of that privilege. Therefore, when the holder of a privilege has been warned in vain, an ordinary is to deprive the one who gravely abuses it of a privilege which he himself has granted. If the privilege was granted by the Apostolic See, however, an ordinary is bound to notify the Apostolic See.

#### Chapter V. Dispensations

**Can. 85** - A dispensation, or the relaxation of a merely ecclesiastical law in a particular case, can be granted by those who possess executive power within the limits of their competence, as well as by those who have the power to dispense explicitly or implicitly either by the law itself or by legitimate delegation.

**Can. 86** - Laws are not subject to dispensation to the extent that they define those things which are essentially constitutive of juridic institutes or acts.

**Can. 87** - § 1. A diocesan bishop, whenever he judges that it contributes to their spiritual good, is able to dispense the faithful from universal and particular disciplinary laws issued for his territory or his subjects by the supreme authority of the Church. He is not able to dispense, however, from procedural or penal laws nor from those whose dispensation is specially reserved to the Apostolic See or some other authority.

§ 2. If recourse to the Holy See is difficult and, at the same time, there is danger of grave harm in delay, any ordinary is able to dispense from these same laws even if dispensation is reserved to the Holy See, provided that it concerns a dispensation which the Holy See is accustomed to grant under the same circumstances, without prejudice to the prescript of can. 291.

**Can. 88** - A local ordinary is able to dispense from diocesan laws and, whenever he judges that it contributes to the good of the faithful, from laws issued by a plenary or provincial

dispensare valet.

**Can. 89** - Parochus aliique presbyteri aut diaconi a lege universali et particulari dispensare non valent, nisi haec potestas ipsis expresse concessa sit.

**Can. 90** - § 1. A lege ecclesiastica ne dispensetur sine iusta et rationabili causa, habita ratione adiunctorum casus et gravitatis legis a qua dispensatur; alias dispensatio illicita est et, nisi ab ipso legislatore eiusve superiore data sit, etiam invalida.

§ 2. Dispensatio in dubio de sufficientia causae valide et licite conceditur.

**Can. 91** - Qui gaudet potestate dispensandi eam exercere valet, etiam extra territorium existens, in subditos, licet e territorio absentes, atque, nisi contrarium expresse statuatur, in peregrinos quoque in territorio actu degentes, necnon erga seipsum.

**Can. 92** - Strictae subest interpretationi non solum dispensatio ad normam can. 36, § 1, sed ipsamet potestas dispensandi ad certum casum concessa.

**Can. 93** - Dispensatio quae tractum habet successivum cessat iisdem modis quibus privilegium, necnon certa ac totali cessatione causae motivae.

## TITULUS V. DE STATUTIS ET ORDINIBUS

**Can. 94** - § 1. Statuta, sensu proprio, sunt ordinationes quae in universitatibus sive personarum sive rerum ad normam iuris conduntur, et quibus definiuntur earundem finis, constitutio, regimen atque agendi rationes.

§ 2. Statutis universitatis personarum obligantur solae personae quae legitime eiusdem membra sunt; statutis rerum universitatis, ii qui eiusdem moderamen curant.

§ 3. Quae statutorum praescripta vi potestatis legislativae condita et promulgata sunt, reguntur praescriptis canonum de legibus.

council or by the conference of bishops.

**Can. 89** - A pastor and other presbyters or deacons are not able to dispense from universal and particular law unless this power has been expressly granted to them.

**Can. 90** - § 1. One is not to be dispensed from an ecclesiastical law without a just and reasonable cause, after taking into account the circumstances of the case and the gravity of the law from which dispensation is given; otherwise the dispensation is illicit and, unless it is given by the legislator himself or his superior, also invalid.

§ 2. In a case of doubt concerning the sufficiency of the cause, a dispensation is granted validly and licitly.

**Can. 91** - Even when outside his territory, one who possesses the power to dispense is able to exercise it with respect to his subjects even though they are absent from the territory, and, unless the contrary is expressly established, also with respect to travelers actually present in the territory, as well as with respect to himself.

**Can. 92** - A dispensation is subject to a strict interpretation according to the norm of can. 36, § 1, as is the very power to dispense granted for a particular case.

**Can. 93** - A dispensation which has successive application ceases in the same ways as a privilege as well as by the certain and total cessation of the motivating cause.

## Title V. Statutes and Rules of Order

**Can. 94** - § 1. Statutes in the proper sense are ordinances which are established according to the norm of law in aggregates of persons (universitates personarum) or of things (universitates rerum) and which define their purpose, constitution, government, and methods of operation.

§ 2. The statutes of an aggregate of persons (universitas personarum) bind only the persons who are its legitimate members; the statutes of an aggregate of things (universitas rerum), those who direct it.

§ 3. Those prescripts of statutes established and promulgated by virtue of legislative power are governed by the prescripts of the canons on laws.

**Can. 95** - § 1. Ordines sunt regulae seu normae quae servari debent in personarum conventibus, sive ab auctoritate ecclesiastica indictis sive a christifidelibus libere convocatis, necnon aliis in celebrationibus, et quibus definiuntur quae ad constitutionem, moderamen et rerum agendarum rationes pertinent.

§ 2. In conventibus celebrationibusve, ii regulis ordinis tenentur, qui in iisdem partem habent.

## TITULUS VI. DE PERSONIS PHYSICIS ET IURIDICIS

### CAPUT I. DE PERSONARUM PHYSICARUM CONDICIONE CANONICA

**Can. 96** - Baptismo homo Ecclesiae Christi incorporatur et in eadem constituitur persona, cum officiis et iuribus quae christianis, attenta quidem eorum condicione, sunt propria, quatenus in ecclesiastica sunt communione et nisi obstet lata legitime sanctio.

**Can. 97** - § 1. Persona quae duodevigesimum aetatis annum explevit, maior est; infra hanc aetatem, minor.

§ 2. Minor, ante plenum septennium, dicitur infans et censetur non sui compos, expleto autem septennio, usum rationis habere praesumitur.

**Can. 98** - § 1. Persona maior plenum habet suorum iurium exercitium.

§ 2. Persona minor in exercitio suorum iurium potestati obnoxia manet parentum vel tutorum, iis exceptis in quibus minores lege divina aut iure canonico ab eorum potestate exempti sunt; ad constitutionem tutorum eorumque potestatem quod attinet, servantur praescripta iuris civilis, nisi iure canonico aliud caveatur, aut Episcopus dioecesanus in certis casibus iusta de causa per nominationem alius tutoris providendum aestimaverit.

**Can. 99** - Quicumque usu rationis habitu caret, censetur non sui compos et infantibus assimilatur.

**Can. 95** - § 1. Rules of order (ordines) are rules or norms, which must be observed in meetings, whether convened by ecclesiastical authority or freely convoked by the Christian faithful, as well as in other celebrations. They define those things which pertain to the constitution, direction, and ways of proceeding.

§ 2. These rules of order bind those who participate in these assemblies or celebrations.

## Title VI. Physical and Juridic Persons

### Chapter I. The Canonical Condition of Physical Persons

**Can. 96** - By baptism one is incorporated into the Church of Christ and is constituted a person in it with the duties and rights which are proper to Christians in keeping with their condition, insofar as they are in ecclesiastical communion and unless a legitimately issued sanction stands in the way.

**Can. 97** - § 1. A person who has completed the eighteenth year of age has reached majority; below this age, a person is a minor.

§ 2. A minor before the completion of the seventh year is called an infant and is considered not responsible for oneself (non sui compos). With the completion of the seventh year, however, a minor is presumed to have the use of reason.

**Can. 98** - § 1. A person who has reached majority has the full exercise of his or her rights.

§ 2. A minor, in the exercise of his or her rights, remains subject to the authority of parents or guardians except in those matters in which minors are exempted from their authority by divine law or canon law. In what pertains to the appointment of guardians and their authority, the prescripts of civil law are to be observed unless canon law provides otherwise or unless in certain cases the diocesan bishop, for a just cause, has decided to provide for the matter through the appointment of another guardian.

**Can. 99** - Whoever habitually lacks the use of reason is considered not responsible for oneself (non sui compos) and is equated with infants.



**Can. 100** - Persona dicitur: *incola*, in loco ubi est eius domicilium; *advena*, in loco ubi quasi-domicilium habet; *peregrinus*, si versetur extra domicilium et quasi-domicilium quod adhuc retinet; *vagus*, si nullibi domicilium habeat vel quasi-domicilium.

**Can. 101** - § 1. Locus originis filii, etiam neophyti, est ille in quo cum filius natus est, domicilium, aut, eo deficiente, quasi-domicilium habuerunt parentes vel, si parentes non habuerint idem domicilium vel quasi-domicilium, mater.

§ 2. Si agatur de filio vagorum, locus originis est ipsemet nativitatis locus; si de exposito, est locus in quo inventus est.

**Can. 102** - § 1. Domicilium acquiritur ea in territorio alicuius paroeciae aut saltem dioecesis commoratione, quae aut coniuncta sit cum animo ibi perpetuo manendi si nihil inde avocet, aut ad quinquennium completum sit protracta.

§ 2. Quasi-domicilium acquiritur ea commoratione in territorio alicuius paroeciae aut saltem dioecesis, quae aut coniuncta sit cum animo ibi manendi saltem per tres menses si nihil inde avocet, aut ad tres menses reapse sit protracta.

§ 3. Domicilium vel quasi-domicilium in territorio paroeciae dicitur paroeciale; in territorio dioecesis, etsi non in paroecia, dioecesanum.

**Can. 103** - Sodales institutorum religiosorum et societatum vitae apostolicae domicilium acquirunt in loco ubi sita est domus cui adscribuntur; quasi-domicilium in domo ubi, ad normam can. 102, § 2, commorantur.

**Can. 104** - Coniuges commune habeant domicilium vel quasi-domicilium; legitimae separationis ratione vel alia iusta de causa, uterque habere potest proprium domicilium vel quasi-domicilium.

**Can. 105** - § 1. Minor necessario retinet domicilium et quasi-domicilium illius, cuius potestati subicitur. Infantia egressus potest

**Can. 100** - A person is said to be: a resident (*incola*) in the place where the person has a domicile; a temporary resident (*advena*) in the place where the person has a quasi-domicile; a traveler (*peregrinus*) if the person is outside the place of a domicile or quasi-domicile which is still retained; a transient (*vagus*) if the person does not have a domicile or quasi-domicile anywhere.

**Can. 101** - § 1. The place of origin of a child, even of a neophyte, is that in which the parents had a domicile or, lacking that, a quasi-domicile when the child was born or, if the parents did not have the same domicile or quasi-domicile, that of the mother.

§ 2. In the case of a child of transients, the place of origin is the actual place of birth; in the case of an abandoned child, it is the place where the child was found.

**Can. 102** - § 1. Domicile is acquired by that residence within the territory of a certain parish or at least of a diocese, which either is joined with the intention of remaining there permanently unless called away or has been protracted for five complete years.

§ 2. Quasi-domicile is acquired by residence within the territory of a certain parish or at least of a diocese, which either is joined with the intention of remaining there for at least three months unless called away or has in fact been protracted for three months.

§ 3. A domicile or quasi-domicile within the territory of a parish is called paroecial; within the territory of a diocese, even though not within a parish, dioecesan.

**Can. 103** - Members of religious institutes and societies of apostolic life acquire a domicile in the place where the house to which they are attached is located; they acquire a quasi-domicile in the house where they are residing, according to the norm of can. 102, § 2.

**Can. 104** - Spouses are to have a common domicile or quasi-domicile; by reason of legitimate separation or some other just cause, both can have their own domicile or quasi-domicile.

**Can. 105** - § 1. A minor necessarily retains the domicile and quasi-domicile of the one to whose power the minor is subject. A minor who

etiam quasi-domicilium proprium acquirere; atque legitime ad normam iuris civilis emancipatus, etiam proprium domicilium.

§ 2. Quicumque alia ratione quam minoritate, in tutelam vel curatelam legitime traditus est alterius, domicilium et quasi-domicilium habet tutoris vel curatoris.

**Can. 106** - Domicilium et quasi-domicilium amittitur discessione a loco cum animo non revertendi, salvo praescripto can. 105.

**Can. 107** - § 1. Tum per domicilium tum per quasi-domicilium suum quisque parochum et Ordinarium sortitur.

§ 2. Proprius vagi parochus vel Ordinarius est parochus vel Ordinarius loci in quo vagus actu commoratur.

§ 3. Illius quoque qui non habet nisi domicilium vel quasi-domicilium dioecesanum, parochus proprius est parochus loci in quo actu commoratur.

**Can. 108** - § 1. Consanguinitas computatur per lineas et gradus.

§ 2. In linea recta tot sunt gradus quot generationes, seu quot personae, stipite dempto.

§ 3. In linea obliqua tot sunt gradus quot personae in utraque simul linea, stipite dempto.

**Can. 109** - § 1. Affinitas oritur ex matrimonio valido, etsi non consummato, atque viget inter virum et mulieris consanguineos, itemque mulierem inter et viri consanguineos.

§ 2. Ita computatur ut qui sunt consanguinei viri, iidem in eadem linea et gradu sint affines mulieris, et vice versa.

**Can. 110** - Filii, qui ad normam legis civilis adoptati sint, habentur ut filii eius vel eorum qui eos adoptaverint.

**Can. 111** - § 1. Ecclesiae latinae per receptum baptismum adscribitur filius parentum, qui ad

is no longer an infant can also acquire a quasi-domicile of one's own; a minor who is legitimately emancipated according to the norm of civil law can also acquire a domicile of one's own.

§ 2. Whoever for some other reason than minority has been placed legitimately under the guardianship or care of another has the domicile and quasi-domicile of the guardian or curator.

**Can. 106** - Domicile and quasi-domicile are lost by departure from a place with the intention of not returning, without prejudice to the prescript of can. 105.

**Can. 107** - § 1. Through both domicile and quasi-domicile, each person acquires his or her pastor and ordinary.

§ 2. The proper pastor or ordinary of a transient is the pastor or local ordinary where the transient is actually residing.

§ 3. The proper pastor of one who has only a diocesan domicile or quasi-domicile is the pastor of the place where the person is actually residing.

**Can. 108** - § 1. Consanguinity is computed through lines and degrees.

§ 2. In the direct line there are as many degrees as there are generations or persons, not counting the common ancestor.

§ 3. In the collateral line there are as many degrees as there are persons in both the lines together, not counting the common ancestor.

**Can. 109** - § 1. Affinity arises from a valid marriage, even if not consummated, and exists between a man and the blood relatives of the woman and between the woman and the blood relatives of the man.

§ 2. It is so computed that those who are blood relatives of the man are related in the same line and degree by affinity to the woman, and vice versa.

**Can. 110** - Children who have been adopted according to the norm of civil law are considered the children of the person or persons who have adopted them.

**Can. 111** - § 1. Through the reception of baptism, the child of parents who belong to the

eam pertinent vel, si alteruter ad eam non pertineat, ambo concordi voluntate optaverint ut proles in Ecclesia latina baptizaretur; quodsi concors voluntas desit, Ecclesiae sui iuris ad quam pater pertinet adscribitur.

§ 2. Si vero unus tantum ex parentibus sit catholicus, Ecclesiae ad quam hic parens catholicus pertinet adscribitur.

§ 3. Quilibet baptizandus qui quartum decimum aetatis annum expleverit, libere potest eligere ut in Ecclesia latina vel in alia Ecclesia sui iuris baptizetur; quo in casu, ipse ad eam Ecclesiam pertinet quam elegerit.

**Can. 112 - § 1.** Post receptum baptismum, alii Ecclesiae sui iuris adscribuntur:

1° qui licentiam ab Apostolica Sede obtinuerit;

2° coniux qui, in matrimonio ineundo vel eo durante, ad Ecclesiam sui iuris alterius coniugis se transire declaraverit; matrimonio autem soluto, libere potest ad latinam Ecclesiam redire;

3° filii eorum, de quibus in nn. 1 et 2, ante decimum quartum aetatis annum completum itemque, in matrimonio mixto, filii partis catholicae quae ad aliam Ecclesiam sui iuris legitime transierit; adepta vero hac aetate, iidem possunt ad latinam Ecclesiam redire.

§ 2. Mos, quamvis diuturnus, sacramenta secundum ritum alius Ecclesiae sui iuris recipiendi, non secumfert adscriptionem eidem Ecclesiae.

§ 3. Omnis transitus ad aliam Ecclesiam sui iuris vim habet a momento declarationis factae coram eiusdem Ecclesiae Ordinario loci vel parrocho proprio aut sacerdote ab alterutro delegato et duobus testibus, nisi rescriptum Sedis Apostolicae aliud ferat; et in libro baptizatorum adnotetur.

## CAPUT II. DE PERSONIS IURIDICIS

**Can. 113 - § 1.** Catholica Ecclesia et Apostolica Sedes, moralis personae rationem habent ex ipsa ordinatione divina.

Latin Church is enrolled in it, or, if one or the other does not belong to it, both parents have chosen by mutual agreement to have the offspring baptized in the Latin Church. If there is no mutual agreement, however, the child is enrolled in the Church *sui iuris* to which the father belongs.

§ 2. If only one of the parents be Catholic, the baptized is ascribed to the Church to which the Catholic parent pertains.

§ 3. Anyone to be baptized who has completed the fourteenth year of age can freely choose to be baptized in the Latin Church or in another Church *sui iuris*; in that case, the person belongs to the Church which he or she has chosen.

**Can. 112 - § 1.** After the reception of baptism, the following are enrolled in another Church *sui iuris*:

1° a person who has obtained permission from the Apostolic See;

2° a spouse who, at the time of or during marriage, has declared that he or she is transferring to the Church *sui iuris* of the other spouse; when the marriage has ended, however, the person can freely return to the Latin Church;

3° before the completion of the fourteenth year of age, the children of those mentioned in nn. 1 and 2 as well as, in a mixed marriage, the children of the Catholic party who has legitimately transferred to another Church *sui iuris*; on completion of their fourteenth year, however, they can return to the Latin Church.

§ 2. The practice, however prolonged, of receiving the sacraments according to the rite of another Church *sui iuris* does not entail enrollment in that Church

§ 3. All those transfers to another Church *sui iuris* have force from the moment of the declaration of the fact before the local Ordinary of the Church or the proper pastor or priest by delegation and two witnesses, unless a rescript of the Apostolic See provides otherwise; and [this is to be] noted in the baptismal register.

## Chapter II. Juridic Persons

**Can. 113 - § 1.** The Catholic Church and the Apostolic See have the character of a moral person by divine ordinance itself.

§ 2. Sunt etiam in Ecclesia, praeter personas physicas, personae iuridicae, subiecta scilicet in iure canonico obligationum et iurium quae ipsarum indoli congruunt.

**Can. 114 - § 1.** Personae iuridicae constituuntur aut ex ipso iuris praescripto aut ex speciali competentis auctoritatis concessione per decretum data, universitates sive personarum sive rerum in finem missioni Ecclesiae congruentem, qui singulorum finem transcendit, ordinatae.

§ 2. Fines, de quibus in § 1, intelleguntur qui ad opera pietatis, apostolatus vel caritatis sive spiritualis sive temporalis attinent.

§ 3. Auctoritas Ecclesiae competens personalitatem iuridicam ne conferat nisi iis personarum aut rerum universitatibus, quae finem perseguuntur reapse utilem atque, omnibus perpensis, mediis gaudent quae sufficere posse praevidentur ad finem praestitutum assequendum.

**Can. 115 - § 1.** Personae iuridicae in Ecclesia sunt aut universitates personarum aut universitates rerum.

§ 2. Universitas personarum, quae quidem nonnisi ex tribus saltem personis constitui potest, est collegialis, si eius actionem determinant membra, in decisionibus ferendis concurrentia, sive aequali iure sive non, ad normam iuris et statutorum; secus est non collegialis.

§ 3. Universitas rerum seu fundatio autonoma constat bonis seu rebus, sive spiritualibus sive materialibus, eamque, ad normam iuris et statutorum, moderantur sive una vel plures personae physicae sive collegium.

**Can. 116 - § 1.** Personae iuridicae publicae sunt universitates personarum aut rerum, quae ab ecclesiastica auctoritate competenti constituuntur ut intra fines sibi praestitutos nomine Ecclesiae, ad normam praescriptorum iuris, munus proprium intuitu boni publici ipsis commissum expleant; ceterae personae iuridicae sunt privatae.

§ 2. In the Church, besides physical persons, there are also juridic persons, that is, subjects in canon law of obligations and rights which correspond to their nature.

**Can. 114 - § 1.** Juridic persons are constituted either by the prescript of law or by special grant of competent authority given through a decree. They are aggregates of persons (universitates personarum) or of things (universitates rerum) ordered for a purpose which is in keeping with the mission of the Church and which transcends the purpose of the individuals.

§ 2. The purposes mentioned in § 1 are understood as those which pertain to works of piety, of the apostolate, or of charity, whether spiritual or temporal.

§ 3. The competent authority of the Church is not to confer juridic personality except on those aggregates of persons (universitates personarum) or things (universitates rerum) which pursue a truly useful purpose and, all things considered, possess the means which are foreseen to be sufficient to achieve their designated purpose.

**Can. 115 - § 1.** Juridic persons in the Church are either aggregates of persons (universitates personarum) or aggregates of things (universitates rerum).

§ 2. An aggregate of persons (universitas personarum), which can be constituted only with at least three persons, is collegial if the members determine its action through participation in rendering decisions, whether by equal right or not, according to the norm of law and the statutes; otherwise it is non-collegial.

§ 3. An aggregate of things (universitas rerum), or an autonomous foundation, consists of goods or things, whether spiritual or material, and either one or more physical persons or a college directs it according to the norm of law and the statutes.

**Can. 116 - § 1.** Public juridic persons are aggregates of persons (universitates personarum) or of things (universitates rerum) which are constituted by competent ecclesiastical authority so that, within the purposes set out for them, they fulfill in the name of the Church, according to the norm of the prescripts of the law, the proper function entrusted to them in view of the public good;

§ 2. Personae iuridicae publicae hac personalitate donantur sive ipso iure sive speciali competentis auctoritatis decreto eandem expresse concedenti; personae iuridicae privatae hac personalitate donantur tantum per speciale competentis auctoritatis decretum eandem personalitatem expresse concedens.

**Can. 117** - Nulla personarum vel rerum universitas personalitatem iuridicam obtinere intendens, eandem consequi valet nisi ipsius statuta a competenti auctoritate sint probata.

**Can. 118** - Personam iuridicam publicam repraesentant, eius nomine agentes, ii quibus iure universali vel particulari aut propriis statutis haec competentia agnoscitur; personam iuridicam privatam, ii quibus eadem competentia per statuta tribuitur.

**Can. 119** - Ad actus collegiales quod attinet, nisi iure vel statutis aliud caveatur:

1° si agatur de electionibus, id vim habet iuris, quod, praesente quidem maiore parte eorum qui convocari debent, placuerit parti absolute maiori eorum qui sunt praesentes; post duo inefficacia scrutinia, suffragatio fiat super duobus candidatis qui maiorem suffragiorum partem obtinuerint, vel, si sunt plures, super duobus aetate senioribus; post tertium scrutinium, si paritas maneat, ille electus habeatur qui senior sit aetate;

2° si agatur de aliis negotiis, id vim habet iuris, quod, praesente quidem maiore parte eorum qui convocari debent, placuerit parti absolute maiori eorum qui sunt praesentes; quod si post duo scrutinia suffragia aequalia fuerint, praeses suo voto paritatem dirimere potest;

3° quod autem omnes uti singulos tangit, ab omnibus approbari debet.

**Can. 120** - § 1. Persona iuridica natura sua perpetua est; extinguitur tamen si a competenti auctoritate legitime supprimatur aut per centum annorum spatium agere desierit; persona iuridica privata insuper extinguitur, si ipsa consociatio ad normam statutorum dissolvatur, aut si, de iudicio auctoritatis competentis, ipsa fundatio ad normam statutorum esse desierit.

other juridic persons are private.

§ 2. Public juridic persons are given this personality either by the law itself or by a special decree of competent authority expressly granting it. Private juridic persons are given this personality only through a special decree of competent authority expressly granting it.

**Can. 117** - No aggregate of persons (universitas personarum) or of things (universitas rerum), intending to obtain juridic personality, is able to acquire it unless competent authority has approved its statutes.

**Can. 118** - Representing a public juridic person and acting in its name are those whose competence is acknowledged by universal or particular law or by its own statutes. Representing a private juridic person are those whose competence is granted by statute.

**Can. 119** - With regard to collegial acts, unless the law or statutes provide otherwise:

1° if it concerns elections, when the majority of those who must be convoked are present, that which is approved by the absolute majority of those present has the force of law; after two indecisive ballots, a vote is to be taken on the two candidates who have obtained the greater number of votes or, if there are several, on the two senior in age; after the third ballot, if a tie remains, the one who is senior in age is considered elected;

2° if it concerns other affairs, when an absolute majority of those who must be convoked are present, that which is approved by the absolute majority of those present has the force of law; if after two ballots the votes are equal, the one presiding can break the tie by his or her vote;

3° what touches all as individuals, however, must be approved by all.

**Can. 120** - § 1. A juridic person is perpetual by its nature; nevertheless, it is extinguished if it is legitimately suppressed by competent authority or has ceased to act for a hundred years. A private juridic person, furthermore, is extinguished if the association is dissolved according to the norm of its statutes or if, in the judgment of competent authority, the foundation has ceased to exist according to the

§ 2. Si vel unum ex personae iuridicae collegialis membris supersit, et personarum universitas secundum statuta esse non desierit, exercitium omnium iurium universitatis illi membro competit.

**Can. 121** - Si universitates sive personarum sive rerum, quae sunt personae iuridicae publicae, ita coniungantur ut ex iisdem una constituatur universitas personalitate iuridica et ipsa pollens, nova haec persona iuridica bona iuraque patrimonialia prioribus propria obtinet atque onera suscipit, quibus eadem gravabantur; ad destinationem autem praesertim bonorum et ad onerum adimpletionem quod attinet, fundatorum oblatoorumque voluntas atque iura quaesita salva esse debent.

**Can. 122** - Si universitas, quae gaudet personalitate iuridica publica, ita dividatur ut aut illius pars alii personae iuridicae uniatur aut ex parte dismembrata distincta persona iuridica publica erigatur, auctoritas ecclesiastica, cui divisio competat, curare debet per se vel per executorem, servatis quidem in primis tum fundatorum ac oblatoorum voluntate tum iuribus quaesitis tum probatis statutis:

1° ut communia, quae dividi possunt, bona atque iura patrimonialia necnon aes alienum aliaque onera dividantur inter personas iuridicas, de quibus agitur, debita cum proportione ex aequo et bono, ratione habita omnium adiunctorum et necessitatum utriusque;

2° ut usus et usufructus communium bonorum, quae divisioni obnoxia non sunt, utrique personae iuridicae cedant, oneraque iisdem propria utrique imponantur, servata item debita proportione ex aequo et bono definienda.

**Can. 123** - Extincta persona iuridica publica, destinatio eiusdem bonorum iuriumque patrimonialium itemque onerum regitur iure et statutis, quae, si sileant, obveniunt personae iuridicae immediate superiori, salvis semper fundatorum vel oblatoorum voluntate necnon

norm of its statutes.

§ 2. If even one of the members of a collegial juridic person survives, and the aggregate of persons (universitas personarum) has not ceased to exist according to its statutes, that member has the exercise of all the rights of the aggregate (universitas).

**Can. 121** - If aggregates of persons (universitates personarum) or of things (universitates rerum), which are public juridic persons, are so joined that from them one aggregate (universitas) is constituted which also possesses juridic personality, this new juridic person obtains the goods and patrimonial rights proper to the prior ones and assumes the obligations with which they were burdened. With regard to the allocation of goods in particular and to the fulfillment of obligations, however, the intention of the founders and donors as well as acquired rights must be respected.

**Can. 122** - If an aggregate (universitas) which possesses public juridic personality is so divided either that a part of it is united with another juridic person or that a distinct public juridic person is erected from the separated part, the ecclesiastical authority competent to make the division, having observed before all else the intention of the founders and donors, the acquired rights, and the approved statutes, must take care personally or through an executor:

1° that common, divisible, patrimonial goods and rights as well as debts and other obligations are divided among the juridic persons concerned, with due proportion in equity and justice, after all the circumstances and needs of each have been taken into account;

2° that the use and usufruct of common goods which are not divisible accrue to each juridic person and that the obligations proper to them are imposed upon each, in due proportion determined in equity and justice.

**Can. 123** - Upon the extinction of a public juridic person, the allocation of its goods, patrimonial rights, and obligations is governed by law and its statutes; if these give no indication, they go to the juridic person immediately superior, always without prejudice

iuribus quaesitis; extincta persona iuridica privata, eiusdem bonorum et onerum destinatio propriis statutis regitur.

## TITULUS VII. DE ACTIBUS IURIDICIS

**Can. 124** - § 1. Ad validitatem actus iuridici requiritur ut a persona habili sit positus, atque in eodem adsint quae actum ipsum essentialiter constituunt, necnon sollemnia et requisita iure ad validitatem actus imposita.

§ 2. Actus iuridicus quoad sua elementa externa rite positus praesumitur validus.

**Can. 125** - § 1. Actus positus ex vi ab extrinseco personae illata, cui ipsa nequaquam resistere potuit, pro infecto habetur.

§ 2. Actus positus ex metu gravi, iniuste incusso, aut ex dolo, valet, nisi aliud iure caveatur; sed potest per sententiam iudicis rescindi, sive ad instantiam partis laesae eiusve in iure successorum sive ex officio.

**Can. 126** - Actus positus ex ignorantia aut ex errore, qui versetur circa id quod eius substantiam constituit, aut qui recidit in condicionem sine qua non, irritus est; secus valet, nisi aliud iure caveatur, sed actus ex ignorantia aut ex errore in ius dare potest actioni rescissoriae ad normam iuris.

**Can. 127** - § 1. Cum iure statuatur ad actus ponendos Superiorem indigere consensu aut consilio alicuius collegii vel personarum coetus, convocari debet collegium vel coetus ad normam can. 166, nisi, cum agatur de consilio tantum exquirendo, aliter iure particulari aut proprio cautum sit; ut autem actus valeant requiritur ut obtineatur consensus partis absolute maioris eorum qui sunt praesentes aut omnium exquiratur consilium.

§ 2. Cum iure statuatur ad actus ponendos Superiorem indigere consensu aut consilio aliquarum personarum, uti singularum:

1° si consensus exigatur, invalidus est actus Superioris consensum earum personarum non exquirentis aut contra earum vel alicuius votum agentis;

to the intention of the founders and donors and acquired rights. Upon the extinction of a private juridic person, the allocation of its goods and obligations is governed by its own statutes.

## Title VII. Juridic Acts

**Can. 124** - § 1. For the validity of a juridic act it is required that the act is placed by a qualified person and includes those things which essentially constitute the act itself as well as the formalities and requirements imposed by law for the validity of the act.

§ 2. A juridic act placed correctly with respect to its external elements is presumed valid.

**Can. 125** - § 1. An act placed out of force inflicted on a person from without, which the person was not able to resist in any way, is considered as never to have taken place.

§ 2. An act placed out of grave fear, unjustly inflicted, or out of malice is valid unless the law provides otherwise. It can be rescinded, however, through the sentence of a judge, either at the instance of the injured party or of the party's successors in law, or ex officio.

**Can. 126** - An act placed out of ignorance or out of error concerning something which constitutes its substance or which amounts to a condition sine qua non is invalid. Otherwise it is valid unless the law makes other provision. An act entered into out of ignorance or error, however, can give rise to a rescissory action according to the norm of law.

**Can. 127** - § 1. When it is established by law that in order to place acts a superior needs the consent or counsel of some college or group of persons, the college or group must be convoked according to the norm of can. 166 unless, when it concerns seeking counsel only, particular or proper law provides otherwise. For such acts to be valid, however, it is required that the consent of an absolute majority of those present is obtained or that the counsel of all is sought.

§ 2. When it is established by law that in order to place acts a superior needs the consent or counsel of certain persons as individuals:

1° if consent is required, the act of a superior who does not seek the consent of those persons or who acts contrary to the opinion of all or any of them is invalid;

2° si consilium exigatur, invalidus est actus Superioris easdem personas non audientis; Superior, licet nulla obligatione teneatur accedendi ad earundem votum, etsi concors, tamen sine praevalenti ratione, suo iudicio aestimanda, ab earundem voto, praesertim concordi, ne discedat.

§ 3. Omnes quorum consensus aut consilium requiritur, obligatione tenentur sententiam suam sincere proferendi atque, si negotiorum gravitas id postulat, secretum sedulo servandi; quae quidem obligatio a Superiore urgeri potest.

**Can. 128** - Quicumque illegitime actu iuridico, immo quovis alio actu dolo vel culpa posito, alteri damnum infert, obligatione tenetur damnum illatum reparandi.

#### TITULUS VIII. DE POTESTATE REGIMINIS

**Can. 129** - § 1. Potestatis regiminis, quae quidem ex divina institutione est in Ecclesia et etiam potestas iurisdictionis vocatur, ad normam praescriptorum iuris, habiles sunt qui ordine sacro sunt insigniti.

§ 2. In exercitio eiusdem potestatis, christifideles laici ad normam iuris cooperari possunt.

**Can. 130** - Potestas regiminis de se exercetur pro foro externo, quandoque tamen pro solo foro interno, ita quidem ut effectus quos eius exercitium natum est habere pro foro externo, in hoc foro non recognoscantur, nisi quatenus id determinatis pro casibus iure statuatur.

**Can. 131** - § 1. Potestas regiminis ordinaria ea est, quae ipso iure alicui officio adnectitur; delegata, quae ipsi personae non mediante officio conceditur.

§ 2. Potestas regiminis ordinaria potest esse sive propria sive vicaria.

§ 3. Ei qui delegatum se asserit, onus probandae delegationis incumbit.

**Can. 132** - § 1. Facultates habituales reguntur praescriptis de potestate delegata.

§ 2. Attamen nisi in eius concessionem aliud expresse caveatur aut electa sit industria personae, facultas habitualis Ordinatio

2° if counsel is required, the act of a superior who does not hear those persons is invalid; although not obliged to accept their opinion even if unanimous, a superior is nonetheless not to act contrary to that opinion, especially if unanimous, without a reason which is overriding in the superior's judgment.

§ 3. All whose consent or counsel is required are obliged to offer their opinion sincerely and, if the gravity of the affair requires it, to observe secrecy diligently; moreover, the superior can insist upon this obligation.

**Can. 128** - Whoever illegitimately inflicts damage upon someone by a juridic act or by any other act placed with malice or negligence is obliged to repair the damage inflicted.

#### Title VIII. The Power of Governance

**Can. 129** - § 1. Those who have received sacred orders are qualified, according to the norm of the prescripts of the law, for the power of governance, which exists in the Church by divine institution and is also called the power of jurisdiction.

§ 2. Lay members of the Christian faithful can cooperate in the exercise of this same power according to the norm of law.

**Can. 130** - Of itself, the power of governance is exercised for the external forum; sometimes, however, it is exercised for the internal forum alone, so that the effects which its exercise is meant to have for the external forum are not recognized there, except insofar as the law establishes it in determined cases.

**Can. 131** - § 1. The ordinary power of governance is that which is joined to a certain office by the law itself; delegated, that which is granted to a person but not by means of an office.

§ 2. The ordinary power of governance can be either proper or vicarious.

§ 3. The burden of proving delegation rests on the one who claims to have been delegated.

**Can. 132** - § 1. Habitual faculties are governed by the prescripts for delegated power.

§ 2. Nevertheless, unless the grant expressly provides otherwise or the ordinary was chosen for personal qualifications, a habitual faculty



concessa non perimitur resolutio iure Ordinarii cui concessa est, etiamsi ipse eam exsequi coeperit, sed transit ad quemvis Ordinarium qui ipsi in regimine succedit.

**Can. 133 - § 1.** Delegatus qui sive circa res sive circa personas mandati sui fines excedit, nihil agit.

§ 2. Fines sui mandati excedere non intellegitur delegatus qui alio modo ac in mandato determinatur, ea peragit ad quae delegatus est, nisi modus ab ipso delegante ad validitatem fuerit praescriptus.

**Can. 134 - § 1.** Nomine Ordinarii in iure intelleguntur, praeter Romanum Pontificem, Episcopi dioecesanii alique qui, etsi ad interim tantum, praepositi sunt alicui Ecclesiae particulari vel communitati eidem aequiparatae ad normam can. 368, necnon qui in iisdem generali gaudent potestate executiva ordinaria, nempe Vicarii generales et episcopales; itemque, pro suis sodalibus, Superiores maiores clericalium institutorum religiosorum iuris pontificii et clericalium societatum vitae apostolicae iuris pontificii, qui ordinaria saltem potestate executiva pollent.

§ 2. Nomine Ordinarii loci intelleguntur omnes qui in § 1 recensentur, exceptis Superioribus institutorum religiosorum et societatum vitae apostolicae.

§ 3. Quae in canonibus nominatim Episcopo dioecesano, in ambitu potestatis executivae tribuuntur, intelleguntur competere dumtaxat Episcopo dioecesano aliisque ipsi in can. 381, § 2 aequiparatis, exclusis Vicario generali et episcopali, nisi de speciali mandato.

**Can. 135 - § 1.** Potestas regiminis distinguitur in legislativam, executivam et iudicalem.

§ 2. Potestas legislativa exercenda est modo iure praescripto, et ea qua in Ecclesia gaudet legislator infra auctoritatem supremam, valide delegari nequit, nisi aliud iure explicite caveatur; a legislatore inferiore lex iuri superiori contraria valide ferri nequit.

§ 3. Potestas iudicialis, qua gaudent iudices aut collegia iudicialia, exercenda est modo iure

granted to an ordinary is not withdrawn when the authority of the ordinary to whom it was granted expires, even if he has begun to execute it, but the faculty transfers to any ordinary who succeeds him in governance.

**Can. 133 - § 1.** A delegate who exceeds the limits of the mandate with respect to either matters or persons does not act at all.

§ 2. A delegate who carries out those things for which the person was delegated in some manner other than that determined in the mandate is not considered to exceed the limits of the mandate unless the manner was prescribed for validity by the one delegating.

**Can. 134 - § 1.** In addition to the Roman Pontiff, by the title of ordinary are understood in the law diocesan bishops and others who, even if only temporarily, are placed over some particular church or a community equivalent to it according to the norm of can. 368 as well as those who possess general ordinary executive power in them, namely, vicars general and episcopal vicars; likewise, for their own members, major superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right who at least possess ordinary executive power.

§ 2. By the title of local ordinary are understood all those mentioned in § 1 except the superiors of religious institutes and of societies of apostolic life.

§ 3. Within the context of executive power, those things which in the canons are attributed by name to the diocesan bishop are understood to belong only to a diocesan bishop and to the others made equivalent to him in can. 381, § 2, excluding the vicar general and episcopal vicar except by special mandate.

**Can. 135 - § 1.** The power of governance is distinguished as legislative, executive, and judicial.

§ 2. Legislative power must be exercised in the manner prescribed by law; that which a legislator below the supreme authority possesses in the Church cannot be validly delegated unless the law explicitly provides otherwise. A lower legislator cannot validly issue a law contrary to higher law.

§ 3. Judicial power, which judges or judicial colleges possess, must be exercised in the

praescripto, et delegari nequit, nisi ad actus cuius decreto aut sententiae praeparatorios perficiendos.

§ 4. Ad potestatis exsecutivae exercitium quod attinet, servantur praescripta canonum qui sequuntur.

**Can. 136** - Potestatem exsecutivam aliquis, licet extra territorium existens, exercere valet in subditos, etiam a territorio absentes, nisi aliud ex rei natura aut ex iuris praescripto constet; in peregrinos in territorio actu degentes, si agatur de favoribus concedendis aut de exsecutioni mandandis sive legibus universalibus sive legibus particularibus, quibus ipsi ad normam can. 13, § 2, n. 2 tenentur.

**Can. 137** - § 1. Potestas exsecutiva ordinaria delegari potest tum ad actum tum ad universitatem casuum, nisi aliud iure expresse caveatur.

§ 2. Potestas exsecutiva ab Apostolica Sede delegata subdelegari potest sive ad actum sive ad universitatem casuum, nisi electa fuerit industria personae aut subdelegatio fuerit expresse prohibita.

§ 3. Potestas exsecutiva delegata ab alia auctoritate potestatem ordinariam habente, si ad universitatem casuum delegata sit, in singulis tantum casibus subdelegari potest; si vero ad actum aut ad actus determinatos delegata sit, subdelegari nequit, nisi de expressa delegantis concessionem.

§ 4. Nulla potestas subdelegata iterum subdelegari potest, nisi id expresse a delegante concessum fuerit.

**Can. 138** - Potestas exsecutiva ordinaria necnon potestas ad universitatem casuum delegata, late interpretanda est, alia vero quaelibet stricte; cui tamen delegata potestas est, ea quoque intelleguntur concessa sine quibus eadem potestas exerceri nequit.

**Can. 139** - § 1. Nisi aliud iure statuatur, eo quod quis aliquam auctoritatem, etiam superiorem, competentem adeat, non suspenditur alius auctoritatis competentis exsecutiva potestas, sive haec ordinaria est sive delegata.

§ 2. Causae tamen ad superiorem auctoritatem

manner prescribed by law and cannot be delegated except to perform acts preparatory to some decree or sentence.

§ 4. In what pertains to the exercise of executive power, the prescripts of the following canons are to be observed.

**Can. 136** - Unless the nature of the matter or a prescript of law establishes otherwise, a person is able to exercise executive power over his subjects, even when he or they are outside his territory; he is also able to exercise this power over travelers actually present in the territory if it concerns granting favors or executing universal laws or particular laws which bind them according to the norm of can. 13, § 2, n. 2.

**Can. 137** - § 1. Ordinary executive power can be delegated both for a single act and for all cases unless the law expressly provides otherwise.

§ 2. Executive power delegated by the Apostolic See can be subdelegated for a single act or for all cases unless the delegate was chosen for personal qualifications or subdelegation was expressly forbidden.

§ 3. Executive power delegated by another authority who has ordinary power can be subdelegated only for individual cases if it was delegated for all cases. If it was delegated for a single act or for determined acts, however, it cannot be subdelegated except by express grant of the one delegating.

§ 4. No subdelegated power can be subdelegated again unless the one delegating has expressly granted this.

**Can. 138** - Ordinary executive power as well as power delegated for all cases must be interpreted broadly; any other, however, must be interpreted strictly. Nevertheless, one who has delegated power is understood to have been granted also those things without which the delegate cannot exercise this power.

**Can. 139** - § 1. Unless the law determines otherwise, the fact that a person approaches some competent authority, even a higher one, does not suspend the executive power, whether ordinary or delegated, of another competent authority.

§ 2. Nevertheless, a lower authority is not to

delatae ne se immisceat inferior, nisi ex gravi urgentique causa; quo in casu statim superiorem de re moneat.

**Can. 140** - § 1. Pluribus in solidum ad idem negotium agendum delegatis, qui prius negotium tractare inchoaverit alios ab eodem agendo excludit, nisi postea impeditus fuerit aut in negotio peragendo ulterius procedere noluerit.

§ 2. Pluribus collegialiter ad negotium agendum delegatis, omnes procedere debent ad normam can. 119, nisi in mandato aliud cautum sit.

§ 3. Potestas executiva pluribus delegata, praesumitur iisdem delegata in solidum.

**Can. 141** - Pluribus successive delegatis, ille negotium expediat, cuius mandatum antea est, nec postea revocatum fuit.

**Can. 142** - § 1. Potestas delegata extinguitur: expleto mandato; elapso tempore vel exhausto numero casuum pro quibus concessa fuit; cessante causa finali delegationis; revocatione delegantis delegato directe intimata necnon renuntiatione delegati deleganti significata et ab eo acceptata; non autem resoluta iure delegantis, nisi id ex appositis clausulis appareat.

§ 2. Actus tamen ex potestate delegata, quae exercetur pro solo foro interno, per inadvertentiam positus, elapso concessionis tempore, validus est.

**Can. 143** - § 1. Potestas ordinaria extinguitur amisso officio cui adnectitur.

§ 2. Nisi aliud iure caveatur, suspenditur potestas ordinaria, si contra privationem vel amotionem ab officio legitime appellatur vel recursus interponitur.

**Can. 144** - § 1. In errore communi de facto aut de iure, itemque in dubio positivo et probabili sive iuris sive facti, supplet Ecclesia, pro foro tam externo quam interno, potestatem regiminis executivam.

become involved in cases submitted to a higher authority except for a grave and urgent cause; in this case, the lower authority is immediately to notify the higher concerning the matter.

**Can. 140** - § 1. When several persons have been delegated in solidum to transact the same affair, the one who first begins to deal with it excludes the others from doing so unless that person subsequently was impeded or did not wish to proceed further in carrying it out.

§ 2. When several persons have been delegated collegially to transact an affair, all must proceed according to the norm of can. 119 unless the mandate has provided otherwise.

§ 3. Executive power delegated to several persons is presumed to be delegated to them in solidum.

**Can. 141** - When several persons have been delegated successively, that person is to take care of the affair whose mandate is the earlier and has not been subsequently revoked.

**Can. 142** - § 1. Delegated power ceases: by fulfillment of the mandate; by expiration of the time or completion of the number of cases for which it was granted; by cessation of the purpose for the delegation; by revocation of the one delegating directly communicated to the delegate as well as by resignation of the delegate made known to and accepted by the one delegating. It does not cease, however, when the authority of the one delegating expires unless this appears in attached clauses.

§ 2. Nevertheless, an act of delegated power which is exercised for the internal forum alone and is placed inadvertently after the lapse of the time limit of the grant is valid.

**Can. 143** - § 1. Ordinary power ceases by loss of the office to which it is connected.

§ 2. Unless the law provides otherwise, ordinary power is suspended if, legitimately, an appeal is made or a recourse is lodged against privation of or removal from office.

**Can. 144** - § 1. In factual or legal common error and in positive and probable doubt of law or of fact, the Church supplies executive power of governance for both the external and internal forum.

§ 2. Eadem norma applicatur facultatibus de quibus in cann. 882, 883, 966, et 1111, § 1.

## TITULUS IX. DE OFFICIIS ECCLESIASTICIS

**Can. 145** - § 1. Officium ecclesiasticum est quodlibet munus ordinatione sive divina sive ecclesiastica stabiliter constitutum in finem spiritualem exercendum.

§ 2. Obligationes et iura singulis officiis ecclesiasticis propria definiuntur sive ipso iure quo officium constituitur, sive decreto auctoritatis competentis quo constituitur simul et confertur.

### CAPUT I. DE PROVISIONE OFFICII ECCLESIASTICI

**Can. 146** - Officium ecclesiasticum sine provisione canonica valide obtineri nequit.

**Can. 147** - Provisio officii ecclesiastici fit: per liberam collationem ab auctoritate ecclesiastica competenti; per institutionem ab eadem datam, si praecesserit praesentatio; per confirmationem vel admissionem ab eadem factam, si praecesserit electio vel postulatio; tandem per simplicem electionem et electi acceptationem, si electio non egeat confirmatione.

**Can. 148** - Auctoritati, cuius est officia erigere, innovare et supprimere, eorundem provisio quoque competit, nisi aliud iure statuatur.

**Can. 149** - § 1. Ut ad officium ecclesiasticum quis promoveatur, debet esse in Ecclesiae communionem necnon idoneus, scilicet iis qualitatibus praeditus, quae iure universali vel particulari aut lege foundationis ad idem officium requiruntur.

§ 2. Provisio officii ecclesiastici facta illi qui caret qualitatibus requisitis, irrita tantum est, si qualitates iure universali vel particulari aut lege foundationis ad validitatem provisionis expresse exigantur; secus valida est, sed rescindi potest per decretum auctoritatis competentis aut per sententiam tribunalis administrativi.

§ 3. Provisio officii simoniace facta ipso iure irrita est.

§ 2. The same norm is applied to the faculties mentioned in cann. 882, 883, 966, and 1111, § 1.

## Title IX. Ecclesiastical Offices

**Can. 145** - § 1. An ecclesiastical office is any function constituted in a stable manner by divine or ecclesiastical ordinance to be exercised for a spiritual purpose.

§ 2. The obligations and rights proper to individual ecclesiastical offices are defined either in the law by which the office is constituted or in the decree of the competent authority by which the office is at the same time constituted and conferred.

### Chapter I. Provision of Ecclesiastical Office

**Can. 146** - An ecclesiastical office cannot be acquired validly without canonical provision.

**Can. 147** - The provision of an ecclesiastical office is made: through free conferral by a competent ecclesiastical authority; through installation by the same authority if presentation preceded it; through confirmation or admission granted by the same authority if election or postulation preceded it; finally, through simple election and acceptance by the one elected if the election does not require confirmation.

**Can. 148** - The provision of offices is also the competence of the authority to whom it belongs to erect, change, and suppress them unless the law establishes otherwise.

**Can. 149** - § 1. To be promoted to an ecclesiastical office, a person must be in the communion of the Church as well as suitable, that is, endowed with those qualities which are required for that office by universal or particular law or by the law of the foundation.

§ 2. Provision of an ecclesiastical office made to one who lacks the requisite qualities is invalid only if the qualities are expressly required for the validity of the provision by universal or particular law or by the law of the foundation. Otherwise it is valid but can be rescinded by decree of competent authority or by sentence of an administrative tribunal.

§ 3. Provision of an office made as a result of simony is invalid by the law itself.

**Can. 150** - Officium secumferens plenam animarum curam, ad quam adimplendam ordinis sacerdotalis exercitium requiritur, ei qui sacerdotio nondum auctus est valide conferri nequit.

**Can. 151** - Provisio officii animarum curam secumferentis, sine gravi causa ne differatur.

**Can. 152** - Nemini conferantur duo vel plura officia incompatibilia, videlicet quae una simul ab eodem adimpleri nequeunt.

**Can. 153** - § 1. Provisio officii de iure non vacantis est ipso facto irrita, nec subsequenti vacatione convalescit.

§ 2. Si tamen agatur de officio quod de iure ad tempus determinatum confertur, provisio intra sex menses ante expletum hoc tempus fieri potest, et effectum habet a die officii vacationis.

§ 3. Promissio alicuius officii, a quocumque est facta, nullum parit iuridicum effectum.

**Can. 154** - Officium de iure vacans, quod forte adhuc ab aliquo illegitime possidetur, conferri potest, dummodo rite declaratum fuerit eam possessionem non esse legitimam, et de hac declaratione mentio fiat in litteris collationis.

**Can. 155** - Qui, vicem alterius negligentis vel impediti supplens, officium confert, nullam inde potestatem acquirit in personam cui collatum est, sed huius condicio iuridica perinde constituitur, ac si provisio ad ordinariam iuris normam peracta fuisset.

**Can. 156** - Cuiuslibet officii provisio scripto consignetur.

#### Art. 1. DE LIBERA COLLATIONE

**Can. 157** - Nisi aliud explicite iure statuatur, Episcopi dioecesani est libera collatione providere officiis ecclesiasticis in propria Ecclesia particulari.

#### Art. 2. DE PRAESENTATIONE

**Can. 158** - § 1. Praesentatio ad officium ecclesiasticum ab eo, cui ius praesentandi

**Can. 150** - An office which entails the full care of souls and for whose fulfillment the exercise of the priestly order is required cannot be conferred validly on one who is not yet a priest.

**Can. 151** - The provision of an office which entails the care of souls is not to be deferred without a grave cause.

**Can. 152** - Two or more incompatible offices, that is, offices which together cannot be fulfilled at the same time by the same person, are not to be conferred upon one person.

**Can. 153** - § 1. The provision of an office which by law is not vacant is by that fact invalid and is not validated by subsequent vacancy.

§ 2. Nevertheless, if it concerns an office which by law is conferred for a determined period of time, provision can be made within six months before the expiration of this time and takes effect from the day of the vacancy of the office.

§ 3. A promise of some office, no matter by whom it is made, produces no juridic effect.

**Can. 154** - An office vacant by law, which may still be possessed illegitimately by someone, can be conferred provided that it has been declared properly that the possession is not legitimate and mention of this declaration is made in the letter of conferral.

**Can. 155** - A person who confers an office in the place of another who is negligent or impeded acquires no power thereafter over the person upon whom the office was conferred. The juridic condition of that person, however, is established just as if the provision had been completed according to the ordinary norm of law.

**Can. 156** - The provision of any office is to be put in writing.

#### Art. 1. Free Conferral

**Can. 157** - Unless the law explicitly establishes otherwise, it is for the diocesan bishop to provide for ecclesiastical offices in his own particular church by free conferral.

#### Art. 2. Presentation

**Can. 158** - § 1. Presentation for an ecclesiastical office by a person who has the

competit, fieri debet auctoritati cuius est ad officium de quo agitur institutionem dare, et quidem, nisi aliud legitime cautum sit, intra tres menses ab habita vacationis officii notitia.

§ 2. Si ius praesentationis cuidam collegio aut coetui personarum competat, praesentandus designetur servatis cann. 165-179 praescriptis.

**Can. 159** - Nemo invitus praesentetur; quare qui praesentandus proponitur, mentem suam rogatus, nisi intra octiduum utile recuset, praesentari potest.

**Can. 160** - § 1. Qui iure praesentationis gaudet, unum aut etiam plures, et quidem tum una simul tum successive, praesentare potest.

§ 2. Nemo potest seipsum praesentare; potest autem collegium aut coetus personarum aliquem suum sodalem praesentare.

**Can. 161** - § 1. Nisi aliud iure statuatur, potest qui aliquem praesentaverit non idoneum repertum, altera tantum vice, intra mensem, alium candidatum praesentare.

§ 2. Si praesentatus ante institutionem factam renuntiaverit aut de vita decesserit, potest qui iure praesentandi pollet, intra mensem ab habita renuntiationis aut mortis notitia, ius suum rursus exercere.

**Can. 162** - Qui intra tempus utile, ad normam can. 158, § 1 et can. 161, praesentationem non fecerit, itemque qui bis praesentaverit non idoneum repertum, pro eo casu ius praesentationis amittit, atque auctoritati, cuius est institutionem dare, competit libere providere officio vacanti, assentiente tamen proprio provisi Ordinario.

**Can. 163** - Auctoritas, cui ad normam iuris competit praesentatum instituere, instituat legitime praesentatum quem idoneum reppererit et qui acceptaverit; quod si plures legitime praesentati idonei reperti sint, eorundem unum instituere debet.

Art. 3. DE ELECTIONE

right of presentation must be made to the authority to whom it belongs to install in that office. Moreover, this must be done within three months from notice of the vacancy of the office unless other provision has been made legitimately.

§ 2. If some college or group of persons has the right of presentation, the person to be presented is to be designated according to the prescripts of cann. 165-179.

**Can. 159** - No one is to be presented unwillingly; therefore, a person who is proposed for presentation and questioned about his or her intention can be presented unless the person declines within eight useful days.

**Can. 160** - § 1. The person who possesses the right of presentation can present one or even several persons, either at the same time or successively.

§ 2. No one can present oneself; a college or group of persons, however, can present one of its own members.

**Can. 161** - § 1. Unless the law establishes otherwise, a person who has presented one found unsuitable can present another candidate within a month, but once more only.

§ 2. If the person presented renounces or dies before the installation, the one who has the right of presentation can exercise this right again within a month from the notice of the renunciation or death.

**Can. 162** - A person who has not made presentation within the useful time according to the norm of can. 158, § 1 and can. 161 as well as one who has twice presented an unsuitable person loses the right of presentation for that case. The authority to whom it belongs to install freely provides for the vacant office, with the assent, however, of the proper ordinary of the person appointed.

**Can. 163** - The authority competent to install the person presented according to the norm of law is to install the one legitimately presented whom the authority has found suitable and who has accepted. If several persons legitimately presented have been found suitable, the authority must install one of them.

Art. 3. Election

**Can. 164** - Nisi aliud iure provisum fuerit, in electionibus canonicis servantur praescripta canonum qui sequuntur.

**Can. 165** - Nisi aliud iure aut legitimis collegii vel coetus statutis cautum sit, si cui collegio aut coetui personarum sit ius eligendi ad officium, electio ne differatur ultra trimestre utile computandum ab habita notitia vacationis officii; quo termino inutiliter elapso, auctoritas ecclesiastica, cui ius confirmandae electionis vel ius providendi successive competit, officio vacanti libere provideat.

**Can. 166** - § 1. Collegii aut coetus praeses convocet omnes ad collegium aut ad coetum pertinentes; convocatio autem, quando personalis esse debet, valet, si fiat in loco domicilii vel quasi-domicilii aut in loco commorationis.

§ 2. Si quis ex vocandis neglectus et ideo absens fuerit, electio valet; attamen ad eiusdem instantiam, probata quidem praeteritione et absentia, electio, etiam si confirmata fuerit, a competenti auctoritate rescindi debet, dummodo iuridice constet recursum saltem intra triduum ab habita notitia electionis fuisse transmissum.

§ 3. Quod si plures quam tertia pars electorum neglecti fuerint, electio est ipso iure nulla, nisi omnes neglecti reapse interfuerint.

**Can. 167** - § 1. Convocatione legitime facta, suffragium ferendi ius habent praesentes die et loco in eadem convocatione determinatis, exclusa, nisi aliud statutis legitime caveatur, facultate ferendi suffragia sive per epistolam sive per procuratorem.

§ 2. Si quis ex electoribus praesens in ea domo sit, in qua fit electio, sed electioni ob infirmam valetudinem interesse nequeat, suffragium eius scriptum a scrutatoribus exquiratur.

**Can. 168** - Etsi quis plures ob titulos ius habeat ferendi nomine proprio suffragii, non potest nisi unicum suffragium ferre.

**Can. 164** - Unless the law has provided otherwise, the prescripts of the following canons are to be observed in canonical elections.

**Can. 165** - Unless the law or the legitimate statutes of a college or group have provided otherwise, if a college or group of persons has the right of election to office, the election is not to be delayed beyond three months of useful time computed from the notice of the vacancy of the office. If this limit has passed without action, the ecclesiastical authority who has the right of confirming the election or the right of providing for the office successively is to make provision freely for the vacant office.

**Can. 166** - § 1. The person presiding over a college or group is to convoke all those belonging to the college or group; the notice of convocation, however, when it must be personal, is valid if it is given in the place of domicile or quasi-domicile or in the place of residence.

§ 2. If anyone of those to be convoked was overlooked and for that reason was absent, the election is valid. Nevertheless, at the instance of that same person and when the oversight and absence have been proved, the election must be rescinded by the competent authority even if it has been confirmed, provided that it is evident juridically that recourse had been made at least within three days from the notice of the election.

§ 3. If more than one-third of the electors were overlooked, however, the election is null by the law itself unless all those overlooked were in fact present.

**Can. 167** - § 1. When the notice of the convocation has been given legitimately, those present on the day and at the place determined in the same notice have the right to vote. The faculty of voting by letter or proxy is excluded unless the statutes legitimately provide otherwise.

§ 2. If one of the electors is present in the house where the election occurs but cannot be present at the election due to ill health, his or her written vote is to be sought by the tellers.

**Can. 168** - Even if a person has the right to vote in his or her own name under several titles, the person can vote only once.

**Can. 169** - Ut valida sit electio, nemo ad suffragium admitti potest, qui ad collegium vel coetum non pertineat.

**Can. 170** - Electio, cuius libertas quoquo modo reapse impedita fuerit, ipso iure invalida est.

**Can. 171** - § 1. Inhabiles sunt ad suffragium ferendum:

1° incapax actus humani;

2° carens voce activa;

3° poena excommunicationis innodatus sive per sententiam iudicalem sive per decretum quo poena irrogatur vel declaratur;

4° qui ab Ecclesiae communione notorie defecit.

§ 2. Si quis ex praedictis admittatur, eius suffragium est nullum, sed electio valet, nisi constet, eo dempto, electum non rettulisse requisitum suffragiorum numerum.

**Can. 172** - § 1. Suffragium, ut validum sit, esse debet:

1° liberum; ideoque invalidum est suffragium eius, qui metu gravi aut dolo, directe vel indirecte, adactus fuerit ad eligendam certam personam aut diversas personas disiunctive;

2° secretum, certum, absolutum, determinatum.

§ 2. Condiciones ante electionem suffragio appositae tamquam non adiectae habeantur.

**Can. 173** - § 1. Antequam incipiat electio, deputentur e gremio collegii aut coetus duo saltem scrutatores.

§ 2. Scrutatores suffragia colligant et coram praeside electionis inspiciant an schedularum numerus respondeat numero electorum, suffragia ipsa scrutentur palamque faciant quot quisque rettulerit.

§ 3. Si numerus suffragiorum superet numerum eligentium, nihil est actum.

§ 4. Omnia electionis acta ab eo qui actuarii munere fungitur accurate describantur, et saltem ab eodem actuario, praeside ac

**Can. 169** - For an election to be valid, no one can be admitted to vote who does not belong to the college or group.

**Can. 170** - An election whose freedom actually has been impeded in any way is invalid by the law itself.

**Can. 171** - § 1. The following are unqualified to vote:

1° a person incapable of a human act;

2° a person who lacks active voice;

3° a person under a penalty of excommunication whether through a judicial sentence or through a decree by which a penalty is imposed or declared;

4° a person who has defected notoriously from the communion of the Church.

§ 2. If one of the above is admitted, the person's vote is null, but the election is valid unless it is evident that, with that vote subtracted, the one elected did not receive the required number of votes.

**Can. 172** - § 1. To be valid, a vote must be:

1° free; therefore the vote of a person who has been coerced directly or indirectly by grave fear or malice to vote for a certain person or different persons separately is invalid;

2° secret, certain, absolute, determined.

§ 2. Conditions attached to a vote before the election are to be considered as not having been added.

**Can. 173** - § 1. Before an election begins, at least two tellers are to be designated from the membership of the college or group.

§ 2. The tellers are to collect the votes, to examine in the presence of the one presiding over the election whether the number of ballots corresponds to the number of electors, to count the votes themselves, and to announce openly how many votes each person has received.

§ 3. If the number of votes exceeds the number of electors, the voting is without effect.

§ 4. All the acts of an election are to be transcribed accurately by the secretary and are to be preserved carefully in the archive of the



scrutatoribus subscripta, in collegii tabulario diligenter asserventur.

**Can. 174** - § 1. Electio, nisi aliud iure aut statutis caveatur, fieri etiam potest per compromissum, dummodo nempe electores, unanimi et scripto consensu, in unum vel plures idoneos sive de gremio sive extraneos ius eligendi pro ea vice transferant, qui nomine omnium ex recepta facultate eligant.

§ 2. Si agatur de collegio aut coetu ex solis clericis constanti, compromissarii in sacris debent esse constituti; secus electio est invalida.

§ 3. Compromissarii debent iuris praescripta de electione servare atque, ad validitatem electionis, condiciones compromisso appositae, iuri non contrarias, observare; condiciones autem iuri contrariae pro non appositae habeantur.

**Can. 175** - Cessat compromissum et ius suffragium ferendi redit ad compromittentes:

1° revocatione a collegio aut coetu facta, re integra;

2° non impleta aliqua condicione compromisso apposita;

3° electione absoluta, si fuerit nulla.

**Can. 176** - Nisi aliud iure aut statutis caveatur, is electus habeatur et a collegii aut coetus praeside proclametur, qui requisitum suffragiorum numerum rettulerit, ad normam can. 119, n. 1.

**Can. 177** - § 1. Electio illico intimanda est electo, qui debet intra octiduum utile a recepta intimatione significare collegii aut coetus praesidi utrum electionem acceptet necne; secus electio effectum non habet.

§ 2. Si electus non acceptaverit, omne ius ex electione amittit nec subsequenti acceptance convalescit, sed rursus eligi potest; collegium autem aut coetus intra mensem a cognita non-

collegio after they have been signed at least by the same secretary, the one presiding, and the tellers.

**Can. 174** - § 1. Unless the law or the statutes provide otherwise, an election can also be done by compromise, provided that the electors, by unanimous and written consent, transfer the right to elect on that occasion to one or more suitable persons, whether from among the membership or outside it, who are to elect in the name of all by virtue of the faculty received.

§ 2. If it concerns a college or group composed of clerics alone, those commissioned must be ordained; otherwise the election is invalid.

§ 3. Those commissioned must observe the prescripts of the law concerning elections and, for the validity of the election, the conditions attached to the compromise agreement which are not contrary to the law; conditions contrary to the law, however, are to be considered as not having been attached.

**Can. 175** - The compromise ceases and the right to vote returns to those authorizing the compromise:

1° by revocation by the college or group before any action was taken;

2° if some condition attached to the compromise agreement was not fulfilled;

3° if the election had been completed but was null.

**Can. 176** - Unless the law or the statutes provide otherwise, the person who has received the required number of votes according to the norm of can. 119, n. 1 is considered elected and is to be announced as such by the one presiding over the college or group.

**Can. 177** - § 1. An election must be communicated immediately to the person elected who must inform the one presiding over the college or group whether or not he or she accepts the election within eight useful days after receiving the notification; otherwise, the election has no effect.

§ 2. If the one elected has not accepted, the person loses every right deriving from the election and does not regain any right by subsequent acceptance but can be elected

acceptatione ad novam electionem procedere debet.

**Can. 178** - Electus, acceptata electione, quae confirmatione non egeat, officium pleno iure statim obtinet; secus non acquirit nisi ius ad rem.

**Can. 179** - § 1. Electus, si electio confirmatione indigeat, intra octiduum utile a die acceptatae electionis confirmationem ab auctoritate competenti petere per se vel per alium debet; secus omni iure privatur, nisi probaverit se a petenda confirmatione iusto impedimento detentum fuisse.

§ 2. Competens auctoritas, si electum reppererit idoneum ad normam can. 149, § 1, et electio ad normam iuris fuerit peracta, confirmationem denegare nequit.

§ 3. Confirmatio in scriptis dari debet.

§ 4. Ante intimatam confirmationem, electo non licet sese immiscere administrationi officii sive in spiritualibus sive in temporalibus, et actus ab eo forte positi nulli sunt.

§ 5. Intimata confirmatione, electus pleno iure officium obtinet, nisi aliud iure caveatur.

#### Art. 4. DE POSTULATIONE

**Can. 180** - § 1. Si electioni illius quem electores aptiorem putent ac praeferant, impedimentum canonicum obstat, super quo dispensatio concedi possit ac soleat, suis ipsi suffragiis eum possunt, nisi aliud iure caveatur, a competenti auctoritate postulare.

§ 2. Commissarii postulare nequeunt, nisi id in compromisso fuerit expressum.

**Can. 181** - § 1. Ut postulatio vim habeat, requiruntur saltem duae tertiae partes suffragiorum.

§ 2. Suffragium pro postulatione exprimi debet per verbum: *postulo*, aut aequivalens; formula: *eligo vel postulo*, aut aequipollens, valet pro

again. A college or group, however, must proceed to a new election within a month from notification of non-acceptance.

**Can. 178** - The person elected who has accepted an election which does not need confirmation obtains the office in full right immediately; otherwise, the person acquires only the right to the office.

**Can. 179** - § 1. If the election requires confirmation, the person elected must personally or through another seek confirmation from the competent authority within eight useful days from the day of acceptance of election; otherwise, the person is deprived of every right unless it has been proved that the person was prevented from seeking confirmation by a just impediment.

§ 2. The competent authority cannot deny confirmation if the person elected has been found suitable according to the norm of can. 149, § 1, and the election was conducted according to the norm of law.

§ 3. Confirmation must be given in writing.

§ 4. Before being notified of confirmation, the person elected is not permitted to become involved in the administration of the office, whether in matters spiritual or temporal, and acts possibly placed by the person are null.

§ 5. Once notified of the confirmation, the one elected obtains the office in full right unless the law provides otherwise.

#### Art. 4. Postulation

**Can. 180** - § 1. If a canonical impediment from which a dispensation can be and customarily is granted prevents the election of a person whom the electors believe to be more suitable and whom they prefer, by their votes they can postulate that person from the competent authority unless the law provides otherwise.

§ 2. Those commissioned to elect in virtue of a compromise cannot postulate unless this was expressed in the compromise.

**Can. 181** - § 1. At least two-thirds of the votes are required for a postulation to have force.

§ 2. A vote for postulation must be expressed by the words, I postulate, or the equivalent. The formula, I elect or I postulate, or the equivalent

electione, si impedimentum non existat, secus pro postulatione.

**Can. 182** - § 1. Postulatio a praeside intra octiduum utile mitti debet ad auctoritatem competentem ad quam pertinet electionem confirmare, cuius est dispensationem de impedimento concedere, aut, si hanc potestatem non habeat, eandem ab auctoritate superiore petere; si non requiritur confirmatio, postulatio mitti debet ad auctoritatem competentem ut dispensatio concedatur.

§ 2. Si intra praescriptum tempus postulatio missa non fuerit, ipso facto nulla est, et collegium vel coetus pro ea vice privatur iure eligendi aut postulandi, nisi probetur praesidem a mittenda postulatione iusto fuisse detentum impedimento aut dolo vel negligentia ab eadem tempore opportuno mittenda abstinuisse.

§ 3. Postulato nullum ius acquiritur ex postulatione; eam admittendi auctoritas competens obligatione non tenetur.

§ 4. Factam auctoritati competenti postulationem electores revocare non possunt, nisi auctoritate consentiente.

**Can. 183** - § 1. Non admissa ab auctoritate competenti postulatione, ius eligendi ad collegium vel coetum redit.

§ 2. Quod si postulatio admissa fuerit, id significetur postulato, qui respondere debet ad normam can. 177, § 1.

§ 3. Qui admissam postulationem acceptat, pleno iure statim officium obtinet.

## CAPUT II. DE AMISSIONE OFFICII ECCLESIASTICI

**Can. 184** - § 1. Amittitur officium ecclesiasticum lapsu temporis praefiniti, expleta aetate iure definita, renuntiatione, translatione, amotione necnon privatione.

§ 2. Resoluto quovis modo iure auctoritatis a qua fuit collatum, officium ecclesiasticum non amittitur, nisi aliud iure caveatur.

§ 3. Officii amissio, quae effectum sortita est, quam primum omnibus nota fiat, quibus aliquod

is valid for election if there is no impediment; otherwise it is valid for postulation.

**Can. 182** - § 1. A postulation must be sent within eight useful days by the one presiding to the authority competent to confirm the election, to whom it pertains to grant the dispensation from the impediment, or, if the authority does not have this power, to petition the dispensation from a higher authority. If confirmation is not required, a postulation must be sent to the authority competent to grant the dispensation.

§ 2. If a postulation has not been sent within the prescribed time, by that fact it is null, and the college or group is deprived of the right of electing or postulating for that occasion unless it is proved that the one presiding had been prevented from sending the postulation by a just impediment or had refrained from sending it at the opportune time by malice or negligence.

§ 3. The person postulated acquires no right by postulation; the competent authority is not obliged to admit the postulation.

§ 4. Electors cannot revoke a postulation made to a competent authority unless the authority consents.

**Can. 183** - § 1. If a postulation has not been admitted by the competent authority, the right of electing reverts to the college or group.

§ 2. If a postulation has been admitted, however, this is to be made known to the person postulated, who must respond according to the norm of can. 177, § 1.

§ 3. A person who accepts a postulation which has been admitted acquires the office in full right immediately.

## Chapter II. Loss of Ecclesiastical Office

**Can. 184** - § 1. An ecclesiastical office is lost by the lapse of a predetermined time, by reaching the age determined by law, by resignation, by transfer, by removal, and by privation.

§ 2. An ecclesiastical office is not lost by the expiration in any way of the authority of the one who conferred it unless the law provides otherwise.

§ 3. Loss of an office which has taken effect is to be made known as soon as possible to all

ius in officii provisionem competit.

**Can. 185** - Ei, qui ob impletam aetatem aut renuntiationem acceptatam officium amittit, titulus emeriti conferri potest.

**Can. 186** - Lapsu temporis praefiniti vel adimpleta aetate, amissio officii effectum habet tantum a momento, quo a competenti auctoritate scripto intimatur.

#### Art. 1. DE RENUNTIATIONE

**Can. 187** - Quisquis sui compos potest officio ecclesiastico iusta de causa renuntiare.

**Can. 188** - Renuntiatio ex metu gravi, iniuste incusso, dolo vel errore substantiali aut simoniace facta, ipso iure irrita est.

**Can. 189** - § 1. Renuntiatio, ut valeat, sive acceptatione eget sive non, auctoritati fieri debet cui provisio ad officium de quo agitur pertinet, et quidem scripto vel oretenus coram duobus testibus.

§ 2. Auctoritas renuntiationem iusta et proportionata causa non innixam ne acceptet.

§ 3. Renuntiatio quae acceptatione indiget, nisi intra tres menses acceptetur, omni vi caret; quae acceptatione non indiget effectum sortitur communicatione renuntiantis ad normam iuris facta.

§ 4. Renuntiatio, quamdiu effectum sortita non fuerit, a renuntiante revocari potest; effectu secuto revocari nequit, sed qui renuntiavit, officium alio ex titulo consequi potest.

#### Art. 2. DE TRANSLATIONE

**Can. 190** - § 1. Translatio ab eo tantum fieri potest, qui ius habet providendi officio quod amittitur et simul officio quod committitur.

§ 2. Si translatio fiat invito officii titulari, gravis requiritur causa et, firmo semper iure rationes contrarias exponendi, servetur modus

those who have some right over the provision of the office.

**Can. 185** - The title of emeritus can be conferred upon a person who loses an office by reason of age or of resignation which has been accepted.

**Can. 186** - Loss of an office by the lapse of a predetermined time or by the reaching of a certain age takes effect only from the moment when the competent authority communicates it in writing.

#### Art. 1. Resignation

**Can. 187** - Anyone responsible for oneself (sui compos) can resign from an ecclesiastical office for a just cause.

**Can. 188** - A resignation made out of grave fear that is inflicted unjustly or out of malice, substantial error, or simony is invalid by the law itself.

**Can. 189** - § 1. To be valid, a resignation, whether it requires acceptance or not, must be made to the authority to whom it pertains to make provision of the office in question; this must be done either in writing, or orally in the presence of two witnesses.

§ 2. The authority is not to accept a resignation which is not based on a just and proportionate cause.

§ 3. A resignation which requires acceptance lacks all force if it is not accepted within three months; one which does not require acceptance takes effect when it has been communicated by the one resigning according to the norm of law.

§ 4. A resignation can be revoked by the one resigning as long as it has not taken effect; once it has taken effect it cannot be revoked, but the one who resigned can obtain the office by some other title.

#### Art. 2. Transfer

**Can. 190** - § 1. A transfer can be made only by a person who has the right of providing for the office which is lost as well as for the office which is conferred.

§ 2. If a transfer is made when the officeholder is unwilling, a grave cause is required and the manner of proceeding prescribed by law is to

procedendi iure praescriptus.

§ 3. Translatio, ut effectum sortiatur, scripto intimanda est.

**Can. 191** - § 1. In translatione, prius officium vacat per possessionem alterius officii canonice habitam, nisi aliud iure cautum aut a competenti auctoritate praescriptum fuerit.

§ 2. Remunerationem cum priore officio conexam translatus percipit, donec alterius possessionem canonice obtinuerit.

### Art. 3. DE AMOTIONE

**Can. 192** - Ab officio quis amovetur sive decreto ab auctoritate competenti legitime edito, servatis quidem iuribus forte ex contractu quaesitis, sive ipso iure ad normam can. 194.

**Can. 193** - § 1. Ab officio quod alicui confertur ad tempus indefinitum, non potest quis amoveri nisi ob graves causas atque servato procedendi modo iure definito.

§ 2. Idem valet, ut quis ab officio, quod alicui ad tempus determinatum confertur, ante hoc tempus elapsum amoveri possit, firmo praescripto can. 624, § 3.

§ 3. Ab officio quod, secundum iuris praescripta, alicui confertur ad prudentem discretionem auctoritatis competentis, potest quis iusta ex causa, de iudicio eiusdem auctoritatis, amoveri.

§ 4. Decretum amotionis, ut effectum sortiatur, scripto intimandum est.

**Can. 194** - § 1. Ipso iure ab officio ecclesiastico amovetur:

1° qui statum clericalem amiserit;

2° qui a fide catholica aut a communione Ecclesiae publice defecerit;

3° clericus qui matrimonium etiam civile tantum attentaverit.

§ 2. Amotio, de qua in nn. 2 et 3, urgeri tantum potest, si de eadem auctoritatis competentis declaratione constet.

be observed, always without prejudice to the right of proposing contrary arguments.

§ 3. To take effect a transfer must be communicated in writing.

**Can. 191** - § 1. In a transfer, the prior office becomes vacant through the canonical possession of the other office unless the law provides otherwise or competent authority has prescribed otherwise.

§ 2. The person transferred receives the remuneration assigned to the prior office until the person has taken canonical possession of the other office.

### Art. 3. Removal

**Can. 192** - A person is removed from office either by a decree issued legitimately by competent authority, without prejudice to rights possibly acquired by contract, or by the law itself according to the norm of can. 194.

**Can. 193** - § 1. A person cannot be removed from an office conferred for an indefinite period of time except for grave causes and according to the manner of proceeding defined by law.

§ 2. The same is valid for the removal of a person from an office conferred for a definite period of time before this time has elapsed, without prejudice to the prescript of can. 624, § 3.

§ 3. A person upon whom an office is conferred at the prudent discretion of a competent authority according to the prescripts of the law can, upon the judgment of the same authority, be removed from that office for a just cause.

§ 4. To take effect, the decree of removal must be communicated in writing.

**Can. 194** - § 1. The following are removed from an ecclesiastical office by the law itself:

1° a person who has lost the clerical state;

2° a person who has publicly defected from the Catholic faith or from the communion of the Church;

3° a cleric who has attempted marriage even if only civilly.

§ 2. The removal mentioned in nn. 2 and 3 can be enforced only if it is established by the declaration of a competent authority.

**Can. 195** - Si quis, non quidem ipso iure, sed per decretum auctoritatis competentis ab officio amoveatur quo eiusdem subsistentiae providetur, eadem auctoritas curet ut ipsius subsistentiae per congruum tempus prospiciatur, nisi aliter provisum sit.

#### Art. 4. DE PRIVATIONE

**Can. 196** - § 1. Privatio ab officio, in poenam scilicet delicti, ad normam iuris tantummodo fieri potest.

§ 2. Privatio effectum sortitur secundum praescripta canonum de iure poenali.

#### TITULUS X. DE PRAESCRIPTIONE

**Can. 197** - Praescriptionem, tamquam modum iuris subiectivi acquirendi vel amittendi necnon ab obligationibus sese liberandi, Ecclesia recipit prout est in legislatione civili respectivae nationis, salvis exceptionibus quae in canonibus huius Codicis statuuntur.

**Can. 198** - Nulla valet praescriptio, nisi bona fide nitatur, non solum initio, sed toto decursu temporis ad praescriptionem requisiti, salvo praescripto can. 1362.

**Can. 199** - Praescriptioni obnoxia non sunt:

1° iura et obligationes quae sunt legis divinae naturalis aut positivae;

2° iura quae obtineri possunt ex solo privilegio apostolico;

3° iura et obligationes quae spiritualem christifidelium vitam directe respiciunt;

4° fines certi et indubii circumscriptionum ecclesiarum;

5° stipes et onera Missarum;

6° provisio officii ecclesiastici quod ad normam iuris exercitium ordinis sacri requirit;

7° ius visitationis et obligatio oboedientiae, ita ut christifideles a nulla auctoritate ecclesiastica visitari possint et nulli auctoritati iam subsint.

#### TITULUS XI. DE TEMPORIS SUPPUTATIONE

**Can. 200** - Nisi aliud expresse iure caveatur,

**Can. 195** - If a person is removed not by the law itself but by a decree of competent authority from an office which provides the person's support, the same authority is to take care that the support is provided for a suitable period, unless other provision is made.

#### Art. 4. Privation

**Can. 196** - § 1. Privation from office, namely, a penalty for a delict, can be done only according to the norm of law.

§ 2. Privation takes effect according to the prescripts of the canons on penal law.

#### Title X. Prescription

**Can. 197** - The Church receives prescription as it is in the civil legislation of the nation in question, without prejudice to the exceptions which are established in the canons of this Code; prescription is a means of acquiring or losing a subjective right as well as of freeing oneself from obligations.

**Can. 198** - No prescription is valid unless it is based in good faith not only at the beginning but through the entire course of time required for prescription, without prejudice to the prescript of can. 1362.

**Can. 199** - The following are not subject to prescription:

1° rights and obligations which are of the divine natural or positive law;

2° rights which can be obtained from apostolic privilege alone;

3° rights and obligations which directly regard the spiritual life of the Christian faithful;

4° the certain and undoubted boundaries of ecclesiastical territories;

5° Mass offerings and obligations;

6° provision of an ecclesiastical office which, according to the norm of law, requires the exercise of a sacred order;

7° the right of visitation and the obligation of obedience, in such a way that the Christian faithful cannot be visited by any ecclesiastical authority or are no longer subject to any authority.

#### Title XI. Computation of Time

**Can. 200** - Unless the law expressly provides

tempus supputetur ad normam canonum qui sequuntur.

**Can. 201 - § 1.** Tempus continuum intellegitur quod nullam patitur interruptionem.

§ 2. Tempus utile intellegitur quod ita ius suum exercenti aut persequenti competit, ut ignoranti aut agere non valenti non currat.

**Can. 202 - § 1.** In iure, dies intellegitur spatium constans 24 horis continuo supputandis, et incipit a media nocte, nisi aliud expresse caveatur; hebdomada spatium 7 dierum; mensis spatium 30 et annus spatium 365 dierum, nisi mensis et annus dicantur sumendi prout sunt in calendario.

§ 2. Prout sunt in calendario semper sumendi sunt mensis et annus, si tempus est continuum.

**Can. 203 - § 1.** Dies a quo non computatur in termino, nisi huius initium coincidat cum initio diei aut aliud expresse in iure caveatur.

§ 2. Nisi contrarium statuatur, dies ad quem computatur in termino, qui, si tempus constet uno vel pluribus mensibus aut annis, una vel pluribus hebdomadis, finitur expleto ultimo die eiusdem numeri aut, si mensis die eiusdem numeri careat, expleto ultimo die mensis.

## LIBER II. DE POPULO DEI

### PARS I. DE CHRISTIFIDELIBUS

**Can. 204 - § 1.** Christifideles sunt qui, utpote per baptismum Christo incorporati, in populum Dei sunt constituti, atque hac ratione muneris Christi sacerdotalis, prophetici et regalis suo modo participes facti, secundum propriam cuiusque condicionem, ad missionem exercendam vocantur, quam Deus Ecclesiae in mundo adimplendam concredidit.

§ 2. Haec Ecclesia, in hoc mundo ut societas constituta et ordinata, subsistit in Ecclesia catholica, a successore Petri et Episcopis in eius communionem gubernata.

**Can. 205 -** Plene in communionem Ecclesiae catholicae his in terris sunt illi baptizati, qui in eius compage visibili cum Christo iunguntur,

otherwise, time is to be computed according to the norm of the following canons.

**Can. 201 - § 1.** Continuous time is understood as that which undergoes no interruption.

§ 2. Useful time is understood as that which a person has to exercise or to pursue a right, so that it does not run for a person who is unaware or unable to act.

**Can. 202 - § 1.** In law, a day is understood as a period consisting of 24 continuous hours and begins at midnight unless other provision is expressly made; a week is a period of 7 days; a month is a period of 30 days, and a year is a period of 365 days unless a month and a year are said to be taken as they are in the calendar.

§ 2. If time is continuous, a month and a year must always be taken as they are in the calendar.

**Can. 203 - § 1.** The initial day (a quo) is not computed in the total unless its beginning coincides with the beginning of the day or the law expressly provides otherwise.

§ 2. Unless the contrary is established, the final day (ad quem) is computed in the total which, if the time consists of one or more months or years, or one or more weeks, is reached at the end of the last day of the same number or, if a month lacks a day of the same number, at the end of the last day of the month.

## BOOK II. THE PEOPLE OF GOD

### Part I. THE CHRISTIAN FAITHFUL

**Can. 204 - § 1.** The Christian faithful are those who, inasmuch as they have been incorporated in Christ through baptism, have been constituted as the people of God. For this reason, made sharers in their own way in Christ's priestly, prophetic, and royal function, they are called to exercise the mission which God has entrusted to the Church to fulfill in the world, in accord with the condition proper to each.

§ 2. This Church, constituted and organized in this world as a society, subsists in the Catholic Church governed by the successor of Peter and the bishops in communion with him.

**Can. 205 -** Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structure

vinculis nempe professionis fidei,  
sacramentorum et ecclesiastici regiminis.

**Can. 206** - § 1. Speciali ratione cum Ecclesia conecuntur catechumeni, qui nempe, Spiritu Sancto movente, explicita voluntate ut eidem incorporarentur expetunt, ideoque hoc ipso voto, sicut et vita fidei, spei et caritatis quam agunt, coniunguntur cum Ecclesia, quae eos iam ut suos fovet.

§ 2. Catechumenorum specialem curam habet Ecclesia quae, dum eos ad vitam ducendam evangelicam invitat eosque ad sacros ritus celebrandos introducit, eisdem varias iam largitur praerogativas, quae christianorum sunt propriae.

**Can. 207** - § 1. Ex divina institutione, inter christifideles sunt in Ecclesia ministri sacri, qui in iure et clerici vocantur; ceteri autem et laici nuncupantur.

§ 2. Ex utraque hac parte habentur christifideles, qui professione consiliorum evangelicorum per vota aut alia sacra ligamina, ab Ecclesia agnita et sancita, suo peculiari modo Deo consecrantur et Ecclesiae missioni salvificae prosunt; quorum status, licet ad hierarchicam Ecclesiae structuram non spectet, ad eius tamen vitam et sanctitatem pertinet.

#### TITULUS I. DE OMNIUM CHRISTIFIDELIUM OBLIGATIONIBUS ET IURIBUS

**Can. 208** - Inter christifideles omnes, ex eorum quidem in Christo regeneratione, vera viget quoad dignitatem et actionem aequalitas, qua cuncti, secundum propriam cuiusque condicionem et munus, ad aedificationem Corporis Christi cooperantur.

**Can. 209** - § 1. Christifideles obligatione adstringuntur, sua quoque ipsorum agendi ratione, ad communionem semper servandam cum Ecclesia.

§ 2. Magna cum diligentia officia adimpleant, quibus tenentur erga Ecclesiam tum universam, tum particularem ad quam, secundum iuris praescripta, pertinent.

**Can. 210** - Omnes christifideles, secundum propriam condicionem, ad sanctam vitam

by the bonds of the profession of faith, the sacraments, and ecclesiastical governance.

**Can. 206** - § 1. Catechumens, that is, those who ask by explicit choice under the influence of the Holy Spirit to be incorporated into the Church, are joined to it in a special way. By this same desire, just as by the life of faith, hope, and charity which they lead, they are united with the Church which already cherishes them as its own.

§ 2. The Church has a special care for catechumens; while it invites them to lead a life of the gospel and introduces them to the celebration of sacred rites, it already grants them various prerogatives which are proper to Christians.

**Can. 207** - § 1. By divine institution, there are among the Christian faithful in the Church sacred ministers who in law are also called clerics; the other members of the Christian faithful are called lay persons.

§ 2. There are members of the Christian faithful from both these groups who, through the profession of the evangelical counsels by means of vows or other sacred bonds recognized and sanctioned by the Church, are consecrated to God in their own special way and contribute to the salvific mission of the Church; although their state does not belong to the hierarchical structure of the Church, it nevertheless belongs to its life and holiness.

#### Title I. The Obligations and Rights of All the Christian Faithful

**Can. 208** - From their rebirth in Christ, there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one's own condition and function.

**Can. 209** - § 1. The Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church.

§ 2. With great diligence they are to fulfill the duties which they owe to the universal Church and the particular church to which they belong according to the prescripts of the law.

**Can. 210** - All the Christian faithful must direct their efforts to lead a holy life and to promote



ducendam atque ad Ecclesiae incrementum eiusque iugem sanctificationem promovendam vires suas conferre debent.

**Can. 211** - Omnes christifideles officium habent et ius allaborandi ut divinum salutis nuntium ad universos homines omnium temporum ac totius orbis magis magisque perveniat.

**Can. 212** - § 1. Quae sacri Pastores, utpote Christum repraesentantes, tamquam fidei magistri declarant aut tamquam Ecclesiae rectores statuunt, christifideles, propriae responsabilitatis conscii, christiana oboedientia prosequi tenentur.

§ 2. Christifidelibus integrum est, ut necessitates suas, praesertim spirituales, suaque optata Ecclesiae Pastoribus patefaciant.

§ 3. Pro scientia, competentia et praestantia quibus pollent, ipsis ius est, immo et aliquando officium, ut sententiam suam de his quae ad bonum Ecclesiae pertinent sacris Pastoribus manifestent eamque, salva fidei morumque integritate ac reverentia erga Pastores, attentisque communi utilitate et personarum dignitate, ceteris christifidelibus notam faciant.

**Can. 213** - Ius est christifidelibus ut ex spiritualibus Ecclesiae bonis, praesertim ex verbo Dei et sacramentis, adiumenta a sacris Pastoribus accipiant.

**Can. 214** - Ius est christifidelibus, ut cultum Deo persolvant iuxta praescripta proprii ritus a legitimis Ecclesiae Pastoribus approbati, utque propriam vitae spiritualis formam sequantur, doctrinae quidem Ecclesiae consentaneam.

**Can. 215** - Integrum est christifidelibus, ut libere condant atque moderentur consociationes ad fines caritatis vel pietatis, aut ad vocationem christianam in mundo fovendam, utque conventus habeant ad eosdem fines in communi persequendos.

**Can. 216** - Christifideles cuncti, quippe qui Ecclesiae missionem participant, ius habent ut propriis quoque inceptis, secundum suum quisque statum et condicionem, apostolicam actionem promoveant vel sustineant; nullum tamen inceptum nomen catholicum sibi

the growth of the Church and its continual sanctification, according to their own condition.

**Can. 211** - All the Christian faithful have the duty and right to work so that the divine message of salvation more and more reaches all people in every age and in every land.

**Can. 212** - § 1. Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church.

§ 2. The Christian faithful are free to make known to the pastors of the Church their needs, especially spiritual ones, and their desires.

§ 3. According to the knowledge, competence, and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.

**Can. 213** - The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments.

**Can. 214** - The Christian faithful have the right to worship God according to the prescripts of their own rite approved by the legitimate pastors of the Church and to follow their own form of spiritual life so long as it is consonant with the doctrine of the Church.

**Can. 215** - The Christian faithful are at liberty freely to found and direct associations for purposes of charity or piety or for the promotion of the Christian vocation in the world and to hold meetings for the common pursuit of these purposes.

**Can. 216** - Since they participate in the mission of the Church, all the Christian faithful have the right to promote or sustain apostolic action even by their own undertakings, according to their own state and condition. Nevertheless, no undertaking is to claim the name Catholic

vindicet, nisi consensus accesserit competentis auctoritatis ecclesiasticae.

**Can. 217** - Christifideles, quippe qui baptismo ad vitam doctrinae evangelicae congruentem ducendam vocentur, ius habent ad educationem christianam, qua ad maturitatem humanae personae prosequendam atque simul ad mysterium salutis cognoscendum et vivendum rite instruantur.

**Can. 218** - Qui disciplinis sacris incumbunt iusta libertate fruuntur inquirendi necnon mentem suam prudenter in iis aperiendi, in quibus peritia gaudent, servato debito erga Ecclesiae magisterium obsequio.

**Can. 219** - Christifideles omnes iure gaudent ut a quacumque coactione sint immunes in statu vitae eligendo.

**Can. 220** - Nemini licet bonam famam, qua quis gaudet, illegitime laedere, nec ius cuiusque personae ad propriam intimitatem tuendam violare.

**Can. 221** - § 1. Christifidelibus competit ut iura, quibus in Ecclesia gaudent, legitime vindicent atque defendant in foro competenti ecclesiastico ad normam iuris.

§ 2. Christifidelibus ius quoque est ut, si ad iudicium ab auctoritate competenti vocentur, iudicentur servatis iuris praescriptis, cum aequitate applicandis.

§ 3. Christifidelibus ius est, ne poenis canonicis nisi ad normam legis plectantur.

**Can. 222** - § 1. Christifideles obligatione tenentur necessitatibus subveniendi Ecclesiae, ut eidem praesto sint quae ad cultum divinum, ad opera apostolatus et caritatis atque ad honestam ministrorum sustentationem necessaria sunt.

§ 2. Obligatione quoque tenentur iustitiam socialem promovendi necnon, praecepti Domini memores, ex propriis redivisibus pauperibus subveniendi.

**Can. 223** - § 1. In iuribus suis exercendis christifideles tum singuli tum in consociationibus adunati rationem habere

without the consent of competent ecclesiastical authority.

**Can. 217** - Since they are called by baptism to lead a life in keeping with the teaching of the gospel, the Christian faithful have the right to a Christian education by which they are to be instructed properly to strive for the maturity of the human person and at the same time to know and live the mystery of salvation.

**Can. 218** - Those engaged in the sacred disciplines have a just freedom of inquiry and of expressing their opinion prudently on those matters in which they possess expertise, while observing the submission due to the magisterium of the Church.

**Can. 219** - All the Christian faithful have the right to be free from any kind of coercion in choosing a state of life.

**Can. 220** - No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

**Can. 221** - § 1. The Christian faithful can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum according to the norm of law.

§ 2. If they are summoned to a trial by a competent authority, the Christian faithful also have the right to be judged according to the prescripts of the law applied with equity.

§ 3. The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law.

**Can. 222** - § 1. The Christian faithful are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity, and for the decent support of ministers.

§ 2. They are also obliged to promote social justice and, mindful of the precept of the Lord, to assist the poor from their own resources.

**Can. 223** - § 1. In exercising their rights, the Christian faithful, both as individuals and gathered together in associations, must take

debent boni communis Ecclesiae necnon iurium aliorum atque suorum erga alios officiorum.

§ 2. Ecclesiasticae auctoritati competit, intuitu boni communis, exercitium iurium, quae christifidelibus sunt propria, moderari.

## TITULUS II. DE OBLIGATIONIBUS ET IURIBUS CHRISTIFIDELIUM LAICORUM

**Can. 224** - Christifideles laici, praeter eas obligationes et iura, quae cunctis christifidelibus sunt communia et ea quae in aliis canonibus statuuntur, obligationibus tenentur et iuribus gaudent quae in canonibus huius tituli recensentur.

**Can. 225** - § 1. Laici, quippe qui uti omnes christifideles ad apostolatam a Deo per baptismum et confirmationem deputentur, generali obligatione tenentur et iure gaudent, sive singuli sive in consociationibus coniuncti, allaborandi ut divinum salutis nuntium ab universis hominibus ubique terrarum cognoscatur et accipiatur; quae obligatio eo vel magis urget iis in adiunctis, in quibus nonnisi per ipsos Evangelium audire et Christum cognoscere homines possunt.

§ 2. Hoc etiam peculiari adstringuntur officio, unusquisque quidem secundum propriam condicionem, ut rerum temporalium ordinem spiritu evangelico imbuant atque perficiant, et ita specialiter in iisdem rebus gerendis atque in muneribus saecularibus exercendis Christi testimonium reddant.

**Can. 226** - § 1. Qui in statu coniugali vivunt, iuxta propriam vocationem, peculiari officio tenentur per matrimonium et familiam ad aedificationem populi Dei allaborandi.

§ 2. Parentes, cum vitam filiis contulerint, gravissima obligatione tenentur et iure gaudent eos educandi; ideo parentum christianorum imprimis est christianam filiorum educationem secundum doctrinam ab Ecclesia traditam curare.

**Can. 227** - Ius est christifidelibus laicis, ut ipsis agnoscat ea in rebus civitatis terrena libertas, quae omnibus civibus competit; eadem tamen libertate utentes, curent ut suae actiones spiritu evangelico imbuantur, et ad doctrinam attendant ab Ecclesiae magisterio propositam,

into account the common good of the Church, the rights of others, and their own duties toward others.

§ 2. In view of the common good, ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful.

## Title II. The Obligations and Rights of the Lay Christian Faithful

**Can. 224** - In addition to those obligations and rights which are common to all the Christian faithful and those which are established in other canons, the lay Christian faithful are bound by the obligations and possess the rights which are enumerated in the canons of this title.

**Can. 225** - § 1. Since, like all the Christian faithful, lay persons are designated by God for the apostolate through baptism and confirmation, they are bound by the general obligation and possess the right as individuals, or joined in associations, to work so that the divine message of salvation is made known and accepted by all persons everywhere in the world. This obligation is even more compelling in those circumstances in which only through them can people hear the gospel and know Christ.

§ 2. According to each one's own condition, they are also bound by a particular duty to imbue and perfect the order of temporal affairs with the spirit of the gospel and thus to give witness to Christ, especially in carrying out these same affairs and in exercising secular functions.

**Can. 226** - § 1. According to their own vocation, those who live in the marital state are bound by a special duty to work through marriage and the family to build up the people of God.

§ 2. Since they have given life to their children, parents have a most grave obligation and possess the right to educate them. Therefore, it is for Christian parents particularly to take care of the Christian education of their children according to the doctrine handed on by the Church.

**Can. 227** - The lay Christian faithful have the right to have recognized that freedom which all citizens have in the affairs of the earthly city. When using that same freedom, however, they are to take care that their actions are imbued with the spirit of the gospel and are to heed the

caventes tamen ne in quaestionibus opinabilibus propriam sententiam uti doctrinam Ecclesiae proponant.

**Can. 228** - § 1. Laici qui idonei reperiantur, sunt habiles ut a sacris Pastoribus ad illa officia ecclesiastica et munera assumantur, quibus ipsi secundum iuris praescripta fungi valent.

§ 2. Laici debita scientia, prudentia et honestate praestantes, habiles sunt tamquam periti aut consiliarii, etiam in consiliis ad normam iuris, ad Ecclesiae Pastoribus adiutorium praebendum.

**Can. 229** - § 1. Laici, ut secundum doctrinam christianam vivere valeant, eandemque et ipsi enuntiare atque, si opus sit, defendere possint, utque in apostolatu exercendo partem suam habere queant, obligatione tenentur et iure gaudent acquirendi eiusdem doctrinae cognitionem, propriae uniuscuiusque capacitati et conditioni aptatam.

§ 2. Iure quoque gaudent plenioram illam in scientiis sacris acquirendi cognitionem, quae in ecclesiasticis universitatibus facultatibusve aut in institutis scientiarum religiosarum traduntur, ibidem lectiones frequentando et gradus academicos consequendo.

§ 3. Item, servatis praescriptis quoad idoneitatem requisitam statutis, habiles sunt ad mandatum docendi scientias sacras a legitima auctoritate ecclesiastica recipiendum.

**Can. 230** - § 1. Laici, qui aetate dotibusque pollent Episcoporum conferentiae decreto statutis, per ritum liturgicum praescriptum ad ministeria lectoris et acolythi stabiliter assumi possunt; quae tamen ministeriorum collatio eisdem ius non confert ad sustentationem remunerationemve ab Ecclesia praestandam.

§ 2. Laici ex temporanea deputatione in actionibus liturgicis munus lectoris implere possunt; item omnes laici muneribus commentatoris, cantoribus aliisque ad normam iuris fungi possunt.

§ 3. Ubi Ecclesiae necessitas id suadeat, deficientibus ministris, possunt etiam laici, etsi non sint lectores vel acolythi, quaedam eorum officia supplere, videlicet ministerium

doctrinae set forth by the magisterium of the Church. In matters of opinion, moreover, they are to avoid setting forth their own opinion as the doctrine of the Church.

**Can. 228** - § 1. Lay persons who are found suitable are qualified to be admitted by the sacred pastors to those ecclesiastical offices and functions which they are able to exercise according to the precepts of the law.

§ 2. Lay persons who excel in necessary knowledge, prudence, and integrity are qualified to assist the pastors of the Church as experts and advisors, even in councils according to the norm of law.

**Can. 229** - § 1. Lay persons are bound by the obligation and possess the right to acquire knowledge of Christian doctrine appropriate to the capacity and condition of each in order for them to be able to live according to this doctrine, announce it themselves, defend it if necessary, and take their part in exercising the apostolate.

§ 2. They also possess the right to acquire that fuller knowledge of the sacred sciences which are taught in ecclesiastical universities and faculties or in institutes of religious sciences, by attending classes there and pursuing academic degrees.

§ 3. If the precepts regarding the requisite suitability have been observed, they are also qualified to receive from legitimate ecclesiastical authority a mandate to teach the sacred sciences.

**Can. 230** - § 1. Lay persons of suitable age and with the gifts determined by decree of the Episcopal Conference may be permanently assigned, by means of the established liturgical rite, to the ministries of lectors and acolytes; however, the conferment of such a role does not entitle them to support or remuneration from the Church

§ 2. Lay persons can fulfill the function of lector in liturgical actions by temporary designation. All lay persons can also perform the functions of commentator or cantor, or other functions, according to the norm of law.

§ 3. When the need of the Church warrants it and ministers are lacking, lay persons, even if they are not lectors or acolytes, can also supply certain of their duties, namely, to exercise the

verbi exercere, precibus liturgicis praeesse, baptismum conferre atque sacram Communionem distribuere, iuxta iuris praescripta.

**Can. 231** - § 1. Laici, qui permanenter aut ad tempus speciali Ecclesiae servitio addicuntur, obligatione tenentur ut aptam acquirant formationem ad munus suum debite implendum requisitam, utque hoc munus conscie, impense et diligenter adimpleant.

§ 2. Firmo praescripto can. 230, § 1, ius habent ad honestam remunerationem suae conditioni aptam, qua decenter, servatis quoque iuris civilis praescriptis, necessitatibus propriis ac familiae providere valeant; itemque iis ius competit ut ipsorum praevidentiae et securitati sociali et assistentiae sanitariae, quam dicunt, debite prospiciatur.

### TITULUS III. DE MINISTRIS SACRIS SEU DE CLERICIS

#### CAPUT I. DE CLERICORUM INSTITUTIONE

**Can. 232** - Ecclesiae officium est atque ius proprium et exclusivum eos instituendi, qui ad ministeria sacra deputantur.

**Can. 233** - § 1. Universae communitati christianae officium incumbit fovendarum vocationum, ut necessitatibus ministerii sacri in tota Ecclesia sufficienter provideatur; speciatim hoc officio tenentur familiae christianae, educatores atque peculiari ratione sacerdotes, praesertim parochi. Episcopi dioecesani, quorum maxime est de vocationibus provehendis curam habere, populum sibi commissum de momento ministerii sacri deque ministrorum in Ecclesia necessitate edoceant, atque incepta ad vocationes fovendas, operibus praesertim ad hoc institutis, suscitant ac sustentent.

§ 2. Solliciti sint insuper sacerdotes, praesertim vero Episcopi dioecesani, ut qui maturioris aetatis viri ad ministeria sacra sese vocatos aestiment, prudenter verbo opereque adiuventur ac debite praeparentur.

**Can. 234** - § 1. Serventur, ubi existunt, atque foveantur seminaria minora aliave instituta id genus, in quibus nempe, vocationum fovendarum gratia, provideatur ut peculiaris formatio religiosa una cum institutione humanistica et scientifica tradatur; immo, ubi id

ministry of the word, to preside over liturgical prayers, to confer baptism, and to distribute Holy Communion, according to the prescripts of the law.

**Can. 231** - § 1. Lay persons who permanently or temporarily devote themselves to special service of the Church are obliged to acquire the appropriate formation required to fulfill their function properly and to carry out this function conscientiously, eagerly, and diligently.

§ 2. Without prejudice to the prescript of can. 230, § 1 and with the prescripts of civil law having been observed, lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided.

### Title III. Sacred Ministers or Clerics

#### Chapter I. The Formation of Clerics

**Can. 232** - The Church has the duty and the proper and exclusive right to form those who are designated for the sacred ministries.

**Can. 233** - § 1. The duty of fostering vocations rests with the entire Christian community so that the needs of the sacred ministry in the universal Church are provided for sufficiently. This duty especially binds Christian families, educators, and, in a special way, priests, particularly pastors. Diocesan bishops, who most especially are to be concerned for promoting vocations, are to teach the people entrusted to them of the importance of the sacred ministry and of the need for ministers in the Church and are to encourage and support endeavors to foster vocations, especially by means of projects established for that purpose.

§ 2. Moreover, priests, and especially diocesan bishops, are to have concern that men of a more mature age who consider themselves called to the sacred ministries are prudently assisted in word and deed and duly prepared.

**Can. 234** - § 1. Minor seminaries and other similar institutions are to be preserved, where they exist, and fostered; for the sake of fostering vocations, these institutions provide special religious formation together with instruction in the humanities and science.

expedire iudicaverit Episcopus dioecesanus, seminarii minoris similisve institutioni prospiciat.

§ 2. Nisi certis in casibus adiuncta aliud suadeant, iuvenes quibus animus est ad sacerdotium ascendere, ea ornentur humanistica et scientifica formatione, qua iuvenes in sua quisque regione ad studia superiora peragenda praeparantur.

**Can. 235** - § 1. Iuvenes, qui ad sacerdotium accedere intendunt, ad formationem spiritualem convenientem et ad officia propria instituantur in seminario maiore per totum formationis tempus, aut, si adiuncta de iudicio Episcopi dioecesani id postulent, per quattuor saltem annos.

§ 2. Qui extra seminarium legitime morantur, ab Episcopo dioecesano commendentur pio et idoneo sacerdoti, qui invigilet ut ad vitam spiritualem et ad disciplinam sedulo efformentur.

**Can. 236** - Aspirantes ad diaconatum permanentem secundum Episcoporum conferentiae praescripta ad vitam spiritualem alendam informantur atque ad officia eidem ordini propria rite adimplenda instruuntur:

1° iuvenes per tres saltem annos in aliqua domo peculiari degentes, nisi graves ob rationes Episcopus dioecesanus aliter statuerit;

2° maturioris aetatis viri, sive caelibes sive coniugati, ratione ad tres annos protracta et ab eadem Episcoporum conferentia definita.

**Can. 237** - § 1. In singulis dioecesibus sit seminarium maius, ubi id fieri possit atque expediat; secus concredantur alumni, qui ad sacra ministeria sese praeparent, alieno seminario aut erigatur seminario interdioecesanum.

§ 2. Seminarium interdioecesanum ne erigatur nisi prius approbatio Apostolicae Sedis, tum ipsius seminarii erectionis tum eiusdem statutorum, obtenta fuerit, et quidem ab Episcoporum conferentia, si agatur de seminario pro universo eius territorio, secus ab Episcopis quorum interest.

**Can. 238** - § 1. Seminaria legitime erecta ipso

Where the diocesan bishop judges it expedient, he is to erect a minor seminary or similar institution.

§ 2. Unless in certain cases circumstances indicate otherwise, young men disposed to the priesthood are to be provided with that formation in the humanities and science by which the youth in their own region are prepared to pursue higher studies.

**Can. 235** - § 1. Young men who intend to enter the priesthood are to be provided with a suitable spiritual formation and prepared for their proper duties in a major seminary throughout the entire time of formation or, if in the judgment of the diocesan bishop circumstances demand it, for at least four years.

§ 2. The diocesan bishop is to entrust those who legitimately reside outside a seminary to a devout and suitable priest who is to be watchful that they are carefully formed in the spiritual life and in discipline.

**Can. 236** - According to the prescripts of the conference of bishops, those aspiring to the permanent diaconate are to be formed to nourish a spiritual life and instructed to fulfill correctly the duties proper to that order:

1° young men are to live at least three years in some special house unless the diocesan bishop has established otherwise for grave reasons;

2° men of a more mature age, whether celibate or married, are to spend three years in a program defined by the conference of bishops.

**Can. 237** - § 1. Where it is possible and expedient, there is to be a major seminary in every diocese; otherwise, the students who are preparing for the sacred ministries are to be entrusted to another seminary, or an interdiocesan seminary is to be erected.

§ 2. An interdiocesan seminary is not to be erected unless the conference of bishops, if the seminary is for its entire territory, or the bishops involved have obtained the prior approval of the Apostolic See for both the erection of the seminary and its statutes.

**Can. 238** - § 1. Seminaries legitimately erected

iure personalitate iuridica in Ecclesia gaudent.

§ 2. In omnibus negotiis pertractandis personam seminarii gerit eius rector, nisi de certis negotiis auctoritas competens aliud statuerit.

**Can. 239** - § 1. In quolibet seminario habeantur rector, qui ei praesit, et si casus ferat vice-rector, oeconomus, atque si alumni in ipso seminario studiis se dedant, etiam magistri, qui varias disciplinas tradant apta ratione inter se compositas.

§ 2. In quolibet seminario unus saltem adsit spiritus director, relicta libertate alumnis adeundi alios sacerdotes, qui ad hoc munus ab Episcopo deputati sint.

§ 3. Seminarii statutis provideantur rationes, quibus curam rectoris, in disciplina praesertim servanda, participant ceteri moderatores, magistri, immo et ipsi alumni.

**Can. 240** - § 1. Praeter confessarios ordinarios, alii regulariter ad seminarium accedant confessarii, atque, salva quidem seminarii disciplina, integrum semper sit alumnis quemlibet confessarium sive in seminario sive extra illud adire.

§ 2. In decisionibus ferendis de alumnis ad ordines admittendis aut e seminario dimittendis, numquam directoris spiritus et confessoriorum votum exquiri potest.

**Can. 241** - § 1. Ad seminarium maius ab Episcopo dioecesano admittantur tantummodo ii qui, attentis eorum dotibus humanis et moralibus, spiritualibus et intellectualibus, eorum valetudine physica et psychica necnon recta voluntate, habiles aestimantur qui ministeriis sacris perpetuo sese dedicent.

§ 2. Antequam recipiantur, documenta exhibere debent de susceptis baptismo et confirmatione aliaque quae secundum praescripta institutionis sacerdotalis Rationis requiruntur.

§ 3. Si agatur de iis admittendis, qui ex alieno seminario vel instituto religioso dimissi fuerint, requiritur insuper testimonium respectivi superioris praesertim de causa eorum dimissionis vel discessus.

possess juridic personality in the Church by the law itself.

§ 2. In the handling of all affairs, the rector of the seminary represents it unless competent authority has established otherwise for certain affairs.

**Can. 239** - § 1. Every seminary is to have a rector who presides over it, a vice-rector if one is needed, a finance officer, and, if the students pursue their studies in the seminary itself, teachers who give instruction in various disciplines coordinated in an appropriate manner.

§ 2. Every seminary is to have at least one spiritual director, though the students remain free to approach other priests who have been designated for this function by the bishop.

§ 3. The statutes of a seminary are to provide ways through which the other moderators, the teachers, and even the students themselves participate in the responsibility of the rector, especially in maintaining discipline.

**Can. 240** - § 1. In addition to ordinary confessors, other confessors are to come regularly to the seminary. Without prejudice to the discipline of the seminary, students are always free to approach any confessor, whether in the seminary or outside it.

§ 2. When decisions are made about admitting students to orders or dismissing them from the seminary, the opinion of the spiritual director and confessors can never be sought.

**Can. 241** - § 1. A diocesan bishop is to admit to a major seminary only those who are judged qualified to dedicate themselves permanently to the sacred ministries; he is to consider their human, moral, spiritual, and intellectual qualities, their physical and psychic health, and their correct intention.

§ 2. Before they are accepted, they must submit documents of the reception of baptism and confirmation and any other things required by the precepts of the program of priestly formation.

§ 3. If it concerns admitting those who were dismissed from another seminary or religious institute, testimony of the respective superior is also required, especially concerning the cause for their dismissal or departure.

**Can. 242** - § 1. In singulis nationibus habeatur institutionis sacerdotalis Ratio, ab Episcoporum conferentia, attentis quidem normis a suprema Ecclesiae auctoritate latis, statuenda et a Sancta Sede approbanda, novis quoque adiunctis, approbante item Sancta Sede, accommodanda, qua institutionis in seminario tradendae definiantur summa principia atque normae generales necessitatibus pastoralibus uniuscuiusque regionis vel provinciae, aptatae.

§ 2. Normae Rationis, de qua in § 1, servantur in omnibus seminariis, tum dioecesanis tum interdioecesanis.

**Can. 243** - Habeat insuper unumquodque seminarium ordinationem propriam, ab Episcopo dioecesano aut, si de seminario interdioecesano agatur, ab Episcopis quorum interest, probatam, qua normae institutionis sacerdotalis Rationis adiunctis particularibus accommodentur, ac pressius determinentur praesertim disciplinae capita quae ad alumnorum cotidianam vitam et totius seminarii ordinem spectant.

**Can. 244** - Alumnorum in seminario formatio spiritualis et institutio doctrinalis harmonice componantur, atque ad id ordinentur, ut iidem iuxta uniuscuiusque indolem una cum debita maturitate humanam spiritum Evangelii et arctam cum Christo necessitudinem acquirant.

**Can. 245** - § 1. Per formationem spiritualem alumni idonei fiant ad ministerium pastorale fructuose exercendum et ad spiritum missionalem efformentur, discentes ministerium expletum semper in fide viva et in caritate ad propriam sanctificationem conferre; itemque illas excolere discant virtutes quae in hominum consortione pluris fiunt, ita quidem ut ad aptam conciliationem inter bona humana et supernaturalia pervenire valeant.

§ 2. Ita formentur alumni ut, amore Ecclesiae Christi imbuti, Pontifici Romano Petri successori humili et filiali caritate devinciantur, proprio Episcopo tamquam fidi cooperatores adhaereant et sociam cum fratribus operam praestent; per vitam in seminario communem atque per amicitiae coniunctionisque necessitudinem cum aliis exultant praeparentur ad fraternam unionem cum

**Can. 242** - § 1. Each nation is to have a program of priestly formation which is to be established by the conference of bishops, attentive to the norms issued by the supreme authority of the Church, and which is to be approved by the Holy See. This program is to be adapted to new circumstances, also with the approval of the Holy See, and is to define the main principles of the instruction to be given in the seminary and general norms adapted to the pastoral needs of each region or province.

§ 2. All seminaries, both diocesan and interdiocesan, are to observe the norms of the program mentioned in § 1.

**Can. 243** - In addition, each seminary is to have its own rule, approved by the diocesan bishop, or, if it is an interdiocesan seminary, by the bishops involved, which is to adapt the norms of the program of priestly formation to particular circumstances and especially to determine more precisely the points of discipline which pertain to the daily life of the students and the order of the entire seminary.

**Can. 244** - The spiritual formation and doctrinal instruction of the students in a seminary are to be arranged harmoniously and so organized that each student, according to his character, acquires the spirit of the gospel and a close relationship with Christ along with appropriate human maturity.

**Can. 245** - § 1. Through their spiritual formation, students are to become equipped to exercise the pastoral ministry fruitfully and are to be formed in a missionary spirit; they are to learn that ministry always carried out in living faith and charity fosters their own sanctification. They also are to learn to cultivate those virtues which are valued highly in human relations so that they are able to achieve an appropriate integration between human and supernatural goods.

§ 2. Students are so to be formed that, imbued with love of the Church of Christ, they are bound by humble and filial charity to the Roman Pontiff, the successor of Peter, are attached to their own bishop as faithful co-workers, and work together with their brothers. Through common life in the seminary and through relationships of friendship and of association cultivated with others, they are to be prepared



dioecesano presbyterio, cuius in Ecclesiae servitio erunt consortes.

**Can. 246** - § 1. Celebratio Eucharistica centrum sit totius vitae seminarii, ita ut cotidie alumni, ipsam Christi caritatem participantes, animi robur pro apostolico labore et pro vita sua spirituali praesertim ex hoc ditissimo fonte hauriant.

§ 2. Efformentur ad celebrationem liturgiae horarum, qua Dei ministri, nomine Ecclesiae pro toto populo sibi commisso, immo pro universo mundo, Deum deprecantur.

§ 3. Foveantur cultus Beatae Mariae Virginis etiam per mariale rosarium, oratio mentalis aliaque pietatis exercitia, quibus alumni spiritum orationis acquirant atque vocationis suae robur consequantur.

§ 4. Ad sacramentum paenitentiae frequenter accedere assuescant alumni, et commendatur ut unusquisque habeat moderatorem suae vitae spiritualis libere quidem electum, cui confidenter conscientiam aperire possit.

§ 5. Singulis annis alumni exercitiis spiritualibus vacent.

**Can. 247** - § 1. Ad servandum statum caelibatus congrua educatione praeparentur, eumque ut peculiare Dei donum in honore habere discant.

§ 2. De officiis et oneribus quae ministris sacris Ecclesiae propria sunt, alumni debite reddantur certiores, nulla vitae sacerdotalis difficultate reticita.

**Can. 248** - Institutio doctrinalis tradenda eo spectat, ut alumni, una cum cultura generali necessitatibus loci ac temporis consentanea, amplam atque solidam acquirant in disciplinis sacris doctrinam, ita ut, propria fide ibi fundata et inde nutrita, Evangelii doctrinam hominibus sui temporis apte, ratione eorundem ingenio accommodata, nuntiare valeant.

**Can. 249** - Institutionis sacerdotalis Ratione provideatur ut alumni non tantum accurate linguam patriam edoceantur, sed etiam linguam latinam bene calleant necnon congruam

for fraternal union with the diocesan presbyterium whose partners they will be in the service of the Church.

**Can. 246** - § 1. The eucharistic celebration is to be the center of the entire life of a seminary in such a way that, sharing in the very love of Christ, the students daily draw strength of spirit for apostolic work and for their spiritual life especially from this richest of sources.

§ 2. They are to be formed in the celebration of the liturgy of the hours by which the ministers of God pray to God in the name of the Church for all the people entrusted to them, and indeed, for the whole world.

§ 3. The veneration of the Blessed Virgin Mary, including the Marian rosary, mental prayer, and other exercises of piety are to be fostered; through these, students are to acquire a spirit of prayer and gain strength in their vocation.

§ 4. Students are to become accustomed to approach the sacrament of penance frequently; it is also recommended that each have a director of his spiritual life whom he has freely chosen and to whom he can confidently open his conscience.

§ 5. Each year students are to make a spiritual retreat.

**Can. 247** - § 1. Students are to be prepared through suitable education to observe the state of celibacy and are to learn to honor it as a special gift of God.

§ 2. They are duly to be informed of the duties and burdens which are proper to sacred ministers of the Church; no difficulty of the priestly life is to be omitted.

**Can. 248** - The doctrinal instruction given is to be directed so that students acquire an extensive and solid learning in the sacred disciplines along with a general culture appropriate to the necessities of place and time, in such way that, grounded in their own faith and nourished thereby, they are able to announce in a suitable way the teaching of the gospel to the people of their own time in a manner adapted to their understanding.

**Can. 249** - The program of priestly formation is to provide that students not only are carefully taught their native language but also understand Latin well and have a suitable

habeant cognitionem alienarum linguarum, quarum scientia ad eorum formationem aut ad ministerium pastorale exercendum necessaria vel utilis videatur.

**Can. 250** - Quae in ipso seminario philosophica et theologica studia ordinantur, aut successive aut coniuncte peragi possunt, iuxta institutionis sacerdotalis Rationem; eadem completum saltem sexennium complectantur, ita quidem ut tempus philosophicis disciplinis dedicandum integrum biennium, studiis vero theologicis integrum quadriennium adaequet.

**Can. 251** - Philosophica institutio, quae innixa sit oportet patrimonio philosophico perenniter valido, et rationem etiam habeat philosophicae investigationis progredientis aetatis, ita tradatur, ut alumnorum formationem humanam perficiat, mentis aciem provehat, eosque ad studia theologica peragenda aptiores reddat.

**Can. 252** - § 1. Institutio theologica, in lumine fidei, sub Magisterii ductu, ita impertiatur, ut alumni integram doctrinam catholicam, divina Revelatione innixam, cognoscant, propriae vitae spiritualis reddant alimentum eamque, in ministerio exercendo, rite annuntiare ac tueri valeant.

§ 2. In sacra Scriptura peculiari diligentia erudiantur alumni, ita ut totius sacrae Scripturae conspectum acquirant.

§ 3. Lectiones habeantur theologiae dogmaticae, verbo Dei scripto una cum sacra Traditione semper innixae, quarum ope alumni mysteria salutis, s. Thoma praesertim magistro, intimius penetrare addiscant, itemque lectiones theologiae moralis et pastoralis, iuris canonici, liturgiae, historiae ecclesiasticae, necnon aliarum disciplinarum, auxiliarium atque specialium, ad normam praescriptorum institutionis sacerdotalis Rationis.

**Can. 253** - § 1. Ad magistri munus in disciplinis philosophicis, theologicis et iuridicis, ab Episcopo aut ab Episcopis, quorum interest, ii tantum nominentur qui, virtutibus praestantes, laurea doctorali aut licentia potiti sunt in universitate studiorum aut facultate a Sancta

understanding of those foreign languages which seem necessary or useful for their formation or for the exercise of pastoral ministry.

**Can. 250** - The philosophical and theological studies which are organized in the seminary itself can be pursued either successively or conjointly, in accord with the program of priestly formation. These studies are to encompass at least six full years in such a way that the time dedicated to philosophical disciplines equals two full years and to theological studies four full years.

**Can. 251** - Philosophical instruction must be grounded in the perennially valid philosophical heritage and also take into account philosophical investigation over the course of time. It is to be taught in such a way that it perfects the human development of the students, sharpens their minds, and makes them better able to pursue theological studies.

**Can. 252** - § 1. Theological instruction is to be imparted in the light of faith and under the leadership of the magisterium in such a way that the students understand the entire Catholic doctrine grounded in divine revelation, gain nourishment for their own spiritual life, and are able properly to announce and safeguard it in the exercise of the ministry.

§ 2. Students are to be instructed in sacred scripture with special diligence in such a way that they acquire a comprehensive view of the whole of sacred scripture.

§ 3. There are to be classes in dogmatic theology, always grounded in the written word of God together with sacred tradition; through these, students are to learn to penetrate more intimately the mysteries of salvation, especially with St. Thomas as a teacher. There are also to be classes in moral and pastoral theology, canon law, liturgy, ecclesiastical history, and other auxiliary and special disciplines, according to the norm of the prescripts of the program of priestly formation.

**Can. 253** - § 1. The bishop or bishops concerned are to appoint to the function of teacher in philosophical, theological, and juridic disciplines only those who are outstanding in virtue and have obtained a doctorate or licentiate from a university or faculty recognized

Sede recognita.

§ 2. Curetur ut distincti totidem nominentur magistri qui doceant sacram Scripturam, theologiam dogmaticam, theologiam moralem, liturgiam, philosophiam, ius canonicum, historiam ecclesiasticam, aliasque, quae propria methodo tradendae sunt, disciplinas.

§ 3. Magister qui a munere suo graviter deficiat, ab auctoritate, de qua in § 1, amoveatur.

**Can. 254** - § 1. Magistri in disciplinis tradendis de intima universae doctrinae fidei unitate et harmonia iugiter solliciti sint, ut unam scientiam alumni se discere experiantur; quo aptius id obtineatur, adsit in seminario qui integram studiorum ordinationem moderetur.

§ 2. Ita alumni edoceantur, ut et ipsi habiles fiant ad quaestiones aptis investigationibus propriis et scientifica methodo examinandas; habeantur igitur exercitationes, in quibus, sub moderamine magistrorum, alumni proprio labore studia quaedam persolvere discant.

**Can. 255** - Licet universa alumnorum in seminario formatio pastorem finem persequatur, institutio stricte pastoralis in eodem ordinetur, qua alumni principia et artes addiscant quae, attentis quoque loci ac temporis necessitatibus, ad ministerium Dei populum docendi, sanctificandi et regendi exercendum pertineant.

**Can. 256** - § 1. Diligenter instruantur alumni in iis quae peculiari ratione ad sacrum ministerium spectant, praesertim in arte catechetica et homiletica exercenda, in cultu divino peculiarique modo in sacramentis celebrandis, in commercio cum hominibus, etiam non catholicis vel non credentibus, habendo, in paroecia administranda atque in ceteris muneribus adimplendis.

§ 2. Edoceantur alumni de universae Ecclesiae necessitatibus, ita ut sollicitudinem habeant de vocationibus promovendis, de quaestionibus missionalibus, oecumenicis necnon de aliis, socialibus quoque, urgentioribus.

**Can. 257** - § 1. Alumnorum institutioni ita

by the Holy See.

§ 2. Care is to be taken that different teachers are appointed to teach sacred scripture, dogmatic theology, moral theology, liturgy, philosophy, canon law, ecclesiastical history, and other disciplines which must be taught according to their proper methodology.

§ 3. The authority mentioned in § 1 is to remove a teacher who is gravely deficient in his or her function.

**Can. 254** - § 1. In giving instruction in their disciplines, teachers are to have a constant concern for the intimate unity and harmony of the entire doctrine of the faith so that students find that they learn one science. For this to be realized more suitably, there is to be someone in the seminary who directs the entire curriculum of studies.

§ 2. Students are to be instructed in such a way that they also become qualified to examine questions by their own appropriate research and with scientific methodology; therefore, there are to be assignments in which the students learn to pursue certain studies through their own efforts under the direction of the teachers.

**Can. 255** - Although the entire formation of students in the seminary has a pastoral purpose, strictly pastoral instruction is to be organized through which students learn the principles and skills which, attentive also to the needs of place and time, pertain to the exercise of the ministry of teaching, sanctifying, and governing the people of God.

**Can. 256** - § 1. Students are to be instructed diligently in those things which in a particular manner pertain to the sacred ministry, especially in catechetical and homiletic skills, in divine worship and particularly the celebration of the sacraments, in relationships with people, even non-Catholics or non-believers, in the administration of a parish, and in the fulfillment of other functions.

§ 2. Students are to be instructed about the needs of the universal Church in such a way that they have solicitude for the promotion of vocations and for missionary, ecumenical, and other more urgent questions, including social ones.

**Can. 257** - § 1. The instruction of students is to

provideatur, ut non tantum Ecclesiae particularis in cuius servitio incardinentur, sed universae quoque Ecclesiae sollicitudinem habeant, atque paratos se exhibeant Ecclesiis particularibus, quarum gravis urgeat necessitas, sese devovere.

§ 2. Curet Episcopus dioecesanus ut clerici, a propria Ecclesia particulari ad Ecclesiam particularem alterius regionis transmigrare intendentes, apte praeparentur ad ibidem sacrum ministerium exercendum, ut scilicet et linguam regionis addiscant, et eiusdem institutorum, condicionum socialium, usuum et consuetudinum intelligentiam habeant.

**Can. 258** - Ut apostolatus exercendi artem in opere ipso etiam addiscant, alumni, studiorum curriculo decurrente, praesertim vero feriarum tempore, praxi pastoralis initiuntur per opportunas, sub moderamine semper sacerdotis periti, exercitationes, alumnorum aetati et locorum conditioni aptatas, de iudicio Ordinarii determinandas.

**Can. 259** - § 1. Episcopo dioecesano aut, si de seminario interdioecesano agatur, Episcopis quorum interest, competit, quae ad seminarii superius regimen et administrationem spectant, decernere.

§ 2. Episcopus dioecesanus aut, si de seminario interdioecesano agatur, Episcopi quorum interest, frequenter seminarium ipsi visitent, in formationem suorum alumnorum necnon in institutionem, quae in eodem tradatur, philosophicam et theologicam invigilent, et de alumnorum vocatione, indole, pietate ac profectu cognitionem sibi comparent, maxime intuitu sacrarum ordinationum conferendarum.

**Can. 260** - Rectori, cuius est cotidianum moderamen curare seminarii, ad normam quidem institutionis sacerdotalis Rationis ac seminarii ordinationis, omnes in propriis muneribus adimplendis obtemperare debent.

**Can. 261** - § 1. Seminarii rector itemque, sub eiusdem auctoritate, moderatores et magistri pro parte sua curent ut alumni normas Ratione institutionis sacerdotalis necnon seminarii ordinatione praescriptas adamussim servent.

provide that they have solicitude not only for the particular church in whose service they are to be incardinated but also for the universal Church, and that they show themselves prepared to devote themselves to particular churches which are in grave need.

§ 2. The diocesan bishop is to take care that clerics intending to move from their own particular church to a particular church of another region are suitably prepared to exercise the sacred ministry there, that is, that they learn the language of the region and understand its institutions, social conditions, usages, and customs.

**Can. 258** - In order that students also learn the art of exercising the apostolate in practice, during the course of studies and especially during times of vacation they are to be initiated into pastoral practice by means of appropriate activities, determined by judgment of the ordinary, adapted to the age of the students and the conditions of the places, and always under the direction of a skilled priest.

**Can. 259** - § 1. The diocesan bishop or, for an interdiocesan seminary, the bishops involved are competent to decide those things which pertain to the above-mentioned governance and administration of the seminary.

§ 2. The diocesan bishop or, for an interdiocesan seminary, the bishops involved are to visit the seminary frequently, to watch over the formation of their own students as well as the philosophical and theological instruction taught in the seminary, and to keep themselves informed about the vocation, character, piety, and progress of the students, especially with a view to the conferral of sacred ordination.

**Can. 260** - In carrying out their proper functions, all must obey the rector, to whom it belongs to care for the daily supervision of the seminary according to the norm of the program of priestly formation and of the rule of the seminary.

**Can. 261** - § 1. The rector of a seminary and, under his authority, the moderators and teachers for their part are to take care that the students observe exactly the norms prescribed by the program of priestly formation and by the rule of the seminary.

§ 2. Sedulo provideant seminarii rector atque studiorum moderator ut magistri suo munere rite fungantur, secundum praescripta Rationis institutionis sacerdotalis ac seminarii ordinationis.

**Can. 262** - Exemptum a regimine paroeciali seminarium esto: et pro omnibus qui in seminario sunt, parochi officium, excepta materia matrimoniali et firmo praescripto can. 985, obeat seminarii rector eiusve delegatus.

**Can. 263** - Episcopus dioecesanus vel, si de seminario interdioecesano agatur, Episcopi quorum interest, pro parte ab eis communi consilio determinata, curare debent ut provideatur seminarii constitutioni et conservationi, alumnorum sustentationi necnon magistrorum remunerationi aliisque seminarii necessitatibus.

**Can. 264** - § 1. Ut seminarii necessitatibus provideatur, praeter stipem de qua in can. 1266, potest Episcopus in dioecesi tributum imponere.

§ 2. Tributo pro seminario obnoxiae sunt cunctae personae iuridicae ecclesiasticae etiam privatae, quae sedem in dioecesi habeant, nisi solis eleemosynis sustententur aut in eis collegium discentium vel docentium ad commune Ecclesiae bonum promovendum actu habeatur; huiusmodi tributum debet esse generale, redditibus eorum qui eidem obnoxii sunt proportionatum, atque iuxta necessitates seminarii determinatum.

## CAPUT II. DE CLERICORUM ADSCRIPTIONE SEU INCARDINATIONE

**Can. 265** - Quemlibet clericum oportet esse incardinatum aut alicui Ecclesiae particulari vel praelaturae personali, aut alicui instituto vitae consecratae vel societati hac facultate praeditis, ita ut clerici acephali seu vagi minime admittantur.

**Can. 266** - § 1. Per receptum diaconatum aliquis fit clericus et incardinatur Ecclesiae particulari vel praelaturae personali pro cuius servitio promotus est.

§ 2. Sodalitas in instituto religioso a votis perpetuis professus aut societati clericali vitae

§ 2. The rector of a seminary and the director of studies are carefully to provide that the teachers properly perform their function according to the prescripts of the program of priestly formation and of the rule of the seminary.

**Can. 262** - A seminary is to be exempt from parochial governance. The rector of the seminary or his delegate fulfills the office of pastor for all those who are in the seminary, except for matrimonial matters and without prejudice to the prescript of can. 985.

**Can. 263** - The diocesan bishop or, for an interdiocesan seminary, the bishops involved in a way determined by them through common counsel must take care that provision is made for the establishment and maintenance of the seminary, the support of the students, the remuneration of the teachers, and the other needs of the seminary.

**Can. 264** - § 1. In addition to the offering mentioned in can. 1266, a bishop can impose a tax in the diocese to provide for the needs of the seminary.

§ 2. All ecclesiastical juridic persons, even private ones, which have a seat in the diocese are subject to the tax for the seminary unless they are sustained by alms alone or in fact have a college of students or teachers to promote the common good of the Church. A tax of this type must be general, in proportion to the revenues of those who are subject to it, and determined according to the needs of the seminary.

## Chapter II. The Enrollment, or Incardination, of Clerics

**Can. 265** - Every cleric must be incardinated either in a particular church or personal prelatore, or in an institute of consecrated life or society endowed with this faculty, in such a way that unattached or transient clerics are not allowed at all.

**Can. 266** - § 1. Through the reception of the diaconate, a person becomes a cleric and is incardinated in the particular church or personal prelatore for whose service he has been advanced.

§ 2. Through the reception of the diaconate, a perpetually professed religious or a definitively

apostolicae definitive incorporatus, per receptum diaconatum incardinatur tamquam clericus eidem instituto aut societati, nisi ad societates quod attinet aliter ferant constitutiones.

§ 3. Sodalitatis instituti saecularis per receptum diaconatum incardinatur Ecclesiae particulari pro cuius servitio promotus est, nisi vi concessionis Sedis Apostolicae ipsi instituto incardinetur.

**Can. 267** - § 1. Ut clericus iam incardinatus alii Ecclesiae particulari valide incardinetur, ab Episcopo dioecesano obtinere debet litteras ab eodem subscriptas excardinationis; et pariter ab Episcopo dioecesano Ecclesiae particularis cui se incardinari desiderat, litteras ab eodem subscriptas incardinationis.

§ 2. Excardinatio ita concessa effectum non sortitur nisi incardinatione obtenta in alia Ecclesia particulari.

**Can. 268** - § 1. Clericus qui a propria Ecclesia particulari in aliam legitime transmigraverit, huic Ecclesiae particulari, transacto quinquennio, ipso iure incardinatur, si talem voluntatem in scriptis manifestaverit tum Episcopo dioecesano Ecclesiae hospitis tum Episcopo dioecesano proprio, neque horum alteruter ipsi contrariam scripto mentem intra quattuor menses a receptis litteris significaverit.

§ 2. Per admissionem perpetuam aut definitivam in institutum vitae consecratae aut in societatem vitae apostolicae, clericus qui, ad normam can. 266, § 2, eidem instituto aut societati incardinatur, a propria Ecclesia particulari excardinatur.

**Can. 269** - Ad incardinationem clerici Episcopus dioecesanus ne deveniat nisi:

1° necessitas aut utilitas suae Ecclesiae particularis id exigat, et salvis iuris praescriptis honestam sustentationem clericorum respicientibus;

2° ex legitimo documento sibi constiterit de concessa excardinatione, et habuerit praeterea ab Episcopo dioecesano excardinanti, sub secreto si opus sit, de clerici vita, moribus ac studiis opportuna testimonia;

3° clericus eidem Episcopo dioecesano

incorporated member of a clerical society of apostolic life is incardinated as a cleric in the same institute or society unless, in the case of societies, the constitutions establish otherwise.

§ 3. Through the reception of the diaconate, a member of a secular institute is incardinated in the particular church for whose service he has been advanced unless he is incardinated in the institute itself by virtue of a grant of the Apostolic See.

**Can. 267** - § 1. For a cleric already incardinated to be incardinated validly in another particular church, he must obtain from the diocesan bishop a letter of excardination signed by the same bishop and a letter of incardination from the diocesan bishop of the particular church in which he desires to be incardinated signed by that bishop.

§ 2. Excardinatio thus granted does not take effect unless incardination in another particular church has been obtained.

**Can. 268** - § 1. A cleric who has legitimately moved from his own particular church to another is incardinated in the latter particular church by the law itself after five years if he has made such a desire known in writing both to the diocesan bishop of the host church and to his own diocesan bishop and neither of them has expressed opposition in writing to him within four months of receiving the letter.

§ 2. Through perpetual or definitive admission into an institute of consecrated life or into a society of apostolic life, a cleric who is incardinated in the same institute or society according to the norm of can. 266, § 2 is excardinated from his own particular church.

**Can. 269** - A diocesan bishop is not to allow the incardination of a cleric unless:

1° the necessity or advantage of his own particular church demands it, and without prejudice to the prescripts of the law concerning the decent support of clerics;

2° he knows by a lawful document that excardination has been granted, and has also obtained from the excardinating bishop, under secrecy if need be, appropriate testimonials concerning the cleric's life, behavior and studies;

3° the cleric has declared in writing to the

scripto declaraverit se novae Ecclesiae particularis servitio velle addici ad normam iuris.

**Can. 270** - Excardinatio licite concedi potest iustis tantum de causis, quales sunt Ecclesiae utilitas aut bonum ipsius clerici; denegari autem non potest nisi exstantibus gravibus causis; licet tamen clerico, qui se gravatum censuerit et Episcopum receptorem invenerit, contra decisionem recurrere.

**Can. 271** - § 1. Extra casum verae necessitatis Ecclesiae particularis propriae, Episcopus dioecesanus ne denegat licentiam transmigrandi clericis, quos paratos sciat atque aptos aestimet qui regiones petant gravi cleri inopia laborantes, ibidem sacrum ministerium peracturi; prospiciat vero ut per conventionem scriptam cum Episcopo dioecesano loci, quem petunt, iura et officia eorundem clericorum stabiliantur.

§ 2. Episcopus dioecesanus licentiam ad aliam Ecclesiam particularem transmigrandi concedere potest suis clericis ad tempus praefinitum, etiam pluries renovandum, ita tamen ut iidem clerici propriae Ecclesiae particulari incardinati maneant, atque in eandem redeuntes omnibus gaudeant iuribus, quae haberent si in ea sacro ministerio addicti fuissent.

§ 3. Clericus qui legitime in aliam Ecclesiam particularem transierit propriae Ecclesiae manens incardinatus, a proprio Episcopo dioecesano iusta de causa revocari potest, dummodo serventur conventiones cum altero Episcopo initae atque naturalis aequitas; pariter, iisdem condicionibus servatis, Episcopus dioecesanus alterius Ecclesiae particularis iusta de causa poterit eidem clerico licentiam ulterioris commorationis in suo territorio denegare.

**Can. 272** - Excardinationem et incardinationem, itemque licentiam ad aliam Ecclesiam particularem transmigrandi concedere nequit Administrator dioecesanus, nisi post annum a vacatione sedis episcopalis, et cum consensu collegii consultorum.

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same diocesan bishop that he wishes to be dedicated to the service of the new particular church according to the norm of law.

**Can. 270** - Excardination can be licitly granted only for just causes such as the advantage of the Church or the good of the cleric himself. It cannot be denied, however, except for evident, grave causes. A cleric who thinks he has been wronged and has found an accepting bishop, however, is permitted to make recourse against the decision.

**Can. 271** - § 1. Apart from the case of true necessity of his own particular church, a diocesan bishop is not to deny permission to clerics, whom he knows are prepared and considers suitable and who request it, to move to regions laboring under a grave lack of clergy where they will exercise the sacred ministry. He is also to make provision that the rights and duties of these clerics are determined through a written agreement with the diocesan bishop of the place they request.

§ 2. A diocesan bishop can grant permission for his clerics to move to another particular church for a predetermined time, which can even be renewed several times. Nevertheless, this is to be done so that these clerics remain incardinated in their own particular church and, when they return to it, possess all the rights which they would have had if they had been dedicated to the sacred ministry there.

§ 3. For a just cause the diocesan bishop can recall a cleric who has moved legitimately to another particular church while remaining incardinated in his own church provided that the agreements entered into with the other bishop and natural equity are observed; the diocesan bishop of the other particular church, after having observed these same conditions and for a just cause, likewise can deny the same cleric permission for further residence in his territory.

**Can. 272** - A diocesan administrator cannot grant excardination or incardination or even permission to move to another particular church unless the episcopal see has been vacant for a year and he has the consent of the college of consultors.

Chapter III. The Obligations and Rights of Clerics

**Can. 273** - Clerici speciali obligatione tenentur Summo Pontifici et suo quisque Ordinario reverentiam et oboedientiam exhibendi.

**Can. 274** - § 1. Soli clerici obtinere possunt officia ad quorum exercitium requiritur potestas ordinis aut potestas regiminis ecclesiastici.

§ 2. Clerici, nisi legitimo impedimento excusentur, munus, quod ipsis a suo Ordinario commissum fuerit, suscipere ac fideliter adimplere tenentur.

**Can. 275** - § 1. Clerici, quippe qui omnes ad unum conspirent opus, ad aedificationem nempe Corporis Christi, vinculo fraternitatis et orationis inter se uniti sint, et cooperationem inter se prosequantur, iuxta iuris particularis praescripta.

§ 2. Clerici missionem agnoscant et promoveant, quam pro sua quisque parte laici in Ecclesia et in mundo exercent.

**Can. 276** - § 1. In vita sua ducenda ad sanctitatem perseguendam peculiari ratione tenentur clerici, quippe qui, Deo in ordinis receptione novo titulo consecrati, dispensatores sint mysteriorum Dei in servitium Eius populi.

§ 2. Ut hanc perfectionem persequi valeant:

1° imprimis ministerii pastoralis officia fideliter et indefesse adimpleant;

2° duplici mensa sacrae Scripturae et Eucharistiae vitam suam spiritualem nutriant; enixe igitur sacerdotes invitantur ut cotidie Sacrificium eucharisticum offerant, diaconi vero ut eiusdem oblationem cotidie participant;

3° obligatione tenentur sacerdotes necnon diaconi ad presbyteratum aspirantes cotidie liturgiam horarum persolvendi secundum proprios et probatos liturgicos libros; diaconi autem permanentes eandem persolvant pro parte ab Episcoporum conferentia definita;

4° pariter tenentur ad vacandum recessibus spiritualibus, iuxta iuris particularis praescripta;

5° sollicitantur ut orationi mentali regulariter incumbant, frequenter ad paenitentiae sacramentum accedant, Deiparam Virginem peculiari veneratione colant, aliisque mediis sanctificationis utantur communibus et

**Can. 273** - Clerics are bound by a special obligation to show reverence and obedience to the Supreme Pontiff and their own ordinary.

**Can. 274** - § 1. Only clerics can obtain offices for whose exercise the power of orders or the power of ecclesiastical governance is required.

§ 2. Unless a legitimate impediment excuses them, clerics are bound to undertake and fulfill faithfully a function which their ordinary has entrusted to them.

**Can. 275** - § 1. Since clerics all work for the same purpose, namely, the building up of the Body of Christ, they are to be united among themselves by a bond of brotherhood and prayer and are to strive for cooperation among themselves according to the prescripts of particular law.

§ 2. Clerics are to acknowledge and promote the mission which the laity, each for his or her part, exercise in the Church and in the world.

**Can. 276** - § 1. In leading their lives, clerics are bound in a special way to pursue holiness since, having been consecrated to God by a new title in the reception of orders, they are dispensers of the mysteries of God in the service of His people.

§ 2. In order to be able to pursue this perfection:

1° they are first of all to fulfill faithfully and tirelessly the duties of the pastoral ministry;

2° they are to nourish their spiritual life from the two-fold table of sacred scripture and the Eucharist; therefore, priests are earnestly invited to offer the eucharistic sacrifice daily and deacons to participate in its offering daily;

3° priests and deacons aspiring to the presbyterate are obliged to carry out the liturgy of the hours daily according to the proper and approved liturgical books; permanent deacons, however, are to carry out the same to the extent defined by the conference of bishops;

4° they are equally bound to make time for spiritual retreats according to the prescripts of particular law;

5° they are urged to engage in mental prayer regularly, to approach the sacrament of penance frequently, to honor the Virgin Mother of God with particular veneration, and to use other common and particular means of



particularibus.

**Can. 277 - § 1.** Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam, ideoque ad coelibatum adstringuntur, quod est peculiare Dei donum, quo quidem sacri ministri indiviso corde Christo facilius adhaerere possunt atque Dei hominumque servitio liberius sese dedicare valent.

§ 2. Debita cum prudentia clerici se gerant cum personis, quarum frequentatio ipsorum obligationem ad continentiam servandam in discrimen vocare aut in fidelium scandalum vertere possit.

§ 3. Competit Episcopo dioecesano ut hac de re normas statuatur magis determinatas utque de huius obligationis observantia in casibus particularibus iudicium ferat.

**Can. 278 - § 1.** Ius est clericis saecularibus sese consociandi cum aliis ad fines statui clericali congruentes prosequendos.

§ 2. Magni habeant clerici saeculares praesertim illas consociationes quae, statutis a competenti auctoritate recognitis, per aptam et convenienter approbatam vitae ordinationem et fraternum iuvamen, sanctitatem suam in ministerii exercitio fovent, quaeque clericorum inter se et cum proprio Episcopo unioni favent.

§ 3. Clerici abstineant a constituendis aut participandis consociationibus, quarum finis aut actio cum obligationibus statui clericali propriis componi nequeunt vel diligentem muneris ipsi ab auctoritate ecclesiastica competenti commissi adimpletionem praepedire possunt.

**Can. 279 - § 1.** Clerici studia sacra, recepto etiam sacerdotio, prosequantur, et solidam illam doctrinam, in sacra Scriptura fundatam, a maioribus traditam et communiter ab Ecclesia receptam sectentur, uti documentis praesertim Conciliorum ac Romanorum Pontificum determinatur, devitantes profanas vocum novitates et falsi nominis scientiam.

§ 2. Sacerdotes, iuxta iuris particularis praescripta, praelectiones pastorales post ordinationem sacerdotalem instituendas frequentent atque, statutis eodem iure temporibus, aliis quoque intersint

sanctification.

**Can. 277 - § 1.** Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity.

§ 2. Clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful.

§ 3. The diocesan bishop is competent to establish more specific norms concerning this matter and to pass judgment in particular cases concerning the observance of this obligation.

**Can. 278 - § 1.** Secular clerics have the right to associate with others to pursue purposes in keeping with the clerical state.

§ 2. Secular clerics are to hold in esteem especially those associations which, having statutes recognized by competent authority, foster their holiness in the exercise of the ministry through a suitable and properly approved rule of life and through fraternal assistance and which promote the unity of clerics among themselves and with their own bishop.

§ 3. Clerics are to refrain from establishing or participating in associations whose purpose or activity cannot be reconciled with the obligations proper to the clerical state or can prevent the diligent fulfillment of the function entrusted to them by competent ecclesiastical authority.

**Can. 279 - § 1.** Even after ordination to the priesthood, clerics are to pursue sacred studies and are to strive after that solid doctrine founded in sacred scripture, handed on by their predecessors, and commonly accepted by the Church, as set out especially in the documents of councils and of the Roman Pontiffs. They are to avoid profane novelties and pseudo-science.

§ 2. According to the prescripts of particular law, priests are to attend pastoral lectures held after priestly ordination and, at times established by the same law, are also to attend other lectures, theological meetings, and

praelectionibus, conventibus theologicis aut conferentiis, quibus ipsis praebeatur occasio plenior scientiarum sacrarum et methodorum pastoralium cognitionem acquirendi.

§ 3. Aliarum quoque scientiarum, earum praesertim quae cum sacris conectuntur, cognitionem prosequantur, quatenus praecipue ad ministerium pastorale exercendum confert.

**Can. 280** - Clericis valde commendatur quaedam vitae communis consuetudo; quae quidem, ubi viget, quantum fieri potest, servanda est.

**Can. 281** - § 1. Clerici, cum ministerio ecclesiastico se dedicant, remunerationem merentur quae suae conditioni congruat, ratione habitata tum ipsius muneris naturae, tum locorum temporumque condicionum, quaque ipsi possint necessitatibus vitae suae necnon aequae retributioni eorum, quorum servitio egent, providere.

§ 2. Item providendum est ut gaudeant illa sociali assistentia, qua eorum necessitatibus, si infirmitate, invaliditate vel senectute laborent, apte prospiciatur.

§ 3. Diaconi uxorati, qui plene ministerio ecclesiastico sese devovent, remunerationem merentur qua sui suaeque familiae sustentationi providere valeant; qui vero ratione professionis civilis, quam exercent aut exercuerunt, remunerationem obtineant, ex perceptis inde redditibus sibi suaeque familiae necessitatibus consulant.

**Can. 282** - § 1. Clerici vitae simplicitatem colant et ab omnibus quae vanitatem sapiunt se abstineant.

§ 2. Bona, quae occasione exercitii ecclesiastici officii ipsis obveniunt, quaeque supersunt, provisa ex eis honesta sustentatione et omnium officiorum proprii status adimplentione, ad bonum Ecclesiae operaque caritatis impendere velint.

**Can. 283** - § 1. Clerici, licet officium residentiale non habeant, a sua tamen dioecesi per notabile tempus, iure particulari determinandum, sine licentia saltem

conferences which offer them the opportunity to acquire a fuller knowledge of the sacred sciences and pastoral methods.

§ 3. They are also to acquire knowledge of other sciences, especially of those which are connected with the sacred sciences, particularly insofar as such knowledge contributes to the exercise of pastoral ministry.

**Can. 280** - Some practice of common life is highly recommended to clerics; where it exists, it must be preserved as far as possible.

**Can. 281** - § 1. Since clerics dedicate themselves to ecclesiastical ministry, they deserve remuneration which is consistent with their condition, taking into account the nature of their function and the conditions of places and times, and by which they can provide for the necessities of their life as well as for the equitable payment of those whose services they need.

§ 2. Provision must also be made so that they possess that social assistance which provides for their needs suitably if they suffer from illness, incapacity, or old age.

§ 3. Married deacons who devote themselves completely to ecclesiastical ministry deserve remuneration by which they are able to provide for the support of themselves and their families. Those who receive remuneration by reason of a civil profession which they exercise or have exercised, however, are to take care of the needs of themselves and their families from the income derived from it.

**Can. 282** - § 1. Clerics are to foster simplicity of life and are to refrain from all things that have a semblance of vanity.

§ 2. They are to wish to use for the good of the Church and works of charity those goods which have come to them on the occasion of the exercise of ecclesiastical office and which are left over after provision has been made for their decent support and for the fulfillment of all the duties of their own state.

**Can. 283** - § 1. Even if clerics do not have a residential office, they nevertheless are not to be absent from their diocese for a notable period of time, to be determined by particular

praesumpta Ordinarii proprii, ne discedant.

§ 2. Ipsis autem competit ut debito et sufficienti quotannis gaudeant feriarum tempore, iure universali vel particulari determinato.

**Can. 284** - Clerici decentem habitum ecclesiasticum, iuxta normas ab Episcoporum conferentia editas atque legitimas locorum consuetudines, deferant.

**Can. 285** - § 1. Clerici ab iis omnibus, quae statum suum dedecent, prorsus abstineant, iuxta iuris particularis praescripta.

§ 2. Ea quae, licet non indecora, a clericali tamen statu aliena sunt, clerici vitent.

§ 3. Officia publica, quae participationem in exercitio civilis potestatis secumferunt, clerici assumere vetantur.

§ 4. Sine licentia sui Ordinarii, ne ineant gestiones bonorum ad laicos pertinentium aut officia saecularia, quae secumferunt onus reddendarum rationum; a fideiubendo, etiam de bonis propriis, inconsulto proprio Ordinario, prohibentur; item a subscribendis syngraphis, quibus nempe obligatio solvendae pecuniae, nulla definita causa, suscipitur, abstineant.

**Can. 286** - Prohibentur clerici per se vel per alios, sive in propriam sive in aliorum utilitatem, negotiationem aut mercaturam exercere, nisi de licentia legitimae auctoritatis ecclesiasticae.

**Can. 287** - § 1. Clerici pacem et concordiam iustitia innixam inter homines servandam quam maxime semper foveant.

§ 2. In factionibus politicis atque in regendis consociationibus syndicalibus activam partem ne habeant, nisi iudicio competentis auctoritatis ecclesiasticae, Ecclesiae iura tuenda aut bonum commune promovendum id requirant.

**Can. 288** - Diaconi permanentes praescriptis canonum 284, 285, §§ 3 et 4, 286, 287, § 2 non tenentur, nisi ius particulare aliud statuatur.

law, without at least the presumed permission of their proper ordinary.

§ 2. They are entitled, however, to a fitting and sufficient time of vacation each year as determined by universal or particular law.

**Can. 284** - Clerics are to wear suitable ecclesiastical garb according to the norms issued by the conference of bishops and according to legitimate local customs.

**Can. 285** - § 1. Clerics are to refrain completely from all those things which are unbecoming to their state, according to the prescripts of particular law.

§ 2. Clerics are to avoid those things which, although not unbecoming, are nevertheless foreign to the clerical state.

§ 3. Clerics are forbidden to assume public offices which entail a participation in the exercise of civil power.

§ 4. Without the permission of their ordinary, they are not to take on the management of goods belonging to lay persons or secular offices which entail an obligation of rendering accounts. They are prohibited from giving surety even with their own goods without consultation with their proper ordinary. They also are to refrain from signing promissory notes, namely, those through which they assume an obligation to make payment on demand.

**Can. 286** - Clerics are prohibited from conducting business or trade personally or through others, for their own advantage or that of others, except with the permission of legitimate ecclesiastical authority.

**Can. 287** - § 1. Most especially, clerics are always to foster the peace and harmony based on justice which are to be observed among people.

§ 2. They are not to have an active part in political parties and in governing labor unions unless, in the judgment of competent ecclesiastical authority, the protection of the rights of the Church or the promotion of the common good requires it.

**Can. 288** - The prescripts of cann. 284, 285, §§ 3 and 4, 286, and 287, § 2 do not bind permanent deacons unless particular law

**Can. 289** - § 1. Cum servitium militare statui clericali minus congruat, clerici itemque candidati ad sacros ordines militiam ne capessant voluntarii, nisi de sui Ordinarii licentia.

§ 2. Clerici utantur exemptionibus, quas ab exercendis muneribus et publicis civilibus officiis a statu clericali alienis, in eorum favorem leges et conventiones vel consuetudines concedunt, nisi in casibus particularibus aliter Ordinarius proprius decreverit.

#### CAPUT IV. DE AMISSIONE STATUS CLERICALIS

**Can. 290** - Sacra ordinatio, semel valide recepta, numquam irrita fit. Clericus tamen statum clericalem amittit:

1° sententia iudiciali aut decreto administrativo, quo invaliditas sacrae ordinationis declaratur;

2° poena dimissionis legitime irrogata;

3° rescripto Apostolicae Sedis; quod vero rescriptum diaconis ob graves tantum causas, presbyteris ob gravissimas causas ab Apostolica Sede conceditur.

**Can. 291** - Praeter casus de quibus in can. 290, n. 1, amissio status clericalis non secumfert dispensationem ab obligatione caelibatus, quae ab uno tantum Romano Pontifice conceditur.

**Can. 292** - Clericus qui statum clericalem ad normam iuris amittit, cum eo amittit iura statui clericali propria, nec ullis iam adstringitur obligationibus status clericalis, firmo praescripto can. 291; potestatem ordinis exercere prohibetur, salvo praescripto can. 976; eo ipso privatur omnibus officiis, muneribus et potestate qualibet delegata.

**Can. 293** - Clericus qui statum clericalem amisit, nequit denuo inter clericos adscribi, nisi per Apostolicae Sedis rescriptum.

#### TITULUS IV. DE PRAELATURIS PERSONALIBUS

**Can. 294** - Ad aptam presbyterorum

establishes otherwise.

**Can. 289** - § 1. Since military service is hardly in keeping with the clerical state, clerics and candidates for sacred orders are not to volunteer for military service except with the permission of their ordinary.

§ 2. Clerics are to use exemptions from exercising functions and public civil offices foreign to the clerical state which laws and agreements or customs grant in their favor unless their proper ordinary has decided otherwise in particular cases.

#### Chapter IV. Loss of the Clerical State

**Can. 290** - Once validly received, sacred ordination never becomes invalid. A cleric, nevertheless, loses the clerical state:

1° by a judicial sentence or administrative decree, which declares the invalidity of sacred ordination;

2° by the penalty of dismissal lawfully imposed;

3° by rescript of the Apostolic See which grants it to deacons only for grave causes and to presbyters only for most grave causes.

**Can. 291** - Apart from the case mentioned in can. 290, n. 1, loss of the clerical state does not entail a dispensation from the obligation of celibacy, which only the Roman Pontiff grants.

**Can. 292** - A cleric who loses the clerical state according to the norm of law loses with it the rights proper to the clerical state and is no longer bound by any obligations of the clerical state, without prejudice to the prescript of can. 291. He is prohibited from exercising the power of orders, without prejudice to the prescript of can. 976. By the loss of the clerical state, he is deprived of all offices, functions, and any delegated power.

**Can. 293** - A cleric who loses the clerical state cannot be enrolled among clerics again except through a rescript of the Apostolic See.

#### Title IV. Personal Prelatures

**Can. 294** - After the conferences of bishops

distributionem promovendam aut ad peculiaria opera pastoralia vel missionalia pro variis regionibus aut diversis coetibus socialibus perficienda, praelaturae personales quae presbyteris et diaconis cleri saecularis constant, ab Apostolica Sede, auditis quarum interest Episcoporum conferentiis, erigi possunt.

**Can. 295** - § 1. Praelatura personalis regitur statutis ab Apostolica Sede conditis, eique praeficitur Praelatus ut Ordinarius proprius, cuius est nationale vel internationale seminarium erigere necnon alumnos incardinare, eosque titulo servitii praelaturae ad ordines promovere.

§ 2. Praelatus prospicere debet sive spirituali institutioni illorum, quos titulo praedicto promoverit, sive eorundem decorae sustentationi.

**Can. 296** - Conventionibus cum praelatura initis, laici operibus apostolicis praelaturae personalis sese dedicare possunt; modus vero huius organicae cooperationis atque praecipua officia et iura cum illa coniuncta in statutis apte determinantur.

**Can. 297** - Statuta pariter definiant rationes praelaturae personalis cum Ordinariis locorum, in quorum Ecclesiis particularibus ipsa praelatura sua opera pastoralia vel missionalia, praevio consensu Episcopi dioecesani, exercet vel exercere desiderat.

## TITULUS V. DE CHRISTIFIDELIUM CONSOCIATIONIBUS

### CAPUT I. NORMAE COMMUNES

**Can. 298** - § 1. In Ecclesia habentur consociationes distinctae ab institutis vitae consecratae et societatibus vitae apostolicae, in quibus christifideles, sive clerici sive laici sive clerici et laici simul, communi opera contendunt ad perfectiorem vitam fovendam, aut ad cultum publicum vel doctrinam christianam promovendam, aut ad alia apostolatus opera, scilicet ad evangelizationis incepta, ad pietatis vel caritatis opera exercenda et ad ordinem temporalem christiano spiritu animandum.

§ 2. Christifideles sua nomina dent iis praesertim consociationibus, quae a competenti auctoritate ecclesiastica aut erectae

involved have been heard, the Apostolic See can erect personal prelatures, which consist of presbyters and deacons of the secular clergy, to promote a suitable distribution of presbyters or to accomplish particular pastoral or missionary works for various regions or for different social groups.

**Can. 295** - § 1. The statutes established by the Apostolic See govern a personal prelature, and a prelate presides over it as the proper ordinary; he has the right to erect a national or international seminary and even to incardinate students and promote them to orders under title of service to the prelature.

§ 2. The prelate must see to both the spiritual formation and decent support of those whom he has promoted under the above-mentioned title.

**Can. 296** - Lay persons can dedicate themselves to the apostolic works of a personal prelature by agreements entered into with the prelature. The statutes, however, are to determine suitably the manner of this organic cooperation and the principal duties and rights connected to it.

**Can. 297** - The statutes likewise are to define the relations of the personal prelature with the local ordinaries in whose particular churches the prelature itself exercises or desires to exercise its pastoral or missionary works, with the previous consent of the diocesan bishop.

## Title V. Associations of the Christian Faithful

### Chapter I. Common Norms

**Can. 298** - § 1. In the Church there are associations distinct from institutes of consecrated life and societies of apostolic life; in these associations the Christian faithful, whether clerics, lay persons, or clerics and lay persons together, strive in a common endeavor to foster a more perfect life, to promote public worship or Christian doctrine, or to exercise other works of the apostolate such as initiatives of evangelization, works of piety or charity, and those which animate the temporal order with a Christian spirit.

§ 2. The Christian faithful are to join especially those associations which competent ecclesiastical authority has erected, praised, or

aut laudatae vel commendatae sint.

**Can. 299** - § 1. Integrum est christifidelibus, privata inter se conventionem inita, consociationes constituere ad fines de quibus in can. 298, § 1 persequendos, firmo praescripto can. 301, § 1.

§ 2. Huiusmodi consociationes, etiamsi ab auctoritate ecclesiastica laudentur vel commendentur, consociationes privatae vocantur.

§ 3. Nulla christifidelium consociatio privata in Ecclesia agnoscitur, nisi eius statuta ab auctoritate competenti recognoscantur.

**Can. 300** - Nulla consociatio nomen «catholicae» sibi assumat, nisi de consensu competentis auctoritatis ecclesiasticae, ad normam can. 312.

**Can. 301** - § 1. Unius auctoritatis ecclesiasticae competentis est erigere christifidelium consociationes, quae sibi proponant doctrinam christianam nomine Ecclesiae tradere aut cultum publicum promovere, vel quae alios intendant fines, quorum prosecutio natura sua eidem auctoritati ecclesiasticae reservatur.

§ 2. Auctoritas ecclesiastica competens, si id expedire iudicaverit, christifidelium consociationes quoque erigere potest ad alios fines spirituales directe vel indirecte persequendos, quorum consecutioni per privatorum incepta non satis provisum sit.

§ 3. Christifidelium consociationes quae a competenti auctoritate ecclesiastica eriguntur, consociationes publicae vocantur.

**Can. 302** - Christifidelium consociationes clericales eae dicuntur, quae sub moderamine sunt clericorum, exercitium ordinis sacri assumunt atque uti tales a competenti auctoritate agnoscuntur.

**Can. 303** - Consociationes, quarum sodales, in saeculo spiritum alicuius instituti religiosi participantes, sub altiore eiusdem instituti moderamine, vitam apostolicam ducunt et ad perfectionem christianam contendunt, tertii ordines dicuntur aliove congruenti nomine vocantur.

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**Can. 299** - § 1. By means of a private agreement made among themselves, the Christian faithful are free to establish associations to pursue the purposes mentioned in can. 298, § 1, without prejudice to the prescript of can. 301, § 1.

§ 2. Even if ecclesiastical authority praises or commends them, associations of this type are called private associations.

§ 3. No private association of the Christian faithful is recognized in the Church unless competent authority reviews its statutes.

**Can. 300** - No association is to assume the name Catholic without the consent of competent ecclesiastical authority according to the norm of can. 312.

**Can. 301** - § 1. It is for the competent ecclesiastical authority alone to erect associations of the Christian faithful which propose to hand on Christian doctrine in the name of the Church or to promote public worship, or which intend other purposes whose pursuit is of its nature reserved to the same ecclesiastical authority.

§ 2. Competent ecclesiastical authority, if it has judged it expedient, can also erect associations of the Christian faithful to pursue directly or indirectly other spiritual purposes whose accomplishment has not been sufficiently provided for through the initiatives of private persons.

§ 3. Associations of the Christian faithful which are erected by competent ecclesiastical authority are called public associations.

**Can. 302** - Those associations of the Christian faithful are called clerical which are under the direction of clerics, assume the exercise of sacred orders, and are recognized as such by competent authority.

**Can. 303** - Associations whose members share in the spirit of some religious institute while in secular life, lead an apostolic life, and strive for Christian perfection under the higher direction of the same institute are called third orders or some other appropriate name.

**Can. 304 - § 1.** Omnes christifidelium consociationes, sive publicae sive privatae, quocumque titulo seu nomine vocantur, sua habeant statuta, quibus definiantur consociationis finis seu obiectum sociale, sedes, regimen et condiciones ad partem in iisdem habendam requisitae, quibusque determinantur agendi rationes, attentis quidem temporis et loci necessitate vel utilitate.

§ 2. Titulum seu nomen sibi eligant, temporis et loci usibus accommodatum, maxime ab ipso fine, quem intendunt, selectum.

**Can. 305 - § 1.** Omnes christifidelium consociationes subsunt vigilantiae auctoritatis ecclesiasticae competentis, cuius est curare ut in iisdem integritas fidei ac morum servetur, et invigilare ne in disciplinam ecclesiasticam abusus irrepant, cui itaque officium et ius competunt ad normam iuris et statutorum easdem invisendi; subsunt etiam eiusdem auctoritatis regimini secundum praescripta canonum, qui sequuntur.

§ 2. Vigilantiae Sanctae Sedis subsunt consociationes cuiuslibet generis; vigilantiae Ordinarii loci subsunt consociationes dioecesanae necnon aliae consociationes, quatenus in dioecesi operam exercent.

**Can. 306 -** Ut quis consociationis iuribus atque privilegiis, indulgentiis aliisque gratiis spiritualibus eidem consociationi concessis fruatur, necesse est et sufficit ut secundum iuris praescripta et propria consociationis statuta, in eandem valide receptus sit et ab eadem non sit legitime dimissus.

**Can. 307 - § 1.** Membrorum receptio fiat ad normam iuris ac statutorum uniuscuiusque consociationis.

§ 2. Eadem persona adscribi potest pluribus consociationibus.

§ 3. Sodales institutorum religiosorum possunt consociationibus, ad normam iuris proprii, de consensu sui Superioris nomen dare.

**Can. 308 -** Nemo legitime adscriptus a consociatione dimittatur, nisi iusta de causa ad normam iuris et statutorum.

**Can. 304 - § 1.** All public or private associations of the Christian faithful, by whatever title or name they are called, are to have their own statutes which define the purpose or social objective of the association, its seat, government, and conditions required for membership and which determine the manner of its acting, attentive, however, to the necessity or advantage of time and place.

§ 2. They are to choose a title or name for themselves adapted to the usage of time and place, selected above all with regard to their intended purpose.

**Can. 305 - § 1.** All associations of the Christian faithful are subject to the vigilance of competent ecclesiastical authority which is to take care that the integrity of faith and morals is preserved in them and is to watch so that abuse does not creep into ecclesiastical discipline. This authority therefore has the duty and right to inspect them according to the norm of law and the statutes. These associations are also subject to the governance of this same authority according to the prescripts of the canons which follow.

§ 2. Associations of any kind are subject to the vigilance of the Holy See; diocesan associations and other associations to the extent that they work in the diocese are subject to the vigilance of the local ordinary.

**Can. 306 -** In order for a person to possess the rights and privileges of an association and the indulgences and other spiritual favors granted to the same association, it is necessary and sufficient that the person has been validly received into it and has not been legitimately dismissed from it according to the prescripts of law and the proper statutes of the association.

**Can. 307 - § 1.** The reception of members is to be done according to the norm of law and the statutes of each association.

§ 2. The same person can be enrolled in several associations.

§ 3. Members of religious institutes can join associations according to the norm of their proper law with the consent of their superior.

**Can. 308 -** No one legitimately enrolled is to be dismissed from an association except for a just cause according to the norm of law and the statutes.

**Can. 309** - Consociationibus legitime constitutis ius est, ad normam iuris et statutorum, edendi peculiare normas ipsam consociationem respicientes, celebrandi comitia, designandi moderatores, officiales, ministros atque bonorum administratores.

**Can. 310** - Consociatio privata quae uti persona iuridica non fuerit constituta, qua talis subiectum esse non potest obligationum et iurium; christifideles tamen in ea consociati coniunctim obligationes contrahere atque uti condomini et compossessores iura et bona acquirere et possidere possunt; quae iura et obligationes per mandatarium seu procuratorem exercere valent.

**Can. 311** - Sodales institutorum vitae consecratae qui consociationibus suo instituto aliquo modo unitis praesunt aut assistunt, curent ut eadem consociationes operibus apostolatus in dioecesi existentibus adiutorium praebeant, cooperantes praesertim, sub directione Ordinarii loci, cum consociationibus quae ad apostolatam in dioecesi exercendum ordinantur.

## CAPUT II. DE CHRISTIFIDELIUM CONSOCIATIONIBUS PUBLICIS

**Can. 312** - § 1. Ad erigendas consociationes publicas auctoritas competens est:

1° pro consociationibus universalibus atque internationalibus, Sancta Sedes;

2° pro consociationibus nationalibus, quae scilicet ex ipsa erectione destinantur ad actionem in tota natione exercendam, Episcoporum conferentia in suo territorio;

3° pro consociationibus dioecesanis, Episcopus dioecesanus in suo cuiusque territorio, non vero Administrator dioecesanus, iis tamen consociationibus exceptis quarum erigendarum ius ex apostolico privilegio aliis reservatum est.

§ 2. Ad validam erectionem consociationis aut sectionis consociationis in dioecesi, etiamsi id vi privilegii apostolici fiat, requiritur consensus Episcopi dioecesani scripto datus; consensus tamen ab Episcopo dioecesano praestitus pro erectione domus instituti religiosi valet etiam ad erigendam in eadem domo vel ecclesia ei adnexa consociationem quae illius instituti sit

**Can. 309** - According to the norm of law and the statutes, legitimately established associations have the right to issue particular norms respecting the association itself, to hold meetings, and to designate moderators, officials, other officers, and administrators of goods.

**Can. 310** - A private association which has not been established as a juridic person cannot, as such, be a subject of obligations and rights. Nevertheless, the members of the Christian faithful associated together in it can jointly contract obligations and can acquire and possess rights and goods as co-owners and co-possessors; they are able to exercise these rights and obligations through an agent or a proxy.

**Can. 311** - Members of institutes of consecrated life who preside over or assist associations in some way united to their institute are to take care that these associations give assistance to the works of the apostolate which already exist in a diocese, especially cooperating, under the direction of the local ordinary, with associations which are ordered to the exercise of the apostolate in the diocese.

## Chapter II. Public Associations of the Christian Faithful

**Can. 312** - § 1. The authority competent to erect public associations is:

1° the Holy See for universal and international associations;

2° the conference of bishops in its own territory for national associations, that is, those which from their founding are directed toward activity throughout the whole nation;

3° the diocesan bishop in his own territory, but not a diocesan administrator, for diocesan associations, except, however, for those associations whose right of erection has been reserved to others by apostolic privilege.

§ 2. Written consent of the diocesan bishop is required for the valid erection of an association or section of an association in a diocese even if it is done by virtue of apostolic privilege. Nevertheless, the consent given by a diocesan bishop for the erection of a house of a religious institute is also valid for the erection in the same house or church attached to it of an



propria.

**Can. 313** - Consociatio publica itemque consociationum publicarum confoederatio, ipso decreto quo ab auctoritate ecclesiastica ad normam can. 312 competenti erigitur, persona iuridica constituitur et missionem recipit, quatenus requiritur, ad fines quos ipsa sibi nomine Ecclesiae persequendos proponit.

**Can. 314** - Cuiuslibet consociationis publicae statuta, eorumque recognitio vel mutatio, approbatione indigent auctoritatis ecclesiasticae cui competit consociationis erectio ad normam can. 312, § 1.

**Can. 315** - Consociationes publicae incepta propriae indoli congrua sua sponte suscipere valent, eaedemque reguntur ad normam statutorum, sub altiore tamen directione auctoritatis ecclesiasticae, de qua in can. 312, § 1.

**Can. 316** - § 1. Qui publice fidem catholicam abiecerit vel a communionem ecclesiastica defecerit vel excommunicatione irrogata aut declarata irretitus sit, valide in consociationes publicas recipi nequit.

§ 2. Qui legitime adscripti in casum inciderint de quo in § 1, praemissa monitione, a consociatione dimittantur, servatis eius statutis et salvo iure recursus ad auctoritatem ecclesiasticam, de qua in can. 312, § 1.

**Can. 317** - § 1. Nisi aliud in statutis praevideatur, auctoritatis ecclesiasticae, de qua in can. 312, § 1, est consociationis publicae moderatorem ab ipsa consociatione publica electum confirmare aut praesentatum instituere aut iure proprio nominare; cappellanum vero seu assistentem ecclesiasticum, auditis ubi id expediat consociationis officialibus maioribus, nominat eadem auctoritas ecclesiastica.

§ 2. Norma in § 1 statuta valet etiam pro consociationibus a sodalibus institutorum religiosorum vi apostolici privilegii extra proprias ecclesias vel domos erectis; in consociationibus vero a sodalibus institutorum religiosorum in propria ecclesia vel domo erectis, nominatio aut confirmatio moderatoris

association which is proper to that institute.

**Can. 313** - Through the same decree by which the competent ecclesiastical authority according to the norm of can. 312 erects it, a public association and even a confederation of public associations is constituted a juridic person and, to the extent it is required, receives a mission for the purposes which it proposes to pursue in the name of the Church.

**Can. 314** - The statutes of each public association and their revision or change need the approval of the ecclesiastical authority competent to erect the association according to the norm of can. 312, § 1.

**Can. 315** - Public associations are able on their own initiative to undertake endeavors in keeping with their own character. These endeavors are governed according to the norm of the statutes, though under the higher direction of the ecclesiastical authority mentioned in can. 312, § 1.

**Can. 316** - § 1. A person who has publicly rejected the Catholic faith, has defected from ecclesiastical communion, or has been punished by an imposed or declared excommunication cannot be received validly into public associations.

§ 2. Those enrolled legitimately who fall into the situation mentioned in § 1, after being warned, are to be dismissed from the association, with due regard for its statutes and without prejudice to the right of recourse to the ecclesiastical authority mentioned in can. 312, § 1.

**Can. 317** - § 1. Unless the statutes provide otherwise, it is for the ecclesiastical authority mentioned in can. 312, § 1 to confirm the moderator of a public association elected by the public association itself, install the one presented, or appoint the moderator in his own right. The same ecclesiastical authority also appoints the chaplain or ecclesiastical assistant, after having heard the major officials of the association, when it is expedient.

§ 2. The norm stated in § 1 is also valid for associations which members of religious institutes erect outside their own churches or houses in virtue of apostolic privilege. In associations which members of religious institutes erect in their own church or house, however, the nomination or confirmation of the

et cappellani pertinet ad Superiorem instituti, ad normam statutorum.

§ 3. In consociationibus quae non sunt clericales, laici exercere valent munus moderatoris; cappellanus seu assistens ecclesiasticus ad illud munus ne assumatur, nisi aliud in statutis caveatur.

§ 4. In publicis christifidelium consociationibus quae directe ad apostolatam exercendum ordinantur, moderatores ne ii sint, qui in factionibus politicis officium directionis adimplent.

**Can. 318** - § 1. In specialibus adiunctis, ubi graves rationes id requirant, potest ecclesiastica auctoritas, de qua in can. 312, § 1, designare commissarium, qui eius nomine consociationem ad tempus moderetur.

§ 2. Moderatorem consociationis publicae iusta de causa remove potest qui eum nominavit aut confirmavit, auditis tamen tum ipso moderatore tum consociationis officialibus maioribus ad normam statutorum; cappellanum vero remove potest, ad normam cann. 192-195, qui eum nominavit.

**Can. 319** - § 1. Consociatio publica legitime erecta, nisi aliud cautum sit, bona quae possidet ad normam statutorum administrat sub superiore directione auctoritatis ecclesiasticae de qua in can. 312, § 1, cui quotannis administrationis rationem reddere debet.

§ 2. Oblationum quoque et eleemosynarum, quas collegerit, eidem auctoritati fidelem erogationis rationem reddere debet.

**Can. 320** - § 1. Consociationes a Sancta Sede erectae non nisi ab eadem suppressi possunt.

§ 2. Ob graves causas ab Episcoporum conferentia suppressi possunt consociationes ab eadem erectae; ab Episcopo dioecesano consociationes a se erectae, et etiam consociationes ex apostolico indulto a sodalibus institutorum religiosorum de consensu Episcopi dioecesani erectae.

§ 3. Consociatio publica ab auctoritate competenti ne supprimatur, nisi auditis eius moderatore aliisque officialibus maioribus.

moderator and chaplain pertains to the superior of the institute, according to the norm of the statutes.

§ 3. In associations which are not clerical, lay persons are able to exercise the function of moderator. A chaplain or ecclesiastical assistant is not to assume that function unless the statutes provide otherwise.

§ 4. Those who exercise leadership in political parties are not to be moderators in public associations of the Christian faithful which are ordered directly to the exercise of the apostolate.

**Can. 318** - § 1. In special circumstances and where grave reasons require it, the ecclesiastical authority mentioned in can. 312, § 1 can designate a trustee who is to direct the association for a time in its name.

§ 2. The person who appointed or confirmed the moderator of a public association can remove the moderator for a just cause, after the person has heard, however, the moderator and the major officials of the association according to the norm of the statutes. The person who appointed a chaplain can remove him according to the norm of cann. 192-195.

**Can. 319** - § 1. Unless other provision has been made, a legitimately erected public association administers the goods which it possesses according to the norm of the statutes under the higher direction of the ecclesiastical authority mentioned in can. 312, § 1, to which it must render an account of administration each year.

§ 2. It must also render to the same authority a faithful account of the expenditure of the offerings and alms which it has collected.

**Can. 320** - § 1. Only the Holy See can suppress associations it has erected.

§ 2. For grave causes, a conference of bishops can suppress associations it has erected. A diocesan bishop can suppress associations he has erected and also associations which members of religious institutes have erected through apostolic indult with the consent of the diocesan bishop.

§ 3. The competent authority is not to suppress a public association unless the authority has heard its moderator and other major officials.

### CAPUT III. DE CHRISTIFIDELIUM CONSOCIATIONIBUS PRIVATIS

**Can. 321** - Consociationes privatas christifideles secundum statutorum praescripta dirigunt et moderantur.

**Can. 322** - § 1. Consociatio christifidelium privata personalitatem iuridicam acquirere potest per decretum formale auctoritatis ecclesiasticae competentis, de qua in can. 312.

§ 2. Nulla christifidelium consociatio privata personalitatem iuridicam acquirere potest, nisi eius statuta ab auctoritate ecclesiastica, de qua in can. 312, § 1, sint probata; statutorum vero probatio consociationis naturam privatam non immutat.

**Can. 323** - § 1. Licet christifidelium consociationes privatae autonomia gaudeant ad normam can. 321, subsunt vigilantiae auctoritatis ecclesiasticae ad normam can. 305, itemque eiusdem auctoritatis regimini.

§ 2. Ad auctoritatem ecclesiasticam etiam spectat, servata quidem autonomia consociationibus privatis propria, invigilare et curare ut virium dispersio vitetur, earumque apostolatus exercitium ad bonum commune ordinetur.

**Can. 324** - § 1. Christifidelium consociatio privata libere sibi moderatorem et officiales designat, ad normam statutorum.

§ 2. Christifidelium consociatio privata consiliarium spiritualem, si quemdam exoptet, libere sibi eligere potest inter sacerdotes ministerium legitime in dioecesi exercentes; qui tamen indiget confirmatione Ordinarii loci.

**Can. 325** - § 1. Christifidelium consociatio privata ea bona quae possidet libere administrat, iuxta statutorum praescripta, salvo iure auctoritatis ecclesiasticae competentis vigilandi ut bona in fines associationis adhibeantur.

§ 2. Eadem subest loci Ordinarii auctoritati ad normam can. 1301 quod attinet ad administrationem erogationemque bonorum, quae ipsi ad pias causas donata aut relicta sint.

### Chapter III. Private Associations of the Christian Faithful

**Can. 321** - The Christian faithful guide and direct private associations according to the prescripts of the statutes.

**Can. 322** - § 1. A private association of the Christian faithful can acquire juridic personality through a formal decree of the competent ecclesiastical authority mentioned in can. 312.

§ 2. No private association of the Christian faithful can acquire juridic personality unless the ecclesiastical authority mentioned in can. 312, § 1 has approved its statutes. Approval of the statutes, however, does not change the private nature of the association.

**Can. 323** - § 1. Although private associations of the Christian faithful possess autonomy according to the norm of can. 321, they are subject to the vigilance of ecclesiastical authority according to the norm of can. 305 and even to the governance of the same authority.

§ 2. It also pertains to ecclesiastical authority, while respecting the autonomy proper to private associations, to be watchful and careful that dissipation of their energies is avoided and that their exercise of the apostolate is ordered to the common good.

**Can. 324** - § 1. A private association of the Christian faithful freely designates its moderator and officials according to the norm of the statutes.

§ 2. A private association of the Christian faithful can freely choose a spiritual advisor, if it desires one, from among the priests exercising ministry legitimately in the diocese; nevertheless, he needs the confirmation of the local ordinary.

**Can. 325** - § 1. A private association of the Christian faithful freely administers those goods it possesses according to the prescripts of the statutes, without prejudice to the right of competent ecclesiastical authority to exercise vigilance so that the goods are used for the purposes of the association.

§ 2. A private association is subject to the authority of the local ordinary according to the norm of can. 1301 in what pertains to the administration and distribution of goods which have been donated or left to it for pious causes.

**Can. 326** - § 1. Extinguitur christifidelium consociatio privata ad normam statutorum; supprimi etiam potest a competenti auctoritate, si eius actio in grave damnum cedit doctrinae vel disciplinae ecclesiasticae, aut scandalo est fidelium.

§ 2. Destinatio bonorum consociationis extinctae ad normam statutorum determinanda est, salvis iuribus quaesitis atque oblatores voluntate.

#### CAPUT IV. NORMAE SPECIALES DE LAICORUM CONSOCIATIONIBUS

**Can. 327** - Christifideles laici magni faciant consociationes ad spirituales fines, de quibus in can. 298, constitutas, eas speciatim quae rerum temporalium ordinem spiritu christiano animare sibi proponunt atque hoc modo intimam inter fidem et vitam magnopere fovent unionem.

**Can. 328** - Qui praesunt consociationibus laicorum, iis etiam quae vi privilegii apostolici erectae sunt, curent ut suae cum aliis christifidelium consociationibus, ubi id expediat, cooperentur, utque variis operibus christianis, praesertim in eodem territorio existentibus, libenter auxilio sint.

**Can. 329** - Moderatores consociationum laicorum curent, ut sodales consociationis ad apostolatam laicis proprium exercendum debite efformentur.

#### PARS II. DE ECCLESIAE CONSTITUTIONE HIERARCHICA

##### SECTIO I. DE SUPREMA ECCLESIAE AUCTORITATE

##### CAPUT I. DE ROMANO PONTIFICE DEQUE COLLEGIO EPISCOPORUM

**Can. 330** - Sicut, statuente Domino, sanctus Petrus et ceteri Apostoli unum Collegium constituunt, pari ratione Romanus Pontifex, successor Petri, et Episcopi, successores Apostolorum, inter se coniunguntur.

##### Art. 1. DE ROMANO PONTIFICE

**Can. 331** - Ecclesiae Romanae Episcopus, in quo permanet munus a Domino singulariter Petro, primo Apostolorum, concessum et

**Can. 326** - § 1. A private association of the Christian faithful ceases to exist according to the norm of its statutes. The competent authority can also suppress it if its activity causes grave harm to ecclesiastical doctrine or discipline or is a scandal to the faithful.

§ 2. The allocation of the goods of an association which has ceased to exist must be determined according to the norm of its statutes, without prejudice to acquired rights and the intention of the donors.

#### Chapter IV. Special Norms for Associations of the Laity

**Can. 327** - Lay members of the Christian faithful are to hold in esteem associations established for the spiritual purposes mentioned in can. 298, especially those which propose to animate the temporal order with the Christian spirit and in this way greatly foster an intimate union between faith and life.

**Can. 328** - Those who preside over associations of the laity, even those which have been erected by virtue of apostolic privilege, are to take care that their associations cooperate with other associations of the Christian faithful where it is expedient and willingly assist various Christian works, especially those in the same territory.

**Can. 329** - Moderators of associations of the laity are to take care that the members of the association are duly formed to exercise the apostolate proper to the laity.

#### Part II. THE HIERARCHICAL CONSTITUTION OF THE CHURCH

##### Section I. The Supreme Authority of the Church

##### Chapter I. The Roman Pontiff and the College of Bishops

**Can. 330** - Just as by the Lord's decision Saint Peter and the other Apostles constitute one college, so in a like manner the Roman Pontiff, the successor of Peter, and the bishops, the successors of the Apostles, are united among themselves.

##### Art. 1. The Roman Pontiff

**Can. 331** - The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and

successoribus eius transmittendum, Collegii Episcoporum est caput, Vicarius Christi atque universae Ecclesiae his in terris Pastor; qui ideo vi muneris sui suprema, plena, immediata et universali in Ecclesia gaudet ordinaria potestate, quam semper libere exercere valet.

**Can. 332** - § 1. Plenam et supremam in Ecclesia potestatem Romanus Pontifex obtinet legitima electione ab ipso acceptata una cum episcopali consecratione. Quare, eandem potestatem obtinet a momento acceptationis electus ad summum pontificatum, qui episcopali caractere insignitus est. Quod si caractere episcopali electus careat, statim ordinetur Episcopus.

§ 2. Si contingat ut Romanus Pontifex muneri suo renuntiet, ad validitatem requiritur ut renuntiatio libere fiat et rite manifestetur, non vero ut a quopiam acceptetur.

**Can. 333** - § 1. Romanus Pontifex, vi sui muneris, non modo in universam Ecclesiam potestate gaudet, sed et super omnes Ecclesias particulares earumque coetus ordinariae potestatis obtinet principatum, quo quidem insimul roboratur atque vindicatur potestas propria, ordinaria et immediata, qua in Ecclesias particulares suae curae commissas Episcopi pollent.

§ 2. Romanus Pontifex, in munere supremi Ecclesiae Pastoris explendo, communionem cum ceteris Episcopis immo et universa Ecclesia semper est coniunctus; ipsi ius tamen est, iuxta Ecclesiae necessitates, determinare modum, sive personalem sive collegialem, huius muneris exercendi.

§ 3. Contra sententiam vel decretum Romani Pontificis non datur appellatio neque recursus.

**Can. 334** - In eius munere exercendo, Romano Pontifici praesto sunt Episcopi, qui eidem cooperatricem operam navare valent variis rationibus, inter quas est synodus Episcoporum. Auxilio praeterea ei sunt Patres Cardinales, necnon aliae personae itemque varia secundum temporum necessitates instituta; quae personae omnes et instituta, nomine et auctoritate ipsius, munus sibi commissum explent in bonum omnium Ecclesiarum, iuxta normas iure definitas.

to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely.

**Can. 332** - § 1. The Roman Pontiff obtains full and supreme power in the Church by his acceptance of legitimate election together with episcopal consecration. Therefore, a person elected to the supreme pontificate who is marked with episcopal character obtains this power from the moment of acceptance. If the person elected lacks episcopal character, however, he is to be ordained a bishop immediately.

§ 2. If it happens that the Roman Pontiff resigns his office, it is required for validity that the resignation is made freely and properly manifested but not that it is accepted by anyone.

**Can. 333** - § 1. By virtue of his office, the Roman Pontiff not only possesses power over the universal Church but also obtains the primacy of ordinary power over all particular churches and groups of them. Moreover, this primacy strengthens and protects the proper, ordinary, and immediate power which bishops possess in the particular churches entrusted to their care.

§ 2. In fulfilling the office of supreme pastor of the Church, the Roman Pontiff is always joined in communion with the other bishops and with the universal Church. He nevertheless has the right, according to the needs of the Church, to determine the manner, whether personal or collegial, of exercising this office.

§ 3. No appeal or recourse is permitted against a sentence or decree of the Roman Pontiff.

**Can. 334** - Bishops assist the Roman Pontiff in exercising his office. They are able to render him cooperative assistance in various ways, among which is the synod of bishops. The cardinals also assist him, as do other persons and various institutes according to the needs of the times. In his name and by his authority, all these persons and institutes fulfill the function entrusted to them for the good of all the churches, according to the norms defined by law.

**Can. 335** - Sede romana vacante aut prorsus impedita, nihil innovetur in Ecclesiae universae regimine; servantur autem leges speciales pro iisdem adiunctis latae.

#### Art. 2. DE COLLEGIO EPISCOPORUM

**Can. 336** - Collegium Episcoporum, cuius caput est Summus Pontifex cuiusque membra sunt Episcopi vi sacramentalis consecrationis et hierarchica communione cum Collegii capite et membris, et in quo corpus apostolicum continuo perseverat, una cum capite suo, et numquam sine hoc capite, subiectum quoque supremae et plenae potestatis in universam Ecclesiam existit.

**Can. 337** - § 1. Potestatem in universam Ecclesiam Collegium Episcoporum sollemni modo exercet in Concilio Oecumenico.

§ 2. Eandem potestatem exercet per unitam Episcoporum in mundo dispersorum actionem, quae uti talis a Romano Pontifice sit indicta aut libere recepta, ita ut verus actus collegialis efficiatur.

§ 3. Romani Pontificis est secundum necessitates Ecclesiae seligere et promovere modos, quibus Episcoporum Collegium munus suum quoad universam Ecclesiam collegialiter exercent.

**Can. 338** - § 1. Unius Romani Pontificis est Concilium Oecumenicum convocare, eidem per se vel per alios praesidere, item Concilium transferre, suspendere vel dissolvere, eiusque decreta approbare.

§ 2. Eiusdem Romani Pontificis est res in Concilio tractandas determinare atque ordinem in Concilio servandum constituere; propositis a Romano Pontifice quaestionibus Patres Concilii alias addere possunt, ab eodem Romano Pontifice probandas.

**Can. 339** - § 1. Ius est et officium omnibus et solis Episcopis qui membra sint Collegii Episcoporum, ut Concilio Oecumenico cum suffragio deliberativo intersint.

§ 2. Ad Concilium Oecumenicum insuper alii aliqui, qui episcopali dignitate non sint insigniti, vocari possunt a suprema Ecclesiae auctoritate, cuius est eorum partes in Concilio determinare.

**Can. 335** - When the Roman See is vacant or entirely impeded, nothing is to be altered in the governance of the universal Church; the special laws issued for these circumstances, however, are to be observed.

#### Art. 2. The College of Bishops

**Can. 336** - The college of bishops, whose head is the Supreme Pontiff and whose members are bishops by virtue of sacramental consecration and hierarchical communion with the head and members of the college and in which the apostolic body continues, together with its head and never without this head, is also the subject of supreme and full power over the universal Church.

**Can. 337** - § 1. The college of bishops exercises power over the universal Church in a solemn manner in an ecumenical council.

§ 2. It exercises the same power through the united action of the bishops dispersed in the world, which the Roman Pontiff has publicly declared or freely accepted as such so that it becomes a true collegial act.

§ 3. It is for the Roman Pontiff, according to the needs of the Church, to select and promote the ways by which the college of bishops is to exercise its function collegially regarding the universal Church.

**Can. 338** - § 1. It is for the Roman Pontiff alone to convoke an ecumenical council, preside over it personally or through others, transfer, suspend, or dissolve a council, and to approve its decrees.

§ 2. It is for the Roman Pontiff to determine the matters to be treated in a council and establish the order to be observed in a council. To the questions proposed by the Roman Pontiff, the council fathers can add others which are to be approved by the Roman Pontiff.

**Can. 339** - § 1. All the bishops and only the bishops who are members of the college of bishops have the right and duty to take part in an ecumenical council with a deliberative vote.

§ 2. Moreover, some others who are not bishops can be called to an ecumenical council by the supreme authority of the Church, to whom it belongs to determine their roles in the council.

**Can. 340** - Si contingat Apostolicam Sedem durante Concilii celebratione vacare, ipso iure hoc intermittitur, donec novus Summus Pontifex illud continuari iusserit aut dissolverit.

**Can. 341** - § 1. Concilii Oecumenici decreta vim obligandi non habent nisi una cum Concilii Patribus a Romano Pontifice approbata, ab eodem fuerint confirmata et eius iussu promulgata.

§ 2. Eadem confirmatione et promulgatione, vim obligandi ut habeant, egent decreta quae ferat Collegium Episcoporum, cum actionem proprie collegialem ponit iuxta alium a Romano Pontifice inductum vel libere receptum modum.

## CAPUT II. DE SYNODO EPISCOPORUM

**Can. 342** - Synodus Episcoporum coetus est Episcoporum qui, ex diversis orbis regionibus selecti, statutis temporibus una conveniunt ut arctam coniunctionem inter Romanum Pontificem et Episcopos foveant, utque eidem Romano Pontifici ad incolumitatem incrementumque fidei et morum, ad disciplinam ecclesiasticam servandam et firmandam consiliis adiutricem operam praestent, necnon quaestiones ad actionem Ecclesiae in mundo spectantes perpendant.

**Can. 343** - Synodi Episcoporum est de quaestionibus pertractandis disceptare atque expromere optata, non vero easdem dirimere de iisque ferre decreta, nisi certis in casibus potestate deliberativa eandem instruxerit Romanus Pontifex, cuius est in hoc casu decisiones synodi ratas habere.

**Can. 344** - Synodus Episcoporum directe subest auctoritati Romani Pontificis, cuius quidem est:

1° synodum convocare, quotiescumque id ipsi opportunum videatur, locumque designare ubi coetus habendi sint;

2° sodalium, qui ad normam iuris peculiaris eligendi sunt, electionem ratam habere aliosque sodales designare et nominare;

3° argumenta quaestionum pertractandarum statuere opportuno tempore ad normam iuris peculiaris ante synodi celebrationem;

4° rerum agendarum ordinem definire;

**Can. 340** - If the Apostolic See becomes vacant during the celebration of a council, the council is interrupted by the law itself until the new Supreme Pontiff orders it to be continued or dissolves it.

**Can. 341** - § 1. The decrees of an ecumenical council do not have obligatory force unless they have been approved by the Roman Pontiff together with the council fathers, confirmed by him, and promulgated at his order.

§ 2. To have obligatory force, decrees which the college of bishops issues when it places a truly collegial action in another way initiated or freely accepted by the Roman Pontiff need the same confirmation and promulgation.

## Chapter II. The Synod of Bishops

**Can. 342** - The synod of bishops is a group of bishops who have been chosen from different regions of the world and meet together at fixed times to foster closer unity between the Roman Pontiff and bishops, to assist the Roman Pontiff with their counsel in the preservation and growth of faith and morals and in the observance and strengthening of ecclesiastical discipline, and to consider questions pertaining to the activity of the Church in the world.

**Can. 343** - It is for the synod of bishops to discuss the questions for consideration and express its wishes but not to resolve them or issue decrees about them unless in certain cases the Roman Pontiff has endowed it with deliberative power, in which case he ratifies the decisions of the synod.

**Can. 344** - The synod of bishops is directly subject to the authority of the Roman Pontiff who:

1° convokes a synod as often as it seems opportune to him and designates the place where its sessions are to be held;

2° ratifies the election of members who must be elected according to the norm of special law and designates and appoints other members;

3° determines at an appropriate time before the celebration of a synod the contents of the questions to be treated, according to the norm of special law;

4° defines the agenda;

5° synodo per se aut per alios praeesse;

6° synodum ipsam concludere, transferre, suspendere et dissolvere.

**Can. 345** - Synodus Episcoporum congregari potest aut in coetum generalem, in quo scilicet res tractantur ad bonum Ecclesiae universae directe spectantes, qui quidem coetus est sive ordinarius sive extraordinarius, aut etiam in coetum specialem, in quo nempe aguntur negotia quae directe ad determinatam determinatasve regiones attinent.

**Can. 346** - § 1. Synodus Episcoporum quae in coetum generalem ordinarium congregatur, constat sodalibus quorum plerique sunt Episcopi, electi pro singulis coetibus ab Episcoporum conferentiis secundum rationem iure peculiari synodi determinatam; alii vi eiusdem iuris deputantur; alii a Romano Pontifice directe nominantur; quibus accedunt aliqui sodales institutorum religiosorum clericalium, qui ad normam eiusdem iuris peculiaris eliguntur.

§ 2. Synodus Episcoporum in coetum generalem extraordinarium congregata ad negotia tractanda quae expeditam requirant definitionem, constat sodalibus quorum plerique, Episcopi, a iure peculiari synodi deputantur ratione officii quod adimplent, alii vero a Romano Pontifice directe nominantur; quibus accedunt aliqui sodales institutorum religiosorum clericalium ad normam eiusdem iuris electi.

§ 3. Synodus Episcoporum, quae in coetum specialem congregatur, constat sodalibus delectis praecipue ex iis regionibus pro quibus convocata est, ad normam iuris peculiaris, quo synodus regitur.

**Can. 347** - § 1. Cum synodi Episcoporum coetus a Romano Pontifice concluditur, explicit munus in eadem Episcopis aliisque sodalibus commissum.

§ 2. Sede Apostolica post convocatam synodum aut inter eius celebrationem vacante, ipso iure suspenditur synodi coetus, itemque munus sodalibus in eodem commissum, donec novus Pontifex coetum aut dissolvendum aut continuandum decreverit.

**Can. 348** - § 1. Synodi Episcoporum habetur secretaria generalis permanens, cui praeest

5° presides at the synod personally or through others;

6° concludes, transfers, suspends, and dissolves the synod.

**Can. 345** - The synod of bishops can be assembled in a general session, that is, one which treats matters that directly pertain to the good of the universal Church; such a session is either ordinary or extraordinary. It can also be assembled in a special session, namely, one which considers affairs that directly pertain to a determinate region or regions.

**Can. 346** - § 1. A synod of bishops assembled in an ordinary general session consists of members of whom the greater part are bishops elected for each session by the conferences of bishops according to the method determined by the special law of the synod; others are designated by virtue of the same law; others are appointed directly by the Roman Pontiff; to these are added some members of clerical religious institutes elected according to the norm of the same special law.

§ 2. A synod of bishops gathered in an extraordinary general session to treat affairs which require a speedy solution consists of members of whom the greater part are bishops designated by the special law of the synod by reason of the office which they hold; others are appointed directly by the Roman Pontiff; to these are added some members of clerical religious institutes elected according to the norm of the same law.

§ 3. A synod of bishops gathered in a special session consists of members especially selected from those regions for which it was called, according to the norm of the special law which governs the synod.

**Can. 347** - § 1. When the Roman Pontiff concludes a session of the synod of bishops, the function entrusted in it to the bishops and other members ceases.

§ 2. If the Apostolic See becomes vacant after a synod is convoked or during its celebration, the session of the synod and the function entrusted to its members are suspended by the law itself until the new Pontiff has decided to dissolve or continue the session.

**Can. 348** - § 1. The synod of bishops has a permanent general secretariat presided over by



Secretarius generalis, a Romano Pontifice nominatus, cuique praesto est consilium secretariae, constans Episcopis, quorum alii, ad normam iuris peculiaris, ab ipsa synodo Episcoporum eliguntur, alii a Romano Pontifice nominantur, quorum vero omnium munus explicit, ineunte novo coetu generali.

§ 2. Pro quolibet synodi Episcoporum coetu praeterea unus aut plures secretarii speciales constituuntur qui a Romano Pontifice nominantur, atque in officio ipsis commisso permanent solum usque ad expletum synodi coetum.

### CAPUT III. DE SANCTAE ROMANAE ECCLESIAE CARDINALIBUS

**Can. 349** - S. R. E. Cardinales peculiare Collegium constituunt, cui competit ut electioni Romani Pontificis provideat ad normam iuris peculiaris; Cardinales item Romano Pontifici adsunt sive collegialiter agendo, cum ad quaestiones maioris momenti tractandas in unum convocantur, sive ut singuli, scilicet variis officiis, quibus funguntur, eidem Romano Pontifici operam praestando in cura praesertim cotidiana universae Ecclesiae.

**Can. 350** - § 1. Cardinalium Collegium in tres ordines distribuitur: episcopalem, ad quem pertinent Cardinales quibus a Romano Pontifice titulus assignatur Ecclesiae suburbicariae, necnon Patriarchae orientales qui in Cardinalium Collegium relati sunt; presbyteralem et diaconalem.

§ 2. Cardinalibus ordinis presbyteralis ac diaconalis suis cuique titulus aut diaconia in Urbe assignatur a Romano Pontifice.

§ 3. Patriarchae orientales in Cardinalium Collegium assumpti in titulum habent suam patriarchalem sedem.

§ 4. Cardinalis Decanus in titulum habet dioecesim Ostiensem, una cum alia Ecclesia quam in titulum iam habebat.

§ 5. Per optionem in Consistorio factam et a Summo Pontifice approbatam, possunt, servata prioritatem ordinis et promotionis, Cardinales ex ordine presbyterali transire ad alium titulum et Cardinales ex ordine diaconali ad aliam diaconiam et, si per integrum decennium in ordine diaconali permanserint, etiam ad ordinem presbyteralem.

a general secretary who is appointed by the Roman Pontiff and assisted by the council of the secretariat. This council consists of bishops, some of whom are elected by the synod of bishops itself according to the norm of special law while others are appointed by the Roman Pontiff. The function of all these ceases when a new general session begins.

§ 2. Furthermore, for each session of the synod of bishops one or more special secretaries are constituted who are appointed by the Roman Pontiff and remain in the office entrusted to them only until the session of the synod has been completed.

### Chapter III. The Cardinals of the Holy Roman Church

**Can. 349** - The cardinals of the Holy Roman Church constitute a special college which provides for the election of the Roman Pontiff according to the norm of special law. The cardinals assist the Roman Pontiff either collegially when they are convoked to deal with questions of major importance, or individually when they help the Roman Pontiff through the various offices they perform, especially in the daily care of the universal Church.

**Can. 350** - § 1. The college of cardinals is divided into three orders: the episcopal order, to which belong cardinals to whom the Roman Pontiff assigns title of a suburbicarian church and Eastern patriarchs who have been brought into the college of cardinals; the presbyteral order and the diaconal order.

§ 2. The Roman Pontiff assigns each of the cardinals of the presbyteral or diaconal orders his own title or diaconia in Rome.

§ 3. Eastern patriarchs who have been made members of the college of cardinals have their own patriarchal see as a title.

§ 4. The cardinal dean holds as his title the Diocese of Ostia together with the other church he already has as a title.

§ 5. Through a choice made in consistory and approved by the Supreme Pontiff and with priority of order and promotion observed, cardinals from the presbyteral order can transfer to another title, and cardinals from the diaconal order to another diaconia and if they have been in the diaconal order for ten full years, even to the presbyteral order.

§ 6. Cardinalis ex ordine diaconali transiens per optionem ad ordinem presbyteralem, locum obtinet ante omnes illos Cardinales presbyteros, qui post ipsum ad Cardinalatum assumpti sunt.

**Can. 351 - § 1.** Qui Cardinales promoveantur, libere a Romano Pontifice seliguntur viri, saltem in ordine presbyteratus constituti, doctrina, moribus, pietate necnon rerum agendarum prudentia egregie praestantes; qui nondum sunt Episcopi, consecrationem episcopalem recipere debent.

§ 2. Cardinales creantur Romani Pontificis decreto, quod quidem coram Cardinalium Collegio publicatur; inde a publicatione facta officiis tenentur atque iuribus gaudent lege definitis.

§ 3. Promotus ad cardinalitiam dignitatem, cuius creationem Romanus Pontifex annuntiaverit, nomen autem in pectore sibi reservans, nullis interim tenetur Cardinalium officiis nullisque eorum gaudet iuribus; postquam autem a Romano Pontifice eius nomen publicatum fuerit, iisdem tenetur officiis fruiturque iuribus, sed iure praecedentiae gaudet a die reservationis in pectore.

**Can. 352 - § 1.** Cardinalium Collegio praeest Decanus, eiusque impediti vices sustinet Subdecanus; Decanus, vel Subdecanus, nulla in ceteros Cardinales gaudet potestate regiminis, sed ut primus inter pares habetur.

§ 2. Officio Decani vacante, Cardinales titulo Ecclesiae suburbicariae decorati, iique soli, praesidente Subdecano si adsit, aut antiquiore ex ipsis, e coetus sui gremio unum eligant qui Decanum Collegii agat; eius nomen ad Romanum Pontificem deferant, cui competit electum probare.

§ 3. Eadem ratione de qua in § 2, praesidente ipso Decano, eligitur Subdecanus; Subdecani quoque electionem probare Romano Pontifici competit.

§ 4. Decanus et Subdecanus, si in Urbe domicilium non habeant, illud ibidem acquirant.

§ 6. A cardinal transferring through choice from the diaconal order to the presbyteral order takes precedence over all those cardinal presbyters who were brought into the cardinalate after him.

**Can. 351 - § 1.** The Roman Pontiff freely selects men to be promoted as cardinals, who have been ordained at least into the order of the presbyterate and are especially outstanding in doctrine, morals, piety, and prudence in action; those who are not yet bishops must receive episcopal consecration.

§ 2. Cardinals are created by a decree of the Roman Pontiff which is made public in the presence of the college of cardinals. From the moment of the announcement they are bound by the duties and possess the rights defined by law.

§ 3. When the Roman Pontiff has announced the selection of a person to the dignity of cardinal but reserves the name of the person in pectore, the one promoted is not bound in the meantime by any of the duties of cardinals nor does he possess any of their rights. After the Roman Pontiff has made his name public, however, he is bound by the same duties and possesses the same rights; he possesses the right of precedence, though, from the day of reservation in pectore.

**Can. 352 - § 1.** The dean presides over the college of cardinals; if he is impeded, the assistant dean takes his place. Neither the dean nor the assistant dean possesses any power of governance over the other cardinals but is considered as first among equals.

§ 2. When the office of dean is vacant, the cardinals who possess title to a suburbicarian church and they alone are to elect one from their own group who is to act as dean of the college; the assistant dean, if he is present, or else the oldest among them, presides at this election. They are to submit the name of the person elected to the Roman Pontiff who is competent to approve him.

§ 3. The assistant dean is elected in the same manner as that described in § 2, with the dean himself presiding. The Roman Pontiff is also competent to approve the election of the assistant dean.

§ 4. If the dean and assistant dean do not have a domicile in Rome, they are to acquire one

**Can. 353** - § 1. Cardinales collegiali actione supremo Ecclesiae Pastori praecipue auxilio sunt in Consistoriis, in quibus iussu Romani Pontificis eoque praesidente congregantur; Consistoria habentur ordinaria aut extraordinaria.

§ 2. In Consistorium ordinarium, convocantur omnes Cardinales, saltem in Urbe versantes, ad consultationem de quibusdam negotiis gravibus, communi tamen contingentibus, aut ad actus quosdam maxime sollemnes peragendos.

§ 3. In Consistorium extraordinarium, quod celebratur cum peculiare Ecclesiae necessitates vel graviora negotia tractanda id suadeant, convocantur omnes Cardinales.

§ 4. Solum Consistorium ordinarium, in quo aliquae sollemnitates celebrantur, potest esse publicum, cum scilicet praeter Cardinales admittuntur Praelati, legati societatum civilium aliive ad illud invitati.

**Can. 354** - Patres Cardinales dicasteriis aliive institutis permanentibus Romanae Curiae et Civitatis Vaticanae praepositi, qui septuagesimum quintum aetatis annum expleverint, rogantur ut renuntiationem ab officio exhibeant Romano Pontifici qui, omnibus perpensis, providebit.

**Can. 355** - § 1. Cardinali Decano competit electum Romanum Pontificem in Episcopum ordinare, si electus ordinatione indigeat; impedito Decano, idem ius competit Subdecano, eoque impedito, antiquiori Cardinali ex ordine episcopali.

§ 2. Cardinalis Proto-diaconus nomen novi electi Summi Pontificis populo annuntiat; item pallia Metropolitae imponit eorumve procuratoribus tradit, vice Romani Pontificis.

**Can. 356** - Cardinales obligatione tenentur cum Romano Pontifice sedulo cooperandi; Cardinales itaque quovis officio in Curia fungentes, qui non sint Episcopi dioecesani, obligatione tenentur residendi in Urbe; Cardinales qui alicuius dioecesis curam habent ut Episcopi dioecesani, Urbem petant quoties a Romano Pontifice convocentur.

**Can. 357** - § 1. Cardinales, quibus Ecclesia

there.

**Can. 353** - § 1. The cardinals especially assist the supreme pastor of the Church through collegial action in consistories in which they are gathered by order of the Roman Pontiff who presides. Consistories are either ordinary or extraordinary.

§ 2. For an ordinary consistory, all the cardinals, at least those present in Rome, are called together to be consulted concerning certain grave matters which occur rather frequently or to carry out certain very solemn acts.

§ 3. For an extraordinary consistory, which is celebrated when particular needs of the Church or the treatment of more grave affairs suggests it, all the cardinals are called together.

§ 4. Only the ordinary consistory in which some solemnities are celebrated can be public, that is, when prelates, representatives of civil societies, and others who have been invited to it are admitted in addition to the cardinals.

**Can. 354** - The cardinals who preside over dicasteries and other permanent institutes of the Roman Curia and Vatican City and who have completed the seventy-fifth year of age are asked to submit their resignation from office to the Roman Pontiff who will see to the matter after considering the circumstances.

**Can. 355** - § 1. The cardinal dean is competent to ordain as a bishop the one elected as Roman Pontiff if he needs to be ordained; if the dean is impeded, the assistant dean has the same right, and if he is impeded, the oldest cardinal from the episcopal order.

§ 2. The senior cardinal deacon announces the name of the newly elected Supreme Pontiff to the people; likewise, in the place of the Roman Pontiff, he places the pallium upon metropolitans or hands it over to their proxies.

**Can. 356** - Cardinals are obliged to cooperate assiduously with the Roman Pontiff; therefore, cardinals who exercise any office in the curia and who are not diocesan bishops are obliged to reside in Rome. Cardinals who have the care of some diocese as the diocesan bishop are to go to Rome whenever the Roman Pontiff calls them.

**Can. 357** - § 1. The cardinals who have been

suburbicaria aut ecclesia in Urbe in titulum est assignata, postquam in eiusdem venerunt possessionem, earundem dioecesium et ecclesiarum bonum consilio et patrocinio promoveant, nulla tamen in easdem potestate regiminis pollentes, ac nulla ratione sese in iis interponentes, quae ad earum bonorum administrationem, ad disciplinam aut ecclesiarum servitium spectant.

§ 2. Cardinales extra Urbem et extra propriam dioecesim degentes, in iis quae ad sui personam pertinent exempti sunt a potestate regiminis Episcopi dioecesis in qua commorantur.

**Can. 358** - Cardinali, cui a Romano Pontifice hoc munus committitur ut in aliqua sollemni celebratione vel personarum coetu eius personam sustineat, uti *Legatus a latere*, scilicet tamquam eius alter ego, sicuti et illi cui adimplendum concreditur tamquam ipsius *misso speciali* certum munus pastorale, ea tantum competunt quae ab ipso Romano Pontifice eidem demandantur.

**Can. 359** - Sede Apostolica vacante, Cardinalium Collegium ea tantum in Ecclesia gaudet potestate, quae in peculiari lege eidem tribuitur.

#### CAPUT IV. DE CURIA ROMANA

**Can. 360** - Curia Romana, qua negotia Ecclesiae universae Summus Pontifex expedire solet et quae nomine et auctoritate ipsius munus explet in bonum et in servitium Ecclesiarum, constat Secretaria Status seu Papali, Consilio pro publicis Ecclesiae negotiis, Congregationibus, Tribunalibus, aliisque Institutis, quorum omnium constitutio et competentia lege peculiari definiuntur.

**Can. 361** - Nomine Sedis Apostolicae vel Sanctae Sedis in hoc Codice veniunt non solum Romanus Pontifex, sed etiam, nisi ex rei natura vel sermonis contextu aliud appareat, Secretaria Status, Consilium pro publicis Ecclesiae negotiis, aliaque Romanae Curiae Instituta.

#### CAPUT V. DE ROMANI PONTIFICIS LEGATIS

**Can. 362** - Romano Pontifici ius est nativum et

assigned title to a suburbicarian church or a church in Rome are to promote the good of these dioceses or churches by counsel and patronage after they have taken possession of them. Nevertheless, they possess no power of governance over them nor are they to intervene in any way in those matters which pertain to the administration of their goods, their discipline, or the service of the churches.

§ 2. In those matters which pertain to their own person, cardinals living outside of Rome and outside their own diocese are exempt from the power of governance of the bishop of the diocese in which they are residing.

**Can. 358** - A cardinal to whom the Roman Pontiff entrusts the function of representing him in some solemn celebration or among some group of persons as a *legatus a latere*, that is, as his alter ego, as well as one to whom the Roman Pontiff entrusts the fulfillment of a certain pastoral function as his special envoy (*missus specialis*) has competence only over those things which the Roman Pontiff commits to him.

**Can. 359** - When the Apostolic See is vacant, the college of cardinals possesses only that power in the Church which is attributed to it in special law.

#### Chapter IV. The Roman Curia

**Can. 360** - The Supreme Pontiff usually conducts the affairs of the universal Church through the Roman Curia which performs its function in his name and by his authority for the good and service of the churches. The Roman Curia consists of the Secretariat of State or the Papal Secretariat, the Council for the Public Affairs of the Church, congregations, tribunals, and other institutes; the constitution and competence of all these are defined in special law.

**Can. 361** - In this Code, the term Apostolic See or Holy See refers not only to the Roman Pontiff but also to the Secretariat of State, the Council for the Public Affairs of the Church, and other institutes of the Roman Curia, unless it is otherwise apparent from the nature of the matter or the context of the words.

#### Chapter V. Legates of the Roman Pontiff

**Can. 362** - The Roman Pontiff has the innate

independens Legatos suos nominandi ac mittendi sive ad Ecclesias particulares in variis nationibus vel regionibus, sive simul ad Civitates et ad publicas Auctoritates, itemque eos transferendi et revocandi, servatis quidem normis iuris internationalis, quod attinet ad missionem et revocationem Legatorum apud Res Publicas constitutorum.

**Can. 363** - § 1. Legatis Romani Pontificis officium committitur ipsius Romani Pontificis stabili modo gerendi personam apud Ecclesias particulares aut etiam apud Civitates et publicas Auctoritates, ad quas missi sunt.

§ 2. Personam gerunt Apostolicae Sedis ii quoque, qui in pontificiam Missionem ut Delegati aut Observatores deputantur apud Consilia internationalia aut apud Conferentias et Conventus.

**Can. 364** - Praecipuum munus Legati pontificii est ut firmiora et efficaciora in dies reddantur unitatis vincula, quae inter Apostolicam Sedem et Ecclesias particulares intercedunt. Ad pontificium ergo Legatum pertinet pro sua ditione:

1° ad Apostolicam Sedem notitias mittere de condicionibus in quibus versantur Ecclesiae particulares, deque omnibus quae ipsam vitam Ecclesiae et bonum animarum attingant;

2° Episcopis actione et consilio adesse, integro quidem manente eorundem legitima potestatis exercitio;

3° crebras fovere relationes cum Episcoporum conferentia, eidem omnimodam operam praebendo;

4° ad nominationem Episcoporum quod attinet, nomina candidatorum Apostolicae Sedi transmittere vel proponere necnon processum informativum de promovendis instruere, secundum normas ab Apostolica Sede datas;

5° anniti ut promoveantur res quae ad pacem, ad progressum et consociatam populorum operam spectant;

6° operam conferre cum Episcopis, ut opportuna foveantur commercia inter Ecclesiam catholicam et alias Ecclesias vel communitates ecclesiales, immo et religiones non christianas;

7° ea quae pertinent ad Ecclesiae et Apostolicae Sedis missionem, consociata cum

and independent right to appoint, send, transfer, and recall his own legates either to particular churches in various nations or regions or to states and public authorities. The norms of international law are to be observed in what pertains to the mission and recall of legates appointed to states.

**Can. 363** - § 1. To the legates of the Roman Pontiff is entrusted the office of representing the Roman Pontiff in a stable manner to particular churches or also to the states and public authorities to which they are sent.

§ 2. Those who are designated as delegates or observers in a pontifical mission at international councils or at conferences and meetings also represent the Apostolic See.

**Can. 364** - The principal function of a pontifical legate is daily to make stronger and more effective the bonds of unity which exist between the Apostolic See and particular churches. Therefore, it pertains to the pontifical legate for his own jurisdiction:

1° to send information to the Apostolic See concerning the conditions of particular churches and everything that touches the life of the Church and the good of souls;

2° to assist bishops by action and counsel while leaving intact the exercise of their legitimate power;

3° to foster close relations with the conference of bishops by offering it assistance in every way;

4° regarding the nomination of bishops, to transmit or propose to the Apostolic See the names of candidates and to instruct the informational process concerning those to be promoted, according to the norms given by the Apostolic See;

5° to strive to promote matters which pertain to the peace, progress, and cooperative effort of peoples;

6° to collaborate with bishops so that suitable relations are fostered between the Catholic Church and other Churches or ecclesial communities, and even non-Christian religions;

7° in associated action with bishops, to protect those things which pertain to the

Episcopis actione, apud moderatores Civitatis tueri;

8° exercere praeterea facultates et cetera explere mandata quae ipsi ab Apostolica Sede committantur.

**Can. 365** - § 1. Legati pontificii, qui simul legationem apud Civitates iuxta iuris internationalis normas exercet, munus quoque peculiare est:

1° promovere et fovere necessitudines inter Apostolicam Sedem et Auctoritates Rei Publicae;

2° quaestiones pertractare quae ad relationes inter Ecclesiam et Civitatem pertinent; et peculiari modo agere de concordatis aliisque huiusmodi conventionibus conficiendis et ad effectum deducendis.

§ 2. In negotiis, de quibus in § 1, expediendis, prout adiuncta suadeant, Legatus pontificius sententiam et consilium Episcoporum ditionis ecclesiasticae exquirere ne omittat, eosque de negotiorum cursu certiores faciat.

**Can. 366** - Attenta peculiari Legati muneris indole:

1° sedes Legationis pontificiae a potestate regiminis Ordinarii loci exempta est, nisi agatur de matrimoniis celebrandis;

2° Legato pontificio fas est, praemonitis, quantum fieri potest, locorum Ordinariis, in omnibus ecclesiis suae legationis liturgicas celebrationes, etiam in pontificalibus, peragere.

**Can. 367** - Pontificii Legati munus non exspirat vacante Sede Apostolica, nisi aliud in litteris pontificiis statuatur; cessat autem expleto mandato, revocatione eidem intimata, renuntiatione a Romano Pontifice acceptata.

## SECTIO II. DE ECCLESIIS PARTICULARIBUS DEQUE EARUNDEM COETIBUS

### TITULUS I. DE ECCLESIIS PARTICULARIBUS ET DE AUCTORITATE IN IISDEM CONSTITUTA

#### CAPUT I. DE ECCLESIIS PARTICULARIBUS

**Can. 368** - Ecclesiae particulares, in quibus et

mission of the Church and the Apostolic See before the leaders of the state;

8° in addition, to exercise the faculties and to fulfill other mandates which the Apostolic See entrusts to him.

**Can. 365** - § 1. It is also the special function of a pontifical legate who at the same time acts as a legate to states according to the norms of international law:

1° to promote and foster relations between the Apostolic See and the authorities of the state;

2° to deal with questions which pertain to relations between Church and state and in a special way to deal with the drafting and implementation of concordats and other agreements of this type.

§ 2. In conducting the affairs mentioned in § 1, a pontifical legate, as circumstances suggest, is not to neglect to seek the opinion and counsel of the bishops of the ecclesiastical jurisdiction and is to inform them of the course of affairs.

**Can. 366** - In view of the particular character of the function of a legate:

1° the seat of a pontifical legation is exempt from the power of governance of the local ordinary unless it is a question of celebrating marriages;

2° after he has notified in advance the local ordinaries insofar as possible, a pontifical legate is permitted to perform liturgical celebrations in all churches of his legation, even in pontificals.

**Can. 367** - The function of a pontifical legate does not cease when the Apostolic See becomes vacant unless the pontifical letter establishes otherwise; it does cease, however, when the mandate has been fulfilled, when the legate has been notified of recall, or when the Roman Pontiff accepts the legate's resignation.

## Section II. Particular Churches and Their Groupings

### Title I. Particular Churches and the Authority Established in Them

#### Chapter I. Particular Churches

**Can. 368** - Particular churches, in which and

ex quibus una et unica Ecclesia catholica existit, sunt imprimis dioeceses, quibus, nisi aliud constet, assimilantur praelatura territorialis et abbatia territorialis, vicariatus apostolicus et praefectura apostolica necnon administratio apostolica stabiliter erecta.

**Can. 369** - Dioecesis est populi Dei portio, quae Episcopo cum cooperatione presbyterii pascenda concreditur, ita ut, pastori suo adhaerens ab eoque per Evangelium et Eucharistiam in Spiritu Sancto congregata, Ecclesiam particularem constituat, in qua vere inest et operatur una sancta catholica et apostolica Christi Ecclesia.

**Can. 370** - Praelatura territorialis aut abbatia territorialis est certa populi Dei portio, territorialiter quidem circumscripta, cuius cura, specialia ob adiuncta, committitur alicui Praelato aut Abbati, qui eam, ad instar Episcopi dioecesanum, tamquam proprius eius pastor regat.

**Can. 371** - § 1. Vicariatus apostolicus vel praefectura apostolica est certa populi Dei portio quae, ob peculiaria adiuncta, in dioecesim nondum est constituta, quaeque pascenda committitur Vicario apostolico aut Praefecto apostolico, qui eam nomine Summi Pontificis regant.

§ 2. Administratio apostolica est certa populi Dei portio, quae ob speciales et graves omnino rationes a Summo Pontifice in dioecesim non erigitur, et cuius cura pastoralis committitur Administratori apostolico, qui eam nomine Summi Pontificis regat.

**Can. 372** - § 1. Pro regula habeatur ut portio populi Dei quae dioecesim aliamve Ecclesiam particularem constituat, certo territorio circumscribatur, ita ut omnes comprehendat fideles in territorio habitantes.

§ 2. Attamen, ubi de iudicio supremae Ecclesiae auctoritatis, auditis Episcoporum conferentiis quarum interest, utilitas id suadeat, in eodem territorio erigi possunt Ecclesiae particulares ritu fidelium aliave simili ratione distinctae.

from which the one and only Catholic Church exists, are first of all dioceses, to which, unless it is otherwise evident, are likened a territorial prelate and territorial abbacy, an apostolic vicariate and an apostolic prefecture, and an apostolic administration erected in a stable manner.

**Can. 369** - A diocese is a portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterium, so that, adhering to its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative.

**Can. 370** - A territorial prelate or territorial abbacy is a certain portion of the people of God which is defined territorially and whose care, due to special circumstances, is entrusted to some prelate or abbot who governs it as its proper pastor just like a diocesan bishop.

**Can. 371** - § 1. An apostolic vicariate or apostolic prefecture is a certain portion of the people of God which has not yet been established as a diocese due to special circumstances and which, to be shepherded, is entrusted to an apostolic vicar or apostolic prefect who governs it in the name of the Supreme Pontiff.

§ 2. An apostolic administration is a certain portion of the people of God which is not erected as a diocese by the Supreme Pontiff due to special and particularly grave reasons and whose pastoral care is entrusted to an apostolic administrator who governs it in the name of the Supreme Pontiff.

**Can. 372** - § 1. As a rule, a portion of the people of God which constitutes a diocese or other particular church is limited to a definite territory so that it includes all the faithful living in the territory.

§ 2. Nevertheless, where in the judgment of the supreme authority of the Church it seems advantageous after the conferences of bishops concerned have been heard, particular churches distinguished by the rite of the faithful or some other similar reason can be erected in the same territory.

**Can. 373** - Unius supremae auctoritatis est Ecclesias particulares erigere; quae legitime erectae, ipso iure personalitate iuridica gaudent.

**Can. 374** - § 1. Quaelibet dioecesis aliave Ecclesia particularis dividatur in distinctas partes seu paroecias.

§ 2. Ad curam pastorem per communem actionem fovendam plures paroeciae viciniores coniungi possunt in peculiare coetus, uti sunt vicariatus foranei.

## CAPUT II. DE EPISCOPIS

### Art. 1. DE EPISCOPIS IN GENERE

**Can. 375** - § 1. Episcopi, qui ex divina institutione in Apostolorum locum succedunt per Spiritum Sanctum qui datus est eis, in Ecclesia Pastores constituuntur, ut sint et ipsi doctrinae magistri, sacri cultus sacerdotes et gubernationis ministri.

§ 2. Episcopi ipsa consecratione episcopali recipiunt cum munere sanctificandi munera quoque docendi et regendi, quae tamen natura sua non nisi in hierarchica communione cum Collegii capite et membris exercere possunt.

**Can. 376** - Episcopi vocantur *dioecesani*, quibus scilicet alicuius dioecesis cura commissa est; ceteri *titulares* appellantur.

**Can. 377** - § 1. Episcopus libere Summus Pontifex nominat, aut legitime electos confirmat.

§ 2. Singulis saltem trienniis Episcopi provinciae ecclesiasticae vel, ubi adiuncta id suadeant, Episcoporum conferentiae, communi consilio et secreto elenchum component presbyterorum etiam sodalium institutorum vitae consecratae, ad episcopatum aptiorum, eumque Apostolicae Sedi transmittant, firmo manente iure uniuscuiusque Episcopi Apostolicae Sedi nomina presbyterorum, quos episcopali munere dignos et idoneos putet, seorsim patefaciendi.

§ 3. Nisi aliter legitime statutum fuerit, quoties nominandus est Episcopus dioecesanus aut Episcopus coadiutor, ad ternos, qui dicuntur, Apostolicae Sedi proponendos, pontificii Legati est singillatim requirere et cum ipsa Apostolica Sede communicare, una cum suo voto, quid

**Can. 373** - It is only for the supreme authority to erect particular churches; those legitimately erected possess juridic personality by the law itself.

**Can. 374** - § 1. Every diocese or other particular church is to be divided into distinct parts or parishes.

§ 2. To foster pastoral care through common action, several neighboring parishes can be joined into special groups, such as vicariates forane.

## Chapter II. Bishops

### Art. 1. Bishops In General

**Can. 375** - § 1. Bishops, who by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance.

§ 2. Through episcopal consecration itself, bishops receive with the function of sanctifying also the functions of teaching and governing; by their nature, however, these can only be exercised in hierarchical communion with the head and members of the college.

**Can. 376** - Bishops to whom the care of some diocese is entrusted are called diocesan; others are called titular.

**Can. 377** - § 1. The Supreme Pontiff freely appoints bishops or confirms those legitimately elected.

§ 2. At least every three years, bishops of an ecclesiastical province or, where circumstances suggest it, of a conference of bishops, are in common counsel and in secret to compose a list of presbyters, even including members of institutes of consecrated life, who are more suitable for the episcopate. They are to send it to the Apostolic See, without prejudice to the right of each bishop individually to make known to the Apostolic See the names of presbyters whom he considers worthy of and suited to the episcopal function.

§ 3. Unless it is legitimately established otherwise, whenever a diocesan or coadjutor bishop must be appointed, as regards what is called the ternus to be proposed to the Apostolic See, the pontifical legate is to seek individually and to communicate to the



suggerant Metropolitana et Suffraganei provinciae, ad quam providenda dioecesis pertinet vel quacum in coetum convenit, necnon conferentiae Episcoporum praeses; pontificius Legatus, insuper, quosdam e collegio consultorum et capitulo cathedrali audiat et, si id expedire iudicaverit, sententiam quoque aliorum ex utroque clero necnon laicorum sapientia praestantium singillatim et secreto exquirat.

§ 4. Nisi aliter legitime provisum fuerit, Episcopus dioecesanus, qui auxiliarem suae dioecesi dandum aestimet, elenchum trium saltem presbyterorum ad hoc officium aptiorum Apostolicae Sedi proponat.

§ 5. Nulla in posterum iura et privilegia electionis, nominationis, praesentationis vel designationis Episcoporum civilibus auctoritatibus conceduntur.

**Can. 378 - § 1.** Ad idoneitatem candidatorum Episcopatus requiritur ut quis sit:

1° firma fide, bonis moribus, pietate, animarum zelo, sapientia, prudentia et virtutibus humanis excellens, ceterisque dotibus praeditus quae ipsum aptum efficiant ad officium de quo agitur explendum;

2° bona exsistimatione gaudens;

3° annos natus saltem triginta quinque;

4° a quinquennio saltem in presbyteratus ordine constitutus;

5° laurea doctoris vel saltem licentia in sacra Scriptura, theologia aut iure canonico potitus in instituto studiorum superiorum a Sede Apostolica probato, vel saltem in iisdem disciplinis vere peritus.

§ 2. Iudicium definitivum de promovendi idoneitate ad Apostolicam Sedem pertinet.

**Can. 379 -** Nisi legitimo detineatur impedimento, quicumque ad Episcopatum promotus debet intra tres menses ab acceptis apostolicis litteris consecrationem episcopalem recipere, et quidem antequam officii sui possessionem capiat.

Apostolic See together with his own opinion the suggestions of the metropolitan and suffragans of the province to which the diocese to be provided for belongs or with which it is joined in some grouping, and the suggestions of the president of the conference of bishops. The pontifical legate, moreover, is to hear some members of the college of consultors and cathedral chapter and, if he judges it expedient, is also to seek individually and in secret the opinion of others from both the secular and non-secular clergy and from laity outstanding in wisdom.

§ 4. Unless other provision has been legitimately made, a diocesan bishop who judges that an auxiliary should be given to his diocese is to propose to the Apostolic See a list of at least three presbyters more suitable for this office.

§ 5. In the future, no rights and privileges of election, nomination, presentation, or designation of bishops are granted to civil authorities.

**Can. 378 - § 1.** In regard to the suitability of a candidate for the episcopacy, it is required that he is:

1° outstanding in solid faith, good morals, piety, zeal for souls, wisdom, prudence, and human virtues, and endowed with other qualities which make him suitable to fulfill the office in question;

2° of good reputation;

3° at least thirty-five years old;

4° ordained to the presbyterate for at least five years;

5° in possession of a doctorate or at least a licentiate in sacred scripture, theology, or canon law from an institute of higher studies approved by the Apostolic See, or at least truly expert in the same disciplines.

§ 2. The definitive judgment concerning the suitability of the one to be promoted pertains to the Apostolic See.

**Can. 379 -** Unless he is prevented by a legitimate impediment, whoever has been promoted to the episcopacy must receive episcopal consecration within three months from the receipt of the apostolic letter and before he takes possession of his office.

**Can. 380** - Antequam canonicam possessionem sui officii capiat, promotus fidei professionem emittat atque iusiurandum fidelitatis erga Apostolicam Sedem praestet secundum formulam ab eadem Apostolica Sede probatam.

#### Art. 2. DE EPISCOPIIS DIOECESANIS

**Can. 381** - § 1. Episcopo dioecetano in dioecesi ipsi commissa omnis competit potestas ordinaria, propria et immediata, quae ad exercitium eius muneris pastoralis requiritur, exceptis causis quae iure aut Summi Pontificis decreto supremae aut alii auctoritati ecclesiasticae reserventur.

§ 2. Qui praesunt aliis communitatibus fidelium, de quibus in can. 368, Episcopo dioecetano in iure aequiparantur, nisi ex rei natura aut iuris praescripto aliud appareat.

**Can. 382** - § 1. Episcopus promotus in exercitium officii sibi commissi sese ingerere nequit, ante captam dioecesis canonicam possessionem; exercere tamen valet officia, quae in eadem dioecesi tempore promotionis iam retinebat, firmo praescripto can. 409, § 2.

§ 2. Nisi legitimo detineatur impedimento, promotus ad officium Episcopi dioecetani debet canonicam suae dioecesis possessionem capere, si iam non sit consecratus Episcopus, intra quattuor menses a receptis apostolicis litteris; si iam sit consecratus, intra duos menses ab iisdem receptis.

§ 3. Canonicam dioecesis possessionem capit Episcopus simul ac in ipsa dioecesi, per se vel per procuratorem, apostolicas litteras collegio consultorum ostenderit, praesente curiae cancellario, qui rem in acta referat, aut, in dioecesibus noviter erectis, simul ac clero populoque in ecclesia cathedrali praesenti earundem litterarum communicationem procuraverit, presbytero inter praesentes seniore in acta referente.

§ 4. Valde commendatur ut captio canonicae possessionis cum actu liturgico in ecclesia cathedrali fiat, clero et populo adstantibus.

**Can. 380** - Before he takes canonical possession of his office, the one promoted is to make the profession of faith and take the oath of fidelity to the Apostolic See according to the formula approved by the Apostolic See.

#### Art. 2. Diocesan Bishops

**Can. 381** - § 1. A diocesan bishop in the diocese entrusted to him has all ordinary, proper, and immediate power which is required for the exercise of his pastoral function except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority.

§ 2. Those who preside over the other communities of the faithful mentioned in can. 368 are equivalent in law to a diocesan bishop unless it is otherwise apparent from the nature of the matter or from a prescript of law.

**Can. 382** - § 1. One promoted as bishop cannot assume the exercise of the office entrusted to him before he has taken canonical possession of the diocese. Nevertheless, he is able to exercise offices which he already had in the same diocese at the time of promotion, without prejudice to the prescript of can. 409, § 2.

§ 2. Unless he is prevented by a legitimate impediment, one promoted to the office of diocesan bishop must take canonical possession of his diocese within four months of receipt of the apostolic letter if he has not already been consecrated a bishop; if he has already been consecrated, within two months from receipt of this letter.

§ 3. A bishop takes canonical possession of a diocese when he personally or through a proxy has shown the apostolic letter in the same diocese to the college of consultors in the presence of the chancellor of the curia, who records the event. In newly erected dioceses, he takes canonical possession when he has seen to the communication of the same letter to the clergy and people present in the cathedral church, with the senior presbyter among those present recording the event.

§ 4. It is strongly recommended that the taking of canonical possession be done within a liturgical act in the cathedral church with the clergy and people gathered together.

**Can. 383** - § 1. In exercendo munere pastoris, Episcopus dioecesanus sollicitum se praebeat erga omnes christifideles qui suae curae committuntur, cuiusvis sint aetatis, condicionis vel nationis, tum in territorio habitantes tum in eodem ad tempus versantes, animum intendens apostolicum ad eos etiam qui ob vitae suae condicionem ordinaria cura pastoralis non satis frui valeant necnon ad eos qui a religionis praxi defecerint.

§ 2. Fideles diversi ritus in sua dioecesi si habeat, eorum spiritualibus necessitatibus provideat sive per sacerdotes aut paroecias eiusdem ritus, sive per Vicarium episcopalem.

§ 3. Erga fratres, qui in plena communione cum Ecclesia catholica non sint, cum humanitate et caritate se gerat, oecumenismum quoque fovens prout ab Ecclesia intellegitur.

§ 4. Commendatos sibi in Domino habeat non baptizatos, ut et ipsis caritas eluceat Christi, cuius testis coram omnibus Episcopus esse debet.

**Can. 384** - Episcopus dioecesanus peculiari sollicitudine prosequatur presbyteros, quos tamquam adiutores et consiliarios audiat, eorum iura tutetur et curet ut ipsi obligationes suo statui proprias rite adimpleant iisdemque praesto sint media et institutiones, quibus ad vitam spiritualem et intellectualem fovendam egeant; item curet ut eorum honestae sustentationi atque assistentiae sociali, ad normam iuris, prospiciatur.

**Can. 385** - Episcopus dioecesanus vocationes ad diversa ministeria et ad vitam consecratam quam maxime foveat, speciali cura vocationibus sacerdotalibus et missionalibus adhibita.

**Can. 386** - § 1. Veritates fidei credendas et moribus applicandas Episcopus dioecesanus fidelibus proponere et illustrare tenetur, per se ipse frequenter praedicans; curet etiam ut praescripta canonum de ministerio verbi, de homilia praesertim et catechetica institutione sedulo serventur, ita ut universa doctrina christiana omnibus tradatur.

§ 2. Integritatem et unitatem fidei credendae

**Can. 383** - § 1. In exercising the function of a pastor, a diocesan bishop is to show himself concerned for all the Christian faithful entrusted to his care, of whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily; he is also to extend an apostolic spirit to those who are not able to make sufficient use of ordinary pastoral care because of the condition of their life and to those who no longer practice their religion.

§ 2. If he has faithful of a different rite in his diocese, he is to provide for their spiritual needs either through priests or parishes of the same rite or through an episcopal vicar.

§ 3. He is to act with humanity and charity toward the brothers and sisters who are not in full communion with the Catholic Church and is to foster ecumenism as it is understood by the Church.

§ 4. He is to consider the non-baptized as committed to him in the Lord, so that there shines on them the charity of Christ whose witness a bishop must be before all people.

**Can. 384** - With special solicitude, a diocesan bishop is to attend to presbyters and listen to them as assistants and counselors. He is to protect their rights and take care that they correctly fulfill the obligations proper to their state and that the means and institutions which they need to foster spiritual and intellectual life are available to them. He also is to take care that provision is made for their decent support and social assistance, according to the norm of law.

**Can. 385** - As much as possible, a diocesan bishop is to foster vocations to different ministries and to consecrated life, with special care shown for priestly and missionary vocations.

**Can. 386** - § 1. A diocesan bishop, frequently preaching in person, is bound to propose and explain to the faithful the truths of the faith which are to be believed and applied to morals. He is also to take care that the prescripts of the canons on the ministry of the word, especially those on the homily and catechetical instruction, are carefully observed so that the whole Christian doctrine is handed on to all.

§ 2. Through more suitable means, he is firmly

mediis, quae aptiora videantur, firmiter tueatur, iustam tamen libertatem agnoscens in veritatibus ulterius perscrutandis.

**Can. 387** - Episcopus dioecesanus, cum memor sit se obligatione teneri exemplum sanctitatis praebendi in caritate, humilitate et vitae simplicitate, omni ope promovere studeat sanctitatem christifidelium secundum uniuscuiusque propriam vocationem atque, cum sit praecipuus mysteriorum Dei dispensator, iugiter annitatur ut christifideles suae curae commissi sacramentorum celebratione in gratia crescant utque paschale mysterium cognoscant et vivant.

**Can. 388** - § 1. Episcopus dioecesanus, post captam dioecesis possessionem, debet singulis diebus dominicis aliisque diebus festis de praecepto in sua regione Missam pro populo sibi commissio applicare.

§ 2. Episcopus Missam pro populo diebus, de quibus in § 1, per se ipse celebrare et applicare debet; si vero ab hac celebratione legitime impediatur, iisdem diebus per alium, vel aliis diebus per se ipse applicet.

§ 3. Episcopus cui praeter propriam dioecesim aliae, titulo etiam administrationis, sunt commissae, obligationi satisfacit unam Missam pro universo populo sibi commissio applicando.

§ 4. Episcopus qui obligationi, de qua in §§ 1-3, non satisfecerit, quam primum pro populo tot Missas applicet quot omiserit.

**Can. 389** - Frequenter praesit in ecclesia cathedrali aliave ecclesia suae dioecesis sanctissimae Eucharistiae celebrationi, in festis praesertim de praecepto aliisque sollemnitatibus.

**Can. 390** - Episcopus dioecesanus in universa sua dioecesi pontificalia exercere potest; non vero extra propriam dioecesim sine expresso vel saltem rationabiliter praesumpto Ordinarii loci consensu.

**Can. 391** - § 1. Episcopi dioecesani est Ecclesiam particularem sibi commissam cum potestate legislativa, executiva et iudiciali regere, ad normam iuris.

to protect the integrity and unity of the faith to be believed, while nonetheless acknowledging a just freedom in further investigating its truths.

**Can. 387** - Since the diocesan bishop is mindful of his obligation to show an example of holiness in charity, humility, and simplicity of life, he is to strive to promote in every way the holiness of the Christian faithful according to the proper vocation of each. Since he is the principal dispenser of the mysteries of God, he is to endeavor constantly that the Christian faithful entrusted to his care grow in grace through the celebration of the sacraments and that they understand and live the paschal mystery.

**Can. 388** - § 1. After the diocesan bishop has taken possession of the diocese, he must apply a Mass for the people entrusted to him each Sunday and on the other holy days of obligation in his region.

§ 2. The bishop himself must personally celebrate and apply a Mass for the people on the days mentioned in § 1. If he is legitimately impeded from this celebration, however, he is to apply the Masses either on the same days through another or on other days himself.

§ 3. A bishop to whom other dioceses besides his own have been entrusted, even under title of administration, satisfies the obligation by applying one Mass for all the people entrusted to him.

§ 4. A bishop who has not satisfied the obligation mentioned in §§ 1-3 is to apply as soon as possible as many Masses for the people as he has omitted.

**Can. 389** - He is frequently to preside at the celebration of the Most Holy Eucharist in the cathedral church or another church of his diocese, especially on holy days of obligation and other solemnities.

**Can. 390** - A diocesan bishop can perform pontifical functions in his entire diocese but not outside his own diocese without the express, or at least reasonably presumed, consent of the local ordinary.

**Can. 391** - § 1. It is for the diocesan bishop to govern the particular church entrusted to him with legislative, executive, and judicial power according to the norm of law.

§ 2. Potestatem legislativam exercet ipse Episcopus; potestatem exsecutivam exercet sive per se sive per Vicarios generales aut episcopales ad normam iuris; potestatem iudicalem sive per se sive per Vicarium iudicalem et iudices ad normam iuris.

**Can. 392** - § 1. Ecclesiae universae unitatem cum tueri debeat, Episcopus disciplinam cunctae Ecclesiae communem promovere et ideo observantiam omnium legum ecclesiasticarum urgere tenetur.

§ 2. Advigilet ne abusus in ecclesiasticam disciplinam irrepant, praesertim circa ministerium verbi, celebrationem sacramentorum et sacramentalium, cultum Dei et Sanctorum, necnon bonorum administrationem.

**Can. 393** - In omnibus negotiis iuridicis dioecesis, Episcopus dioecesanus eiusdem personam gerit.

**Can. 394** - § 1. Varias apostolatus rationes in dioecesi foveat Episcopus, atque curet ut in universa dioecesi, vel in eiusdem particularibus districtibus, omnia apostolatus opera, servata uniuscuiusque propria indole, sub suo moderamine coordinentur.

§ 2. Urgeat officium, quo tenentur fideles ad apostolatum pro sua cuiusque condicione et aptitudine exercendum, atque ipsos adhortetur ut varia opera apostolatus, secundum necessitates loci et temporis, participant et iuvent.

**Can. 395** - § 1. Episcopus dioecesanus, etiamsi coadiutorem aut auxiliarem habeat, tenetur lege personalis in dioecesi residentiae.

§ 2. Praeterquam causa visitationis Sacrorum Liminum, vel Conciliorum, Episcoporum synodi, Episcoporum conferentiae, quibus interesse debet, aliusve officii sibi legitime commissi, a dioecesi aequa de causa abesse potest non ultra mensem, sive continuum sive intermissum, dummodo cautum sit ne ex eius absentia dioecesis quidquam detrimenti capiat.

§ 3. A dioecesi ne absit diebus Nativitatis, Hebdomadae Sanctae et Resurrectionis Domini, Pentecostes et Corporis et Sanguinis

§ 2. The bishop exercises legislative power himself. He exercises executive power either personally or through vicars general or episcopal vicars according to the norm of law. He exercises judicial power either personally or through the judicial vicar and judges according to the norm of law.

**Can. 392** - § 1. Since he must protect the unity of the universal Church, a bishop is bound to promote the common discipline of the whole Church and therefore to urge the observance of all ecclesiastical laws.

§ 2. He is to exercise vigilance so that abuses do not creep into ecclesiastical discipline, especially regarding the ministry of the word, the celebration of the sacraments and sacramentals, the worship of God and the veneration of the saints, and the administration of goods.

**Can. 393** - The diocesan bishop represents his diocese in all its juridic affairs.

**Can. 394** - § 1. A bishop is to foster various forms of the apostolate in the diocese and is to take care that in the entire diocese or in its particular districts, all the works of the apostolate are coordinated under his direction, with due regard for the proper character of each.

§ 2. He is to insist upon the duty which binds the faithful to exercise the apostolate according to each one's condition and ability and is to exhort them to participate in and assist the various works of the apostolate according to the needs of place and time.

**Can. 395** - § 1. Even if a diocesan bishop has a coadjutor or auxiliary, he is bound by the law of personal residence in the diocese.

§ 2. Apart from ad limina visits, councils, synods of bishops, conferences of bishops which he must attend, or some other duty legitimately entrusted to him, he can be absent from his diocese for a reasonable cause but not beyond a month, whether continuous or interrupted, and provided that he makes provision so that the diocese will suffer no detriment from his absence.

§ 3. He is not to be absent from the diocese on Christmas, during Holy Week, and on Easter, Pentecost, and the Feast of the Body and

Christi, nisi ex gravi urgentique causa.

§ 4. Si ultra sex menses Episcopus a dioecesi illegitime abfuerit, de eius absentia Metropolita Sedem Apostolicam certiore faciat; quod si agatur de Metropolita, idem faciat antiquior suffraganeus.

**Can. 396** - § 1. Tenetur Episcopus obligatione dioecesis vel ex toto vel ex parte quotannis visitandae, ita ut singulis saltem quinquenniis universam dioecesim, ipse per se vel, si legitime fuerit impeditus, per Episcopum coadiutorem, aut per auxiliarem, aut per Vicarium generalem vel episcopalem, aut per alium presbyterum visitet.

§ 2. Fas est Episcopo sibi eligere quos maluerit clericos in visitatione comites atque adiutores, reprobato quocumque contrario privilegio vel consuetudine.

**Can. 397** - § 1. Ordinariae episcopali visitationi obnoxiae sunt personae, instituta catholica, res et loca sacra, quae intra dioecesis ambitum continentur.

§ 2. Sodales institutorum religiosorum iuris pontificii eorumque domos Episcopus visitare potest in casibus tantum iure expressis.

**Can. 398** - Studeat Episcopus debita cum diligentia pastorem visitationem absolvere; caveat ne superfluis sumptibus cuiquam gravis onerosusve sit.

**Can. 399** - § 1. Episcopus dioecesanus tenetur singulis quinquenniis relationem Summo Pontifici exhibere super statu dioecesis sibi commissae, secundum formam et tempus ab Apostolica Sede definita.

§ 2. Si annus pro exhibenda relatione determinatus ex toto vel ex parte inciderit in primum biennium ab initio dioecesis regimine, Episcopus pro ea vice a conficienda et exhibenda relatione abstinere potest.

**Can. 400** - § 1. Episcopus dioecesanus, eo anno quo relationem Summo Pontifici exhibere tenetur, nisi aliter ab Apostolica Sede statutum fuerit, ad Urbem, Beatorum Apostolorum Petri et Pauli sepulcra veneraturus, accedat et Romano Pontifici se sistat.

Blood of Christ, except for a grave and urgent cause.

§ 4. If a bishop has been illegitimately absent from the diocese for more than six months, the metropolitan is to inform the Apostolic See of his absence; if it concerns the metropolitan, the senior suffragan is to do so.

**Can. 396** - § 1. A bishop is obliged to visit the diocese annually either in whole or in part, so that he visits the entire diocese at least every five years either personally or, if he has been legitimately impeded, through the coadjutor bishop, an auxiliary, vicar general, episcopal vicar, or another presbyter.

§ 2. A bishop is permitted to choose the clerics he prefers as companions and assistants on a visitation; any contrary privilege or custom is reprobated.

**Can. 397** - § 1. Persons, Catholic institutions, and sacred things and places, which are located within the area of the diocese, are subject to ordinary episcopal visitation.

§ 2. A bishop can visit members of religious institutes of pontifical right and their houses only in the cases expressed in law.

**Can. 398** - A bishop is to strive to complete the pastoral visitation with due diligence. He is to take care that he does not burden or impose a hardship on anyone through unnecessary expenses.

**Can. 399** - § 1. Every five years a diocesan bishop is bound to make a report to the Supreme Pontiff on the state of the diocese entrusted to him, according to the form and time determined by the Apostolic See.

§ 2. If the year determined for submitting a report falls entirely or in part within the first two years of his governance of a diocese, a bishop can refrain from making and submitting his report on this one occasion.

**Can. 400** - § 1. Unless the Apostolic See has established otherwise, during the year in which he is bound to submit a report to the Supreme Pontiff, a diocesan bishop is to go to Rome to venerate the tombs of the Blessed Apostles Peter and Paul and to present himself to the Roman Pontiff.

§ 2. Episcopus praedictae obligationi per se ipse satisfaciatur, nisi legitime sit impeditus; quo in casu eidem satisfaciatur per coadiutorem, si quem habeat, vel auxiliarem, aut per idoneum sacerdotem sui presbyterii, qui in sua dioecesi resideat.

§ 3. Vicarius apostolicus huic obligationi satisfacere potest per procuratorem etiam in Urbe degentem; Praefectus apostolicus hac obligatione non tenetur.

**Can. 401** - § 1. Episcopus dioecesanus, qui septuagesimum quintum aetatis annum expleverit, rogatur ut renuntiationem ab officio exhibeat Summo Pontifici, qui omnibus inspectis adiunctis providebit.

§ 2. Enixe rogatur Episcopus dioecesanus, qui ob infirmam valetudinem aliamve gravem causam officio suo adimplendo minus aptus evaserit, ut renuntiationem ab officio exhibeat.

**Can. 402** - § 1. Episcopus, cuius renuntiatio ab officio acceptata fuerit, titulum emeriti suae dioecesis retinet, atque habitationis sedem, si id exoptet, in ipsa dioecesi servare potest, nisi certis in casibus ob specialia adiuncta ab Apostolica Sede aliter provideatur.

§ 2. Episcoporum conferentia curare debet ut congruae et dignae Episcopi renuntiantis sustentationi provideatur, attenta quidem primaria obligatione, qua tenetur dioecesis cui ipse inservivit.

### Art. 3. DE EPISCOPIS COADIUTORIBUS ET AUXILIARIBUS

**Can. 403** - § 1. Cum pastorales dioecesis necessitates id suadeant, unus vel plures Episcopi auxiliares, petente Episcopo dioecesano, constituentur; Episcopus auxiliaris iure successionis non gaudet.

§ 2. Gravioribus in adiunctis, etiam indolis personalis, Episcopo dioecesano dari potest Episcopus auxiliaris specialibus instructus facultatibus.

§ 3. Sancta Sedes, si magis opportunum id ipsi videatur, ex officio constituere potest Episcopum coadiutorem, qui et ipse specialibus instruitur facultatibus; Episcopus coadiutor iure successionis gaudet.

**Can. 404** - § 1. Episcopus coadiutor officii sui possessionem capit, cum litteras apostolicas

§ 2. A bishop is to satisfy the above-mentioned obligation personally unless he is legitimately impeded. In that case, he is to satisfy it through his coadjutor, if he has one, or auxiliary, or a suitable priest of his presbyterium who resides in his diocese.

§ 3. An apostolic vicar can satisfy this obligation through a proxy, even one living in Rome. This obligation does not bind an apostolic prefect.

**Can. 401** - § 1. A diocesan bishop who has completed the seventy-fifth year of age is requested to present his resignation from office to the Supreme Pontiff, who will make provision after he has examined all the circumstances.

§ 2. A diocesan bishop who has become less able to fulfill his office because of ill health or some other grave cause is earnestly requested to present his resignation from office.

**Can. 402** - § 1. A bishop whose resignation from office has been accepted retains the title of emeritus of his diocese and can retain a place of residence in that diocese if he so desires, unless in certain cases the Apostolic See provides otherwise because of special circumstances.

§ 2. The conference of bishops must take care that suitable and decent support is provided for a retired bishop, with attention given to the primary obligation which binds the diocese he has served.

### Art. 3. Coadjutor and Auxiliary Bishops

**Can. 403** - § 1. When the pastoral needs of a diocese suggest it, one or more auxiliary bishops are to be appointed at the request of the diocesan bishop. An auxiliary bishop does not possess the right of succession.

§ 2. In more serious circumstances, even of a personal nature, an auxiliary bishop provided with special faculties can be given to a diocesan bishop.

§ 3. If it appears more opportune to the Holy See, it can appoint ex officio a coadjutor bishop who also has special faculties. A coadjutor bishop possesses the right of succession.

**Can. 404** - § 1. A coadjutor bishop takes possession of his office when he, either

nominationis, per se vel per procuratorem, ostenderit Episcopo dioecetano atque collegio consultorum, praesente curiae cancellario, qui rem in acta referat.

§ 2. Episcopus auxiliaris officii sui possessionem capit, cum litteras apostolicas nominationis ostenderit Episcopo dioecetano, praesente curiae cancellario, qui rem in acta referat.

§ 3. Quod si Episcopus dioecetanus plene sit impeditus, sufficit ut tum Episcopus coadiutor, tum Episcopus auxiliaris litteras apostolicas nominationis ostendant collegio consultorum, praesente curiae cancellario.

**Can. 405** - § 1. Episcopus coadiutor, itemque Episcopus auxiliaris, obligationes et iura habent quae determinantur praescriptis canonum qui sequuntur, atque in litteris suae nominationis definiuntur.

§ 2. Episcopus coadiutor et Episcopus auxiliaris, de quo in can. 403, § 2, Episcopo dioecetano in universo dioecesis regimine adstant atque eiusdem absentis vel impediti vices supplent.

**Can. 406** - § 1. Episcopus coadiutor, itemque Episcopus auxiliaris, de quo in can. 403, § 2, ab Episcopo dioecetano Vicarius generalis constituatur; insuper ipsi prae ceteris Episcopus dioecetanus committat quae ex iure mandatum speciale requirant.

§ 2. Nisi in litteris apostolicis aliud provisum fuerit et firmo praescripto § 1, Episcopus dioecetanus auxiliarem vel auxiliares suos constituat Vicarios generales vel saltem Vicarios episcopales, ab auctoritate sua, aut Episcopi coadiutoris vel Episcopi auxiliaris de quo in can. 403, § 2, dumtaxat dependentes.

**Can. 407** - § 1. Ut quam maxime praesenti et futuro dioecesis bono faveatur, Episcopus dioecetanus, coadiutor atque Episcopus auxiliaris de quo in can. 403, § 2, in rebus maioris momenti sese invicem consulant.

§ 2. Episcopus dioecetanus in perpendendis causis maioris momenti, praesertim indolis pastoralis, Episcopus auxiliares prae ceteris consulere velit.

§ 3. Episcopus coadiutor et Episcopus

personally or through a proxy, has shown the apostolic letter of appointment to the diocesan bishop and college of consultors in the presence of the chancellor of the curia, who records the event.

§ 2. An auxiliary bishop takes possession of his office when he has shown the apostolic letter of appointment to the diocesan bishop in the presence of the chancellor of the curia, who records the event.

§ 3. If the diocesan bishop is completely impeded, however, it suffices that both the coadjutor bishop and the auxiliary bishop show the apostolic letter of appointment to the college of consultors in the presence of the chancellor of the curia.

**Can. 405** - § 1. A coadjutor bishop and an auxiliary bishop have the obligations and rights which are determined in the prescripts of the following canons and are defined in the letter of their appointment.

§ 2. A coadjutor bishop and the auxiliary bishop mentioned in can. 403, § 2 assist the diocesan bishop in the entire governance of the diocese and take his place if he is absent or impeded.

**Can. 406** - § 1. The diocesan bishop is to appoint a coadjutor bishop and the auxiliary bishop mentioned in can. 403, § 2 as vicar general. Moreover, the diocesan bishop is to entrust to him before others those things which by law require a special mandate.

§ 2. Unless the apostolic letter has provided otherwise and without prejudice to the provision of § 1, a diocesan bishop is to appoint his auxiliary or auxiliaries as vicars general or at least as episcopal vicars, dependent only on his authority or that of the coadjutor bishop or auxiliary bishop mentioned in can. 403, § 2.

**Can. 407** - § 1. In order to foster the present and future good of the diocese as much as possible, a diocesan bishop, a coadjutor, and the auxiliary mentioned in can. 403, § 2 are to consult one another on matters of major importance.

§ 2. In considering cases of major importance, especially of a pastoral character, a diocesan bishop is to wish to consult the auxiliary bishops before others.

§ 3. Since a coadjutor bishop and an auxiliary



auxiliaris, quippe qui in partem sollicitudinis Episcopi dioecesanii vocati sint, munia sua ita exercent, ut concorditer cum ipso opera et animo procedant.

**Can. 408** - § 1. Episcopus coadiutor et Episcopus auxiliaris, iusto impedimento non detenti, obligantur ut, quoties Episcopus dioecesanus id requirat, pontificalia et alias functiones obeant, ad quas Episcopus dioecesanus tenetur.

§ 2. Quae episcopalia iura et functiones Episcopus coadiutor aut auxiliaris potest exercere, Episcopus dioecesanus habitualiter alii ne committat.

**Can. 409** - § 1. Vacante sede episcopali, Episcopus coadiutor statim fit Episcopus dioecesis pro qua fuerat constitutus, dummodo possessionem legitime ceperit.

§ 2. Vacante sede episcopali, nisi aliud a competenti auctoritate statutum fuerit, Episcopus auxiliaris, donec novus Episcopus possessionem sedis ceperit, omnes et solas servat potestates et facultates quibus sede plena, tamquam Vicarius generalis vel tamquam Vicarius episcopalis, gaudebat; quod si ad munus Administratoris dioecesanii non fuerit designatus, eandem suam potestatem, a iure quidem collatam, exercent sub auctoritate Administratoris dioecesanii, qui regimini dioecesis praeest.

**Can. 410** - Episcopus coadiutor et Episcopus auxiliaris obligatione tenentur, sicut et ipse Episcopus dioecesanus, residendi in dioecesi; a qua, praeterquam ratione alicuius officii extra dioecesim implendi aut feriarum causa, quae ultra mensem ne protrahantur, nonnisi ad breve tempus discedant.

**Can. 411** - Episcopo coadiutori et auxiliari, ad renuntiationem ab officio quod attinet, applicantur praescripta cann. 401 et 402, § 2.

### CAPUT III. DE SEDE IMPEDITA ET DE SEDE VACANTE

#### Art. 1. DE SEDE IMPEDITA

**Can. 412** - Sedes episcopalis impedita intellegitur, si captivitate, relegatione, exsilio aut inhabilitate Episcopus dioecesanus plane a munere pastoralis in dioecesi procurando praepediatur, ne per litteras quidem valens cum

bishop are called to share in the solicitude of the diocesan bishop, they are to exercise their duties in such a way that they proceed in harmony with him in effort and intention.

**Can. 408** - § 1. A coadjutor bishop and an auxiliary bishop who are not prevented by a just impediment are obliged to perform pontificals and other functions to which the diocesan bishop is bound whenever the diocesan bishop requires it.

§ 2. A diocesan bishop is not to entrust habitually to another the episcopal rights and functions which a coadjutor or auxiliary bishop can exercise.

**Can. 409** - § 1. When the episcopal see is vacant, the coadjutor bishop immediately becomes the bishop of the diocese for which he had been appointed provided that he has legitimately taken possession of it.

§ 2. When the episcopal see is vacant and unless competent authority has established otherwise, an auxiliary bishop preserves all and only those powers and faculties which he possessed as vicar general or episcopal vicar while the see was filled until a new bishop has taken possession of the see. If he has not been designated to the function of diocesan administrator, he is to exercise this same power, conferred by law, under the authority of the diocesan administrator who presides over the governance of the diocese.

**Can. 410** - Like the diocesan bishop, a coadjutor bishop and an auxiliary bishop are obliged to reside in the diocese. Except for a brief time, they are not to be absent from it other than to fulfill some duty outside the diocese or for vacation, which is not to exceed one month.

**Can. 411** - The prescripts of cann. 401 and 402, § 2 on resignation from office apply to a coadjutor and auxiliary bishop.

### Chapter III. The Impeded See and the Vacant See

#### Art. 1. The Impeded See

**Can. 412** - An episcopal see is understood to be impeded if by reason of captivity, banishment, exile, or incapacity a diocesan bishop is clearly prevented from fulfilling his pastoral function in the diocese, so that he is

diocesanis communicare.

**Can. 413** - § 1. Sede impedita, regimen dioecesis, nisi aliter Sancta Sedes providerit, competit Episcopo coadiutori, si adsit; eo deficiente aut impedito, alicui Episcopo auxiliari aut Vicario generali vel episcopali aliive sacerdoti, servato personarum ordine statuto in elencho ab Episcopo dioecesano quam primum a capta dioecesis possessione componendo; qui elenchus cum Metropolita communicandus singulis saltem trienniis renovetur atque a cancellario sub secreto servetur.

§ 2. Si deficiat aut impediatur Episcopus coadiutor atque elenchus, de quo in § 1, non suppetat, collegii consultorum est sacerdotem eligere, qui dioecesim regat.

§ 3. Qui dioecesis regimen, ad normam §§ 1 vel 2, susceperit, quam primum Sanctam Sedem moneat de sede impedita ac de suscepto munere.

**Can. 414** - Quilibet ad normam can. 413 vocatus ut ad interim dioecesis curam pastoraalem gerat pro tempore quo sedes impeditur tantum, in cura pastorali dioecesis exercenda tenetur obligationibus atque potestate gaudet, quae iure Administratori dioecesano competunt.

**Can. 415** - Si Episcopus dioecesanus poena ecclesiastica a munere exercendo prohibeatur, Metropolita aut, si is deficiat vel de eodem agatur, suffraganeus antiquior promotione ad Sanctam Sedem statim recurrat, ut ipsa provideat.

#### Art. 2. DE SEDE VACANTE

**Can. 416** - Sedes episcopalis vacat Episcopi dioecesani morte, renuntiatione a Romano Pontifice acceptata, translatione ac privatione Episcopo intimata.

**Can. 417** - Vim habent omnia quae gesta sunt a Vicario generali aut Vicario episcopali, donec certam de obitu Episcopi dioecesani notitiam iidem acceperint, itemque quae ab Episcopo dioecesano aut a Vicario generali vel episcopali gesta sunt, donec certam de memoratis actibus

not able to communicate with those in his diocese even by letter.

**Can. 413** - § 1. When a see is impeded, the coadjutor bishop, if there is one, has governance of the diocese unless the Holy See has provided otherwise. If there is none or he is impeded, governance passes to an auxiliary bishop, the vicar general, an episcopal vicar, or another priest, following the order of persons established in the list which the diocesan bishop is to draw up as soon as possible after taking possession of the diocese. The list, which must be communicated to the metropolitan, is to be renewed at least every three years and preserved in secret by the chancellor.

§ 2. If there is no coadjutor bishop or he is impeded and the list mentioned in § 1 is not available, it is for the college of consultors to select a priest to govern the diocese.

§ 3. The one who has assumed the governance of a diocese according to the norm of §§ 1 or 2 is to advise the Holy See as soon as possible of the impeded see and the function he has assumed.

**Can. 414** - Whoever has been called according to the norm of can. 413 to exercise the pastoral care of a diocese temporarily and only for the period in which the see is impeded is bound by the obligations and possesses the power in the exercise of the pastoral care of the diocese which a diocesan administrator has by law.

**Can. 415** - If an ecclesiastical penalty prevents a diocesan bishop from exercising his function, the metropolitan or, if there is none or it concerns him, the suffragan senior in promotion, is to have recourse immediately to the Holy See so that it will make provision.

#### Art. 2. The Vacant See

**Can. 416** - An episcopal see is vacant upon the death of a diocesan bishop, resignation accepted by the Roman Pontiff, transfer, or privation made known to the bishop.

**Can. 417** - Everything that a vicar general or episcopal vicar does has force until they have received certain notice of the death of the diocesan bishop. Likewise, everything that a diocesan bishop, a vicar general, or an episcopal vicar does has force until they have

pontificiis notitiam receperint.

**Can. 418** - § 1. A certa translationis notitia, Episcopus intra duos menses debet dioecesim *ad quam* petere eiusque canonicam possessionem capere; die autem captae possessionis dioecesis novae, dioecesis *a qua* vacat.

§ 2. A certa translationis notitia usque ad canonicam novae dioecesis possessionem, Episcopus translatus in dioecesi *a qua*:

1° Administratoris dioecesanum potestatem obtinet eiusdemque obligationibus tenetur, cessante qualibet Vicarii generalis et Vicarii episcopalis potestate, salvo tamen can. 409, § 2;

2° integram percipit remunerationem officio propriam.

**Can. 419** - Sede vacante, regimen dioecesis, usque ad constitutionem Administratoris dioecesanum, ad Episcopum auxiliarem, et si plures sint, ad eum qui promotione sit antiquior devolvitur; deficiente autem Episcopo auxiliari, ad collegium consultorum, nisi a Sancta Sede aliter provisum fuerit. Qui ita regimen dioecesis assumit, sine mora convocet collegium competens ad deputandum Administratorem dioecesanum.

**Can. 420** - In vicariatu vel praefectura apostolica, sede vacante, regimen assumit Pro-Vicarius vel Pro-Praefectus ad hunc tantum effectum a Vicario vel a Praefecto immediate post captam possessionem nominatus, nisi aliter a Sancta Sede statutum fuerit.

**Can. 421** - § 1. Intra octo dies ab accepta vacationis sedis episcopalis notitia, Administrator dioecesanus, qui nempe dioecesim ad interim regat, eligendus est a collegio consultorum, firmo praescripto can. 502, § 3.

§ 2. Si intra praescriptum tempus Administrator dioecesanus, quavis de causa, non fuerit legitime electus, eiusdem deputatio devolvitur ad Metropolitanam, et si vacans sit ipsa Ecclesia metropolitana aut metropolitana simul et

received certain notice of the above-mentioned pontifical acts.

**Can. 418** - § 1. Upon certain notice of transfer, a bishop must claim the diocese to which he has been transferred (*ad quam*) and take canonical possession of it within two months. On the day that he takes possession of the new diocese, however, the diocese from which he has been transferred (*a qua*) is vacant.

§ 2. Upon certain notice of transfer until the canonical possession of the new diocese, a transferred bishop in the diocese from which he has been transferred:

1° obtains the power of a diocesan administrator and is bound by the obligations of the same; all power of the vicar general and episcopal vicar ceases, without prejudice to can. 409, § 2;

2° receives the entire remuneration proper to this office.

**Can. 419** - When a see is vacant and until the designation of a diocesan administrator, the governance of a diocese devolves upon the auxiliary bishop or, if there are several, upon the one who is senior in promotion. If there is no auxiliary bishop, however, it devolves upon the college of consultors unless the Holy See has provided otherwise. The one who so assumes governance of the diocese is to convoke without delay the college competent to designate a diocesan administrator.

**Can. 420** - When the see is vacant in an apostolic vicariate or prefecture, the governance is assumed by the pro-vicar or pro-prefect, appointed only for this purpose by the vicar or prefect immediately after the vicar or prefect has taken possession of the vicariate or prefecture, unless the Holy See has established otherwise.

**Can. 421** - § 1. The college of consultors must elect a diocesan administrator, namely the one who is to govern the diocese temporarily, within eight days from receiving notice of the vacancy of an episcopal see and without prejudice to the prescript of can. 502, § 3.

§ 2. If a diocesan administrator has not been elected legitimately within the prescribed time for whatever cause, his designation devolves upon the metropolitan, and if the metropolitan church itself is vacant or both the metropolitan

suffraganea, ad Episcopum suffraganeum promotione antiquiorem.

**Can. 422** - Episcopus auxiliaris et, si is deficiat, collegium consultorum quantocius de morte Episcopi, itemque electus in Administratorem dioecesanum de sua electione Sedem Apostolicam certiores faciant.

**Can. 423** - § 1. Unus deputetur Administrator dioecesanus, reprobata contraria consuetudine; secus electio irrita est.

§ 2. Administrator dioecesanus ne simul sit oeconomus; quare si oeconomus dioecesis in Administratorem electus fuerit, alium pro tempore oeconomum eligat consilium a rebus oeconomicis.

**Can. 424** - Administrator dioecesanus eligatur ad normam cann. 165-178.

**Can. 425** - § 1. Valide ad munus Administratoris dioecesani deputari tantum potest sacerdos qui trigesimum quintum aetatis annum expleverit et ad eandem vacantem sedem non fuerit iam electus, nominatus vel praesentatus.

§ 2. In Administratorem dioecesanum eligatur sacerdos, qui sit doctrina et prudentia praestans.

§ 3. Si praescriptae in § 1 condiciones posthabita fuerint, Metropolita aut, si ipsa Ecclesia metropolitana vacans fuerit, Episcopus suffraganeus promotione antiquior, agnita rei veritate, Administratorem pro ea vice deputet; actus autem illius qui contra praescripta § 1 sit electus, sunt ipso iure nulli.

**Can. 426** - Qui, sede vacante, ante deputationem Administratoris dioecesani, dioecesim regat, potestate gaudet quam ius Vicario generali agnoscit.

**Can. 427** - § 1. Administrator dioecesanus tenetur obligationibus et gaudet potestate Episcopi dioecesani, iis exclusis quae ex rei natura aut ipso iure excipiuntur.

and the suffragan churches are vacant, it devolves upon the suffragan bishop senior in promotion.

**Can. 422** - An auxiliary bishop or, if there is none, the college of consultors is to inform the Apostolic See of the death of a bishop as soon as possible. The one elected as diocesan administrator is to do the same concerning his own election.

**Can. 423** - § 1. One diocesan administrator is to be designated; any contrary custom is reprobated. Otherwise, the election is invalid.

§ 2. A diocesan administrator is not to be the finance officer at the same time. Therefore, if the finance officer of the diocese has been elected as administrator, the finance council is to elect a temporary finance officer.

**Can. 424** - A diocesan administrator is to be elected according to the norm of cann. 165-178.

**Can. 425** - § 1. Only a priest who has completed thirty-five years of age and has not already been elected, appointed, or presented for the same vacant see can be designated validly to the function of diocesan administrator.

§ 2. A priest who is outstanding in doctrine and prudence is to be elected as diocesan administrator.

§ 3. If the conditions previously mentioned in § 1 have been neglected, the metropolitan or, if the metropolitan church itself is vacant, the suffragan bishop senior in promotion, after he has ascertained the truth of the matter, is to designate an administrator in his place. The acts of the one who was elected contrary to the prescripts of § 1, however, are null by the law itself.

**Can. 426** - When a see is vacant, the person who is to govern the diocese before the designation of a diocesan administrator possesses the power which the law grants to a vicar general.

**Can. 427** - § 1. A diocesan administrator is bound by the obligations and possesses the power of a diocesan bishop, excluding those matters which are excepted by their nature or by the law itself.

§ 2. Administrator dioecesanus, acceptata electione, potestatem obtinet, quin requiratur ullius confirmatio, firma obligatione de qua in can. 833, n. 4.

**Can. 428** - § 1. Sede vacante, nihil innovetur.

§ 2. Illi qui ad interim dioecesis regimen curant, vetantur quidpiam agere quod vel dioecesi vel episcopalibus iuribus praeiudicium aliquod afferre possit; speciatim prohibentur ipsi, ac proinde alii quicumque, quominus sive per se sive per alium curiae dioecesanae documenta quaelibet subtrahant vel destruant, aut in iis quidquam immutent.

**Can. 429** - Administrator dioecesanus obligatione tenetur residendi in dioecesi et applicandi Missam pro populo ad normam can. 388.

**Can. 430** - § 1. Munus Administratoris dioecesani cessat per captam a novo Episcopo dioecesis possessionem.

§ 2. Administratoris dioecesani remotio Sanctae Sedi reservatur; renuntiatio quae forte ab ipso fiat, authentica forma exhibenda est collegio ad electionem competenti, neque acceptatione eget; remoto aut renuntiante Administratore dioecesano, aut eodem defuncto, alius eligatur Administrator dioecesanus ad normam can. 421.

## TITULUS II. DE ECCLESIARUM PARTICULARIUM COETIBUS

### CAPUT I. DE PROVINCIIS ECCLESIASTICIS ET DE REGIONIBUS ECCLESIASTICIS

**Can. 431** - § 1. Ut communis diversarum dioecesium vicinarum, iuxta personarum et locorum adiuncta, actio pastoralis promoveatur, utque Episcoporum dioecesanorum inter se relationes aptius foveantur, Ecclesiae particulares viciniore componantur in provincias ecclesiasticas certo territorio circumscriptas.

§ 2. Dioeceses exemptae deinceps pro regula ne habeantur; itaque singulae dioeceses aliaeque Ecclesiae particulares intra territorium alicuius provinciae ecclesiasticae existentes huic provinciae ecclesiasticae adscribi debent.

§ 3. Unius supremae Ecclesiae auctoritatis est,

§ 2. When he has accepted election, the diocesan administrator obtains power and no other confirmation is required, without prejudice to the obligation mentioned in can. 833, n. 4.

**Can. 428** - § 1. When a see is vacant, nothing is to be altered.

§ 2. Those who temporarily care for the governance of the diocese are forbidden to do anything which can be prejudicial in some way to the diocese or episcopal rights. They, and consequently all others, are specifically prohibited, whether personally or through another, from removing or destroying any documents of the diocesan curia or from changing anything in them.

**Can. 429** - A diocesan administrator is obliged to reside in the diocese and to apply Mass for the people according to the norm of can. 388.

**Can. 430** - § 1. The function of a diocesan administrator ceases when the new bishop has taken possession of the diocese.

§ 2. The removal of a diocesan administrator is reserved to the Holy See. If an administrator resigns, the resignation must be presented in authentic form to the college competent to elect, but it does not need acceptance. If a diocesan administrator has been removed, resigns, or dies, another diocesan administrator is to be elected according to the norm of can. 421.

## Title II. Groupings of Particular Churches

### Chapter I. Ecclesiastical Provinces and Ecclesiastical Regions

**Can. 431** - § 1. To promote the common pastoral action of different neighboring dioceses according to the circumstances of persons and places and to foster more suitably the relations of the diocesan bishops among themselves, neighboring particular churches are to be brought together into ecclesiastical provinces limited to a certain territory.

§ 2. As a rule, exempt dioceses are no longer to exist. Therefore, individual dioceses and other particular churches within the territory of some ecclesiastical province must be joined to this ecclesiastical province.

§ 3. It is only for the supreme authority of the

auditis quorum interest Episcopis, provincias ecclesiasticas constituere, suppressere aut innovare.

**Can. 432** - § 1. In provincia ecclesiastica auctoritate, ad normam iuris, gaudent concilium provinciale atque Metropolitana.

§ 2. Provincia ecclesiastica ipso iure personalitate iuridica gaudet.

**Can. 433** - § 1. Si utilitas id suadeat, praesertim in nationibus ubi numerosiores adsunt Ecclesiae particulares, provinciae ecclesiasticae viciniore, proponente Episcoporum conferentia, a Sancta Sede in regiones ecclesiasticas coniungi possunt.

§ 2. Regio ecclesiastica in personam iuridicam erigi potest.

**Can. 434** - Ad conventum Episcoporum regionis ecclesiasticae pertinet cooperationem et actionem pastoraalem communem in regione fovete; quae tamen in canonibus huius Codicis conferentiae Episcoporum tribuuntur potestates, eidem conventui non competunt, nisi quaedam specialiter a Sancta Sede ei concessa fuerint.

## CAPUT II. DE METROPOLITIS

**Can. 435** - Provinciae ecclesiasticae praeest Metropolita, qui est Archiepiscopus dioecesis cui praeficitur; quod officium cum sede episcopali, a Romano Pontifice determinata aut probata, coniunctum est.

**Can. 436** - § 1. In dioecibus suffraganeis Metropolitae competit:

1° vigilare ut fides et disciplina ecclesiastica accurate serventur, et de abusibus, si qui habeantur, Romanum Pontificem certiore facere;

2° canonicam visitationem peragere, causa prius ab Apostolica Sede probata, si eam suffraganeus neglexerit;

3° deputare Administratorem dioecesanum, ad normam cann. 421, § 2 et 425, § 3.

§ 2. Ubi adiuncta id postulent, Metropolita ab Apostolica Sede instrui potest peculiaribus muneribus et potestate in iure particulari determinandis.

Church to establish, suppress, or alter ecclesiastical provinces after having heard the bishops involved.

**Can. 432** - § 1. The provincial council and the metropolitan possess authority in an ecclesiastical province according to the norm of law.

§ 2. An ecclesiastical province possesses juridic personality by the law itself.

**Can. 433** - § 1. If it seems advantageous, especially in nations where particular churches are more numerous, the Holy See can unite neighboring ecclesiastical provinces into ecclesiastical regions at the request of the conference of bishops.

§ 2. An ecclesiastical region can be erected as a juridic person.

**Can. 434** - It belongs to a meeting of the bishops of an ecclesiastical region to foster cooperation and common pastoral action in the region. Nevertheless, such a meeting does not have the powers attributed to a conference of bishops in the canons of this Code unless the Holy See has specifically granted it certain powers.

## Chapter II. Metropolitans

**Can. 435** - A metropolitan, who is the archbishop of his diocese, presides over an ecclesiastical province. The office of metropolitan is joined with an episcopal see determined or approved by the Roman Pontiff.

**Can. 436** - § 1. In the suffragan dioceses, a metropolitan is competent:

1° to exercise vigilance so that the faith and ecclesiastical discipline are observed carefully and to inform the Roman Pontiff of abuses, if there are any;

2° to conduct a canonical visitation for a cause previously approved by the Apostolic See if a suffragan has neglected it;

3° to designate a diocesan administrator according to the norm of cann. 421, § 2, and 425, § 3.

§ 2. Where circumstances demand it, the Apostolic See can endow a metropolitan with special functions and power to be determined in particular law.

§ 3. Nulla alia in dioecesibus suffraganeis competit Metropolitae potestas regiminis; potest vero in omnibus ecclesiis, Episcopo dioecesano praemonito, si ecclesia sit cathedralis, sacras exercere functiones, uti Episcopus in propria dioecesi.

**Can. 437** - § 1. Metropolita obligatione tenetur, intra tres menses a recepta consecratione episcopali, aut, si iam consecratus fuerit, a provisione canonica, per se aut per procuratorem a Romano Pontifice petendi pallium, quo quidem significatur potestas qua, in communione cum Ecclesia Romana, Metropolita in propria provincia iure instruitur.

§ 2. Metropolita, ad normam legum liturgicarum, pallio uti potest intra quamlibet ecclesiam provinciae ecclesiasticae cui praeest, minime vero extra eandem, ne accedente quidem Episcopi dioecesani assensu.

§ 3. Metropolita, si ad aliam sedem metropolitanam transferatur, novo indiget pallio.

**Can. 438** - Patriarchae et Primatis titulus, praeter praerogativam honoris, nullam in Ecclesia latina secumfert regiminis potestatem, nisi de aliquibus ex privilegio apostolico aut probata consuetudine aliud constet.

### CAPUT III. DE CONCILIIS PARTICULARIBUS

**Can. 439** - § 1. Concilium plenum, pro omnibus scilicet Ecclesiis particularibus eiusdem conferentiae Episcoporum, celebretur quoties id ipsi Episcoporum conferentiae, approbante Apostolica Sede, necessarium aut utile videatur.

§ 2. Norma in § 1 statuta valet etiam de concilio provinciali celebrando in provincia ecclesiastica, cuius termini cum territorio nationis coincidunt.

**Can. 440** - § 1. Concilium provinciale, pro diversis Ecclesiis particularibus eiusdem provinciae ecclesiasticae, celebretur quoties id, de iudicio maioris partis Episcoporum dioecesanorum provinciae, opportunum videatur, salvo can. 439, § 2.

§ 2. Sede metropolitana vacante, concilium provinciale ne convocetur.

**Can. 441** - Episcoporum conferentiae est:

§ 3. The metropolitan has no other power of governance in the suffragan dioceses. He can perform sacred functions, however, as if he were a bishop in his own diocese in all churches, but he is first to inform the diocesan bishop if the church is the cathedral.

**Can. 437** - § 1. Within three months from the reception of episcopal consecration or if he has already been consecrated, from the canonical provision, a metropolitan is obliged to request the pallium from the Roman Pontiff either personally or through a proxy. The pallium signifies the power which the metropolitan, in communion with the Roman Church, has by law in his own province.

§ 2. A metropolitan can use the pallium according to the norm of liturgical laws within any church of the ecclesiastical province over which he presides, but not outside it, even if the diocesan bishop gives his assent.

§ 3. A metropolitan needs a new pallium if he is transferred to another metropolitan see.

**Can. 438** - The titles of patriarch and primate entail no power of governance in the Latin Church apart from a prerogative of honor unless in some matters the contrary is clear from apostolic privilege or approved custom.

### Chapter III. Particular Councils

**Can. 439** - § 1. A plenary council, that is, one for all the particular churches of the same conference of bishops, is to be celebrated whenever it seems necessary or useful to the conference of bishops, with the approval of the Apostolic See.

§ 2. The norm established in § 1 is valid also for the celebration of a provincial council in an ecclesiastical province whose boundaries coincide with the territory of a nation.

**Can. 440** - § 1. A provincial council for the different particular churches of the same ecclesiastical province is to be celebrated whenever it seems opportune in the judgment of the majority of the diocesan bishops of the province, without prejudice to can. 439, § 2.

§ 2. When a metropolitan see is vacant, a provincial council is not to be convoked.

**Can. 441** - It is for the conference of bishops:

1° convocare concilium plerarium;

2° locum ad celebrandum concilium intra territorium conferentiae Episcoporum eligere;

3° inter Episcopos dioecesanos concilii plenarii eligere praesidem, ab Apostolica Sede approbandum;

4° ordinem agendi et quaestiones tractandas determinare, concilii plenarii initium ac periodum indicere, illud transferre, prorogare et absolvere.

**Can. 442** - § 1. Metropolitanus, de consensu maioris partis Episcoporum suffraganeorum, est:

1° convocare concilium provinciale;

2° locum ad celebrandum concilium provinciale intra provinciae territorium eligere;

3° ordinem agendi et quaestiones tractandas determinare, concilii provincialis initium et periodum indicere, illud transferre, prorogare et absolvere.

§ 2. Metropolitanus, eoque legitime impedito, Episcopi suffraganei ab aliis Episcopis suffraganeis electi est concilio provinciali praesesse.

**Can. 443** - § 1. Ad concilia particularia convocandi sunt atque in eisdem ius habent suffragii deliberativi:

1° Episcopi dioecesani;

2° Episcopi coadiutores et auxiliares;

3° alii Episcopi titulares qui peculiari munere sibi ab Apostolica Sede aut ab Episcoporum conferentia mandato in territorio funguntur.

§ 2. Ad concilia particularia vocari possunt alii Episcopi titulares etiam emeriti in territorio degentes; qui quidem ius habent suffragii deliberativi.

§ 3. Ad concilia particularia vocandi sunt cum suffragio tantum consultivo:

1° Vicarii generales et Vicarii episcopales omnium in territorio Ecclesiarum particularium;

2° Superiores maiores institutorum religiosorum et societatum vitae apostolicae numero tum pro viris tum pro mulieribus ab Episcoporum conferentia aut a provinciae

1° to convoke a plenary council;

2° to select the place to celebrate the council within the territory of the conference of bishops;

3° to select from among the diocesan bishops a president of the plenary council whom the Apostolic See must approve;

4° to determine the agenda and questions to be treated, set the opening and duration of a plenary council, transfer, extend, and dissolve it.

**Can. 442** - § 1. It is for the metropolitan with the consent of the majority of the suffragan bishops:

1° to convoke a provincial council;

2° to select the place to celebrate the provincial council within the territory of the province;

3° to determine the agenda and questions to be treated, set the opening and duration of the provincial council, transfer, extend, and dissolve it.

§ 2. It is for the metropolitan or, if he is legitimately impeded, a suffragan bishop elected by the other suffragan bishops to preside over a provincial council.

**Can. 443** - § 1. The following must be called to particular councils and have the right of a deliberative vote in them:

1° diocesan bishops;

2° coadjutor and auxiliary bishops;

3° other titular bishops who perform in the territory a special function committed to them by the Apostolic See or the conference of bishops.

§ 2. Other titular bishops, even retired ones, living in the territory can be called to particular councils; they also have the right of a deliberative vote.

§ 3. The following must be called to particular councils but with only a consultative vote:

1° the vicars general and episcopal vicars of all the particular churches in the territory;

2° major superiors of religious institutes and societies of apostolic life in a number for both men and women which the conference of bishops or the bishops of the province are to



Episcopis determinando, respective electi ab omnibus Superioribus maioribus institutorum et societatum, quae in territorio sedem habent;

3° Rectores universitatum ecclesiasticarum et catholicarum atque decani facultatum theologiae et iuris canonici, quae in territorio sedem habent;

4° Rectores aliqui seminariorum maiorum, numero ut in n. 2 determinando, electi a rectoribus seminariorum quae in territorio sita sunt.

§ 4. Ad concilia particularia vocari etiam possunt, cum suffragio tantum consultivo, presbyteri aliique christifideles, ita tamen ut eorum numerus non excedat dimidiam partem eorum de quibus in §§ 1-3.

§ 5. Ad concilia provincialia praeterea invitentur capitula cathedralia, itemque consilium presbyterale et consilium pastorale uniuscuiusque Ecclesiae particularis, ita quidem ut eorum singula duos ex suis membris mittant, collegialiter ab iisdem designatos; qui tamen votum habent tantum consultivum.

§ 6. Ad concilia particularia, si id iudicio Episcoporum conferentiae pro concilio plenario aut Metropolitae una cum Episcopis suffraganeis pro concilio provinciali expediat, etiam alii ut hospites invitari poterunt.

**Can. 444** - § 1. Omnes qui ad concilia particularia convocantur, eisdem interesse debent, nisi iusto detineantur impedimento, de quo concilii praesidem certiore facere tenentur.

§ 2. Qui ad concilia particularia convocantur et in eis suffragium habent deliberativum, si iusto detineantur impedimento, procuratorem mittere possunt; qui procurator votum habet tantum consultivum.

**Can. 445** - Concilium particulare pro suo territorio curat ut necessitatibus pastoralibus populi Dei provideatur atque potestate gaudet regiminis, praesertim legislativa, ita ut, salvo semper iure universalis Ecclesiae, decernere valeat quae ad fidei incrementum, ad actionem pastorem communem ordinandam et ad moderandos mores et disciplinam ecclesiasticam communem servandam,

determine; these superiors are to be elected respectively by all the major superiors of the institutes and societies which have a seat in the territory;

3° rectors of ecclesiastical and Catholic universities and deans of faculties of theology and of canon law, which have a seat in the territory;

4° some rectors of major seminaries elected by the rectors of the seminaries which are located in the territory, in a number to be determined as in n. 2.

§ 4. Presbyters and other members of the Christian faithful can also be called to particular councils, but with only a consultative vote and in such a way that their number does not exceed half the number of those mentioned in §§ 1-3.

§ 5. Moreover, cathedral chapters and the presbyteral council and pastoral council of each particular church are to be invited to provincial councils in such a way that each of them sends two of their members designated collegially by them; however, they have only a consultative vote.

§ 6. Others can also be invited as guests to particular councils, if it is expedient in the judgment of the conference of bishops for a plenary council, or of the metropolitan together with the suffragan bishops for a provincial council.

**Can. 444** - § 1. All who are called to particular councils must attend them unless they are prevented by a just impediment, about which they are bound to inform the president of the council.

§ 2. Those who are called to particular councils and have a deliberative vote in them can send a proxy if they are prevented by a just impediment; the proxy has only a consultative vote.

**Can. 445** - A particular council, for its own territory, takes care that provision is made for the pastoral needs of the people of God and possesses the power of governance, especially legislative power, so that, always without prejudice to the universal law of the Church, it is able to decide what seems opportune for the increase of the faith, the organization of common pastoral action, and the regulation of

inducendam aut tuendam opportuna videantur.

**Can. 446** - Absoluto concilio particulari, praeses curet ut omnia acta concilii ad Apostolicam Sedem transmittantur; decreta a concilio edicta ne promulgentur, nisi postquam ab Apostolica Sede recognita fuerint; ipsius concilii est definire modum promulgationis decretorum et tempus quo decreta promulgata obligare incipiant.

#### CAPUT IV. DE EPISCOPORUM CONFERENTIIS

**Can. 447** - Episcoporum conferentia, institutum quidem permanens, est coetus Episcoporum alicuius nationis vel certi territorii, munera quaedam pastoralia coniunctim pro christifidelibus sui territorii exercentium, ad maius bonum provehendum, quod hominibus praebet Ecclesia, praesertim per apostolatus formas et rationes temporis et loci adiunctis apte accommodatas, ad normam iuris.

**Can. 448** - § 1. Episcoporum conferentia regula generali comprehendit praesules omnium Ecclesiarum particularium eiusdem nationis, ad normam can. 450.

§ 2. Si vero, de iudicio Apostolicae Sedis, auditis quorum interest Episcopis dioecesanis, personarum aut rerum adiuncta id suadeant, Episcoporum conferentia erigi potest pro territorio minoris aut maioris amplitudinis, ita ut vel tantum comprehendat Episcopos aliquarum Ecclesiarum particularium in certo territorio constitutarum vel praesules Ecclesiarum particularium in diversis nationibus exstantium; eiusdem Apostolicae Sedis est pro earundem singulis peculiare normas statuere.

**Can. 449** - § 1. Unius supremae Ecclesiae auctoritatis est, auditis quorum interest Episcopis, Episcoporum conferentias erigere, supprimere aut innovare.

§ 2. Episcoporum conferentia legitime erecta ipso iure personalitate iuridica gaudet.

**Can. 450** - § 1. Ad Episcoporum conferentiam ipso iure pertinent omnes in territorio Episcopi dioecesani eisque iure aequiparati, itemque

morals and of the common ecclesiastical discipline which is to be observed, promoted, and protected.

**Can. 446** - When a particular council has ended, the president is to take care that all the acts of the council are sent to the Apostolic See. Decrees issued by a council are not to be promulgated until the Apostolic See has reviewed them. It is for the council itself to define the manner of promulgation of the decrees and the time when the promulgated decrees begin to oblige.

#### Chapter IV. Conferences of Bishops

**Can. 447** - A conference of bishops, a permanent institution, is a group of bishops of some nation or certain territory who jointly exercise certain pastoral functions for the Christian faithful of their territory in order to promote the greater good which the Church offers to humanity, especially through forms and programs of the apostolate fittingly adapted to the circumstances of time and place, according to the norm of law.

**Can. 448** - § 1. As a general rule, a conference of bishops includes those who preside over all the particular churches of the same nation, according to the norm of can. 450.

§ 2. If, however, in the judgment of the Apostolic See, having heard the diocesan bishops concerned, the circumstances of persons or things suggest it, a conference of bishops can be erected for a territory of lesser or greater area, so that it only includes either bishops of some particular churches constituted in a certain territory or those who preside over particular churches in different nations. It is for the Apostolic See to establish special norms for each of them.

**Can. 449** - § 1. It is only for the supreme authority of the Church to erect, suppress, or alter conferences of bishops, after having heard the bishops concerned.

§ 2. A legitimately erected conference of bishops possesses juridic personality by the law itself.

**Can. 450** - § 1. To a conference of bishops belong by the law itself all diocesan bishops in the territory, those equivalent to them in law,

Episcopi coadiutores, Episcopi auxiliares atque ceteri Episcopi titulares peculiari munere, sibi ab Apostolica Sede vel ab Episcoporum conferentia demandato, in eodem territorio fungentes; invitari quoque possunt Ordinarii alterius ritus, ita tamen ut votum tantum consultivum habeant, nisi Episcoporum conferentiae statuta aliud decernant.

§ 2. Ceteri Episcopi titulares necnon Legatus Romani Pontificis non sunt de iure membra Episcoporum conferentiae.

**Can. 451** - Quaelibet Episcoporum conferentia sua conficiat statuta, ab Apostolica Sede recognoscenda, in quibus, praeter alia, ordinentur conferentiae conventus plenarii habendi, et provideantur consilium Episcoporum permanens et secretaria generalis conferentiae, atque alia etiam officia et commissiones quae iudicio conferentiae fini consequendo efficacius consulant.

**Can. 452** - § 1. Quaelibet Episcoporum conferentia sibi eligat praesidem, determinet quisnam, praeside legitime impedito, munere pro-praesidis fungatur, atque secretarium generalem designet, ad normam statutorum.

§ 2. Praeses conferentiae, atque eo legitime impedito pro-praesides, non tantum Episcoporum conferentiae conventibus generalibus, sed etiam consilio permanenti praeest.

**Can. 453** - Conventus plenarii Episcoporum conferentiae habeantur semel saltem singulis annis, et praeterea quoties id postulent peculiaria adiuncta, secundum statutorum praescripta.

**Can. 454** - § 1. Suffragium deliberativum in conventibus plenariis Episcoporum conferentiae ipso iure competit Episcopis dioecesanis eisque qui iure ipsis aequiparantur, necnon Episcopis coadiutoribus.

§ 2. Episcopis auxiliaribus ceterisque Episcopis titularibus qui ad Episcoporum conferentiam pertinent, suffragium competit deliberativum aut consultivum, iuxta statutorum conferentiae praescripta; firmum tamen sit eis solis, de quibus in § 1, competere suffragium deliberativum, cum agitur de statutis

coadjutor bishops, auxiliary bishops, and other titular bishops who perform in the same territory a special function entrusted to them by the Apostolic See or conference of bishops.

Ordinaries of another rite can also be invited though in such a way that they have only a consultative vote unless the statutes of the conference of bishops decree otherwise.

§ 2. Other titular bishops and the legate of the Roman Pontiff are not by law members of a conference of bishops.

**Can. 451** - Each conference of bishops is to prepare its own statutes which must be reviewed by the Apostolic See and which are to organize, among other things, the plenary meetings of the conference which are to be held and to provide for a permanent council of bishops, a general secretariat of the conference, and also other offices and commissions which, in the judgment of the conference, more effectively help it to achieve its purpose.

**Can. 452** - § 1. Each conference of bishops is to elect a president for itself, is to determine who is to perform the function of pro-president when the president is legitimately impeded, and is to designate a general secretary, according to the norm of the statutes.

§ 2. The president of a conference, and, when he is legitimately impeded, the pro-president, presides not only over the general meetings of the conference of bishops but also over the permanent council.

**Can. 453** - Plenary meetings of a conference of bishops are to be held at least once each year and, in addition, whenever particular circumstances require it, according to the prescripts of the statutes.

**Can. 454** - § 1. By the law itself, diocesan bishops, those who are equivalent to them in law, and coadjutor bishops have a deliberative vote in plenary meetings of a conference of bishops.

§ 2. Auxiliary bishops and other titular bishops who belong to a conference of bishops have a deliberative or consultative vote according to the prescripts of the statutes of the conference. Nonetheless, only those mentioned in § 1 have a deliberative vote in drawing up or changing the statutes.

conficiendis aut immutandis.

**Can. 455** - § 1. Episcoporum conferentia decreta generalia ferre tantummodo potest in causis, in quibus ius universale id praescripserit aut peculiare Apostolicae Sedis mandatum sive motu proprio sive ad petitionem ipsius conferentiae id statuerit.

§ 2. Decreta de quibus in § 1, ut valide ferantur in plenario conventu, per duas saltem ex tribus partibus suffragiorum Praesulum, qui voto deliberativo fruente ad conferentiam pertinent, proferri debent, atque vim obligandi non obtinent, nisi ab Apostolica Sede recognita, legitime promulgata fuerint.

§ 3. Modus promulgationis et tempus a quo decreta vim suam exserunt, ab ipsa Episcoporum conferentia determinantur.

§ 4. In casibus in quibus nec ius universale nec peculiare Apostolicae Sedis mandatum potestatem, de qua in § 1, Episcoporum conferentiae concessit, singuli Episcopi dioecesani competentia integra manet, nec conferentia eiusve praeses nomine omnium Episcoporum agere valet, nisi omnes et singuli Episcopi consensum dederint.

**Can. 456** - Absoluto conventu plenario Episcoporum conferentiae, relatio de actis conferentiae necnon eius decreta a praeside ad Apostolicam Sedem transmittantur, tum ut in eiusdem notitiam acta perferantur, tum ut decreta, si quae sint, ab eadem recognosci possint.

**Can. 457** - Consilii Episcoporum permanentis est curare, ut res in plenario conventu conferentiae agenda praeparantur et decisiones in conventu plenario statuae debite executioni mandentur; eiusdem etiam est alia negotia peragere, quae ipsi ad normam statutorum committuntur.

**Can. 458** - Secretariae generalis est:

1° relationem componere actorum et decretorum conventus plenarii conferentiae necnon actorum consilii Episcoporum permanentis, et eadem cum omnibus conferentiae membris communicare itemque alia acta conscribere, quae ipsi a conferentiae praeside aut a consilio permanenti componenda committuntur;

**Can. 455** - § 1. A conference of bishops can only issue general decrees in cases where universal law has prescribed it or a special mandate of the Apostolic See has established it either motu proprio or at the request of the conference itself.

§ 2. The decrees mentioned in § 1, in order to be enacted validly in a plenary meeting, must be passed by at least a two thirds vote of the prelates who belong to the conference and possess a deliberative vote. They do not obtain binding force unless they have been legitimately promulgated after having been reviewed by the Apostolic See.

§ 3. The conference of bishops itself determines the manner of promulgation and the time when the decrees take effect.

§ 4. In cases in which neither universal law nor a special mandate of the Apostolic See has granted the power mentioned in § 1 to a conference of bishops, the competence of each diocesan bishop remains intact, nor is a conference or its president able to act in the name of all the bishops unless each and every bishop has given consent.

**Can. 456** - When a plenary meeting of a conference of bishops has ended, the president is to send a report of the acts of the conference and its decrees to the Apostolic See so that the acts are brought to its notice and it can review the decrees if there are any.

**Can. 457** - It is for the permanent council of bishops to take care that the agenda for a plenary session of a conference is prepared and that decisions made in plenary session are properly executed. It is also for the council to take care of other affairs which are entrusted to it according to the norm of the statutes.

**Can. 458** - It is for the general secretariat:

1° to prepare a report of the acts and decrees of a plenary meeting of a conference and the acts of the permanent council of bishops, to communicate the same to all the members of the conference, and to draw up other acts whose preparation the president of the conference or the permanent council entrusts to the general secretary;

2° communicare cum Episcoporum conferentiis finitimis acta et documenta quae a conferentia in plenario conventu aut a consilio Episcoporum permanenti ipsis transmitti statuuntur.

**Can. 459** - § 1. Foveantur relationes inter Episcoporum conferentias, praesertim viciniore, ad maius bonum promovendum ac tuendum.

§ 2. Quoties vero actiones aut rationes a conferentiis ineuntur formam internationalem praeseferentes, Apostolica Sedes audiatur oportet.

### TITULUS III. DE INTERNA ORDINATIONE ECCLESiarUM PARTICULARIUM

#### CAPUT I. DE SYNODO DIOECESANA

**Can. 460** - Synodus dioecesis est coetus delectorum sacerdotum aliorumque christifidelium Ecclesiae particularis, qui in bonum totius communitatis dioecesis Episcopo dioecisano adiutricem operam praestant, ad normam canonum qui sequuntur.

**Can. 461** - § 1. Synodus dioecesis in singulis Ecclesiis particularibus celebretur cum, iudicio Episcopi dioecisani et audito consilio presbyterali, adiuncta id suadeant.

§ 2. Si Episcopus plurium dioecesium curam habet, aut unius curam habet uti Episcopus proprius, alterius vero uti Administrator, unam synodum dioecisane ex omnibus dioecibus sibi commissis convocare potest.

**Can. 462** - § 1. Synodum dioecisane convocat solus Episcopus dioecisane, non autem qui ad interim dioecesi praeest.

§ 2. Synodo dioecisane praeest Episcopus dioecisane, qui tamen Vicarium generalem aut Vicarium episcopale pro singulis sessionibus synodi ad hoc officium implendum delegare potest.

**Can. 463** - § 1. Ad synodum dioecisane vocandi sunt uti synodi sodales eamque participandi obligatione tenentur:

1° Episcopus coadiutor atque Episcopi auxiliares;

2° Vicarii generales et Vicarii episcopales, necnon Vicarius iudicialis;

2° to communicate to neighboring conferences of bishops the acts and documents which the conference in plenary meeting or the permanent council of bishops decides to send to them.

**Can. 459** - § 1. Relations between conferences of bishops, especially neighboring ones, are to be fostered in order to promote and protect the greater good.

§ 2. Whenever conferences enter into actions or programs having an international character, however, the Apostolic See must be heard.

### Title III. The Internal Ordering of Particular Churches

#### Chapter I. The Diocesan Synod

**Can. 460** - A diocesan synod is a group of selected priests and other members of the Christian faithful of a particular church who offer assistance to the diocesan bishop for the good of the whole diocesan community according to the norm of the following canons.

**Can. 461** - § 1. A diocesan synod is to be celebrated in individual particular churches when circumstances suggest it in the judgment of the diocesan bishop after he has heard the presbyteral council.

§ 2. If a bishop has the care of several dioceses or has the care of one as the proper bishop but of another as administrator, he can convoke one diocesan synod for all the dioceses entrusted to him.

**Can. 462** - § 1. The diocesan bishop alone convokes a diocesan synod, but not one who temporarily presides over a diocese.

§ 2. The diocesan bishop presides over a diocesan synod. He can, however, delegate a vicar general or episcopal vicar to fulfill this responsibility for individual sessions of the synod.

**Can. 463** - § 1. The following must be called to a diocesan synod as members of the synod and are obliged to participate in it:

1° a coadjutor bishop and auxiliary bishops;

2° vicars general, episcopal vicars, and the judicial vicar;

3° canonici ecclesiae cathedralis;

4° membra consilii presbyteralis;

5° christifideles laici, etiam sodales institutorum vitae consecratae, a consilio pastorali eligendi, modo et numero ab Episcopo dioecetano determinandis, aut, ubi hoc consilium non exstet, ratione ab Episcopo dioecetano determinata;

6° rector seminarii dioecetani maioris;

7° vicarii foranei;

8° unus saltem presbyter ex unoquoque vicariatu foraneo eligendus ab omnibus qui curam animarum inibi habeant; item eligendus est alius presbyter qui, eodem impedito, in eius locum substituitur;

9° aliqui Superiores institutorum religiosorum et societatum vitae apostolicae, quae in dioecesi domum habent, eligendi numero et modo ab Episcopo dioecetano determinatis.

§ 2. Ad synodum dioecetanam ab Episcopo dioecetano vocari uti synodi sodales possunt alii quoque, sive clerici, sive institutorum vitae consecratae sodales, sive christifideles laici.

§ 3. Ad synodum dioecetanam Episcopus dioecetanus, si id opportunum duxerit, invitare potest uti observatores aliquos ministros aut sodales Ecclesiarum vel communitatum ecclesialium, quae non sunt in plena cum Ecclesia catholica communione.

**Can. 464** - Synodi sodalis, si legitimo detineatur impedimento, non potest mittere procuratorem qui ipsius nomine eidem intersit; Episcopum vero dioecetanus de hoc impedimento certiore faciat.

**Can. 465** - Propositae quaestiones omnes liberae sodalium disceptationi in synodi sessionibus subiciantur.

**Can. 466** - Unus in synodo dioecetana legislator est Episcopus dioecetanus, alii synodi sodalibus voto tantummodo consultivo gaudentibus; unus ipse synodalibus declarationibus et decretis subscribit, quae eius auctoritate tantum publici iuris fieri possunt.

**Can. 467** - Episcopus dioecetanus textus declarationum ac decretorum synodalium

3° canons of the cathedral church;

4° members of the presbyteral council;

5° lay members of the Christian faithful, even members of institutes of consecrated life, chosen by the pastoral council in a manner and number to be determined by the diocesan bishop or, where this council does not exist, in a manner determined by the diocesan bishop;

6° the rector of the diocesan major seminary;

7° vicars forane;

8° at least one presbyter from each vicariate forane, chosen by all those who have the care of souls there; also another presbyter must be chosen who, if the first is impeded, is to take his place;

9° some superiors of religious institutes and of societies of apostolic life which have a house in the diocese, chosen in a number and manner determined by the diocesan bishop.

§ 2. The diocesan bishop can also call others to a diocesan synod as members of the synod; they can be clerics, members of institutes of consecrated life, or lay members of the Christian faithful.

§ 3. If the diocesan bishop has judged it opportune, he can invite as observers to the diocesan synod other ministers or members of Churches or ecclesial communities which are not in full communion with the Catholic Church.

**Can. 464** - If a member of the synod is prevented by a legitimate impediment, the member cannot send a proxy to attend it in his or her name. The member, however, is to inform the diocesan bishop of this impediment.

**Can. 465** - All proposed questions are subject to the free discussion of the members during sessions of the synod.

**Can. 466** - The only legislator in a diocesan synod is the diocesan bishop; the other members of the synod possess only a consultative vote. Only he signs the synodal declarations and decrees, which can be published by his authority alone.

**Can. 467** - The diocesan bishop is to communicate the texts of the synodal

communicet cum Metropolita necnon cum Episcoporum conferentia.

**Can. 468** - § 1. Episcopo dioecesano competit pro suo prudenti iudicio synodum dioecesanam suspendere necnon dissolvere.

§ 2. Vacante vel impedita sede episcopali, synodus dioecesana ipso iure intermittitur, donec Episcopus dioecesanus, qui succedit, ipsam continuari decreverit aut eandem extinctam declaraverit.

## CAPUT II. DE CURIA DIOECESANA

**Can. 469** - Curia dioecesana constat illis institutis et personis, quae Episcopo operam praestant in regimine universae dioecesis, praesertim in actione pastoralis dirigenda, in administratione dioecesis curanda, necnon in potestate iudiciali exercenda.

**Can. 470** - Nominatio eorum, qui officia in curia dioecesana exercent, spectat ad Episcopum dioecesanum.

**Can. 471** - Omnes qui ad officia in curia admittuntur debent:

1° promissionem emittere de munere fideliter adimplendo, secundum rationem iure vel ab Episcopo determinatam;

2° secretum servare intra fines et secundum modum iure aut ab Episcopo determinatos.

**Can. 472** - Circa causas atque personas quae in curia ad exercitium potestatis iudicialis pertinent, servantur praescripta Libri VII *De processibus*; de iis autem quae ad administrationem dioecesis spectant, servantur praescripta canonum qui sequuntur.

**Can. 473** - § 1. Episcopus dioecesanus curare debet ut omnia negotia quae ad universae dioecesis administrationem pertinent, debite coordinentur et ad bonum portionis populi Dei sibi commissae aptius procurandum ordinentur.

§ 2. Ipsius Episcopi dioecesani est coordinare actionem pastorem Vicariorum sive generalium sive episcopalium; ubi id expediat, nominari potest Moderator curiae, qui sacerdos sit oportet, cuius est sub Episcopi auctoritate ea coordinare quae ad negotia administrativa

declarations and decrees to the metropolitan and the conference of bishops.

**Can. 468** - § 1. The diocesan bishop is competent to suspend or dissolve a diocesan synod according to his prudent judgment.

§ 2. When an episcopal see is vacant or impeded, a diocesan synod is interrupted by the law itself until the succeeding diocesan bishop has decided that it is to be continued or has declared it terminated.

## Chapter II. The Diocesan Curia

**Can. 469** - The diocesan curia consists of those institutions and persons which assist the bishop in the governance of the whole diocese, especially in guiding pastoral action, in caring for the administration of the diocese, and in exercising judicial power.

**Can. 470** - The appointment of those who exercise offices in the diocesan curia pertains to the diocesan bishop.

**Can. 471** - All those who are admitted to offices in the curia must:

1° promise to fulfill their function faithfully according to the manner determined by law or by the bishop;

2° observe secrecy within the limits and according to the manner determined by law or by the bishop.

**Can. 472** - The prescripts of Book VII, Processes, are to be observed regarding cases and persons which belong to the exercise of judicial power in the curia. The prescripts of the following canons, however, are to be observed regarding those things which pertain to the administration of the diocese.

**Can. 473** - § 1. A diocesan bishop must take care that all the affairs which belong to the administration of the whole diocese are duly coordinated and are ordered to attain more suitably the good of the portion of the people of God entrusted to him.

§ 2. It is for the diocesan bishop himself to coordinate the pastoral action of the vicars general or episcopal vicars. Where it is expedient, a moderator of the curia can be appointed who must be a priest and who, under the authority of the bishop, is to coordinate

tractanda attinent, itemque curare ut ceteri curiae addicti officium sibi commissum rite adimpleant.

§ 3. Nisi locorum adiuncta iudicio Episcopi alii suadeant, Moderator curiae nominetur Vicarius generalis aut, si plures sint, unus ex Vicariis generalibus.

§ 4. Ubi id expedire iudicaverit, Episcopus, ad actionem pastorem aptius fovendam, constituere potest consilium episcopale, constans scilicet Vicariis generalibus et Vicariis episcopalibus.

**Can. 474** - Acta curiae quae effectum iuridicum habere nata sunt, subscribi debent ab Ordinario a quo emanant, et quidem ad validitatem, ac simul a curiae cancellario vel notario; cancellarius vero Moderatorem curiae de actis certiore facere tenetur.

#### Art. 1. DE VICARIIS GENERALIBUS ET EPISCOPALIBUS

**Can. 475** - § 1. In unaquaque dioecesi constituendus est ab Episcopo dioecetano Vicarius generalis, qui potestate ordinaria ad normam canonum qui sequuntur instructus, ipsum in universae dioecesis regimine adiuvet.

§ 2. Pro regula generali habeatur ut unus constituatur Vicarius generalis, nisi dioecesis amplitudo vel incolarum numerus aut aliae rationes pastorales aliud suadeant.

**Can. 476** - Quoties rectum dioecesis regimen id requirat, constitui etiam possunt ab Episcopo dioecetano unus vel plures Vicarii episcopales, qui nempe aut in determinata dioecesis parte aut in certo negotiorum genere aut quoad fideles determinati ritus vel certi personarum coetus, eadem gaudent potestate ordinaria, quae iure universali Vicario generali competit, ad normam canonum qui sequuntur.

**Can. 477** - § 1. Vicarius generalis et episcopalis libere ab Episcopo dioecetano nominantur et ab ipso libere removeri possunt, firmo praescripto can. 406; Vicarius episcopalis, qui non sit Episcopus auxiliaris, nominetur tantum ad tempus, in ipso constitutionis actu determinandum.

those things which pertain to the treatment of administrative affairs and to take care that the other members of the curia properly fulfill the office entrusted to them.

§ 3. Unless in the judgment of the bishop local circumstances suggest otherwise, the vicar general or if there are several, one of the vicars general, is to be appointed moderator of the curia.

§ 4. Where the bishop has judged it expedient, he can establish an episcopal council, consisting of the vicars general and episcopal vicars, to foster pastoral action more suitably.

**Can. 474** - For validity, acts of the curia which are to have juridic effect must be signed by the ordinary from whom they emanate; they must also be signed by the chancellor of the curia or a notary. The chancellor, moreover, is bound to inform the moderator of the curia concerning such acts.

#### Art. 1. Vicars General and Episcopal Vicars

**Can. 475** - § 1. In each diocese the diocesan bishop must appoint a vicar general who is provided with ordinary power according to the norm of the following canons and who is to assist him in the governance of the whole diocese.

§ 2. As a general rule, one vicar general is to be appointed unless the size of the diocese, the number of inhabitants, or other pastoral reasons suggest otherwise.

**Can. 476** - Whenever the correct governance of a diocese requires it, the diocesan bishop can also appoint one or more episcopal vicars, namely, those who in a specific part of the diocese or in a certain type of affairs or over the faithful of a specific rite or over certain groups of persons possess the same ordinary power which a vicar general has by universal law, according to the norm of the following canons.

**Can. 477** - § 1. The diocesan bishop freely appoints a vicar general and an episcopal vicar and can freely remove them, without prejudice to the prescript of can. 406. An episcopal vicar who is not an auxiliary bishop is to be appointed only for a time to be determined in the act of appointment.



§ 2. Vicario generali absente vel legitime impedito, Episcopus dioecesanus alium nominare potest, qui eius vices suppleat; eadem norma applicatur pro Vicario episcopali.

**Can. 478** - § 1. Vicarius generalis et episcopalis sint sacerdotes annos nati non minus triginta, in iure canonico aut theologia doctores vel licentiati vel saltem in iisdem disciplinis vere periti, sana doctrina, probitate, prudentia ac rerum gerendarum experientia commendati.

§ 2. Vicarii generalis et episcopalis munus componi non potest cum munere canonici paenitentiarum, neque committi consanguineis Episcopi usque ad quartum gradum.

**Can. 479** - § 1. Vicario generali, vi officii, in universa dioecesi competit potestas executiva quae ad Episcopum dioecesanum iure pertinet, ad ponendos scilicet omnes actus administrativos, iis tamen exceptis quos Episcopus sibi reservaverit vel qui ex iure requirant speciale Episcopi mandatum.

§ 2. Vicario episcopali ipso iure eadem competit potestas de qua in § 1, sed quoad determinatam territorii partem aut negotiorum genus aut fideles determinati ritus vel coetus tantum pro quibus constitutus est, iis causis exceptis quas Episcopus sibi aut Vicario generali reservaverit, aut quae ex iure requirunt speciale Episcopi mandatum.

§ 3. Ad Vicarium generalem atque ad Vicarium episcopalem, intra ambitum eorum competentiae, pertinent etiam facultates habituales ab Apostolica Sede Episcopo concessae, necnon rescriptorum executio, nisi aliud expresse cautum fuerit aut electa fuerit industria personae Episcopi dioecesani.

**Can. 480** - Vicarius generalis et Vicarius episcopalis de praecipuis negotiis et gerendis et gestis Episcopo dioecesano referre debent, nec umquam contra voluntatem et mentem Episcopi dioecesani agant.

**Can. 481** - § 1. Expirat potestas Vicarii generalis et Vicarii episcopalis expleto tempore mandati, renuntiatione, itemque, salvis cann. 406 et 409, remotione eiusdem ab Episcopo dioecesano intimata, atque sedis episcopalis vacatione.

§ 2. When a vicar general is absent or legitimately impeded, a diocesan bishop can appoint another to take his place; the same norm applies to an episcopal vicar.

**Can. 478** - § 1. A vicar general and an episcopal vicar are to be priests not less than thirty years old, doctors or licensed in canon law or theology or at least truly expert in these disciplines, and recommended by sound doctrine, integrity, prudence, and experience in handling matters.

§ 2. The function of vicar general and episcopal vicar can neither be coupled with the function of canon penitentiary nor be entrusted to blood relatives of the bishop up to the fourth degree.

**Can. 479** - § 1. By virtue of office, the vicar general has the executive power over the whole diocese which belongs to the diocesan bishop by law, namely, the power to place all administrative acts except those, however, which the bishop has reserved to himself or which require a special mandate of the bishop by law.

§ 2. By the law itself an episcopal vicar has the same power mentioned in § 1 but only over the specific part of the territory or the type of affairs or the faithful of a specific rite or group for which he was appointed, except those cases which the bishop has reserved to himself or to a vicar general or which require a special mandate of the bishop by law.

§ 3. Within the limit of their competence, the habitual faculties granted by the Apostolic See to the bishop and the execution of rescripts also pertain to a vicar general and an episcopal vicar, unless it has been expressly provided otherwise or the personal qualifications of the diocesan bishop were chosen.

**Can. 480** - A vicar general and an episcopal vicar must report to the diocesan bishop concerning the more important affairs which are to be handled or have been handled, and they are never to act contrary to the intention and mind of the diocesan bishop.

**Can. 481** - § 1. The power of a vicar general and an episcopal vicar ceases at the expiration of the time of the mandate, by resignation, by removal made known to them by the diocesan bishop, without prejudice to cann. 406 and 409, and at the vacancy of the episcopal see.

§ 2. Suspenso munere Episcopi dioecesanii, suspenditur potestas Vicarii generalis et Vicarii episcopalis, nisi episcopali dignitate aucti sint.

## Art. 2. DE CANCELLARIO ALIISQUE NOTARIIS ET DE ARCHIVIS

**Can. 482** - § 1. In qualibet curia constituatur cancellarius, cuius praecipuum munus, nisi aliter iure particulari statuatur, est curare ut acta curiae redigantur et expediantur, atque eadem in curiae archivo custodiantur.

§ 2. Si necesse videatur, cancellario dari potest adiutor, cui nomen sit vice-cancellarii.

§ 3. Cancellarius necnon vice-cancellarius sunt eo ipso notarii et secretarii curiae.

**Can. 483** - § 1. Praeter cancellarium, constitui possunt alii notarii, quorum quidem scriptura seu subscriptio publicam fidem facit quod attinet sive ad quaelibet acta, sive ad acta iudicialia dumtaxat, sive ad acta certae causae aut negotii tantum.

§ 2. Cancellarius et notarii debent esse integrae fama et omni suspicione maiores; in causis quibus fama sacerdotis in discrimen vocari possit, notarius debet esse sacerdos.

**Can. 484** - Officium notariorum est:

1° conscribere acta et instrumenta circa decreta, dispositiones, obligationes vel alia quae eorum operam requirunt;

2° in scriptis fideliter redigere quae geruntur, eaque cum significatione loci, diei, mensis et anni subsignare;

3° acta vel instrumenta legitime petenti ex registro, servatis servandis, exhibere et eorum exempla cum autographo conformia declarare.

**Can. 485** - Cancellarius aliique notarii libere ab officio removeri possunt ab Episcopo dioecesano, non autem ab Administratore dioecesano, nisi de consensu collegii consultorum.

**Can. 486** - § 1. Documenta omnia, quae

§ 2. When the function of the diocesan bishop is suspended, the power of a vicar general and an episcopal vicar is suspended also unless they are bishops.

## Art. 2. The Chancellor, Other Notaries, and the Archives

**Can. 482** - § 1. In every curia a chancellor is to be appointed whose principal function, unless particular law establishes otherwise, is to take care that acts of the curia are gathered, arranged, and safeguarded in the archive of the curia.

§ 2. If it seems necessary, the chancellor can be given an assistant whose title is to be vice-chancellor.

§ 3. By reason of being chancellor and vice-chancellor they are notaries and secretaries of the curia.

**Can. 483** - § 1. Besides the chancellor, other notaries can be appointed whose writing or signature establishes authenticity for any acts, for judicial acts only, or for acts of a certain case or affair only.

§ 2. The chancellor and notaries must be of unimpaired reputation and above all suspicion. In cases in which the reputation of a priest can be called into question, the notary must be a priest.

**Can. 484** - It is the duty of notaries:

1° to draw up the acts and instruments regarding decrees, dispositions, obligations, or other things which require their action;

2° to record faithfully in writing what has taken place and to sign it with a notation of the place, day, month, and year;

3° having observed what is required, to furnish acts or instruments to one who legitimately requests them from the records and to declare copies of them to be in conformity with the original.

**Can. 485** - The chancellor and other notaries can be freely removed from office by the diocesan bishop, but not by a diocesan administrator except with the consent of the college of consultors.

**Can. 486** - § 1. All documents which regard the

diocesim vel paroecias respiciunt, maxima cura custodiri debent.

§ 2. In unaquaque curia erigatur, in loco tuto, archivum seu tabularium dioecesanum, in quo instrumenta et scripturae quae ad negotia dioecesana tum spiritualia tum temporalia spectant, certo ordine disposita et diligenter clausa custodiantur.

§ 3. Documentorum, quae in archivo continentur, conficiatur inventarium seu catalogus, cum brevi singularum scripturarum synopsi.

**Can. 487** - § 1. Archivum clausum sit oportet eiusque clavem habeant solum Episcopus et cancellarius; nemini licet illud ingredi nisi de Episcopi aut Moderatoris curiae simul et cancellarii licentia.

§ 2. Ius est iis quorum interest, documentorum, quae natura sua sunt publica quaeque ad statum suae personae pertinent, documentum authenticum scriptum vel photostaticum per se vel per procuratorem recipere.

**Can. 488** - Ex archivo non licet efferre documenta, nisi ad breve tempus tantum atque de Episcopi aut insimul Moderatoris curiae et cancellarii consensu.

**Can. 489** - § 1. Sit in curia dioecesana archivum quoque secretum, aut saltem in communi archivo armarium seu scrinium, omnino clausum et obseratum, quod de loco amoveri nequeat, in quo scilicet documenta secreto servanda cautissime custodiantur.

§ 2. Singulis annis destruantur documenta causarum criminalium in materia morum, quarum rei vita cesserunt aut quae a decennio sententia condemnatoria absolutae sunt, retento facti brevi summario cum textu sententiae definitivae.

**Can. 490** - § 1. Archivi secreti clavem habeat tantummodo Episcopus.

§ 2. Sede vacante, archivum vel armarium secretum ne aperiatur, nisi in casu verae necessitatis, ab ipso Administratore dioecesano.

§ 3. Ex archivo vel armario secreto documenta ne efferantur.

diocese or parishes must be protected with the greatest care.

§ 2. In every curia there is to be erected in a safe place a diocesan archive, or record storage area, in which instruments and written documents which pertain to the spiritual and temporal affairs of the diocese are to be safeguarded after being properly filed and diligently secured.

§ 3. An inventory, or catalog, of the documents which are contained in the archive is to be kept with a brief synopsis of each written document.

**Can. 487** - § 1. The archive must be locked and only the bishop and chancellor are to have its key. No one is permitted to enter except with the permission either of the bishop or of both the moderator of the curia and the chancellor.

§ 2. Interested parties have the right to obtain personally or through a proxy an authentic written copy or photocopy of documents which by their nature are public and which pertain to their personal status.

**Can. 488** - It is not permitted to remove documents from the archive except for a brief time only and with the consent either of the bishop or of both the moderator of the curia and the chancellor.

**Can. 489** - § 1. In the diocesan curia there is also to be a secret archive, or at least in the common archive there is to be a safe or cabinet, completely closed and locked, which cannot be removed; in it documents to be kept secret are to be protected most securely.

§ 2. Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the condemnatory sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained.

**Can. 490** - § 1. Only the bishop is to have the key to the secret archive.

§ 2. When a see is vacant, the secret archive or safe is not to be opened except in a case of true necessity by the diocesan administrator himself.

§ 3. Documents are not to be removed from the secret archive or safe.

**Can. 491** - § 1. Curet Episcopus dioecesanus ut acta et documenta archivorum quoque ecclesiarum cathedralium, collegiatarum, paroecialium, aliarumque in suo territorio exstantium diligenter serventur, atque inventaria seu catalogi conficiantur duobus exemplaribus, quorum alterum in proprio archivo, alterum in archivo dioecesano serventur.

§ 2. Curet etiam Episcopus dioecesanus ut in dioecesi habeatur archivum historicum atque documenta valorem historicum habentia in eodem diligenter custodiantur et systematice ordinentur.

§ 3. Acta et documenta, de quibus in §§ 1 et 2, ut inspiciantur aut efferantur, serventur normae ab Episcopo dioecesano statutae.

### Art. 3. DE CONSILIO A REBUS OECONOMICIS ET DE OECONOMO

**Can. 492** - § 1. In singulis dioecesibus constituatur consilium a rebus oeconomicis, cui praesidet ipse Episcopus dioecesanus eiusve delegatus, et quod constat tribus saltem christifidelibus, in re oeconomica necnon in iure civili vere peritis et integritate praestantibus, ab Episcopo nominatis.

§ 2. Membra consilii a rebus oeconomicis ad quinquennium nominentur, sed expleto hoc tempore ad alia quinquennia assumi possunt.

§ 3. A consilio a rebus oeconomicis excluduntur personae quae cum Episcopo usque ad quartum gradum consanguinitatis vel affinitatis coniunctae sunt.

**Can. 493** - Praeter munera ipsi commissa in Libro V *De bonis Ecclesiae temporalibus*, consilii a rebus oeconomicis est quotannis, iuxta Episcopi dioecesani indicationes, rationem apparare quaestuum et erogationum quae pro universo dioecesis regimine anno venturo praevidentur, necnon, anno exeunte, rationem accepti et expensi probare.

**Can. 494** - § 1. In singulis dioecesibus ab Episcopo, auditis collegio consultorum atque consilio a rebus oeconomicis, nominetur oeconomus, qui sit in re oeconomica vere peritus et probitate prorsus praestans.

§ 2. Oeconomus nominetur ad quinquennium,

**Can. 491** - § 1. A diocesan bishop is to take care that the acts and documents of the archives of cathedral, collegiate, parochial, and other churches in his territory are also diligently preserved and that inventories or catalogs are made in duplicate, one of which is to be preserved in the archive of the church and the other in the diocesan archive.

§ 2. A diocesan bishop is also to take care that there is an historical archive in the diocese and that documents having historical value are diligently protected and systematically ordered in it.

§ 3. In order to inspect or remove the acts and documents mentioned in §§ 1 and 2, the norms established by the diocesan bishop are to be observed.

### Art. 3. The Finance Council and the Finance Officer

**Can. 492** - § 1. In every diocese a finance council is to be established, over which the diocesan bishop himself or his delegate presides and which consists of at least three members of the Christian faithful truly expert in financial affairs and civil law, outstanding in integrity, and appointed by the bishop.

§ 2. Members of the finance council are to be appointed for five years, but at the end of this period they can be appointed for other five year terms.

§ 3. Persons who are related to the bishop up to the fourth degree of consanguinity or affinity are excluded from the finance council.

**Can. 493** - In addition to the functions entrusted to it in Book V, *The Temporal Goods of the Church*, the finance council prepares each year, according to the directions of the diocesan bishop, a budget of the income and expenditures which are foreseen for the entire governance of the diocese in the coming year and at the end of the year examines an account of the revenues and expenses.

**Can. 494** - § 1. In every diocese, after having heard the college of consultors and the finance council, the bishop is to appoint a finance officer who is truly expert in financial affairs and absolutely distinguished for honesty.

§ 2. The finance officer is to be appointed for a

sed expleto hoc tempore ad alia quinquennia nominari potest; durante munere, ne amoveatur nisi ob gravem causam ab Episcopo aestimandam, auditis collegio consultorum atque consilio a rebus oeconomicis.

§ 3. Oeconomi est, secundum rationem a consilio a rebus oeconomicis definitam, bona dioecesis sub auctoritate Episcopi administrare atque ex quaestu dioecesis constituto expensas facere, quas Episcopus aliive ab ipso deputati legitime ordinaverint.

§ 4. Anno vertente, oekonomus consilio a rebus oeconomicis rationem accepti et expensi reddere debet.

### CAPUT III. DE CONSILIO PRESBYTERALI ET DE COLLEGIO CONSULTORUM

**Can. 495** - § 1. In unaquaque dioecesi constituatur consilium presbyterale, coetus scilicet sacerdotum, qui tamquam senatus sit Episcopi, presbyterium repraesentans, cuius est Episcopum in regimine dioecesis ad normam iuris adjuvare, ut bonum pastorale portionis populi Dei ipsi commissae quam maxime provehatur.

§ 2. In vicariatibus et praefecturis apostolicis Vicarius vel Praefectus constituent consilium ex tribus saltem presbyteris missionariis, quorum sententiam, etiam per epistolam, audiant in gravioribus negotiis.

**Can. 496** - Consilium presbyterale habeat propria statuta ab Episcopo dioecesano approbata, attentis normis ab Episcoporum conferentia prolatis.

**Can. 497** - Ad designationem quod attinet sodalium consilii presbyteralis:

1° dimidia circiter pars libere eligatur a sacerdotibus ipsis, ad normam canonum qui sequuntur, necnon statutorum;

2° aliqui sacerdotes, ad normam statutorum, esse debent membra nata, qui scilicet ratione officii ipsis demandati ad consilium pertineant;

3° Episcopo dioecesano integrum est aliquos libere nominare.

**Can. 498** - § 1. Ius electionis tum activum tum

five year term but can be appointed for other five year terms at the end of this period. The finance officer is not to be removed while in this function except for a grave cause to be assessed by the bishop after he has heard the college of consultors and the finance council.

§ 3. It is for the finance officer to administer the goods of the diocese under the authority of the bishop in accord with the budget determined by the finance council and, from the income of the diocese, to meet expenses which the bishop or others designated by him have legitimately authorized.

§ 4. At the end of the year, the finance officer must render an account of receipts and expenditures to the finance council.

### Chapter III. The Presbyteral Council and the College of Consultors

**Can. 495** - § 1. In each diocese a presbyteral council is to be established, that is, a group of priests which, representing the presbyterium, is to be like a senate of the bishop and which assists the bishop in the governance of the diocese according to the norm of law to promote as much as possible the pastoral good of the portion of the people of God entrusted to him.

§ 2. In apostolic vicariates and prefectures, the vicar or prefect is to establish a council of at least three missionary presbyters whose opinion, even by letter, he is to hear in more serious matters.

**Can. 496** - The presbyteral council is to have its own statutes approved by the diocesan bishop, attentive to the norms issued by the conference of bishops.

**Can. 497** - In what pertains to the designation of members of the presbyteral council:

1° the priests themselves are freely to elect about half, according to the norm of the following canons and of the statutes;

2° according to the norm of the statutes, some priests must be ex officio members, that is, members who are to belong to the council by reason of the office entrusted to them;

3° the diocesan bishop is freely entitled to appoint others.

**Can. 498** - § 1. The following have the right of

passivum ad consilium presbyterale constituendum habent:

1° omnes sacerdotes saeculares in dioecesi incardinati;

2° sacerdotes saeculares in dioecesi non incardinati, necnon sacerdotes sodales alicuius instituti religiosi aut societatis vitae apostolicae, qui in dioecesi commorantes, in eiusdem bonum aliquod officium exercent.

§ 2. Quatenus statuta id provideant, idem ius electionis conferri potest aliis sacerdotibus, qui domicilium aut quasi-domicilium in dioecesi habent.

**Can. 499** - Modus eligendi membra consilii presbyteralis statutis determinandus est, ita quidem ut, quatenus id fieri possit, sacerdotes presbyterii repraesententur, ratione habita maxime diversorum ministeriorum variarumque dioecesis regionum.

**Can. 500** - § 1. Episcopi dioecesanum est consilium presbyterale convocare, eidem praesidere atque quaestiones in eodem tractandas determinare aut a membris propositas recipere.

§ 2. Consilium presbyterale gaudet voto tantum consultivo; Episcopus dioecesanus illud audiat in negotiis maioris momenti, eius autem consensu eget solummodo in casibus iure expresse definitis.

§ 3. Consilium presbyterale numquam agere valet sine Episcopo dioecesano, ad quem solum etiam cura spectat ea divulgandi quae ad normam § 2 statuta sunt.

**Can. 501** - § 1. Membra consilii presbyteralis designentur ad tempus, in statutis determinatum, ita tamen ut integrum consilium vel aliqua eius pars intra quinquennium renovetur.

§ 2. Vacante sede, consilium presbyterale cessat eiusque munera implentur a collegio consultorum; intra annum a capta possessione Episcopus debet consilium presbyterale noviter constituere.

§ 3. Si consilium presbyterale munus sibi in bonum dioecesis commissum non adimpleat aut eodem graviter abutatur, Episcopus dioecesanus, facta consultatione cum

election, both active and passive, in constituting a presbyteral council:

1° all secular priests incardinated in the diocese;

2° secular priests not incardinated in the diocese and priests who are members of some religious institute or society of apostolic life, who reside in the diocese and exercise some office for the good of the diocese.

§ 2. To the extent that the statutes provide for it, the same right of election can be conferred on other priests who have a domicile or quasi-domicile in the diocese.

**Can. 499** - The manner of electing members of the presbyteral council must be determined in the statutes in such a way that, insofar as possible, the priests of the presbyterium are represented, taking into account especially the different ministries and various regions of the diocese.

**Can. 500** - § 1. It is for the diocesan bishop to convoke the presbyteral council, preside over it, and determine the questions to be treated by it or receive proposals from the members.

§ 2. The presbyteral council possesses only a consultative vote; the diocesan bishop is to hear it in affairs of greater importance but needs its consent only in cases expressly defined by law.

§ 3. The presbyteral council is not able to act without the diocesan bishop who alone has charge of making public those things which have been established according to the norm of § 2.

**Can. 501** - § 1. Members of the presbyteral council are to be designated for a time determined in the statutes, in such a way, however, that the entire council or some part of it is renewed within five years.

§ 2. When a see is vacant, the presbyteral council ceases and the college of consultors fulfills its functions. Within a year of taking possession, a bishop must establish the presbyteral council anew.

§ 3. If the presbyteral council does not fulfill the function entrusted to it for the good of the diocese or gravely abuses it, the diocesan bishop, after having consulted with the

Metropolita, aut si de ipsa sede metropolitana agatur cum Episcopo suffraganeo promotione antiquiore, illud dissolvere potest, sed intra annum debet noviter constituere.

**Can. 502** - § 1. Inter membra consilii presbyteralis ab Episcopo dioecesano libere nominantur aliqui sacerdotes, numero non minore quam sex nec maiore quam duodecim, qui collegium consultorum ad quinquennium constituent, cui competunt munera iure determinata; expleto tamen quinquennio munera sua propria exercere pergit usquedum novum collegium constituatur.

§ 2. Collegio consultorum praeest Episcopus dioecesanus; sede autem impedita aut vacante, is qui ad interim Episcopi locum tenet aut, si constitutus nondum fuerit, sacerdos ordinatione antiquior in collegio consultorum.

§ 3. Episcoporum conferentia statuere potest ut munera collegii consultorum capitulo cathedrali committantur.

§ 4. In vicariatu et praefectura apostolica munera collegii consultorum competunt consilio missionis, de quo in can. 495, § 2, nisi aliud iure statuatur.

#### CAPUT IV. DE CANONICORUM CAPITULIS

**Can. 503** - Capitulum canonicorum, sive cathedrale sive collegiale, est sacerdotum collegium, cuius est functiones liturgicas sollemniores in ecclesia cathedrali aut collegiali persolvere; capituli cathedralis praeterea est munera adimplere, quae iure aut ab Episcopo dioecesano ei committuntur.

**Can. 504** - Capituli cathedralis erectio, innovatio aut suppressio Sedi Apostolicae reservantur.

**Can. 505** - Unumquodque capitulum, sive cathedrale sive collegiale, sua habeat statuta, per legitimum actum capitularem condita atque ab Episcopo dioecesano probata; quae statuta ne immutentur neve abrogentur, nisi approbante eodem Episcopo dioecesano.

**Can. 506** - § 1. Statuta capituli, salvis semper foundationis legibus, ipsam capituli constitutionem et numerum canonicorum determinant; definiant quatenus a capitulo et a

metropolitan, or, if it concerns the metropolitan see itself, with the suffragan bishop senior in promotion, can dissolve it but must establish it anew within a year.

**Can. 502** - § 1. From among the members of the presbyteral council and in a number not less than six nor more than twelve, the diocesan bishop freely appoints some priests who are to constitute for five years a college of consultors, to which belongs the functions determined by law. When the five years elapse, however, it continues to exercise its proper functions until a new college is established.

§ 2. The diocesan bishop presides over the college of consultors. When a see is impeded or vacant, however, the one who temporarily takes the place of the bishop or, if he has not yet been appointed, the priest who is senior in ordination in the college of consultors presides.

§ 3. The conference of bishops can establish that the functions of the college of consultors are to be entrusted to the cathedral chapter.

§ 4. In an apostolic vicariate and prefecture, the council of the mission mentioned in can. 495, § 2 has the functions of the college of consultors unless the law establishes otherwise.

#### Chapter IV. Chapters of Canons

**Can. 503** - A chapter of canons, whether cathedral or collegial, is a college of priests which performs more solemn liturgical functions in a cathedral or collegial church. In addition, it is for the cathedral chapter to fulfill the functions which the law or the diocesan bishop entrusts to it.

**Can. 504** - The erection, alteration, or suppression of a cathedral chapter is reserved to the Apostolic See.

**Can. 505** - Each and every chapter, whether cathedral or collegial, is to have its own statutes, drawn up through a legitimate capitular act and approved by the diocesan bishop. These statutes are neither to be changed nor abrogated except with the approval of the same diocesan bishop.

**Can. 506** - § 1. The statutes of a chapter are to determine the constitution of the chapter and the number of canons, always without prejudice to the laws of its foundation. They are to define

singulis canonicis ad cultum divinum necnon ad ministerium persolvendum sint peragenda; decernant conventus in quibus capituli negotia agantur atque, salvis quidem iuris universalis praescriptis, condiciones statuunt ad validitatem liceitatemque negotiorum requisitas.

§ 2. In statutis etiam definiantur emolumenta, tum stabilia tum occasione perfuncti muneris solvenda necnon, attentis normis a Sancta Sede latis, quatenus sint canonicorum insignia.

**Can. 507** - § 1. Inter canonicos habeatur qui capitulo praesit, atque alia etiam constituantur officia ad normam statutorum, ratione quoque habita usus in regione vigentis.

§ 2. Clericis ad capitulum non pertinentibus, committi possunt alia officia, quibus ipsi, ad normam statutorum, canonicis auxilium praebeant.

**Can. 508** - § 1. Paenitentiarius canonicus tum ecclesiae cathedralis tum ecclesiae collegialis vi officii habet facultatem ordinariam, quam tamen aliis delegare non potest, absolvendi in foro sacramentali a censuris latae sententiae non declaratis, Apostolicae Sedi non reservatis, in dioecesi extraneos quoque, dioecesanos autem etiam extra territorium dioecesis.

§ 2. Ubi deficit capitulum, Episcopus dioecesanus sacerdotem constituat ad idem munus implendum.

**Can. 509** - § 1. Episcopi dioecesani, audito capitulo, non autem Administratoris dioecesani, est omnes et singulos conferre canonicatus, tum in ecclesia cathedrali tum in ecclesia collegiali, revocato quolibet contrario privilegio; eiusdem Episcopi est confirmare electum ab ipso capitulo, qui eidem praesit.

§ 2. Canonicatus Episcopus dioecesanus conferat tantum sacerdotibus doctrina vitaeque integritate praestantibus, qui laudabiliter ministerium exercuerunt.

**Can. 510** - § 1. Capitulo canonicorum ne amplius uniantur paroeciae; quae unitae alicui capitulo exstent, ab Episcopo dioecesano a capitulo separentur.

those things which the chapter and individual canons are to do in the performance of divine worship and ministry. They are to determine the meetings in which the affairs of the chapter are handled and establish the conditions required for the validity and liceity of those affairs, without prejudice to the prescripts of universal law.

§ 2. The statutes are also to define the compensation, whether stable or to be given on the occasion of the performance of some function, and, attentive to the norms issued by the Holy See, the insignia of the canons.

**Can. 507** - § 1. One of the canons is to preside over the chapter; other offices are also to be constituted according to the norm of the statutes, after the practice prevailing in the region has been taken into consideration.

§ 2. Other offices can be entrusted to clerics who do not belong to the chapter; through these offices they assist the canons according to the norm of the statutes.

**Can. 508** - § 1. By virtue of office, the canon penitentiary of a cathedral church and of a collegial church has the ordinary faculty, which he cannot delegate to others, of absolving in the sacramental forum outsiders within the diocese and members of the diocese even outside the territory of the diocese from undeclared latae sententiae censures not reserved to the Apostolic See.

§ 2. Where there is no chapter, the diocesan bishop is to appoint a priest to fulfill the same function.

**Can. 509** - § 1. After having heard the chapter, it is for the diocesan bishop, but not a diocesan administrator, to confer each and every canonry, both in a cathedral church and in a collegial church; every contrary privilege is revoked. It is for the same bishop to confirm the person elected by the chapter to preside over it.

§ 2. A diocesan bishop is to confer canonries only upon priests outstanding in doctrine and integrity of life, who have laudably exercised the ministry.

**Can. 510** - § 1. Parishes are no longer to be joined to a chapter of canons; the diocesan bishop is to separate from a chapter those parishes which are united to it.



§ 2. In ecclesia, quae simul sit paroecialis et capitularis, designetur parochus, sive inter capitulares delectus, sive non; qui parochus omnibus obstringitur officiis atque gaudet iuribus et facultatibus quae ad normam iuris propria sunt parochi.

§ 3. Episcopi dioecisani est certas statuere normas, quibus officia pastoralia parochi atque munera capitulo propria debite componantur, cavendo ne parochus capitularibus nec capitulum paroecialibus functionibus impedimento sit; conflictus, si quidam habeantur, dirimat Episcopus dioecisanus, qui imprimis curet ut fidelium necessitatibus pastoralibus apte prospiciatur.

§ 4. Quae ecclesiae, paroeciali simul et capitulari, conferantur eleemosynae, praesumuntur datae paroeciae, nisi aliud constet.

#### CAPUT V. DE CONSILIO PASTORALI

**Can. 511** - In singulis dioecesibus, quatenus pastoralia adiuncta id suadeant, constituatur consilium pastorale, cuius est sub auctoritate Episcopi ea quae opera pastoralia in dioecesi spectant investigare, perpendere atque de eis conclusiones practicas proponere.

**Can. 512** - § 1. Consilium pastorale constat christifidelibus qui in plena communione sint cum Ecclesia catholica, tum clericis, tum membris institutorum vitae consecratae, tum praesertim laicis, quique designantur modo ab Episcopo dioecesano determinato.

§ 2. Christifideles, qui deputantur ad consilium pastorale, ita seligantur ut per eos universa populi Dei portio, quae dioecesim constituat, revera configuretur, ratione habita diversarum dioecesis regionum, condicionum socialium et professionum, necnon partis quam sive singuli sive cum aliis coniuncti in apostolatu habent.

§ 3. Ad consilium pastorale ne deputentur nisi christifideles certa fide, bonis moribus et prudentia praestantes.

**Can. 513** - § 1. Consilium pastorale constituitur ad tempus, iuxta praescripta statutorum, quae ab Episcopo dantur.

§ 2. In a church which is at the same time parochial and capitular, a pastor is to be designated, whether chosen from among the members of the chapter or not. This pastor is bound by all the duties and possesses the rights and faculties which are proper to a pastor according to the norm of law.

§ 3. It is for the diocesan bishop to establish definite norms which fittingly integrate the pastoral duties of the pastor and the functions proper to the chapter, taking care that the pastor is not a hindrance to capitular functions nor the chapter to parochial functions. The diocesan bishop, who above all is to take care that the pastoral needs of the faithful are aptly provided for, is to resolve conflicts if they occur.

§ 4. Alms given to a church which is at the same time parochial and capitular are presumed given to the parish unless it is otherwise evident.

#### Chapter V. The Pastoral Council

**Can. 511** - In every diocese and to the extent that pastoral circumstances suggest it, a pastoral council is to be constituted which under the authority of the bishop investigates, considers, and proposes practical conclusions about those things which pertain to pastoral works in the diocese.

**Can. 512** - § 1. A pastoral council consists of members of the Christian faithful who are in full communion with the Catholic Church-clerics, members of institutes of consecrated life, and especially laity-who are designated in a manner determined by the diocesan bishop.

§ 2. The Christian faithful who are designated to a pastoral council are to be selected in such a way that they truly reflect the entire portion of the people of God which constitutes the diocese, with consideration given to the different areas of the diocese, social conditions and professions, and the role which they have in the apostolate whether individually or joined with others.

§ 3. No one except members of the Christian faithful outstanding in firm faith, good morals, and prudence is to be designated to a pastoral council.

**Can. 513** - § 1. A pastoral council is constituted for a period of time according to the prescripts of the statutes which are issued by the bishop.

§ 2. Sede vacante, consilium pastorale cessat.

**Can. 514** - § 1. Consilium pastorale, quod voto gaudet tantum consultivo, iuxta necessitates apostolatus convocare eique praeesse ad solum Episcopum dioecesanum pertinet; ad quem etiam unice spectat, quae in consilio pertractata sunt publici iuris facere.

§ 2. Saltem semel in anno convocetur.

#### CAPUT VI. DE PAROECIIS, DE PAROCHIS ET DE VICARIIS PAROECIALIBUS

**Can. 515** - § 1. Paroecia est certa communitas christifidelium in Ecclesia particulari stabiliter constituta, cuius cura pastoralis, sub auctoritate Episcopi dioecesani, committitur parochi, qua proprio eiusdem pastori.

§ 2. Paroecias erigere, supprimere aut eas innovare unius est Episcopi dioecesani, qui paroecias ne erigat aut supprimat, neve eas notabiliter innovet, nisi audito consilio presbyterali.

§ 3. Paroecia legitime erecta personalitate iuridica ipso iure gaudet.

**Can. 516** - § 1. Nisi aliud iure caveatur, paroeciae aequiparatur quasi-paroecia, quae est certa in Ecclesia particulari communitas christifidelium, sacerdoti uti pastori proprio commissa, ob peculiaria adiuncta in paroeciam nondum erecta.

§ 2. Ubi quaedam communitates in paroeciam vel quasi-paroeciam erigi non possint, Episcopus dioecesanus alio modo earundem pastoralis curae prospiciat.

**Can. 517** - § 1. Ubi adiuncta id requirant, paroeciae aut diversarum simul paroeciarum cura pastoralis committi potest pluribus in solidum sacerdotibus, ea tamen lege, ut eorundem unus curae pastoralis exercendae sit moderator, qui nempe actionem coniunctam dirigat atque de eadem coram Episcopo respondeat.

§ 2. Si ob sacerdotum penuriam Episcopus dioecesanus aestimaverit participationem in exercitio curae pastoralis paroeciae concedendam esse diacono aliive personae sacerdotali caractere non insignitae aut

§ 2. When the see is vacant, a pastoral council ceases.

**Can. 514** - § 1. A pastoral council possesses only a consultative vote. It belongs to the diocesan bishop alone to convoke it according to the needs of the apostolate and to preside over it; it also belongs to him alone to make public what has been done in the council.

§ 2. The pastoral council is to be convoked at least once a year.

#### Chapter VI. Parishes, Pastors, and Parochial Vicars

**Can. 515** - § 1. A parish is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor (pastor) under the authority of the diocesan bishop.

§ 2. It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council.

§ 3. A legitimately erected parish possesses juridic personality by the law itself.

**Can. 516** - § 1. Unless the law provides otherwise, a quasi-parish is equivalent to a parish; a quasi-parish is a definite community of the Christian faithful in a particular church, entrusted to a priest as its proper pastor but not yet erected as a parish because of particular circumstances.

§ 2. When certain communities cannot be erected as parishes or quasi-parishes, the diocesan bishop is to provide for their pastoral care in another way.

**Can. 517** - § 1. When circumstances require it, the pastoral care of a parish or of different parishes together can be entrusted to several priests in solidum, with the requirement, however, that in exercising pastoral care one of them must be the moderator, namely, the one who is to direct the joint action and to answer for it to the bishop.

§ 2. If, because of a lack of priests, the diocesan bishop has decided that participation in the exercise of the pastoral care of a parish is to be entrusted to a deacon, to another person who is not a priest, or to a community of

personarum communitati, sacerdotem constituat aliquem qui, potestatibus et facultatibus parochi instructus, curam pastoraalem moderetur.

**Can. 518** - Paroecia regula generali sit territorialis, quae scilicet omnes complectatur christifideles certi territorii; ubi vero id expediat, constituentur paroeciae personales, ratione ritus, linguae, nationis christifidelium alicuius territorii atque alia etiam ratione determinatae.

**Can. 519** - Parochus est pastor proprius paroeciae sibi commissae, cura pastorali communitatis sibi concreditaefungens sub auctoritate Episcopi dioecesanii, cuius in partem ministerii Christi vocatus est, ut pro eadem communitate munera exsequatur docendi, sanctificandi et regendi, cooperantibus etiam aliis presbyteris vel diaconis atque operam conferentibus christifidelibus laicis, ad normam iuris.

**Can. 520** - § 1. Persona iuridica ne sit parochus; Episcopus autem dioecesanus, non vero Administrator dioecesanus, de consensu competentis Superioris, potest paroeciam committere instituto religioso clericali vel societati clericali vitae apostolicae, eam erigendo etiam in ecclesia instituti aut societatis, hac tamen lege ut unus presbyter sit paroeciae parochus, aut, si cura pastoralis pluribus in solidum committatur, moderator, de quo in can. 517, § 1.

§ 2. Paroeciae commissio, de qua in § 1, fieri potest sive in perpetuum sive ad certum praefinitum tempus; in utroque casu fiat mediante conventionem scriptam inter Episcopum dioecesanum et competentem Superiorem instituti vel societatis inita, qua inter alia expresse et accurate definiantur, quae ad opus explendum, ad personas eidem addicendas et ad res oeconomicas spectent.

**Can. 521** - § 1. Ut quis valide in parochum assumatur, oportet sit in sacro presbyteratus ordine constitutus.

§ 2. Sit praeterea sana doctrina et morum probitate praestans, animarum zelo aliisque virtutibus praeditus, atque insuper qualitatibus

personarum, he is to appoint some priest who, provided with the powers and faculties of a pastor, is to direct the pastoral care.

**Can. 518** - As a general rule a parish is to be territorial, that is, one which includes all the Christian faithful of a certain territory. When it is expedient, however, personal parishes are to be established determined by reason of the rite, language, or nationality of the Christian faithful of some territory, or even for some other reason.

**Can. 519** - The pastor (parochus) is the proper pastor (pastor) of the parish entrusted to him, exercising the pastoral care of the community committed to him under the authority of the diocesan bishop in whose ministry of Christ he has been called to share, so that for that same community he carries out the functions of teaching, sanctifying, and governing, also with the cooperation of other presbyters or deacons and with the assistance of lay members of the Christian faithful, according to the norm of law.

**Can. 520** - § 1. A juridic person is not to be a pastor. With the consent of the competent superior, however, a diocesan bishop, but not a diocesan administrator, can entrust a parish to a clerical religious institute or clerical society of apostolic life, even by erecting it in a church of the institute or society, with the requirement, however, that one presbyter is to be the pastor of the parish or, if the pastoral care is entrusted to several in solidum, the moderator as mentioned in can. 517, § 1.

§ 2. The entrusting of a parish mentioned in § 1 can be made either perpetually or for a specific, predetermined time. In either case it is to be made by means of a written agreement between the diocesan bishop and the competent superior of the institute or society, which expressly and accurately defines, among other things, the work to be accomplished, the persons to be assigned to the parish, and the financial arrangements.

**Can. 521** - § 1. To become a pastor validly, one must be in the sacred order of the presbyterate.

§ 2. Moreover, he is to be outstanding in sound doctrine and integrity of morals and endowed with zeal for souls and other virtues; he is also

gaudeat quae ad paroeciam, de qua agitur, curandam iure sive universali sive particulari requiruntur.

§ 3. Ad officium parochi alicui conferendum, oportet de eius idoneitate, modo ab Episcopo dioecesano determinato, etiam per examen, certo constet.

**Can. 522** - Parochus stabilitate gaudeat oportet ideoque ad tempus indefinitum nominetur; ad certum tempus tantum ab Episcopo dioecesano nominari potest, si id ab Episcoporum conferentia per decretum admissum fuerit.

**Can. 523** - Firmo praescripto can. 682, § 1, parochi officii provisio Episcopo dioecesano competit et quidem libera collatione, nisi cuidam sit ius praesentationis aut electionis.

**Can. 524** - Vacantem paroeciam Episcopus dioecesanus conferat illi quem, omnibus perpensis adiunctis, aestimet idoneum ad paroecialem curam in eadem implendam, omni personarum acceptione remota; ut iudicium de idoneitate ferat, audiat vicarium foraneum aptasque investigationes peragat, auditis, si casus ferat, certis presbyteris necnon christifidelibus laicis.

**Can. 525** - Sede vacante aut impedita, ad Administratorem dioecesanum aliumve dioecesim ad interim regentem pertinet:

1° institutionem vel confirmationem concedere presbyteris, qui ad paroeciam legitime praesentati aut electi fuerint;

2° parochos nominare, si sedes ab anno vacaverit aut impedita sit.

**Can. 526** - § 1. Parochus unius paroeciae tantum curam paroecialem habeat; ob penuriam tamen sacerdotum aut alia adiuncta, plurium vicinarum paroeciarum cura eidem parochi concedi potest.

§ 2. In eadem paroecia unus tantum habeatur parochus aut moderator ad normam can. 517, § 1, reprobata contraria consuetudine et revocato quolibet contrario privilegio.

**Can. 527** - § 1. Qui ad curam pastorem paroeciae gerendam promotus est, eandem obtinet et exercere tenetur a momento captae

to possess those qualities which are required by universal or particular law to care for the parish in question.

§ 3. For the office of pastor to be conferred on someone, his suitability must be clearly evident by some means determined by the diocesan bishop, even by means of an examination.

**Can. 522** - A pastor must possess stability and therefore is to be appointed for an indefinite period of time. The diocesan bishop can appoint him only for a specific period if the conference of bishops has permitted this by a decree.

**Can. 523** - Without prejudice to the prescript of can. 682, § 1, the provision of the office of pastor belongs to the diocesan bishop, and indeed by free conferral, unless someone has the right of presentation or election.

**Can. 524** - A diocesan bishop is to entrust a vacant parish to the one whom he considers suited to fulfill its parochial care, after weighing all the circumstances and without any favoritism. To make a judgment about suitability, he is to hear the vicar forane and conduct appropriate investigations, having heard certain presbyters and lay members of the Christian faithful, if it is warranted.

**Can. 525** - When a see is vacant or impeded, it belongs to the diocesan administrator or another who governs the diocese temporarily:

1° to install or confirm presbyters who have been legitimately presented or elected for a parish;

2° to appoint pastors if the see has been vacant or impeded for a year.

**Can. 526** - § 1. A pastor is to have the parochial care of only one parish; nevertheless, because of a lack of priests or other circumstances, the care of several neighboring parishes can be entrusted to the same pastor.

§ 2. In the same parish there is to be only one pastor or moderator in accord with the norm of can. 517, § 1; any contrary custom is reprobated and any contrary privilege whatsoever is revoked.

**Can. 527** - § 1. The person who has been promoted to carry out the pastoral care of a parish obtains this care and is bound to

possessionis.

§ 2. Parochum in possessionem mittit loci Ordinarius aut sacerdos ab eodem delegatus, servato modo lege particulari aut legitima consuetudine recepto; iusta tamen de causa potest idem Ordinarius ab eo modo dispensare; quo in casu dispensatio paroeciae notificata locum tenet captae possessionis.

§ 3. Loci Ordinarius praefiniat tempus intra quod paroeciae possessio capi debeat; quo inutiliter praeterlapso, nisi iustum obstiterit impedimentum, paroeciam vacare declarare potest.

**Can. 528** - § 1. Parochus obligatione tenetur providendi ut Dei verbum integre in paroecia degentibus annuntietur; quare curet ut christifideles laici in fidei veritatibus edoceantur, praesertim homilia diebus dominicis et festis de praecepto habenda necnon catechetica institutione tradenda, atque foveat opera quibus spiritus evangelicus, etiam ad iustitiam socialem quod attinet, promoveatur; peculiarem curam habeat de puerorum iuvenumque educatione catholica; omni ope satagat, associata etiam sibi christifidelium opera, ut nuntius evangelicus ad eos quoque perveniat, qui a religione colenda recesserint aut veram fidem non profiteantur.

§ 2. Consulat parochus ut sanctissima Eucharistia centrum sit congregationis fidelium paroecialis; allaboret ut christifideles, per devotam sacramentorum celebrationem, pascantur, peculiarique modo ut frequenter ad sanctissimae Eucharistiae et poenitentiae sacramenta accedant; annitatur item ut iidem ad orationem etiam in familiis peragendam ducantur atque conscie et actuose partem habeant in sacra liturgia, quam quidem, sub auctoritate Episcopi dioecisani, parochus in sua paroecia moderari debet et, ne abusus irrepant, invigilare tenetur.

**Can. 529** - § 1. Officium pastoris sedulo ut adimpleat, parochus fideles suae curae commissos cognoscere satagat; ideo familias visitet, fidelium sollicitudines, angores et luctus praesertim participans eosque in Domino confortans necnon, si in quibusdam defecerint,

exercise it from the moment of taking possession.

§ 2. The local ordinary or a priest delegated by him places the pastor in possession; he is to observe the method accepted by particular law or legitimate custom. The same ordinary, however, can dispense from that method for a just cause; in this case, the notification of the dispensation to the parish replaces the taking of possession.

§ 3. The local ordinary is to prescribe the time within which possession of a parish must be taken. When this has elapsed without action, he can declare the parish vacant unless there was a just impediment.

**Can. 528** - § 1. A pastor is obliged to make provision so that the word of God is proclaimed in its entirety to those living in the parish; for this reason, he is to take care that the lay members of the Christian faithful are instructed in the truths of the faith, especially by giving a homily on Sundays and holy days of obligation and by offering catechetical instruction. He is to foster works through which the spirit of the gospel is promoted, even in what pertains to social justice. He is to have particular care for the Catholic education of children and youth. He is to make every effort, even with the collaboration of the Christian faithful, so that the message of the gospel comes also to those who have ceased the practice of their religion or do not profess the true faith.

§ 2. The pastor is to see to it that the Most Holy Eucharist is the center of the parish assembly of the faithful. He is to work so that the Christian faithful are nourished through the devout celebration of the sacraments and, in a special way, that they frequently approach the sacraments of the Most Holy Eucharist and penance. He is also to endeavor that they are led to practice prayer even as families and take part consciously and actively in the sacred liturgy which, under the authority of the diocesan bishop, the pastor must direct in his own parish and is bound to watch over so that no abuses creep in.

**Can. 529** - § 1. In order to fulfill his office diligently, a pastor is to strive to know the faithful entrusted to his care. Therefore he is to visit families, sharing especially in the cares, anxieties, and griefs of the faithful, strengthening them in the Lord, and prudently

prudenter corrigens; aegrotos, praesertim morti proximos, effusa caritate adiuvet, eos sollicitè sacramentis reficiendo eorumque animas Deo commendando; peculiari diligentia prosequatur pauperes, afflictos, solitarios, e patria exsules itemque peculiaribus difficultatibus gravatos; allaboret etiam ut coniuges et parentes ad officia propria implenda sustineantur et in familia vitae christianae incrementum foveat.

§ 2. Partem quam christifideles laici in missione Ecclesiae propriam habent, parochus agnoscat et promoveat, consociationes eorundem ad fines religionis fovendo. Cum proprio Episcopo et cum dioecesis presbyterio cooperetur, allaborans etiam ut fideles communionis paroecialis curam habeant, iidemque tum dioecesis tum Ecclesiae universae membra se sentiant operaque ad eandem communionem promovendam participant vel sustineant.

**Can. 530** - Functiones specialiter parochi commissae sunt quae sequuntur:

1° administratio baptismi;

2° administratio sacramenti confirmationis iis qui in periculo mortis versantur, ad normam can. 883, n. 3;

3° administratio Viatici necnon unctionis infirmorum, firmo praescripto can. 1003, §§ 2 et 3, atque apostolicae benedictionis impartitio;

4° assistentia matrimoniis et benedictio nuptiarum;

5° persolutio funerum;

6° fontis baptismalis tempore paschali benedictio, ductus processionum extra ecclesiam, necnon benedictiones extra ecclesiam sollemnes;

7° celebratio eucharistica sollemnior diebus dominicis et festis de praecepto.

**Can. 531** - Licet paroeciale quoddam munus alius expleverit, oblationes quas hac occasione a christifidelibus recipit ad massam paroecialem deferat, nisi de contraria offerentis voluntate constet quoad oblationes voluntarias; Episcopo dioecesano, audito consilio presbyterali, competit statuere praescripta, quibus destinationi harum oblationum necnon

correcting them if they are failing in certain areas. With generous love he is to help the sick, particularly those close to death, by refreshing them solicitously with the sacraments and commending their souls to God; with particular diligence he is to seek out the poor, the afflicted, the lonely, those exiled from their country, and similarly those weighed down by special difficulties. He is to work so that spouses and parents are supported in fulfilling their proper duties and is to foster growth of Christian life in the family.

§ 2. A pastor is to recognize and promote the proper part which the lay members of the Christian faithful have in the mission of the Church, by fostering their associations for the purposes of religion. He is to cooperate with his own bishop and the presbyterium of the diocese, also working so that the faithful have concern for parochial communion, consider themselves members of the diocese and of the universal Church, and participate in and sustain efforts to promote this same communion.

**Can. 530** - The following functions are especially entrusted to a pastor:

1° the administration of baptism;

2° the administration of the sacrament of confirmation to those who are in danger of death, according to the norm of can. 883, n. 3;

3° the administration of Viaticum and of the anointing of the sick, without prejudice to the prescript of can. 1003, §§ 2 and 3, and the imparting of the apostolic blessing;

4° the assistance at marriages and the nuptial blessing;

5° the performance of funeral rites;

6° the blessing of the baptismal font at Easter time, the leading of processions outside the church, and solemn blessings outside the church;

7° the more solemn eucharistic celebration on Sundays and holy days of obligation.

**Can. 531** - Although another person has performed a certain parochial function, that person is to put the offerings received from the Christian faithful on that occasion in the parochial account, unless in the case of voluntary offerings the contrary intention of the donor is certain. The diocesan bishop, after having heard the presbyteral council, is

remuneracioni clericorum idem munus implentium provideatur.

**Can. 532** - In omnibus negotiis iuridicis parochus personam gerit paroeciae, ad normam iuris; curet ut bona paroeciae administrantur ad normam cann. 1281-1288.

**Can. 533** - § 1. Parochus obligatione tenetur residendi in domo paroeciali prope ecclesiam; in casibus tamen particularibus, si iusta adsit causa, loci Ordinarius permittere potest ut alibi commoretur, praesertim in domo pluribus presbyteris communi, dummodo paroecialium perfunctioni munerum rite apteque sit provisum.

§ 2. Nisi gravis obstet ratio, parochus, feriarum gratia, licet quotannis a paroecia abesse ad summum per unum mensem continuum aut intermissum; quo in feriarum tempore dies non computantur, quibus semel in anno parochus spirituali recessui vacat; parochus autem, ut ultra hebdomadam a paroecia absit, tenetur de hoc loci Ordinarium monere.

§ 3. Episcopi dioecesani est normas statuere quibus prospiciatur ut, parochi absentia durante, curae provideatur paroeciae per sacerdotem debitae facultatibus instructum.

**Can. 534** - § 1. Parochus, post captam paroeciae possessionem, obligatione tenetur singulis diebus dominicis atque festis in sua dioecesi de praecepto Missam pro populo sibi commisso applicandi; qui vero ab hac celebratione legitime impediatur, iisdem diebus per alium aut aliis diebus per se ipse applicet.

§ 2. Parochus, qui plurium paroeciarum curam habet, diebus de quibus in § 1, unam tantum Missam pro universo sibi commisso populo applicare tenetur.

§ 3. Parochus qui obligationi de qua in §§ 1 et 2 non satisfecerit, quam primum pro populo tot Missas applicet, quot omiserit.

**Can. 535** - § 1. In unaquaque paroecia habeantur libri paroeciales, liber scilicet baptizatorum, matrimoniorum, defunctorum,

competent to establish prescripts which provide for the allocation of these offerings and the remuneration of clerics fulfilling the same function.

**Can. 532** - In all juridic affairs the pastor represents the parish according to the norm of law. He is to take care that the goods of the parish are administered according to the norm of cann. 1281-1288.

**Can. 533** - § 1. A pastor is obliged to reside in a rectory near the church. Nevertheless, in particular cases and if there is a just cause, the local ordinary can permit him to reside elsewhere, especially in a house shared by several presbyters, provided that the performance of parochial functions is properly and suitably provided for.

§ 2. Unless there is a grave reason to the contrary, a pastor is permitted to be absent from the parish each year for vacation for at most one continuous or interrupted month; those days which the pastor spends once a year in spiritual retreat are not computed in the time of vacation. In order to be absent from the parish for more than a week, however, a pastor is bound to inform the local ordinary.

§ 3. It is for the diocesan bishop to establish norms which see to it that during the absence of the pastor, a priest endowed with the necessary faculties provides for the care of the parish.

**Can. 534** - § 1. After a pastor has taken possession of his parish, he is obliged to apply a Mass for the people entrusted to him on each Sunday and holy day of obligation in his diocese. If he is legitimately impeded from this celebration, however, he is to apply it on the same days through another or on other days himself.

§ 2. A pastor who has the care of several parishes is bound to apply only one Mass for the entire people entrusted to him on the days mentioned in § 1.

§ 3. A pastor who has not satisfied the obligation mentioned in §§ 1 and 2 is to apply as soon as possible as many Masses for the people as he has omitted.

**Can. 535** - § 1. Each parish is to have parochial registers, that is, those of baptisms, marriages, deaths, and others as prescribed by the

aliique secundum Episcoporum conferentiae aut Episcopi dioecisani praescripta; prospiciat parochus ut iidem libri accurate conscribantur atque diligenter asserventur.

§ 2. In libro baptizatorum adnotentur quoque adscriptio Ecclesiae sui iuris vel ad aliam transitus, necnon confirmatio, item quae pertinent ad statum canonicum christifidelium, ratione matrimonii, salvo quidem praescripto can. 1133, ratione adoptionis, ratione suscepti ordinis sacri, necnon professionis perpetuae in instituto religioso emissae; eaeque adnotationes in documento accepti baptismi semper referantur.

§ 3. Unicuique paroeciae sit proprium sigillum; testimonia quae de statu canonico christifidelium dantur, sicut et acta omnia quae momentum iuridicum habere possunt, ab ipso parochus eiusve delegato subscribantur et sigillo paroeciali muniantur.

§ 4. In unaquaque paroecia habeatur tabularium seu archivum, in quo libri paroeciales custodiantur, una cum Episcoporum epistulis aliisque documentis, necessitatis utilitatisve causa servandis; quae omnia, ab Episcopo dioecisano eiusve delegato, visitationis vel alio opportuno tempore inspicienda, parochus caveat ne ad extraneorum manus perveniant.

§ 5. Libri paroeciales antiquiores quoque diligenter custodiantur, secundum praescripta iuris particularis.

**Can. 536** - § 1. Si, de iudicio Episcopi dioecisani, audito consilio presbyterali, opportunum sit, in unaquaque paroecia constituatur consilium pastorale, cui parochus praeest et in quo christifideles una cum illis qui curam pastorem vi officii sui in paroecia participant, ad actionem pastorem fovendam suum adiutorium praestent.

§ 2. Consilium pastorale voto gaudet tantum consultivo et regitur normis ab Episcopo dioecisano statutis.

**Can. 537** - In unaquaque paroecia habeatur consilium a rebus oeconomicis, quod praeterquam iure universalis, regitur normis ab Episcopo dioecisano latis et in quo christifideles, secundum easdem normas selecti, parochus in administratione bonorum paroeciae adiutorio sint, firmo praescripto

conference of bishops or the diocesan bishop. The pastor is to see to it that these registers are accurately inscribed and carefully preserved.

§ 2. In the baptismal register are also to be noted enrollment in a Church *sui iuris* or transfer to another Church, confirmation, and those things which pertain to the canonical status of the Christian faithful by reason of marriage, without prejudice to the prescript of canon 1133, of adoption, of reception of sacred orders, and of perpetual profession made in a religious institute. These notations are always to be noted on a baptismal certificate.

§ 3. Each parish is to have its own seal. Documents regarding the canonical status of the Christian faithful and all acts which can have juridic importance are to be signed by the pastor or his delegate and sealed with the parochial seal.

§ 4. In each parish there is to be a storage area, or archive, in which the parochial registers are protected along with letters of bishops and other documents which are to be preserved for reason of necessity or advantage. The pastor is to take care that all of these things, which are to be inspected by the diocesan bishop or his delegate at the time of visitation or at some other opportune time, do not come into the hands of outsiders.

§ 5. Older parochial registers are also to be carefully protected according to the prescripts of particular law.

**Can. 536** - § 1. If the diocesan bishop judges it opportune after he has heard the presbyteral council, a pastoral council is to be established in each parish, over which the pastor presides and in which the Christian faithful, together with those who share in pastoral care by virtue of their office in the parish, assist in fostering pastoral activity.

§ 2. A pastoral council possesses a consultative vote only and is governed by the norms established by the diocesan bishop.

**Can. 537** - In each parish there is to be a finance council which is governed, in addition to universal law, by norms issued by the diocesan bishop and in which the Christian faithful, selected according to these same norms, are to assist the pastor in the administration of the goods of the parish, without prejudice to the



can. 532.

**Can. 538** - § 1. Parochus ab officio cessat amotione aut translatione ab Episcopo dioecesano ad normam iuris peracta, renuntiatione iusta de causa ab ipso parochus facta et, ut valeat, ab eodem Episcopo acceptata, necnon lapsu temporis si, iuxta iuris particularis de quo in can. 522 praescripta, ad tempus determinatum constitutus fuerit.

§ 2. Parochus, qui est sodalis instituti religiosi aut in societate vitae apostolicae incardinatus, ad normam can. 682, § 2 amovetur.

§ 3. Parochus, expleto septuagesimo quinto aetatis anno, rogatur ut renuntiationem ab officio exhibeat Episcopo dioecesano, qui, omnibus personae et loci inspectis adiunctis, de eadem acceptanda aut differenda decernat; renuntiantis congruae sustentationi et habitationi ab Episcopo dioecesano providendum est, attentis normis ab Episcoporum conferentia statutis.

**Can. 539** - Cum vacat paroecia aut cum parochus ratione captivitatis, exsilii vel relegationis, inhabilitatis vel infirmiae valetudinis aliusve causae a munere parochus in paroecia exercendo praepeditur, ab Episcopo dioecesano quam primum deputetur administrator paroecialis, sacerdos scilicet qui parochi vicem suppleat ad normam can. 540.

**Can. 540** - § 1. Administrator paroecialis iisdem adstringitur officiis iisdemque gaudet iuribus ac parochus, nisi ab Episcopo dioecesano aliter statuatur.

§ 2. Administratori paroeciali nihil agere licet, quod praeiudicium afferat iuribus parochi aut damno esse possit bonis paroecialibus.

§ 3. Administrator paroecialis post expletum munus parochus rationem reddat.

**Can. 541** - § 1. Vacante paroecia itemque parochus a munere parochus exercendo impedito, ante administratoris paroecialis constitutionem, paroeciae regimen interim assumat vicarius paroecialis; si plures sint, is qui sit nominatione antiquior, et si vicarii desint, parochus iure particulari definitus.

prescript of can. 532.

**Can. 538** - § 1. A pastor ceases from office by removal or transfer carried out by the diocesan bishop according to the norm of law, by resignation made by the pastor himself for a just cause and accepted by the same bishop for validity, and by lapse of time if he had been appointed for a definite period according to the prescripts of particular law mentioned in can. 522.

§ 2. A pastor who is a member of a religious institute or is incardinated in a society of apostolic life is removed according to the norm of can. 682, § 2.

§ 3. When a pastor has completed seventy-five years of age, he is requested to submit his resignation from office to the diocesan bishop who is to decide to accept or defer it after he has considered all the circumstances of the person and place. Attentive to the norms established by the conference of bishops, the diocesan bishop must provide suitable support and housing for a retired pastor.

**Can. 539** - When a parish becomes vacant or when a pastor is prevented from exercising his pastoral function in the parish by reason of captivity, exile or banishment, incapacity or ill health, or some other cause, the diocesan bishop is to designate as soon as possible a parochial administrator, that is, a priest who takes the place of the pastor according to the norm of can. 540.

**Can. 540** - § 1. A parochial administrator is bound by the same duties and possesses the same rights as a pastor unless the diocesan bishop establishes otherwise.

§ 2. A parochial administrator is not permitted to do anything which prejudices the rights of the pastor or can harm parochial goods.

§ 3. After he has completed his function, a parochial administrator is to render an account to the pastor.

**Can. 541** - § 1. When a parish becomes vacant or a pastor has been impeded from exercising his pastoral function and before the appointment of a parochial administrator, the parochial vicar is to assume the governance of the parish temporarily. If there are several vicars, the one who is senior in appointment or, if there are no vicars, a pastor determined by

§ 2. Qui paroeciae regimen ad normam § 1 assumpserit, loci Ordinarium de paroeciae vacatione statim certiore faciat.

**Can. 542** - Sacerdotes quibus in solidum, ad normam can. 517, § 1, alicuius paroeciae aut diversarum simul paroeciarum cura pastoralis committitur:

1° praediti sint oportet qualitatibus, de quibus in can. 521;

2° nominentur vel instituantur ad normam praescriptorum cann. 522 et 524;

3° curam pastorem obtinent tantum a momento captae possessionis; eorundem moderator in possessionem mittitur ad normam praescriptorum can. 527, § 2; pro ceteris vero sacerdotibus fidei professio legitime facta locum tenet captae possessionis.

**Can. 543** - § 1. Si sacerdotibus in solidum cura pastoralis alicuius paroeciae aut diversarum simul paroeciarum committatur, singuli eorum, iuxta ordinationem ab iisdem statutam, obligatione tenentur munera et functiones parochi persolvendi de quibus in cann. 528, 529 et 530; facultas matrimoniis assistendi, sicuti et potestates omnes dispensandi ipso iure parochi concessae, omnibus competunt, exercendae tamen sunt sub directione moderatoris.

§ 2. Sacerdotes omnes qui ad coetum pertinent:

1° obligatione tenentur residentiae;

2° communi consilio ordinationem statuunt, qua eorum unus Missam pro populo celebret, ad normam can. 534;

3° solus moderator in negotiis iuridicis personam gerit paroeciae aut paroeciarum coetui commissarum.

**Can. 544** - Cum cesset ab officio aliquis sacerdos e coetu, de quo in can. 517, § 1, vel coetus moderator, itemque cum eorundem aliquis inhabilis fiat ad munus pastorale exercendum, non vacat paroecia vel paroeciae, quarum cura coetui committitur; Episcopi autem dioecesanum est alium nominare moderatorem; antequam vero ab Episcopo alius nominetur,

particular law assumes this governance.

§ 2. The one who has assumed the governance of a parish according to the norm of § 1 is immediately to inform the local ordinary about the vacancy of the parish.

**Can. 542** - Priests to whom the pastoral care of some parish or of different parishes together is entrusted in solidum according to the norm of can. 517, § 1:

1° must be endowed with the qualities mentioned in can. 521;

2° are to be appointed or installed according to the norm of the prescripts of cann. 522 and 524;

3° obtain pastoral care only from the moment of taking possession; their moderator is placed in possession according to the norm of the prescripts of can. 527, § 2; for the other priests, however, a legitimately made profession of faith replaces taking possession.

**Can. 543** - § 1. If the pastoral care of some parish or of different parishes together is entrusted to priests in solidum, each of them is obliged to perform the tasks and functions of pastor mentioned in cann. 528, 529, and 530 according to the arrangement they establish. All of them have the faculty of assisting at marriages and all the powers to dispense granted to a pastor by law; these are to be exercised, however, under the direction of the moderator.

§ 2. All the priests who belong to the group:

1° are bound by the obligation of residence;

2° are to establish through common counsel an arrangement by which one of them is to celebrate a Mass for the people according to the norm of can. 534;

3° the moderator alone represents in juridical affairs the parish or parishes entrusted to the group.

**Can. 544** - When a priest from the group mentioned in can. 517, § 1 or its moderator ceases from office as well as when one of them becomes incapable of exercising his pastoral function, the parish or parishes whose care is entrusted to the group do not become vacant. It is for the diocesan bishop, however, to appoint another moderator; before someone is

hoc munus adimpleat sacerdos eiusdem coetus nominatione antiquior.

**Can. 545** - § 1. Quoties ad pastorem paroeciae curam debite adimplendam necesse aut opportunum sit, parochus adiungi possunt unus aut plures vicarii paroeciales, qui, tamquam parochi cooperatores eiusque sollicitudinis participes, communi cum parochus consilio et studio, atque sub eiusdem auctoritate operam in ministerio pastoralis praestent.

§ 2. Vicarius paroecialis constitui potest sive ut opem ferat in universo ministerio pastoralis explendo, et quidem aut pro tota paroecia aut pro determinata paroeciae parte aut pro certo paroeciae christifidelium coetu, sive etiam ut operam impendat in certum ministerium in diversis simul paroeciis persolvendum.

**Can. 546** - Ut quis valide vicarius paroecialis nominetur, oportet sit in sacro presbyteratus ordine constitutus.

**Can. 547** - Vicarium paroecialem libere nominat Episcopus dioecesanus, auditis, si opportunum id iudicaverit, parochus aut parochis paroeciarum pro quibus constituitur, necnon vicario foraneo, firmo praescripto can. 682, § 1.

**Can. 548** - § 1. Vicarii paroecialis obligationes et iura, praeterquam canonibus huius capituli, statutis dioecesanis necnon litteris Episcopi dioecesani definiuntur, specialius autem mandato parochi determinantur.

§ 2. Nisi aliud expresse litteris Episcopi dioecesani caveatur, vicarius paroecialis ratione officii obligatione tenetur parochum in universo paroeciali ministerio adiuvandi, excepta quidem applicatione Missae pro populo, itemque, si res ferat ad normam iuris, parochi vicem supplendi.

§ 3. Vicarius paroecialis regulariter de inceptis pastoralibus prospectis et susceptis ad parochum referat, ita ut parochus et vicarius aut vicarii, coniunctis viribus, pastoralis curae providere valeant paroeciae, cuius simul sunt sponsores.

**Can. 549** - Absente parochus, nisi aliter

appointed by the bishop, the priest in the group who is senior in appointment is to fulfill this function.

**Can. 545** - § 1. Whenever it is necessary or opportune in order to carry out the pastoral care of a parish fittingly, one or more parochial vicars can be associated with the pastor. As co-workers with the pastor and sharers in his solicitude, they are to offer service in the pastoral ministry by common counsel and effort with the pastor and under his authority.

§ 2. A parochial vicar can be assigned either to assist in exercising the entire pastoral ministry for the whole parish, a determined part of the parish, or a certain group of the Christian faithful of the parish, or even to assist in fulfilling a specific ministry in different parishes together.

**Can. 546** - To be appointed a parochial vicar validly, one must be in the sacred order of the presbyterate.

**Can. 547** - The diocesan bishop freely appoints a parochial vicar, after he has heard, if he has judged it opportune, the pastor or pastors of the parishes for which the parochial vicar is appointed and the vicar forane, without prejudice to the prescript of can. 682, § 1.

**Can. 548** - § 1. The obligations and rights of a parochial vicar, besides being defined in the canons of this chapter, diocesan statutes, and the letter of the diocesan bishop, are more specifically determined in the mandate of the pastor.

§ 2. Unless the letter of the diocesan bishop expressly provides otherwise, a parochial vicar is obliged to assist the pastor in the entire parochial ministry by reason of office, except for the application of the Mass for the people, and to substitute for the pastor if the situation arises according to the norm of law.

§ 3. A parochial vicar is to report to the pastor regularly concerning proposed and existing pastoral endeavors in such a way that the pastor and the vicar or vicars, through common efforts, are able to provide for the pastoral care of the parish for which they are together responsible.

**Can. 549** - Unless the diocesan bishop has

Episcopus dioecesanus providerit ad normam can. 533, § 3, et nisi Administrator paroecialis constitutus fuerit, serventur praescripta can. 541, § 1; vicarius hoc in casu omnibus etiam obligationibus tenetur parochi, excepta obligatione applicandi Missam pro populo.

**Can. 550** - § 1. Vicarius paroecialis obligatione tenetur residendi in paroecia aut, si pro diversis simul paroeciis constitutus est, in earum aliqua; loci tamen Ordinarius, iusta de causa, permittere potest ut alibi resideat, praesertim in domo pluribus presbyteris communi, dummodo pastoralium perfunctio munerum nullum exinde detrimentum capiat.

§ 2. Curet loci Ordinarius ut inter parochum et vicarios aliqua vitae communis consuetudo in domo paroeciali, ubi id fieri possit, provehatur.

§ 3. Ad tempus feriarum quod attinet, vicarius paroecialis eodem gaudet iure ac parochus.

**Can. 551** - Ad oblationes quod attinet, quas occasione perfuncti ministerii pastoralis christifideles vicario faciunt, serventur praescripta can. 531.

**Can. 552** - Vicarius paroecialis ab Episcopo dioecesano aut ab Administratore dioecesano amoveri potest, iusta de causa, firmo praescripto can. 682, § 2.

## CAPUT VII. DE VICARIIS FORANEIS

**Can. 553** - § 1. Vicarius foraneus, qui etiam decanus vel archipresbyter vel alio nomine vocatur, est sacerdos qui vicariatu foraneo praeficitur.

§ 2. Nisi aliud iure particulari statuatur, vicarius foraneus nominatur ab Episcopo dioecesano, auditis pro suo prudenti iudicio sacerdotibus qui in vicariatu de quo agitur ministerium exercent.

**Can. 554** - § 1. Ad officium vicarii foranei, quod cum officio parochi certae paroeciae non ligatur, Episcopus seligat sacerdotem quem, inspectis loci ac temporis adiunctis, idoneum iudicaverit.

§ 2. Vicarius foraneus nominetur ad certum tempus, iure particulari determinatum.

provided otherwise according to the norm of can. 533, § 3 and unless a parochial administrator has been appointed, the prescripts of can. 541, § 1 are to be observed when the pastor is absent. In this case, the vicar is also bound by all the obligations of the pastor, except the obligation of applying Mass for the people.

**Can. 550** - § 1. A parochial vicar is obliged to reside in the parish or, if he has been appointed for different parishes jointly, in one of them. Nevertheless, for a just cause the local ordinary can allow him to reside elsewhere, especially in a house shared by several presbyters, provided that this is not detrimental to the performance of his pastoral functions.

§ 2. The local ordinary is to take care that some manner of common life in the rectory is fostered between the pastor and the vicars where this can be done.

§ 3. A parochial vicar possesses the same right as a pastor concerning the time of vacation.

**Can. 551** - The prescripts of can. 531 are to be observed in regards to offerings which the Christian faithful give to a vicar on the occasion of the performance of pastoral ministry.

**Can. 552** - The diocesan bishop or diocesan administrator can remove a parochial vicar for a just cause, without prejudice to the prescript of can. 682, § 2.

## Chapter VII. Vicars Forane

**Can. 553** - § 1. A vicar forane, who is also called a dean, an archpriest, or some other name, is a priest who is placed over a vicariate forane.

§ 2. Unless particular law establishes otherwise, the diocesan bishop appoints the vicar forane, after he has heard the priests who exercise ministry in the vicariate in question according to his own prudent judgment.

**Can. 554** - § 1. For the office of vicar forane, which is not tied to the office of pastor of a certain parish, the bishop is to select a priest whom he has judged suitable, after he has considered the circumstances of place and time.

§ 2. A vicar forane is to be appointed for a certain period of time determined by particular

§ 3. Vicarium foraneum iusta de causa, pro suo prudenti arbitrio, Episcopus dioecesanus ab officio libere amovere potest.

**Can. 555** - § 1. Vicario foraneo, praeter facultates iure particulari ei legitime tributae, officium et ius est:

1° actionem pastorem in vicariatu communem promovendi et coordinandi;

2° prospiciendi ut clerici sui districtus vitam ducant proprio statui congruam atque officiis suis diligenter satisfaciant;

3° providendi ut religiosae functiones secundum sacrae liturgiae praescripta celebrentur, ut decor et nitor ecclesiarum sacraeque suppellectilis, maxime in celebratione eucharistica et custodia sanctissimi Sacramenti, accurate serventur, ut recte conscribantur et debite custodiantur libri paroeciales, ut bona ecclesiastica sedulo administrantur; denique ut domus paroecialis debita diligentia curetur.

§ 2. In vicariatu sibi concredito vicarius foraneus:

1° operam det ut clerici, iuxta iuris particularis praescripta, statutis temporibus intersint praelectionibus, conventibus theologis aut conferentiis, ad normam can. 279, § 2;

2° curet ut presbyteris sui districtus subsidia spiritualia praesto sint, itemque maxime sollicitus sit de iis, qui in difficilioribus versantur circumstantiis aut problematibus anguntur.

§ 3. Curet vicarius foraneus ut parochi sui districtus, quos graviter aegrotantes noverit, spiritualibus ac materialibus auxiliis ne careant, utque eorum qui decesserint, funera digne celebrentur; provideat quoque ne, occasione aegrotationis vel mortis, libri, documenta, sacra suppellex aliaque, quae ad Ecclesiam pertinent, depereant aut asportentur.

§ 4. Vicarius foraneus obligatione tenetur secundum determinationem ab Episcopo dioecesano factam, sui districtus paroecias visitare.

CAPUT VIII. DE ECCLESIARUM

law.

§ 3. The diocesan bishop can freely remove a vicar forane from office for a just cause in accord with his own prudent judgment.

**Can. 555** - § 1. In addition to the faculties legitimately given to him by particular law, the vicar forane has the duty and right:

1° of promoting and coordinating common pastoral activity in the vicariate;

2° of seeing to it that the clerics of his district lead a life in keeping with their state and perform their duties diligently;

3° of seeing to it that religious functions are celebrated according to the prescripts of the sacred liturgy, that the beauty and elegance of churches and sacred furnishings are maintained carefully, especially in the eucharistic celebration and custody of the Most Blessed Sacrament, that the parochial registers are inscribed correctly and protected appropriately, that ecclesiastical goods are administered carefully, and finally that the rectory is cared for with proper diligence.

§ 2. In the vicariate entrusted to him, the vicar forane:

1° is to see to it that, according to the prescripts of particular law and at the times stated, the clerics attend lectures, theological meetings, or conferences according to the norm of can. 279, § 2;

2° is to take care that spiritual supports are available to the presbyters of his district, and likewise to be concerned especially for those who find themselves in more difficult circumstances or are beset by problems.

§ 3. The vicar forane is to take care that the pastors of his district whom he knows to be gravely ill do not lack spiritual and material aids and that the funeral rites of those who have died are celebrated worthily. He is also to make provision so that, on the occasion of illness or death, the registers, documents, sacred furnishings, and other things which belong to the Church are not lost or removed.

§ 4. A vicar forane is obliged to visit the parishes of his district according to the determination made by the diocesan bishop.

Chapter VIII. Rectors of Churches and

## RECTORIBUS ET DE CAPPELLANIS

### Art. 1. DE ECCLESIARUM RECTORIBUS

**Can. 556** - Ecclesiarum rectores hic intelleguntur sacerdotes, quibus cura demandatur alicuius ecclesiae, quae nec sit paroecialis nec capitularis, nec adnexa domui communitatis religiosae aut societatis vitae apostolicae, quae in eadem officia celebret.

**Can. 557** - § 1. Ecclesiae rector libere nominatur ab Episcopo dioecesano, salvo iure eligendi aut praesentandi, si cui legitime competat; quo in casu Episcopi dioecesani est rectorem confirmare vel instituere.

§ 2. Etiam si ecclesia pertineat ad aliquod clericale institutum religiosum iuris pontificii, Episcopo dioecesano competit rectorem a Superiore praesentatum instituere.

§ 3. Rector ecclesiae, quae coniuncta sit cum seminario aliove collegio quod a clericis regitur, est rector seminarii vel collegii, nisi aliter Episcopus dioecesanus constituerit.

**Can. 558** - Salvo praescripto can. 262, rectori non licet functiones paroeciales de quibus in can. 530, nn. 1-6, in ecclesia sibi commissa peragere, nisi consentiente aut, si res ferat, delegante parochi.

**Can. 559** - Potest rector in ecclesia sibi commissa liturgicas celebrationes etiam sollemnes peragere, salvis legitimis foundationis legibus, atque dummodo de iudicio loci Ordinarii nullo modo ministerio paroeciali noceant.

**Can. 560** - Loci Ordinarius, ubi id opportunum censeat, potest rectori praecipere ut determinatas in ecclesia sua pro populo celebret functiones etiam paroeciales, necnon ut ecclesia pateat certis christifidelium coetibus ibidem liturgicas celebrationes peracturus.

**Can. 561** - Sine rectoris aliusve legitimi superioris licentia, nemini licet in ecclesia Eucharistiam celebrare, sacramenta administrare aliasve sacras functiones peragere; quae licentia danda aut deneganda est ad normam iuris.

**Can. 562** - Ecclesiae rector, sub auctoritate loci

## Chaplains

### Art. 1. Rectors of Churches

**Can. 556** - Rectors of churches are understood here as priests to whom is committed the care of some church which is neither parochial nor capitular nor connected to a house of a religious community or society of apostolic life which celebrates services in it.

**Can. 557** - § 1. The diocesan bishop freely appoints the rector of a church, without prejudice to the right of election or presentation if someone legitimately has it; in that case, it is for the diocesan bishop to confirm or install the rector.

§ 2. Even if a church belongs to some clerical religious institute of pontifical right, the diocesan bishop is competent to install the rector presented by the superior.

§ 3. The rector of a church which is connected with a seminary or other college which is governed by clerics is the rector of the seminary or college unless the diocesan bishop has determined otherwise.

**Can. 558** - Without prejudice to the prescript of can. 262, a rector is not permitted to perform the parochial functions mentioned in can. 530, nn. 1-6 in the church entrusted to him unless the pastor consents or, if the matter warrants it, delegates.

**Can. 559** - A rector can perform liturgical celebrations, even solemn ones, in the church entrusted to him, without prejudice to the legitimate laws of the foundation, and provided that, in the judgment of the local ordinary, they do not harm parochial ministry in any way.

**Can. 560** - When the local ordinary considers it opportune, he can order a rector to celebrate in his church particular functions, even parochial ones, for the people and to make the church available for certain groups of the Christian faithful to conduct liturgical celebrations there.

**Can. 561** - No one is permitted to celebrate the Eucharist, administer the sacraments, or perform other sacred functions in the church without the permission of the rector or another legitimate superior; this permission must be granted or denied according to the norm of law.

**Can. 562** - The rector of a church, under the

Ordinarii servatisque legitimis statutis et iuribus quaesitis, obligatione tenentur prospiciendi ut sacrae functiones secundum normas liturgicas et canonum praescripta digne in ecclesia celebrentur, onera fideliter adimpleantur, bona diligenter administrantur, sacrae suppellectilis atque aedium sacrarum conservationi et decori provideatur, neque quidpiam fiat quod sanctitati loci ac reverentiae domui Dei debitae quoquo modo non congruat.

**Can. 563** - Rectorem ecclesiae, etsi ab aliis electum aut praesentatum, loci Ordinarius ex iusta causa, pro suo prudenti arbitrio ab officio amovere potest, firmo praescripto can. 682, § 2.

## Art. 2. DE CAPPELLANIS

**Can. 564** - Cappellanus est sacerdos, cui stabili modo committitur cura pastoralis, saltem ex parte, alicuius communitatis aut peculiaris coetus christifidelium, ad normam iuris universalis et particularis exercenda.

**Can. 565** - Nisi iure aliud caveatur aut cuidam specialia iura legitime competant, cappellanus nominatur ab Ordinario loci, cui etiam pertinet praesentatum instituere aut electum confirmare.

**Can. 566** - § 1. Cappellanus omnibus facultatibus instructus sit oportet quas recta cura pastoralis requirit. Praeter eas quae iure particulari aut speciali delegatione conceduntur, cappellanus vi officii facultate gaudet audiendi confessiones fidelium suae curae commissorum, verbi Dei eis praedicandi, Viaticum et unctionem infirmorum administrandi necnon sacramentum confirmationis eis conferendi, qui in periculo mortis versentur.

§ 2. In valetudinariis, carceribus et itineribus maritimis, cappellanus praeterea facultatem habet, his tantum in locis exercendam, a censuris latae sententiae non reservatis neque declaratis absolvendi, firmo tamen praescripto can. 976.

**Can. 567** - § 1. Ad nominationem cappellani domus instituti religiosi laicalis, Ordinarius loci ne procedat, nisi consulto Superiore, cui ius

authority of the local ordinary and observing the legitimate statutes and acquired rights, is obliged to see to it that sacred functions are celebrated worthily in the church according to the liturgical norms and prescripts of the canons, that obligations are fulfilled faithfully, that goods are administered diligently, that the maintenance and beauty of sacred furnishings and buildings are provided for, and that nothing whatever occurs which is in any way unfitting to the holiness of the place and the reverence due to a house of God.

**Can. 563** - Without prejudice to the prescript of can. 682, § 2, the local ordinary, for a just cause and according to his own prudent judgment, can remove the rector of a church from office, even if he had been elected or presented by others.

## Art. 2. Chaplains

**Can. 564** - A chaplain is a priest to whom is entrusted in a stable manner the pastoral care, at least in part, of some community or particular group of the Christian faithful, which is to be exercised according to the norm of universal and particular law.

**Can. 565** - Unless the law provides otherwise or someone legitimately has special rights, a chaplain is appointed by the local ordinary to whom it also belongs to install the one presented or to confirm the one elected.

**Can. 566** - § 1. A chaplain must be provided with all the faculties which proper pastoral care requires. In addition to those which are granted by particular law or special delegation, a chaplain possesses by virtue of office the faculty of hearing the confessions of the faithful entrusted to his care, of preaching the word of God to them, of administering Viaticum and the anointing of the sick, and of conferring the sacrament of confirmation on those who are in danger of death.

§ 2. In hospitals, prisons, and on sea journeys, a chaplain, moreover, has the faculty, to be exercised only in those places, of absolving from latae sententiae censures which are neither reserved nor declared, without prejudice, however, to the prescript of can. 976.

**Can. 567** - § 1. The local ordinary is not to proceed to the appointment of a chaplain to a house of a lay religious institute without

est, audita communitate, quemdam sacerdotem proponere.

§ 2. Cappellani est liturgicas functiones celebrare aut moderari; ipsi tamen non licet in regimine interno instituti sese immiscere.

**Can. 568** - Pro iis qui ob vitae condicionem ordinaria parochorum cura frui non valent, uti sunt migrantes, exsules, profugi, nomades, navigantes, constituentur, quatenus fieri possit, cappellani.

**Can. 569** - Cappellani militum legibus specialibus reguntur.

**Can. 570** - Si communitatis aut coetus sedi adnexa est ecclesia non paroecialis, cappellanus sit rector ipsius ecclesiae, nisi cura communitatis aut ecclesiae aliud exigat.

**Can. 571** - In exercitio sui pastoralis muneris, cappellanus debitam cum parochis servet coniunctionem.

**Can. 572** - Quod attinet ad amotionem cappellani, servetur praescriptum can. 563.

### PARS III. DE INSTITUTIS VITAE CONSECRATAE ET DE SOCIETATIBUS VITAE APOSTOLICAE

#### SECTIO I. DE INSTITUTIS VITAE CONSECRATAE

##### TITULUS I. NORMAE COMMUNES OMNIBUS INSTITUTIS VITAE CONSECRATAE

**Can. 573** - § 1. Vita consecrata per consiliorum evangelicorum professionem est stabilis vivendi forma qua fideles, Christum sub actione Spiritus Sancti pressius sequentes, Deo summe dilecto totaliter dedicantur, ut, in Eius honorem atque Ecclesiae aedificationem mundique salutem novo et peculiari titulo dediti, caritatis perfectionem in servitio Regni Dei consequantur et, praeclarum in Ecclesia signum effecti, caelestem gloriam praenuntiant.

§ 2. Quam vivendi formam in institutis vitae consecratae, a competenti Ecclesiae

consulting the superior, who has the right to propose a specific priest after the superior has heard the community.

§ 2. It is for the chaplain to celebrate or direct liturgical functions; nevertheless, he is not permitted to involve himself in the internal governance of the institute.

**Can. 568** - As far as possible, chaplains are to be appointed for those who are not able to avail themselves of the ordinary care of pastors because of the condition of their lives, such as migrants, exiles, refugees, nomads, sailors.

**Can. 569** - Military chaplains are governed by special laws.

**Can. 570** - If a non-parochial church is connected to the seat of a community or group, the chaplain is to be the rector of that church, unless the care of the community or of the church requires otherwise.

**Can. 571** - In the exercise of his pastoral function, a chaplain is to preserve a fitting relationship with the pastor.

**Can. 572** - In what pertains to the removal of a chaplain, the prescript of can. 563 is to be observed.

### Part III. INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

#### Section I. Institutes of Consecrated Life

##### Title I. Norms Common to All Institutes of Consecrated Life

**Can. 573** - § 1. The life consecrated through the profession of the evangelical counsels is a stable form of living by which the faithful, following Christ more closely under the action of the Holy Spirit, are totally dedicated to God who is loved most of all, so that, having been dedicated by a new and special title to His honor, to the building up of the Church, and to the salvation of the world, they strive for the perfection of charity in the service of the kingdom of God and, having been made an outstanding sign in the Church, foretell the heavenly glory.

§ 2. The Christian faithful freely assume this form of living in institutes of consecrated life



auctoritate canonice erectis, libere assumunt christifideles, qui per vota aut alia sacra ligamina iuxta proprias institutorum leges, consilia evangelica castitatis, paupertatis et oboedientiae profitentur et per caritatem, ad quam ducunt, Ecclesiae eiusque mysterio speciali modo coniunguntur.

**Can. 574** - § 1. Status eorum, qui in huiusmodi institutis consilia evangelica profitentur, ad vitam et sanctitatem Ecclesiae pertinet, et ideo ab omnibus in Ecclesia fovendus et promovendus est.

§ 2. Ad hunc statum quidam christifideles specialiter a Deo vocantur, ut in vita Ecclesiae peculiari dono fruantur et, secundum finem et spiritum instituti, eiusdem missioni salvificae prosint.

**Can. 575** - Consilia evangelica in Christi Magistri doctrina et exemplis fundata, donum sunt divinum, quod Ecclesia a Domino accepit Eiusque gratia semper conservat.

**Can. 576** - Competentis Ecclesiae auctoritatis est consilia evangelica interpretari, eorundem praxim legibus moderari atque stabiles inde vivendi formas canonica approbatione constituere itemque, pro parte sua, curare ut instituta secundum spiritum fundatorum et sanas traditiones crescant et floreant.

**Can. 577** - Permulta in Ecclesia sunt instituta vitae consecratae, quae donationes habent differentes secundum gratiam quae data est eis: Christum, enim, pressius sequuntur sive orantem, sive Regnum Dei annuntiantem, sive hominibus beneficientem, sive cum eis in saeculo conversantem, semper autem voluntatem Patris facientem.

**Can. 578** - Fundatorum mens atque proposita a competenti auctoritate ecclesiastica sancita circa naturam, finem, spiritum et indolem instituti, necnon eius sanae traditiones, quae omnia patrimonium eiusdem instituti constituunt, ab omnibus fideliter servanda sunt.

**Can. 579** - Episcopi dioecesani, in suo quisque territorio, instituta vitae consecratae formali decreto valide erigere possunt, praevia licentia

canonically erected by competent authority of the Church. Through vows or other sacred bonds according to the proper laws of the institutes, they profess the evangelical counsels of chastity, poverty, and obedience and, through the charity to which the counsels lead, are joined in a special way to the Church and its mystery.

**Can. 574** - § 1. The state of those who profess the evangelical counsels in institutes of this type belongs to the life and holiness of the Church and must be fostered and promoted by all in the Church.

§ 2. Certain Christian faithful are specially called by God to this state so that they possess a special gift in the life of the Church and contribute to its salvific mission, according to the purpose and spirit of the institute.

**Can. 575** - The evangelical counsels, based on the teaching and examples of Christ the Teacher, are a divine gift which the Church has received from the Lord and preserves always through His grace.

**Can. 576** - It is for the competent authority of the Church to interpret the evangelical counsels, to direct their practice by laws, and by canonical approbation to establish the stable forms of living deriving from them, and also, for its part, to take care that the institutes grow and flourish according to the spirit of the founders and sound traditions.

**Can. 577** - In the Church there are a great many institutes of consecrated life which have different gifts according to the grace which has been given them: they more closely follow Christ who prays, or announces the kingdom of God, or does good to people, or lives with people in the world, yet who always does the will of the Father.

**Can. 578** - All must observe faithfully the mind and designs of the founders regarding the nature, purpose, spirit, and character of an institute, which have been sanctioned by competent ecclesiastical authority, and its sound traditions, all of which constitute the patrimony of the same institute.

**Can. 579** - Diocesan bishops, each in his own territory, can validly erect institutes of consecrated life by formal decree, having

Sedis Apostolicae scripto data.

**Can. 580** - Aggregatio alicuius instituti vitae consecratae ad aliud reservatur competenti auctoritati instituti aggregantis, salva semper canonica autonomia instituti aggregati.

**Can. 581** - Dividere institutum in partes, quocumque nomine veniant, novas erigere, erectas coniungere vel aliter circumscribere ad competentem instituti auctoritatem pertinet, ad normam constitutionum.

**Can. 582** - Fusiones et uniones institutorum vitae consecratae uni Sedi Apostolicae reservantur; eidem quoque reservantur confoederationes et foederationes.

**Can. 583** - Immutationes in institutis vitae consecratae ea afficientes, quae a Sede Apostolica approbata fuerunt, absque eiusdem licentia fieri nequeunt.

**Can. 584** - Institutum suppressere ad unam Sedem Apostolicam spectat, cui etiam reservatur de eius bonis temporalibus statuere.

**Can. 585** - Instituti partes suppressere ad auctoritatem competentem eiusdem instituti pertinet.

**Can. 586** - § 1. Singulis institutis iusta autonomia vitae, praesertim regiminis, agnoscitur, qua gaudeant in Ecclesia propria disciplina atque integrum servare valeant suum patrimonium, de quo in can. 578.

§ 2. Ordinariorum locorum est hanc autonomiam servare ac tueri.

**Can. 587** - § 1. Ad propriam singulorum institutorum vocationem et identitatem fidelius tuendam, in cuiusvis instituti codice fundamentali seu constitutionibus contineri debent, praeter ea quae in can. 578 servanda statuuntur, normae fundamentales circa instituti regimen et sodalium disciplinam, membrorum incorporationem atque institutionem, necnon proprium sacrorum ligaminum obiectum.

§ 2. Codex huiusmodi a competenti auctoritate Ecclesiae approbatur et tantummodo cum

received the previous written permission of the Apostolic See

**Can. 580** - The aggregation of one institute of consecrated life to another is reserved to the competent authority of the aggregating institute; the canonical autonomy of the aggregated institute is always to be preserved.

**Can. 581** - To divide an institute into parts, by whatever name they are called, to erect new parts, to join those erected, or to redefine their boundaries belongs to the competent authority of the institute, according to the norm of the constitutions.

**Can. 582** - Mergers and unions of institutes of consecrated life are reserved to the Apostolic See only; confederations and federations are also reserved to it.

**Can. 583** - Changes in institutes of consecrated life affecting those things which had been approved by the Apostolic See cannot be made without its permission.

**Can. 584** - The suppression of an institute pertains only to the Apostolic See; a decision regarding the temporal goods of the institute is also reserved to the Apostolic See.

**Can. 585** - It belongs to the competent authority of an institute to suppress its parts.

**Can. 586** - § 1. A just autonomy of life, especially of governance, is acknowledged for individual institutes, by which they possess their own discipline in the Church and are able to preserve their own patrimony intact, as mentioned in can. 578.

§ 2. It is for local ordinaries to preserve and safeguard this autonomy.

**Can. 587** - § 1. To protect more faithfully the proper vocation and identity of each institute, the fundamental code or constitutions of every institute must contain, besides those things which are to be observed as stated in can. 578, fundamental norms regarding governance of the institute, the discipline of members, incorporation and formation of members, and the proper object of the sacred bonds.

§ 2. A code of this type is approved by competent authority of the Church and can be

eiusdem consensu mutari potest.

§ 3. In hoc codice elementa spiritualia et iuridica apte componantur; normae tamen absque necessitate ne multiplicentur.

§ 4. Ceterae normae a competenti instituti auctoritate statuae apte in aliis codicibus colligantur, quae tamen iuxta exigentias locorum et temporum congrue recognosci et aptari possunt.

**Can. 588** - § 1. Status vitae consecratae, suapte natura, non est nec clericalis nec laicalis.

§ 2. Institutum clericale illud dicitur quod, ratione finis seu propositi a fundatore intenti vel vi legitimae traditionis, sub moderamine est clericorum, exercitium ordinis sacri assumit, et qua tale ab Ecclesiae auctoritate agnoscitur.

§ 3. Institutum vero laicale illud appellatur quod, ab Ecclesiae auctoritate qua tale agnitum, vi eius naturae, indolis et finis munus habet proprium, a fundatore vel legitima traditione definitum, exercitium ordinis sacri non includens.

**Can. 589** - Institutum vitae consecratae dicitur iuris pontificii, si a Sede Apostolica erectum aut per eiusdem formale decretum approbatum est; iuris vero dioecesani, si ab Episcopo dioecetano erectum, approbationis decretum a Sede Apostolica non est consecutum.

**Can. 590** - § 1. Instituta vitae consecratae, utpote ad Dei totiusque Ecclesiae servitium speciali modo dicata, supremae eiusdem auctoritati peculiari ratione subduntur.

§ 2. Singuli sodales Summo Pontifici, tamquam supremo eorum Superiori, etiam ratione sacri vinculi oboedientiae parere tenentur.

**Can. 591** - Quo melius institutorum bono atque apostolatus necessitatibus provideatur, Summus Pontifex, ratione sui in universam Ecclesiam primatus, intuitu utilitatis communis, instituta vitae consecratae ab Ordinariis loci regimine eximere potest sibi soli vel alii ecclesiasticae auctoritati subicere.

changed only with its consent.

§ 3. In this code spiritual and juridic elements are to be joined together suitably; nevertheless, norms are not to be multiplied without necessity.

§ 4. Other norms established by competent authority of an institute are to be collected suitably in other codes and, moreover, can be reviewed appropriately and adapted according to the needs of places and times.

**Can. 588** - § 1. By its very nature, the state of consecrated life is neither clerical nor lay.

§ 2. That institute is called clerical which, by reason of the purpose or design intended by the founder or by virtue of legitimate tradition, is under the direction of clerics, assumes the exercise of sacred orders, and is recognized as such by the authority of the Church.

§ 3. That institute is called lay which, recognized as such by the authority of the Church, has by virtue of its nature, character, and purpose a proper function defined by the founder or by legitimate tradition, which does not include the exercise of sacred orders.

**Can. 589** - An institute of consecrated life is said to be of pontifical right if the Apostolic See has erected it or approved it through a formal decree. It is said to be of diocesan right, however, if it has been erected by a diocesan bishop but has not obtained a decree of approval from the Apostolic See.

**Can. 590** - § 1. Inasmuch as institutes of consecrated life are dedicated in a special way to the service of God and of the whole Church, they are subject to the supreme authority of the Church in a special way.

§ 2. Individual members are also bound to obey the Supreme Pontiff as their highest superior by reason of the sacred bond of obedience.

**Can. 591** - In order to provide better for the good of institutes and the needs of the apostolate, the Supreme Pontiff, by reason of his primacy in the universal Church and with a view to common advantage, can exempt institutes of consecrated life from the governance of local ordinaries and subject them to himself alone or to another ecclesiastical authority.

**Can. 592** - § 1. Quo melius institutorum communio cum Sede Apostolica foveatur, modo et tempore ab eadem statutis, quilibet supremus Moderator brevem conspectum status et vitae instituti eidem Apostolicae Sedi mittat.

§ 2. Cuiuslibet instituti Moderatores promoveant notitiam documentorum Sanctae Sedis, quae sodales sibi concreditos respiciunt, eorumque observantiam curent.

**Can. 593** - Firmo praescripto can. 586, instituta iuris pontificii quoad regimen internum et disciplinam immediate et exclusive potestati Sedis Apostolicae subiciuntur.

**Can. 594** - Institutum iuris dioecesanum, firmo can. 586, permanet sub speciali cura Episcopi dioecesanum.

**Can. 595** - § 1. Episcopi sedis principis est constitutiones approbare et immutationes in eas legitime introductas confirmare, salvis iis in quibus Apostolica Sedes manus apposuerit, necnon negotia maiora totum institutum respicientia tractare, quae potestatem internae auctoritatis superent, consultis tamen ceteris Episcopis dioecesanis, si institutum ad plures dioeceses propagatum fuerit.

§ 2. Episcopus dioecesanus potest dispensationes a constitutionibus concedere in casibus particularibus.

**Can. 596** - § 1. Institutum Superiores et capitula in sodales ea gaudent potestate, quae iure universalis et constitutionibus definitur.

§ 2. In institutis autem religiosis clericalibus iuris pontificii pollent insuper potestate ecclesiastica regiminis pro foro tam externo quam interno.

§ 3. Potestati de qua in § 1 applicantur praescripta cann. 131, 133 et 137-144.

**Can. 597** - § 1. In vitae consecratae institutum admitti potest quilibet catholicus, recta intentione praeditus, qui qualitates habeat iure universalis et proprio requisitas nulloque detineatur impedimento.

§ 2. Nemo admitti potest sine congrua

**Can. 592** - § 1. In order better to foster the communion of institutes with the Apostolic See, each supreme moderator is to send a brief report of the state and life of the institute to the Apostolic See, in a manner and at a time established by the latter.

§ 2. The moderators of every institute are to promote knowledge of documents of the Holy See which regard the members entrusted to them and are to take care about their observance.

**Can. 593** - Without prejudice to the prescript of can. 586, institutes of pontifical right are immediately and exclusively subject to the power of the Apostolic See in regards to internal governance and discipline.

**Can. 594** - Without prejudice to can. 586, an institute of diocesan right remains under the special care of the diocesan bishop.

**Can. 595** - § 1. It is for the bishop of the principal seat to approve the constitutions and confirm changes legitimately introduced into them, without prejudice to those things which the Apostolic See has taken in hand, and also to treat affairs of greater importance affecting the whole institute which exceed the power of internal authority, after he has consulted the other diocesan bishops, however, if the institute has spread to several dioceses.

§ 2. A diocesan bishop can grant dispensations from the constitutions in particular cases.

**Can. 596** - § 1. Superiors and chapters of institutes possess that power over members which is defined in universal law and the constitutions.

§ 2. In clerical religious institutes of pontifical right, however, they also possess ecclesiastical power of governance for both the external and internal forum.

§ 3. The prescripts of cann. 131, 133, and 137-144 apply to the power mentioned in § 1.

**Can. 597** - § 1. Any Catholic endowed with a right intention who has the qualities required by universal and proper law and who is not prevented by any impediment can be admitted into an institute of consecrated life.

§ 2. No one can be admitted without suitable

praeparatione.

**Can. 598** - § 1. Unumquodque institutum, attentis indole et finibus propriis, in suis constitutionibus definiat modum quo consilia evangelica castitatis, paupertatis et oboedientiae, pro sua vivendi ratione, servanda sunt.

§ 2. Sodales vero omnes debent non solum consilia evangelica fideliter integreque servare, sed etiam secundum ius proprium instituti vitam componere atque ita ad perfectionem sui status contendere.

**Can. 599** - Evangelicum castitatis consilium propter Regnum coelorum assumptum, quod signum est mundi futuri et fons uberioris fecunditatis in indiviso corde, obligationem secumfert continentiae perfectae in caelibatu.

**Can. 600** - Evangelicum consilium paupertatis ad imitationem Christi, qui propter nos egenus factus est cum esset dives, praeter vitam re et spiritu pauperem, operose in sobrietate ducendam et a terrenis divitiis alienam, secumfert dependentiam et limitationem in usu et dispositione bonorum ad normam iuris proprii singulorum institutorum.

**Can. 601** - Evangelicum oboedientiae consilium, spiritu fidei et amoris in sequela Christi usque ad mortem oboedientis susceptum, obligat ad submissionem voluntatis erga legitimos Superiores, vices Dei gerentes, cum secundum proprias constitutiones praecipunt.

**Can. 602** - Vita fraterna, unicuique instituto propria, qua sodales omnes in peculiarem veluti familiam in Christo coadunantur, ita definiatur ut cunctis mutuo adiutorio evadat ad suam cuiusque vocationem adimplendam. Fraterna autem communione, in caritate radicata et fundata, sodales exemplo sint universalis in Christo reconciliationis.

**Can. 603** - § 1. Praeter vitae consecratae instituta, Ecclesia agnoscit vitam eremiticam seu anachoreticam, qua christifideles arctiore a mundo secessu, solitudinis silentio, assidua prece et paenitentia, suam in laudem Dei et mundi salutem vitam devovent.

preparation.

**Can. 598** - § 1. Each institute, attentive to its own character and purposes, is to define in its constitutions the manner in which the evangelical counsels of chastity, poverty, and obedience must be observed for its way of living.

§ 2. Moreover, all members must not only observe the evangelical counsels faithfully and fully but also arrange their life according to the proper law of the institute and thereby strive for the perfection of their state.

**Can. 599** - The evangelical counsel of chastity assumed for the sake of the kingdom of heaven, which is a sign of the world to come and a source of more abundant fruitfulness in an undivided heart, entails the obligation of perfect continence in celibacy.

**Can. 600** - The evangelical counsel of poverty in imitation of Christ who, although he was rich, was made poor for us, entails, besides a life which is poor in fact and in spirit and is to be led productively in moderation and foreign to earthly riches, a dependence and limitation in the use and disposition of goods according to the norm of the proper law of each institute.

**Can. 601** - The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ obedient unto death, requires the submission of the will to legitimate superiors, who stand in the place of God, when they command according to the proper constitutions.

**Can. 602** - The life of brothers or sisters proper to each institute, by which all the members are united together as a special family in Christ, is to be defined in such a way that it becomes a mutual support for all in fulfilling the vocation of each. Moreover, by their communion as brothers or sisters rooted and founded in charity, members are to be an example of universal reconciliation in Christ.

**Can. 603** - § 1. In addition to institutes of consecrated life, the Church recognizes the eremitic or anchoritic life by which the Christian faithful devote their life to the praise of God and the salvation of the world through a stricter withdrawal from the world, the silence of solitude, and assiduous prayer and penance.

§ 2. Eremita, uti Deo deditus in vita consecrata, iure agnoscitur si tria evangelica consilia, voto vel alio sacro ligamine firmata, publice profiteatur in manu Episcopi dioecesanii et propriam vivendi rationem sub ductu eiusdem servet.

**Can. 604** - § 1. Hisce vitae consecratae formis accedit ordo virginum quae, sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur.

§ 2. Ad suum propositum fidelius servandum et ad servitium Ecclesiae, proprio statui consonum, mutuo adiutorio perficiendum, virgines consociari possunt.

**Can. 605** - Novas formas vitae consecratae approbare uni Sedi Apostolicae reservatur. Episcopi dioecesanii autem nova vitae consecratae dona a Spiritu Sancto Ecclesiae concredita discernere satagant iidemque adjuvent promotores ut proposita meliore quo fieri potest modo expriment aptisque statutis protegant, adhibitis praesertim generalibus normis in hac parte contentis.

**Can. 606** - Quae de institutis vitae consecratae eorumque sodalibus statuuntur, pari iure de utroque sexu valent, nisi ex contextu sermonis vel ex rei natura aliud constet.

## TITULUS II. DE INSTITUTIS RELIGIOSIS

**Can. 607** - § 1. Vita religiosa, utpote totius personae consecratio, mirabile in Ecclesia manifestat conubium a Deo conditum, futuri saeculi signum. Ita religiosus plenam suam consummat donationem veluti sacrificium Deo oblatum, quo tota ipsius existentia fit continuus Dei cultus in caritate.

§ 2. Institutum religiosum est societas in qua sodales secundum ius proprium vota publica perpetua vel temporaria, elapso tamen tempore renovanda, nuncupant atque vitam fraternam in communi ducunt.

§ 2. A hermit is recognized by law as one dedicated to God in consecrated life if he or she publicly professes in the hands of the diocesan bishop the three evangelical counsels, confirmed by vow or other sacred bond, and observes a proper program of living under his direction.

**Can. 604** - § 1. Similar to these forms of consecrated life is the order of virgins who, expressing the holy resolution of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically betrothed to Christ, the Son of God, and are dedicated to the service of the Church.

§ 2. In order to observe their own resolution more faithfully and to perform by mutual assistance service to the Church in harmony with their proper state, virgins can be associated together.

**Can. 605** - The approval of new forms of consecrated life is reserved only to the Apostolic See. Diocesan bishops, however, are to strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit and are to assist promoters so that these can express their proposals as well as possible and protect them by appropriate statutes; the general norms contained in this section are especially to be utilized.

**Can. 606** - Those things which are established for institutes of consecrated life and their members are equally valid in law for either sex, unless it is otherwise evident from the context of the wording or the nature of the matter.

## Title II. Religious Institutes

**Can. 607** - § 1. As a consecration of the whole person, religious life manifests in the Church a wonderful marriage brought about by God, a sign of the future age. Thus the religious brings to perfection a total self-giving as a sacrifice offered to God, through which his or her whole existence becomes a continuous worship of God in charity.

§ 2. A religious institute is a society in which members, according to proper law, pronounce public vows, either perpetual or temporary which are to be renewed, however, when the period of time has elapsed, and lead a life of brothers or sisters in common.

§ 3. Testimonium publicum a religiosis Christo et Ecclesiae reddendum illam secumfert a mundo separationem, quae indoli et fini uniuscuiusque instituti est propria.

#### CAPUT I. DE DOMIBUS RELIGIOSIS EARUMQUE ERECTIONE ET SUPPRESSIONE

**Can. 608** - Communitas religiosa habitare debet in domo legitime constituta sub auctoritate Superioris ad normam iuris designati; singulae domus habeant saltem oratorium, in quo Eucharistia celebretur et asservetur ut vere sit centrum communitatis.

**Can. 609** - § 1. Instituti religiosi domus eriguntur ab auctoritate competenti iuxta constitutiones, praevisio Episcopi dioecesanii consensu in scriptis dato.

§ 2. Ad erigendum monasterium monialium requiritur insuper licentia Apostolicae Sedis.

**Can. 610** - § 1. Domorum erectio fit prae oculis habita utilitate Ecclesiae et instituti atque in tuto positus iis quae ad vitam religiosam sodalium rite agendam requiruntur, iuxta proprios instituti fines et spiritum.

§ 2. Nulla domus erigatur nisi iudicari prudenter possit fore ut congrue sodalium necessitatibus provideatur.

**Can. 611** - Consensus Episcopi dioecesanii ad erigendam domum religiosam alicuius instituti secumfert ius:

1° vitam ducendi secundum indolem et fines proprios instituti;

2° opera instituto propria exercendi ad normam iuris, salvis condicionibus in consensu appositis;

3° pro institutis clericalibus habendi ecclesiam, salvo praescripto can. 1215, § 3, et sacra ministeria peragendi, servatis de iure servandis.

**Can. 612** - Ut domus religiosa ad opera apostolica destinetur diversa ab illis pro quibus constituta est, requiritur consensus Episcopi dioecesanii; non vero, si agatur de conversione, quae, salvis foundationis legibus, ad internum

§ 3. The public witness to be rendered by religious to Christ and the Church entails a separation from the world proper to the character and purpose of each institute.

#### Chapter I. Religious Houses and Their Erection and Suppression

**Can. 608** - A religious community must live in a legitimately established house under the authority of a superior designated according to the norm of law. Each house is to have at least an oratory in which the Eucharist is to be celebrated and reserved so that it is truly the center of the community.

**Can. 609** - § 1. Houses of a religious institute are erected by the authority competent according to the constitutions, with the previous written consent of the diocesan bishop.

§ 2. In addition, the permission of the Apostolic See is required to erect a monastery of nuns.

**Can. 610** - § 1. The erection of houses takes place with consideration for their advantage to the Church and the institute and with suitable safeguards for those things which are required to carry out properly the religious life of the members according to the proper purposes and spirit of the institute.

§ 2. No house is to be erected unless it can be judged prudently that the needs of the members will be provided for suitably.

**Can. 611** - The consent of the diocesan bishop to erect a religious house of any institute entails the right:

1° to lead a life according to the character and proper purposes of the institute;

2° to exercise the works proper to the institute according to the norm of law and without prejudice to the conditions attached to the consent;

3° for clerical institutes to have a church, without prejudice to the prescript of can. 1215, § 3 and to perform sacred ministries, after the requirements of the law have been observed.

**Can. 612** - For a religious house to be converted to apostolic works different from those for which it was established, the consent of the diocesan bishop is required, but not if it concerns a change which refers only to internal

regimen et disciplinam dumtaxat referatur.

**Can. 613** - § 1. Domus religiosa canonicorum regularium et monachorum sub proprii Moderatoris regimine et cura sui iuris est, nisi constitutiones aliter ferant.

§ 2. Moderator domus sui iuris est de iure Superior maior.

**Can. 614** - Monasteria monialium cuidam virorum instituto consociata propriam vitae rationem et regimen iuxta constitutiones obtinent. Mutua iura et obligationes ita definiantur ut ex consociatione spirituale bonum proficere possit.

**Can. 615** - Monasterium sui iuris, quod praeter proprium Moderatorem alium Superiorem maiorem non habet, neque alicui religiosorum instituto ita consociatum est ut eiusdem Superior vera potestate constitutionibus determinata in tale monasterium gaudeat, ad normam iuris peculiari vigilantiae Episcopi dioecesani committitur.

**Can. 616** - § 1. Domus religiosa legitime erecta suppressi potest a supremo Moderatore ad normam constitutionum, consulto Episcopo dioecesano. De bonis domus suppressae provideat ius proprium instituti, salvis fundatorum vel offerentium voluntatibus et iuribus legitime quaesitis.

§ 2. Suppressio unicae domus instituti ad Sanctam Sedem pertinet, cui etiam reservatur de bonis in casu statuere.

§ 3. Supprimere domum sui iuris, de qua in can. 613, est capituli generalis, nisi constitutiones aliter ferant.

§ 4. Monialium monasterium sui iuris suppressi ad Sedem Apostolicam pertinet, servatis ad bona quod attinet praescriptis constitutionum.

## CAPUT II. DE INSTITUTORUM REGIMINE

### Art. 1. DE SUPERIORIBUS ET CONSILIIS

**Can. 617** - Superiores suum munus adimpleant suamque potestatem exercent ad normam iuris universalis et proprii.

governance and discipline, without prejudice to the laws of the foundation.

**Can. 613** - § 1. A religious house of canons regular or of monks under the governance and care of its own moderator is autonomous unless the constitutions state otherwise.

§ 2. The moderator of an autonomous house is a major superior by law.

**Can. 614** - Monasteries of nuns associated to an institute of men maintain their own way of life and governance according to the constitutions. Mutual rights and obligations are to be defined in such a way that spiritual good can come from the association.

**Can. 615** - An autonomous monastery which does not have another major superior besides its own moderator and is not associated to another institute of religious in such a way that the superior of the latter possesses true power over such a monastery as determined by the constitutions is entrusted to the special vigilance of the diocesan bishop according to the norm of law.

**Can. 616** - § 1. The supreme moderator can suppress a legitimately erected religious house according to the norm of the constitutions, after the diocesan bishop has been consulted. The proper law of the institute is to make provision for the goods of the suppressed house, without prejudice to the intentions of the founders or donors or to legitimately acquired rights.

§ 2. The suppression of the only house of an institute belongs to the Holy See, to which the decision regarding the goods in that case is also reserved.

§ 3. To suppress the autonomous house mentioned in can. 613 belongs to the general chapter, unless the constitutions state otherwise.

§ 4. To suppress an autonomous monastery of nuns belongs to the Apostolic See, with due regard to the prescripts of the constitutions concerning its goods.

## Chapter II. The Governance of Institutes

### Art. 1. Superiors and Councils

**Can. 617** - Superiors are to fulfill their function and exercise their power according to the norm of universal and proper law.



**Can. 618** - Superiores in spiritu servitii suam potestatem a Deo per ministerium Ecclesiae receptam exercent. Voluntati igitur Dei in munere explendo dociles, ipsi subditos regant uti filios Dei, ac promoventes cum reverentia personae humanae illorum voluntariam oboedientiam, libenter eos audiant necnon eorum conspirationem in bonum instituti et Ecclesiae foveant, firma tamen ipsorum auctoritate decernendi et praecipiendi quae agenda sunt.

**Can. 619** - Superiores suo officio sedulo incumbant et una cum sodalibus sibi commissis studeant aedificare fraternam in Christo communitatem, in qua Deus ante omnia quaeratur et diligatur. Ipsi igitur nutriant sodales frequenti verbi Dei pabulo eosque adducant ad sacrae liturgiae celebrationem. Eis exemplo sint in virtutibus colendis et in observantia legum et traditionum proprii instituti; eorum necessitatibus personalibus convenienter subveniant, infirmos sollicito curent ac visitent, corripiant inquietos, consolentur pusillanimes, patientes sint erga omnes.

**Can. 620** - Superiores maiores sunt, qui totum regunt institutum, vel eius provinciam, vel partem eidem aequiparatam, vel domum sui iuris, itemque eorum vicarii. His accedunt Abbas Primas et Superior congregationis monasticae, qui tamen non habent omnem potestatem, quam ius universale Superioribus maioribus tribuit.

**Can. 621** - Plurium domorum coniunctio quae sub eodem Superiore partem immediatam eiusdem instituti constituat et ab auctoritate legitima canonice erecta sit, nomine venit provinciae.

**Can. 622** - Supremus Moderator potestatem obtinet in omnes instituti provincias, domos et sodales, exercendam secundum ius proprium; ceteri Superiores ea gaudent intra fines sui muneris.

**Can. 623** - Ut sodales ad munus Superioris

**Can. 618** - Superiors are to exercise their power, received from God through the ministry of the Church, in a spirit of service. Therefore, docile to the will of God in fulfilling their function, they are to govern their subjects as sons or daughters of God and, promoting the voluntary obedience of their subjects with reverence for the human person, they are to listen to them willingly and foster their common endeavor for the good of the institute and the Church, but without prejudice to the authority of superiors to decide and prescribe what must be done.

**Can. 619** - Superiors are to devote themselves diligently to their office and together with the members entrusted to them are to strive to build a community of brothers or sisters in Christ, in which God is sought and loved before all things. Therefore, they are to nourish the members regularly with the food of the word of God and are to draw them to the celebration of the sacred liturgy. They are to be an example to them in cultivating virtues and in the observance of the laws and traditions of their own institute; they are to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart, and to be patient toward all.

**Can. 620** - Those who govern an entire institute, a province of an institute or part equivalent to a province, or an autonomous house, as well as their vicars, are major superiors. Comparable to these are an abbot primate and a superior of a monastic congregation, who nonetheless do not have all the power which universal law grants to major superiors.

**Can. 621** - A grouping of several houses which constitutes an immediate part of the same institute under the same superior and has been canonically erected by legitimate authority is called a province.

**Can. 622** - The supreme moderator holds power over all the provinces, houses, and members of an institute; this power is to be exercised according to proper law. Other superiors possess power within the limits of their function.

**Can. 623** - In order for members to be

valide nominentur aut eligantur, requiritur congruum tempus post professionem perpetuam vel definitivam, a iure proprio vel, si agatur de Superioribus maioribus, a constitutionibus determinandum.

**Can. 624 - § 1.** Superiores ad certum et conveniens temporis spatium iuxta naturam et necessitatem instituti constituentur, nisi pro supremo Moderatore et pro Superioribus domus sui iuris constitutiones aliter ferant.

§ 2. Ius proprium aptis normis provideat, ne Superiores, ad tempus definitum constituti, diutius sine intermissione in regiminis officiis versentur.

§ 3. Possunt tamen durante munere ab officio amoveri vel in aliud transferri ob causas iure proprio statutas.

**Can. 625 - § 1.** Supremus instituti Moderator electione canonica designetur ad normam constitutionum.

§ 2. Electionibus Superioris monasterii sui iuris, de quo in can. 615, et supremi Moderatoris instituti iuris dioecesani praeest Episcopus sedis principis.

§ 3. Ceteri Superiores ad normam constitutionum constituentur; ita tamen ut, si eligantur, confirmatione Superioris maioris competentis indigeant; si vero a Superiore nominentur, apta consultatio praecedat.

**Can. 626 -** Superiores in collatione officiorum et sodales in electionibus normas iuris universalis et proprii servant, abstineant a quovis abusu et acceptione personarum, et, nihil praeter Deum et bonum instituti prae oculis habentes, nominent aut eligant quos in Domino vere dignos et aptos sciant. Caveant praeterea in electionibus a suffragiorum procuracione sive directe sive indirecte, tam pro seipsis quam pro aliis.

**Can. 627 - § 1.** Ad normam constitutionum, Superiores proprium habeant consilium, cuius opera in munere exercendo utantur oportet.

§ 2. Praeter casus in iure universali

appointed or elected validly to the function of superior, a suitable time is required after perpetual or definitive profession, to be determined by proper law, or if it concerns major superiors, by the constitutions.

**Can. 624 - § 1.** Superiors are to be constituted for a certain and appropriate period of time according to the nature and need of the institute, unless the constitutions determine otherwise for the supreme moderator and for superiors of an autonomous house.

§ 2. Proper law is to provide suitable norms so that superiors, constituted for a definite time, do not remain too long in offices of governance without interruption.

§ 3. Nevertheless, they can be removed from office during their function or be transferred to another for reasons established in proper law.

**Can. 625 - § 1.** The supreme moderator of an institute is to be designated by canonical election according to the norm of the constitutions.

§ 2. The bishop of the principal seat presides at the elections of a superior of the autonomous monastery mentioned in can. 615 and of the supreme moderator of an institute of diocesan right.

§ 3. Other superiors are to be constituted according to the norm of the constitutions, but in such a way that, if they are elected, they need the confirmation of a competent major superior; if they are appointed by a superior, however, a suitable consultation is to precede.

**Can. 626 -** Superiors in the conferral of offices and members in elections are to observe the norms of universal and proper law, are to abstain from any abuse or partiality, and are to appoint or elect those whom they know in the Lord to be truly worthy and suitable, having nothing before their eyes but God and the good of the institute. Moreover, in elections they are to avoid any procurement of votes, either directly or indirectly, whether for themselves or for others.

**Can. 627 - § 1.** According to the norm of the constitutions, superiors are to have their own council, whose assistance they must use in carrying out their function.

§ 2. In addition to the cases prescribed in

praescriptos, ius proprium determinet casus in quibus consensus vel consilium ad valide agendum requiratur ad normam can. 127 exquirendum.

**Can. 628** - § 1. Superiores qui iure proprio instituti ad hoc munus designantur, stans temporibus domos et sodales sibi commissos iuxta normas eiusdem iuris proprii visitent.

§ 2. Episcopi dioecesani ius et officium est visitare etiam quoad disciplinam religiosam:

1° monasteria sui iuris de quibus in can. 615;

2° singulas domos instituti iuris dioecesani in proprio territorio sitas.

§ 3. Sodales fiducialiter agant cum visitatore, cui legitime interroganti respondere tenentur secundum veritatem in caritate; nemini vero fas est quoquo modo sodales ab hac obligatione avertere, aut visitationis scopum aliter impedire.

**Can. 629** - In sua quisque domo Superiores commorentur, nec ab eadem discedant, nisi ad normam iuris proprii.

**Can. 630** - § 1. Superiores sodalibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina.

§ 2. Solliciti sint Superiores ad normam iuris proprii, ut sodalibus idonei confessarii praesto sint, apud quos frequenter confiteri possint.

§ 3. In monasteriis monialium, in domibus formationis et in communitatibus numerosioribus laicalibus habeantur confessarii ordinarii ab Ordinario loci probati, collatis consiliis cum communitate, nulla tamen facta obligatione ad illos accedendi.

§ 4. Subditorum confessiones Superiores ne audiant, nisi sponte sua sodales id petant.

§ 5. Sodales cum fiducia Superiores adeant, quibus animum suum libere ac sponte aperire possunt. Vetantur autem Superiores eos quoquo modo inducere ad conscientiae manifestationem sibi peragendam.

universal law, proper law is to determine the cases which require consent or counsel to act validly; such consent or counsel must be obtained according to the norm of can. 127.

**Can. 628** - § 1. The superiors whom the proper law of the institute designates for this function are to visit the houses and members entrusted to them at stated times according to the norms of this same proper law.

§ 2. It is the right and duty of a diocesan bishop to visit even with respect to religious discipline:

1° the autonomous monasteries mentioned in can. 615;

2° individual houses of an institute of diocesan right located in his own territory.

§ 3. Members are to act with trust toward a visitor, to whose legitimate questioning they are bound to respond according to the truth in charity. Moreover, it is not permitted for anyone in any way to divert members from this obligation or otherwise to impede the scope of the visitation.

**Can. 629** - Superiors are to reside in their respective houses, and are not to absent themselves from their house except according to the norm of proper law.

**Can. 630** - § 1. Superiors are to recognize the due freedom of their members regarding the sacrament of penance and direction of conscience, without prejudice, however, to the discipline of the institute.

§ 2. According to the norm of proper law, superiors are to be concerned that suitable confessors are available to the members, to whom the members can confess frequently.

§ 3. In monasteries of nuns, in houses of formation, and in more numerous lay communities, there are to be ordinary confessors approved by the local ordinary after consultation with the community; nevertheless, there is no obligation to approach them.

§ 4. Superiors are not to hear the confessions of subjects unless the members request it on their own initiative.

§ 5. Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to

## Art. 2. DE CAPITULIS

**Can. 631** - § 1. Capitulum generale, quod supremam auctoritatem ad normam constitutionum in instituto obtinet, ita efformetur ut totum institutum repraesentans, verum signum eiusdem unitatis in caritate evadat. Eius praecipue est: patrimonium instituti, de quo in can. 578, tueri et accommodatam renovationem iuxta ipsum promovere, Moderatorem supremum eligere, maiora negotia tractare, necnon normas edicere, quibus omnes parere tenentur.

§ 2. Compositio et ambitus potestatis capituli definiantur in constitutionibus; ius proprium ulterius determinet ordinem servandum in celebratione capituli, praesertim quod ad electiones et rerum agendarum rationes attinet.

§ 3. Iuxta normas in iure proprio determinatas, non modo provinciae et communitates locales, sed etiam quilibet sodalis optata sua et suggestiones capitulo generali libere mittere potest.

**Can. 632** - Ius proprium accurate determinet quae pertineant ad alia instituti capitula et ad alias similes coadunationes, nempe ad eorum naturam, auctoritatem, compositionem, modum procedendi et tempus celebrationis.

**Can. 633** - § 1. Organa participationis vel consultationis munus sibi commissum fideliter expleant ad normam iuris universalis et proprii, eademque suo modo curam et participationem omnium sodalium pro bono totius instituti vel communitatis expriment.

§ 2. In his mediis participationis et consultationis instituendis et adhibendis sapiens servetur discretio, atque modus eorum agendi indoli et fini instituti sit conformis.

## Art. 3. DE BONIS TEMPORALIBUS EORUMQUE ADMINISTRATIONE

**Can. 634** - § 1. Instituta, provinciae et domus, utpote personae iuridicae ipso iure, capaces sunt acquirendi, possidendi, administrandi et alienandi bona temporalia, nisi haec capacitas

them.

## Art. 2. Chapters

**Can. 631** - § 1. The general chapter, which holds supreme authority in the institute according to the norm of the constitutions, is to be composed in such a way that, representing the entire institute, it becomes a true sign of its unity in charity. It is for the general chapter principally: to protect the patrimony of the institute mentioned in can. 578, promote suitable renewal according to that patrimony, elect the supreme moderator, treat affairs of greater importance, and issue norms which all are bound to obey.

§ 2. The constitutions are to define the composition and extent of the power of a chapter; proper law is to determine further the order to be observed in the celebration of the chapter, especially in what pertains to elections and the manner of handling affairs.

§ 3. According to the norms determined in proper law, not only provinces and local communities, but also any member can freely send wishes and suggestions to a general chapter.

**Can. 632** - Proper law is to determine accurately what is to pertain to other chapters of the institute and to other similar assemblies, namely, what pertains to their nature, authority, composition, way of proceeding and time of celebration.

**Can. 633** - § 1. Organs of participation or consultation are to fulfill faithfully the function entrusted to them according to the norm of universal and proper law and to express in their own way the concern and participation of all the members for the good of the entire institute or community.

§ 2. In establishing and using these means of participation and consultation, wise discretion is to be observed and their procedures are to conform to the character and purpose of the institute.

## Art. 3. Temporal Goods and Their Administration

**Can. 634** - § 1. As juridic persons by the law itself, institutes, provinces, and houses are capable of acquiring, possessing, administering, and alienating temporal goods

in constitutionibus excludatur vel coarctetur.

§ 2. Vitent tamen quamlibet speciem luxus, immoderati lucri et bonorum cumulationis.

**Can. 635** - § 1. Bona temporalia institutorum religiosorum, utpote ecclesiastica, reguntur praescriptis Libri V *De bonis Ecclesiae temporalibus*, nisi aliud expresse caveatur.

§ 2. Quodlibet tamen institutum aptas normas statuatur de usu et administratione bonorum, quibus paupertas sibi propria foveatur, defendatur et exprimat.

**Can. 636** - § 1. In quolibet instituto et similiter in qualibet provincia quae a Superiore maiore regitur, habeatur oeconomus, a Superiore maiore distinctus et ad normam iuris proprii constitutus, qui administrationem bonorum gerat sub directione respectivi Superioris. Etiam in communitatibus localibus instituatur, quantum fieri potest, oeconomus a Superiore locali distinctus.

§ 2. Tempore et modo iure proprio statutis, oeconomi et alii administratores auctoritati competenti peractae administrationis rationem reddant.

**Can. 637** - Monasteria sui iuris, de quibus in can. 615, Ordinario loci rationem administrationis reddere debent semel in anno; loci Ordinario insuper ius esto cognoscendi de rationibus oeconomicis domus religiosae iuris dioecesani.

**Can. 638** - § 1. Ad ius proprium pertinet, intra ambitum iuris universalis, determinare actus qui finem et modum ordinariae administrationis excedant, atque ea statuere quae ad valide ponendum actum extraordinariae administrationis necessaria sunt.

§ 2. Expensas et actus iuridicos ordinariae administrationis valide, praeter Superiores, faciunt, intra fines sui muneris, officiales quoque, qui in iure proprio ad hoc designantur.

§ 3. Ad validitatem alienationis et cuiuslibet negotii in quo condicio patrimonialis personae iuridicae peior fieri potest, requiritur licentia in

unless this capacity is excluded or restricted in the constitutions.

§ 2. Nevertheless, they are to avoid any appearance of excess, immoderate wealth, and accumulation of goods.

**Can. 635** - § 1. Since the temporal goods of religious institutes are ecclesiastical, they are governed by the prescripts of Book V, The Temporal Goods of the Church, unless other provision is expressly made.

§ 2. Nevertheless, each institute is to establish suitable norms concerning the use and administration of goods, by which the poverty proper to it is to be fostered, protected, and expressed.

**Can. 636** - § 1. In each institute and likewise in each province which is governed by a major superior, there is to be a finance officer, distinct from the major superior and constituted according to the norm of proper law, who is to manage the administration of goods under the direction of the respective superior. Insofar as possible, a finance officer distinct from the local superior is to be designated even in local communities.

§ 2. At the time and in the manner established by proper law, finance officers and other administrators are to render an account of their administration to the competent authority.

**Can. 637** - The autonomous monasteries mentioned in can. 615 must render an account of their administration to the local ordinary once a year. Moreover, the local ordinary has the right to be informed about the financial reports of a religious house of diocesan right.

**Can. 638** - § 1. Within the scope of universal law, it belongs to proper law to determine acts which exceed the limit and manner of ordinary administration and to establish what is necessary to place an act of extraordinary administration validly.

§ 2. In addition to superiors, the officials who are designated for this in proper law also validly incur expenses and perform juridic acts of ordinary administration within the limits of their function.

§ 3. For the validity of alienation and of any other affair in which the patrimonial condition of a juridic person can worsen, the written

scripto data Superioris competentis cum consensu sui consilii. Si tamen agatur de negotio quod summam a Sancta Sede pro cuiusque regione definitam superet, itemque de rebus ex voto Ecclesiae donatis aut de rebus pretiosis artis vel historiae causa, requiritur insuper ipsius Sanctae Sedis licentia.

§ 4. Pro monasteriis sui iuris, de quibus in can. 615, et institutis iuris dioecesanis accedat necesse est consensus Ordinarii loci in scriptis praestitus.

**Can. 639** - § 1. Si persona iuridica debita et obligationes contraxerit etiam cum Superiorum licentia, ipsa tenetur de eisdem respondere.

§ 2. Si sodalis cum licentia Superioris contraxerit de suis bonis, ipse respondere debet, si vero de mandato Superioris negotium instituti gesserit, institutum respondere debet.

§ 3. Si contraxerit religiosus sine ulla Superiorum licentia, ipse respondere debet, non autem persona iuridica.

§ 4. Firmum tamen esto, contra eum, in cuius rem aliquid ex inito contractu versum est, semper posse actionem institui.

§ 5. Caveant Superiores religiosi ne debita contrahenda permittant, nisi certo constet ex consuetis redditibus posse debiti foenus solvi et intra tempus non nimis longum per legitimam amortizationem reddi summam capitalem.

**Can. 640** - Instituta, ratione habita singulorum locorum, testimonium caritatis et paupertatis quasi collectivum reddere satagant et pro viribus ex propriis bonis aliquid conferant ad Ecclesiae necessitatibus et egenorum sustentationi subveniendum.

### CAPUT III. DE CANDIDATORUM ADMISSIONE ET DE SODALIUM INSTITUTIONE

#### Art. 1. DE ADMISSIONE IN NOVITIATUM

**Can. 641** - Ius candidatos admittendi ad novitiatum pertinet ad Superiores maiores ad normam iuris proprii.

permission of the competent superior with the consent of the council is required.

Nevertheless, if it concerns an affair which exceeds the amount defined by the Holy See for each region, or things given to the Church by vow, or things precious for artistic or historical reasons, the permission of the Holy See itself is also required.

§ 4. For the autonomous monasteries mentioned in can. 615 and for institutes of diocesan right, it is also necessary to have the written consent of the local ordinary.

**Can. 639** - § 1. If a juridic person has contracted debts and obligations even with the permission of the superiors, it is bound to answer for them.

§ 2. If a member has entered into a contract concerning his or her own goods with the permission of the superior, the member must answer for it, but if the business of the institute was conducted by mandate of the superior, the institute must answer.

§ 3. If a religious has entered into a contract without any permission of superiors, he or she must answer, but not the juridic person.

§ 4. It is a fixed rule, however, that an action can always be brought against one who has profited from the contract entered into.

§ 5. Religious superiors are to take care that they do not permit debts to be contracted unless it is certain that the interest on the debt can be paid off from ordinary income and that the capital sum can be paid off through legitimate amortization within a period that is not too long.

**Can. 640** - Taking into account local conditions, institutes are to strive to give, as it were, a collective witness of charity and poverty and are to contribute according to their ability something from their own goods to provide for the needs of the Church and the support of the poor.

### Chapter III. The Admission of Candidates and the Formation of Members

#### Art. 1. Admission to the Novitiate

**Can. 641** - The right to admit candidates to the novitiate belongs to major superiors according to the norm of proper law.

**Can. 642** - Superiores vigilanti cura eos tantum admittant qui, praeter aetatem requisitam, habeant valetudinem, aptam indolem et sufficientes maturitatis qualitates ad vitam instituti propriam amplectendam; quae valetudo, indoles et maturitas comprobentur adhibitis etiam, si opus fuerit, peritis, firmo praescripto can. 220.

**Can. 643** - § 1. Invalide ad novitiatum admittitur:

1° qui decimum septimum aetatis annum nondum compleverit;

2° coniux, durante matrimonio;

3° qui sacro vinculo cum aliquo instituto vitae consecratae actu obstringitur vel in aliqua societate vitae apostolicae incorporatus est, salvo praescripto can. 684;

4° qui institutum ingreditur vi, metu gravi aut dolo inductus, vel is quem Superior eodem modo inductus recipit;

5° qui celaverit suam incorporationem in aliquo instituto vitae consecratae aut in aliqua societate vitae apostolicae.

§ 2. Ius proprium potest alia impedimenta etiam ad validitatem admissionis constituere vel condiciones apponere.

**Can. 644** - Superiores ad novitiatum ne admittant clericos saeculares inconsulto proprio ipsorum Ordinario, nec aere alieno gravatos qui ad solvendum pares non sint.

**Can. 645** - § 1. Candidati, antequam ad novitiatum admittantur, testimonium baptismatis et confirmationis necnon status liberi exhibere debent.

§ 2. Si agatur de admittendis clericis iisve qui in aliud institutum vitae consecratae, in societatem vitae apostolicae vel in seminarium admissi fuerint, requiritur insuper testimonium respective Ordinarii loci vel Superioris maioris instituti, vel societatis, vel rectoris seminarii.

§ 3. Ius proprium exigere potest alia testimonia de requisita idoneitate candidatorum et de immunitate ab impedimentis.

§ 4. Superiores alias quoque informationes,

**Can. 642** - With vigilant care, superiors are only to admit those who, besides the required age, have the health, suitable character, and sufficient qualities of maturity to embrace the proper life of the institute. This health, character, and maturity are to be verified even by using experts, if necessary, without prejudice to the prescript of can. 220.

**Can. 643** - § 1. The following are admitted to the novitiate invalidly:

1° one who has not yet completed seventeen years of age;

2° a spouse, while the marriage continues to exist;

3° one who is currently bound by a sacred bond to some institute of consecrated life or is incorporated in some society of apostolic life, without prejudice to the prescript of can. 684;

4° one who enters the institute induced by force, grave fear, or malice, or the one whom a superior, induced in the same way, has received;

5° one who has concealed his or her incorporation in some institute of consecrated life or in some society of apostolic life.

§ 2. Proper law can establish other impediments even for validity of admission or can attach conditions.

**Can. 644** - Superiors are not to admit to the novitiate secular clerics without consulting their proper ordinary nor those who, burdened by debts, cannot repay them.

**Can. 645** - § 1. Before candidates are admitted to the novitiate, they must show proof of baptism, confirmation, and free status.

§ 2. If it concerns the admission of clerics or those who had been admitted in another institute of consecrated life, in a society of apostolic life, or in a seminary, there is additionally required the testimony of, respectively, the local ordinary, the major superior of the institute or society, or the rector of the seminary.

§ 3. Proper law can require other proof about the requisite suitability of candidates and freedom from impediments.

§ 4. Superiors can also seek other information,

etiam sub secreto, petere possunt, si ipsi necessarium visum fuerit.

## Art. 2. DE NOVITIATU ET NOVITIORUM INSTITUTIONE

**Can. 646** - Novitiatu, quo vita in instituto incipitur, ad hoc ordinatur, ut novitii vocationem divinam, et quidem instituti propriam, melius agnoscant, vivendi modum instituti experiantur eiusque spiritu mentem et cor informet, atque ipsorum propositum et idoneitas comprobentur.

**Can. 647** - § 1. Domus novitiatu erectio, translatio et suppressio fiant per decretum scripto datum supremi Moderatoris instituti de consensu sui consilii.

§ 2. Novitiatu, ut validus sit, peragi debet in domo ad hoc rite designata. In casibus particularibus et ad modum exceptionis, ex concessione Moderatoris supremi de consensu sui consilii, candidatus novitiatum peragere potest in alia instituti domo, sub moderamine alicuius probati religiosi, qui vices magistri novitiorum gerat.

§ 3. Superior maior permittere potest ut novitiorum coetus, per certa temporis spatia, in alia instituti domo, a se designata, commoretur.

**Can. 648** - § 1. Novitiatu, ut validus sit, duodecim menses in ipsa novitiatu communitate peragendos complecti debet, firmo praescripto can. 647, § 3.

§ 2. Ad novitiorum institutionem perficiendam, constitutiones, praeter tempus de quo in § 1, unum vel plura exercitationis apostolicae tempora extra novitiatu communitatem peragenda statuere possunt.

§ 3. Novitiatu ultra biennium ne extendatur.

**Can. 649** - § 1. Salvis praescriptis can. 647, § 3 et can. 648, § 2, absentia a domo novitiatu quae tres menses, sive continuos sive intermissos, superet, novitiatu invalidum reddit. Absentia quae quindecim dies superet, suppleri debet.

§ 2. De venia competentis Superioris maioris, prima professio anticipari potest, non ultra quindecim dies.

even under secrecy, if it seems necessary to them.

## Art. 2. The Novitiate and Formation of Novices

**Can. 646** - The novitiate, through which life in an institute is begun, is arranged so that the novices better understand their divine vocation, and indeed one which is proper to the institute, experience the manner of living of the institute, and form their mind and heart in its spirit, and so that their intention and suitability are tested.

**Can. 647** - § 1. The erection, transfer, and suppression of a novitiate house are to be done through written decree of the supreme moderator of the institute with the consent of the council.

§ 2. To be valid, a novitiate must be made in a house properly designated for this purpose. In particular cases and as an exception, by grant of the supreme moderator with the consent of the council, a candidate can make the novitiate in another house of the institute under the direction of some approved religious who acts in the place of the director of novices.

§ 3. A major superior can permit a group of novices to reside for a certain period of time in another house of the institute designated by the superior.

**Can. 648** - § 1. To be valid, a novitiate must include twelve months spent in the community itself of the novitiate, without prejudice to the prescript of can. 647, § 3.

§ 2. To complete the formation of novices, in addition to the period mentioned in § 1, the constitutions can establish one or more periods of apostolic exercises to be spent outside the community of the novitiate.

§ 3. The novitiate is not to last longer than two years.

**Can. 649** - § 1. Without prejudice to the prescripts of can. 647, § 3 and can. 648, § 2, an absence from the novitiate house which lasts more than three months, either continuous or interrupted, renders the novitiate invalid. An absence which lasts more than fifteen days must be made up.

§ 2. With the permission of the competent major superior, first profession can be anticipated, but not by more than fifteen days.



**Can. 650** - § 1. Scopus novitiatus exigit ut novitii sub directione magistri efformentur iuxta rationem institutionis iure proprio definiendam.

§ 2. Regimen novitiorum, sub auctoritate Superiorum maiorum, uni magistro reservatur.

**Can. 651** - § 1. Novitiorum magister sit sodalis instituti qui vota perpetua professus sit et legitime designatus.

§ 2. Magistro, si opus fuerit, cooperatores dari possunt, qui ei subsint quoad moderamen novitiatus et institutionis rationem.

§ 3. Novitiorum institutioni praeficiantur sodales sedulo praeparati qui, aliis oneribus non impediti, munus suum fructuose et stabili modo absolvere possint.

**Can. 652** - § 1. Magistri eiusque cooperatorum est novitiorum vocationem discernere et comprobare, eosque gradatim ad vitam perfectionis instituti propriam rite ducendam efformare.

§ 2. Novitii ad virtutes humanas et christianas excolendas adducantur; per orationem et sui abnegationem in pleniorum perfectionis viam introducantur; ad mysterium salutis contemplandum et sacras Scripturas legendas et meditandas instruantur; ad Dei cultum in sacra liturgia excolendum praeparentur; rationem addiscant vitam ducendi Deo hominibusque in Christo per consilia evangelica consecratam; de instituti indole et spiritu, fine et disciplina, historia et vita edoceantur atque amore erga Ecclesiam eiusque sacros Pastores imbuantur.

§ 3. Novitii, propriae responsabilitatis conscii, ita cum magistro suo active collaborent ut gratiae divinae vocationis fideliter respondeant.

§ 4. Curent instituti sodales, ut in opere institutionis novitiorum pro parte sua cooperentur vitae exemplo et oratione.

§ 5. Tempus novitiatus, de quo in can. 648, § 1, in opus formationis proprie impendatur,

**Can. 650** - § 1. The scope of the novitiate demands that novices be formed under the guidance of a director according to the program of formation defined in proper law.

§ 2. Governance of the novices is reserved to one director under the authority of the major superiors.

**Can. 651** - § 1. The director of novices is to be a member of the institute who has professed perpetual vows and has been legitimately designated.

§ 2. If necessary, the director can be given assistants who are subject to the director in regard to the supervision of the novices and the program of formation.

§ 3. Members who are carefully prepared and who, not impeded by other duties, can carry out this function fruitfully and in a stable manner are to be placed in charge of the formation of novices.

**Can. 652** - § 1. It is for the director and assistants to discern and test the vocation of the novices and to form them gradually to lead correctly the life of perfection proper to the institute.

§ 2. Novices are to be led to cultivate human and Christian virtues; through prayer and self-denial they are to be introduced to a fuller way of perfection; they are to be taught to contemplate the mystery of salvation and to read and meditate on the sacred scriptures; they are to be prepared to cultivate the worship of God in the sacred liturgy; they are to learn a manner of leading a life consecrated to God and humanity in Christ through the evangelical counsels; they are to be instructed regarding the character and spirit, the purpose and discipline, the history and life of the institute; and they are to be imbued with love for the Church and its sacred pastors.

§ 3. Conscious of their own responsibility, the novices are to collaborate actively with their director in such a way that they faithfully respond to the grace of a divine vocation.

§ 4. Members of the institute are to take care that they cooperate for their part in the work of formation of the novices through example of life and prayer.

§ 5. The time of the novitiate mentioned in can. 648, § 1 is to be devoted solely to the task

ideoque novitii ne occupentur in studiis et muniis, quae huic formationi non directe inserviunt.

**Can. 653** - § 1. Novitius institutum libere deserere potest; competens autem instituti auctoritas potest eum dimittere.

§ 2. Exacto novitiatu, si idoneus iudicetur, novitius ad professionem temporariam admittatur, secus dimittatur; si dubium supersit de eius idoneitate, potest probationis tempus a Superiore maiore ad normam iuris proprii, non tamen ultra sex menses prorogari.

### Art. 3. DE PROFESSIONE RELIGIOSA

**Can. 654** - Professione religiosa sodales tria consilia evangelica observanda voto publico assumunt, Deo per Ecclesiae ministerium consecrantur et instituto incorporantur cum iuribus et officiis iure definitis.

**Can. 655** - Professio temporaria ad tempus iure proprio definitum emittatur, quod neque triennio brevius neque sexennio longius sit.

**Can. 656** - Ad validitatem professionis temporariae requiritur ut:

1° qui eam emissurus est, decimum saltem octavum aetatis annum compleverit;

2° novitiatus valide peractus sit;

3° habeatur admissio a competenti Superiore cum voto sui consilii ad normam iuris libere facta;

4° sit expressa et absque vi, metu gravi aut dolo emissa;

5° a legitimo Superiore per se vel per alium recipiatur.

**Can. 657** - § 1. Expleto tempore ad quod professio emissa fuerit, religiosus, qui sponte petat et idoneus iudicetur, ad renovationem professionis vel ad professionem perpetuam admittatur, secus discedat.

§ 2. Si opportunum vero videatur, periodus professionis temporariae a competenti Superiore, iuxta ius proprium, prorogari potest, ita tamen ut totum tempus, quo sodalis votis temporariis adstringitur, non superet novennium.

of formation and consequently novices are not to be occupied with studies and functions which do not directly serve this formation.

**Can. 653** - § 1. A novice can freely leave an institute; moreover, the competent authority of the institute can dismiss a novice.

§ 2. At the end of the novitiate, if judged suitable, a novice is to be admitted to temporary profession; otherwise the novice is to be dismissed. If there is doubt about the suitability of a novice, the major superior can extend the time of probation according to the norm of proper law, but not beyond six months.

### Art. 3. Religious Profession

**Can. 654** - By religious profession, members assume the observance of the three evangelical counsels by public vow, are consecrated to God through the ministry of the Church, and are incorporated into the institute with the rights and duties defined by law.

**Can. 655** - Temporary profession is to be made for a period defined in proper law; it is not to be less than three years nor longer than six.

**Can. 656** - For the validity of temporary profession it is required that:

1° the person who is to make it has completed at least eighteen years of age;

2° the novitiate has been validly completed;

3° admission has been given freely by the competent superior with the vote of the council according to the norm of law;

4° the profession is expressed and made without force, grave fear, or malice;

5° the profession is received by a legitimate superior personally or through another.

**Can. 657** - § 1. When the period for which profession was made has elapsed, a religious who freely petitions and is judged suitable is to be admitted to renewal of profession or to perpetual profession; otherwise, the religious is to depart.

§ 2. If it seems opportune, however, the competent superior can extend the period of temporary profession according to proper law, but in such a way that the total period in which the member is bound by temporary vows does not exceed nine years.

§ 3. Professio perpetua anticipari potest ex iusta causa, non tamen ultra trimestre.

**Can. 658** - Praeter condiciones de quibus in can. 656, nn. 3, 4 et 5 aliasque iure proprio appositae, ad validitatem professionis perpetuae requiritur:

1° vigesimus primus saltem aetatis annus completus;

2° praevia professio temporaria saltem per triennium, salvo praescripto can. 657, § 3.

#### Art. 4. DE RELIGIOSORUM INSTITUTIONE

**Can. 659** - § 1. In singulis institutis, post primam professionem omnium sodalium institutio perficiatur ad vitam instituti propriam plenius ducendam et ad eius missionem aptius prosequendam.

§ 2. Quapropter ius proprium rationem definire debet huius institutionis eiusdemque durationis, attentis Ecclesiae necessitatibus atque hominum temporumque condicionibus, prout a fine et indole instituti exigitur.

§ 3. Institutio sodalium, qui ad sacros ordines suscipiendos praeparantur, iure universali regitur et propria instituti ratione studiorum.

**Can. 660** - § 1. Institutio sit systematica, captui sodalium accommodata, spiritualis et apostolica, doctrinalis simul ac practica, titulis etiam congruentibus, tam ecclesiasticis quam civilibus, pro opportunitate obtentis.

§ 2. Perdurante tempore huius institutionis, sodalibus officia et opera ne committantur, quae eam impediunt.

**Can. 661** - Per totam vitam religiosi formationem suam spiritualem, doctrinalem et practicam sedulo prosequantur; Superiores autem eis adiumenta et tempus ad hoc procurant.

#### CAPUT IV. DE INSTITUTORUM EORUMQUE SODALIUM OBLIGATIONIBUS ET IURIBUS

**Can. 662** - Religiosi sequelam Christi in Evangelio propositam et in constitutionibus proprii instituti expressam tamquam supremam vitae regulam habeant.

§ 3. Perpetual profession can be anticipated for a just cause, but not by more than three months.

**Can. 658** - In addition to the conditions mentioned in can. 656, nn. 3, 4, and 5 and others imposed by proper law, the following are required for the validity of perpetual profession:

1° the completion of at least twenty-one years of age;

2° previous temporary profession of at least three years, without prejudice to the prescript of can. 657, § 3.

#### Art. 4. The Formation of Religious

**Can. 659** - § 1. In individual institutes the formation of all the members is to be continued after first profession so that they lead the proper life of the institute more fully and carry out its mission more suitably.

§ 2. Therefore, proper law must define the program of this formation and its duration, attentive to the needs of the Church and the conditions of people and times, insofar as the purpose and character of the institute require it.

§ 3. Universal law and the program of studies proper to the institute govern the formation of members who are preparing to receive holy orders.

**Can. 660** - § 1. Formation is to be systematic, adapted to the capacity of the members, spiritual and apostolic, doctrinal and at the same time practical. Suitable degrees, both ecclesiastical and civil, are also to be obtained when appropriate.

§ 2. During the time of this formation, offices and tasks which may impede it are not to be entrusted to the members.

**Can. 661** - Through their entire life, religious are to continue diligently their spiritual, doctrinal, and practical formation. Superiors, moreover, are to provide them with the resources and time for this.

#### Chapter IV. The Obligations and Rights of Institutes and Their Members

**Can. 662** - Religious are to have as the supreme rule of life the following of Christ proposed in the gospel and expressed in the constitutions of their own institute.

**Can. 663** - § 1. Rerum divinarum contemplatio et assidua cum Deo in oratione unio omnium religiosorum primum et praecipuum sit officium.

§ 2. Sodales cotidie pro viribus Sacrificium eucharisticum participant, sanctissimum Corpus Christi recipiant et ipsum Dominum in Sacramento praesentem adorent.

§ 3. Lectioni sacrae Scripturae et orationi mentali vacent, iuxta iuris proprii praescripta liturgiam horarum digne celebrent, firma pro clericis obligatione de qua in can. 276, § 2, n. 3, et alia pietatis exercitia peragant.

§ 4. Speciali cultu Virginem Deiparam, omnis vitae consecratae exemplum et tutamen, etiam per mariale rosarium prosequantur.

§ 5. Annua sacri recessus tempora fideliter servant.

**Can. 664** - In animi erga Deum conversione insistant religiosi, conscientiam etiam cotidie examinent et ad paenitentiae sacramentum frequenter accedant.

**Can. 665** - § 1. Religiosi in propria domo religiosa habitent vitam communem servantes, nec ab ea discedant nisi de licentia sui Superioris. Si autem agatur de diuturna a domo absentia, Superior maior, de consensu sui consilii atque iusta de causa, sodali concedere potest ut extra domum instituti degere possit, non tamen ultra annum, nisi causa infirmitatis curandae, ratione studiorum aut apostolatus exercendi nomine instituti.

§ 2. Sodalis, qui e domo religiosa illegitime abest cum animo sese subducendi a potestate Superiorum, sollicite ab eisdem quaeratur et adiuvetur ut redeat et in sua vocatione perseveret.

**Can. 666** - In usu mediorum communicationis socialis servetur necessaria discretio atque vitentur quae sunt vocationi propriae nociva et castitati personae consecratae periculosa.

**Can. 667** - § 1. In omnibus domibus clausura

**Can. 663** - § 1. The first and foremost duty of all religious is to be the contemplation of divine things and assiduous union with God in prayer.

§ 2. Members are to make every effort to participate in the eucharistic sacrifice daily, to receive the most sacred Body of Christ, and to adore the Lord himself present in the sacrament.

§ 3. They are to devote themselves to the reading of sacred scripture and mental prayer, to celebrate worthily the liturgy of the hours according to the prescripts of proper law, without prejudice to the obligation for clerics mentioned in can. 276, § 2, n. 3, and to perform other exercises of piety.

§ 4. With special veneration, they are to honor the Virgin Mother of God, the example and protector of all consecrated life, also through the Marian rosary.

§ 5. They are to observe faithfully an annual period of sacred retreat.

**Can. 664** - Religious are to strive after conversion of the soul toward God, to examine their conscience, even daily, and to approach the sacrament of penance frequently.

**Can. 665** - § 1. Observing common life, religious are to live in their own religious house and are not to be absent from it except with the permission of their superior. If it concerns a lengthy absence from the house, however, the major superior, with the consent of the council and for a just cause, can permit a member to live outside a house of the institute, but not for more than a year, except for the purpose of caring for ill health, of studies, or of exercising an apostolate in the name of the institute.

§ 2. A member who is absent from a religious house illegitimately with the intention of withdrawing from the power of the superiors is to be sought out solicitously by them and is to be helped to return to and persevere in his or her vocation.

**Can. 666** - In the use of means of social communication, necessary discretion is to be observed and those things are to be avoided which are harmful to one's vocation and dangerous to the chastity of a consecrated person.

**Can. 667** - § 1. In all houses, cloister adapted

indoli et missioni instituti accommodata servetur secundum determinationes proprii iuris, aliqua parte domus religiosae solis sodalibus semper reservata.

§ 2. Stricter disciplina clausurae in monasteriis ad vitam contemplativam ordinatis servanda est.

§ 3. Monasteria monialium, quae integre ad vitam contemplativam ordinantur, clausuram *papalem*, iuxta normas scilicet ab Apostolica Sede datas, observare debent. Cetera monialium monasteria clausuram propriae indoli accommodatam et in constitutionibus definitam servant.

§ 4. Episcopus dioecesanus facultatem habet ingrediendi, iusta de causa, intra clausuram monasteriorum monialium, quae sita sunt in sua dioecesi, atque permittendi, gravi de causa et assentiente Antistita, ut alii in clausuram admittantur, ac moniales ex ipsa egrediantur ad tempus vere necessarium.

**Can. 668** - § 1. Sodales ante primam professionem suorum bonorum administrationem cedant cui maluerint et, nisi constitutiones aliud ferant, de eorum usu et usufructu libere disponant. Testamentum autem, quod etiam in iure civili sit validum, saltem ante professionem perpetuam condant.

§ 2. Ad has dispositiones iusta de causa mutandas et ad quemlibet actum ponendum circa bona temporalia, licentia Superioris competentis ad normam iuris proprii indigent.

§ 3. Quidquid religiosus propria acquirit industria vel ratione instituti, acquirit instituto. Quae ei ratione pensionis, subventionis vel assecurationis quoquo modo obveniunt, instituto acquiruntur, nisi aliud iure proprio statuatur.

§ 4. Qui ex instituti natura plene bonis suis renuntiare debet, illam renuntiationem, forma, quantum fieri potest, etiam iure civili valida, ante professionem perpetuam faciat a die emissae professionis valituram. Idem faciat professus a votis perpetuis, qui ad normam iuris proprii bonis suis pro parte vel totaliter de licentia supremi Moderatoris renuntiare velit.

§ 5. Professus, qui ob instituti naturam plene bonis suis renuntiaverit, capacitatem acquirendi

to the character and mission of the institute is to be observed according to the determinations of proper law, with some part of a religious house always reserved to the members alone.

§ 2. A stricter discipline of cloister must be observed in monasteries ordered to contemplative life.

§ 3. Monasteries of nuns which are ordered entirely to contemplative life must observe papal cloister, that is, cloister according to the norms given by the Apostolic See. Other monasteries of nuns are to observe a cloister adapted to their proper character and defined in the constitutions.

§ 4. For a just cause, a diocesan bishop has the faculty of entering the cloister of monasteries of nuns which are in his diocese and, for a grave cause and with the consent of the superior, of permitting others to be admitted to the cloister and the nuns to leave it for a truly necessary period of time.

**Can. 668** - § 1. Before first profession, members are to cede the administration of their goods to whomever they prefer and, unless the constitutions state otherwise, are to make disposition freely for their use and revenue. Moreover, at least before perpetual profession, they are to make a will which is to be valid also in civil law.

§ 2. To change these dispositions for a just cause and to place any act regarding temporal goods, they need the permission of the superior competent according to the norm of proper law.

§ 3. Whatever a religious acquires through personal effort or by reason of the institute, the religious acquires for the institute. Whatever accrues to a religious in any way by reason of pension, subsidy, or insurance is acquired for the institute unless proper law states otherwise.

§ 4. A person who must renounce fully his or her goods due to the nature of the institute is to make that renunciation before perpetual profession in a form valid, as far as possible, even in civil law; it is to take effect from the day of profession. A perpetually professed religious who wishes to renounce his or her goods either partially or totally according to the norm of proper law and with the permission of the supreme moderator is to do the same.

§ 5. A professed religious who has renounced his or her goods fully due to the nature of the

et possidendi amittit, ideoque actus voto paupertatis contrarios invalide ponit. Quae autem ei post renuntiationem obveniunt, instituto cedunt ad normam iuris proprii.

**Can. 669** - § 1. Religiosi habitum instituti deferant, ad normam iuris proprii confectum, in signum suae consecrationis et in testimonium paupertatis.

§ 2. Religiosi clerici instituti, quod proprium non habet habitum, vestem clericalem ad normam can. 284 assumant.

**Can. 670** - Institutum debet sodalibus suppeditare omnia quae ad normam constitutionum necessaria sunt ad suae vocationis finem assequendum.

**Can. 671** - Religiosus munera et officia extra proprium institutum ne recipiat absque licentia legitimi Superioris.

**Can. 672** - Religiosi adstringuntur praescriptis cann. 277, 285, 286, 287 et 289, et religiosi clerici insuper praescriptis can. 279, § 2; in institutis laicalibus iuris pontificii, licentia de qua in can. 285, § 4, concedi potest a proprio Superiore maiore.

## CAPUT V. DE APOSTOLATU INSTITUTORUM

**Can. 673** - Omnium religiosorum apostolatus primum in eorum vitae consecratae testimonio consistit, quod oratione et paenitentia fovere tenentur.

**Can. 674** - Instituta, quae integre ad contemplationem ordinantur, in Corpore Christi mystico praeclaram semper partem obtinent: Deo enim eximium laudis sacrificium offerunt, populum Dei uberrimis sanctitatis fructibus collustrant eumque exemplo movent necnon arcana fecunditate apostolica dilatant. Qua de causa, quantumvis actuosi apostolatus urgeat necessitas, sodales horum institutorum advocari nequeunt ut in variis ministeriis pastoralibus operam adiutricem praestent.

**Can. 675** - § 1. In institutis operibus apostolatus deditis, apostolica actio ad ipsam eorundem naturam pertinet. Proinde, tota vita sodalium spiritu apostolico imbuatur, tota vero

institute loses the capacity of acquiring and possessing and therefore invalidly places acts contrary to the vow of poverty. Moreover, whatever accrues to the professed after renunciation belongs to the institute according to the norm of proper law.

**Can. 669** - § 1. Religious are to wear the habit of the institute, made according to the norm of proper law, as a sign of their consecration and as a witness of poverty.

§ 2. Clerical religious of an institute which does not have a proper habit are to wear clerical dress according to the norm of can. 284.

**Can. 670** - An institute must supply the members with all those things which are necessary to achieve the purpose of their vocation, according to the norm of the constitutions.

**Can. 671** - A religious is not to accept functions and offices outside the institute without the permission of a legitimate superior.

**Can. 672** - Religious are bound by the prescripts of cann. 277, 285, 286, 287, and 289, and religious clerics additionally by the prescripts of can. 279, § 2; in lay institutes of pontifical right, the proper major superior can grant the permission mentioned in can. 285, § 4.

## Chapter V. The Apostolate of Institutes

**Can. 673** - The apostolate of all religious consists first of all in the witness of their consecrated life, which they are bound to foster by prayer and penance.

**Can. 674** - Institutes which are entirely ordered to contemplation always hold a distinguished place in the mystical Body of Christ: for they offer an extraordinary sacrifice of praise to God, illumine the people of God with the richest fruits of holiness, move it by their example, and extend it with hidden apostolic fruitfulness. For this reason, members of these institutes cannot be summoned to furnish assistance in the various pastoral ministries however much the need of the active apostolate urges it.

**Can. 675** - § 1. Apostolic action belongs to the very nature of institutes dedicated to works of the apostolate. Accordingly, the whole life of the members is to be imbued with an apostolic

actio apostolica spiritu religioso informetur.

§ 2. Actio apostolica ex intima cum Deo unione semper procedat eandemque confirmet et foveat.

§ 3. Actio apostolica, nomine et mandato Ecclesiae exercenda, in eius communione peragatur.

**Can. 676** - Laicalia instituta, tum virorum tum mulierum, per misericordiae opera spiritualia et corporalia munus pastorale Ecclesiae participant hominibusque diversissima praestant servitia; quare in suae vocationis gratia fideliter permaneant.

**Can. 677** - § 1. Superiores et sodales missionem et opera instituti propria fideliter retineant; ea tamen, attentis temporum et locorum necessitatibus, prudenter accommodent, novis etiam et opportunis mediis adhibitis.

§ 2. Instituta autem, si quas habeant associationes christifidelium sibi coniunctas, speciali cura adiuvent, ut genuino spiritu suae familiae imbuantur.

**Can. 678** - § 1. Religiosi subsunt potestati Episcoporum, quos devoto obsequio ac reverentia prosequi tenentur, in iis quae curam animarum, exercitium publicum cultus divini et alia apostolatus opera respiciunt.

§ 2. In apostolatu externo exercendo religiosi propriis quoque Superioribus subsunt et disciplinae instituti fideles permanere debent; quam obligationem ipsi Episcopi, si casus ferat, urgere ne omittant.

§ 3. In operibus apostolatus religiosorum ordinandis Episcopi dioecesani et Superiores religiosi collatis consiliis procedant oportet.

**Can. 679** - Episcopus dioecesanus, urgente gravissima causa, sodali instituti religiosi prohibere potest quominus in dioecesi commoretur, si eius Superior maior monitus prospicere neglexerit, re tamen ad Sanctam Sedem statim delata.

**Can. 680** - Inter varia instituta, et etiam inter

spirit; indeed the whole apostolic action is to be informed by a religious spirit.

§ 2. Apostolic action is to proceed always from an intimate union with God and is to confirm and foster this union.

§ 3. Apostolic action, to be exercised in the name and by the mandate of the Church, is to be carried out in the communion of the Church.

**Can. 676** - Lay institutes, whether of men or of women, participate in the pastoral function of the Church through spiritual and corporal works of mercy and offer the most diverse services to people. Therefore, they are to persevere faithfully in the grace of their vocation.

**Can. 677** - § 1. Superiors and members are to retain faithfully the mission and works proper to the institute. Nevertheless, attentive to the necessities of times and places, they are to accommodate them prudently, even employing new and opportune means.

§ 2. Moreover, if they have associations of the Christian faithful joined to them, institutes are to assist them with special care so that they are imbued with the genuine spirit of their family.

**Can. 678** - § 1. Religious are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of divine worship, and other works of the apostolate.

§ 2. In exercising an external apostolate, religious are also subject to their proper superiors and must remain faithful to the discipline of the institute. The bishops themselves are not to fail to urge this obligation if the case warrants it.

§ 3. In organizing the works of the apostolate of religious, diocesan bishops and religious superiors must proceed through mutual consultation.

**Can. 679** - When a most grave cause demands it, a diocesan bishop can prohibit a member of a religious institute from residing in the diocese if his or her major superior, after having been informed, has neglected to make provision; moreover, the matter is to be referred immediately to the Holy See.

**Can. 680** - Among the various institutes and

eadem et clerum saecularem, ordinata foveatur cooperatio necnon, sub moderamine Episcopi dioecesanum, omnium operum et actionum apostolicarum coordinatio, salvis indole, fine singulorum institutorum et legibus foundationis.

**Can. 681** - § 1. Opera quae ab Episcopo dioecesano committuntur religiosis, eiusdem Episcopi auctoritati et directioni subsunt, firmo iure Superiorum religiosorum ad normam can. 678, §§ 2 et 3.

§ 2. In his casibus ineatur conventio scripta inter Episcopum dioecesanum et competentem instituti Superiorem, qua, inter alia, expresse et accurate definiantur quae ad opus explendum, ad sodales eidem addicendos et ad res oeconomicas spectent.

**Can. 682** - § 1. Si de officio ecclesiastico in dioecesi alicui sodali religioso conferendo agatur, ab Episcopo dioecesano religiosus nominatur, praesentante vel saltem assentiente competenti Superiore.

§ 2. Religiosus ab officio commisso amoveri potest ad nutum sive auctoritatis committentis, monito Superiore religioso, sive Superioris, monito committente, non requisito alterius consensu.

**Can. 683** - § 1. Ecclesias et oratoria, quibus christifideles habitualiter accedunt, scholas aliaque opera religionis vel caritatis sive spiritualis sive temporalis religiosis commissa, Episcopus dioecesanus visitare potest, sive per se sive per alium, tempore visitationis pastoralis et etiam in casu necessitatis; non vero scholas, quae exclusive pateant proprii instituti alumni.

§ 2. Quod si forte abusus deprehenderit, frustra Superiore religioso monito, propria auctoritate ipse per se providere potest.

## CAPUT VI. DE SEPARATIONE SODALIUM AB INSTITUTO

### Art. 1. DE TRANSITU AD ALIUD INSTITUTUM

**Can. 684** - § 1. Sodalibus a votis perpetuis nequit a proprio ad aliud institutum religiosum transire,

also between them and the secular clergy, there is to be fostered an ordered cooperation and a coordination under the direction of the diocesan bishop of all the works and apostolic activities, without prejudice to the character and purpose of individual institutes and the laws of the foundation.

**Can. 681** - § 1. Works which a diocesan bishop entrusts to religious are subject to the authority and direction of the same bishop, without prejudice to the right of religious superiors according to the norm of can. 678, §§ 2 and 3.

§ 2. In these cases, the diocesan bishop and the competent superior of the institute are to draw up a written agreement which, among other things, is to define expressly and accurately those things which pertain to the work to be accomplished, the members to be devoted to it, and economic matters.

**Can. 682** - § 1. If it concerns conferring an ecclesiastical office in a diocese upon some religious, the diocesan bishop appoints the religious, with the competent superior making the presentation, or at least assenting to the appointment.

§ 2. A religious can be removed from the office entrusted to him or her at the discretion either of the entrusting authority after having informed the religious superior or of the superior after having informed the one entrusting; neither requires the consent of the other.

**Can. 683** - § 1. At the time of pastoral visitation and also in the case of necessity, the diocesan bishop, either personally or through another, can visit churches and oratories which the Christian faithful habitually attend, schools, and other works of religion or charity, whether spiritual or temporal, entrusted to religious, but not schools which are open exclusively to the institute's own students.

§ 2. If by chance he has discovered abuses and the religious superior has been warned in vain, he himself can make provision on his own authority.

## Chapter VI. Separation of Members from the Institute

### Art. 1. Transfer to Another Institute

**Can. 684** - § 1. A member in perpetual vows cannot transfer from one religious institute to



nisi ex concessione supremi Moderatoris utriusque instituti et de consensu sui cuiusque consilii.

§ 2. Sodalis, post peractam probationem quae ad tres saltem annos protrahenda est, ad professionem perpetuam in novo instituto admitti potest. Si autem sodalis hanc professionem emittere renuat vel ad eam emittendam a competentibus Superioribus non admittatur, ad pristinum institutum redeat, nisi indultum saecularizationis obtinuerit.

§ 3. Ut religiosus a monasterio sui iuris ad aliud eiusdem instituti vel foederationis aut confoederationis transire possit, requiritur et sufficit consensus Superioris maioris utriusque monasterii et capituli monasterii recipientis, salvis aliis requisitis iure proprio statutis; nova professio non requiritur.

§ 4. Ius proprium determinet tempus et modum probationis, quae professioni sodalis in novo instituto praemittenda est.

§ 5. Ut ad institutum saeculare aut ad societatem vitae apostolicae vel ex illis ad institutum religiosum fiat transitus, requiritur licentia Sanctae Sedis, cuius mandatis standum est.

**Can. 685** - § 1. Usque ad emissionem professionis in novo instituto, manentibus votis, iura et obligationes quae sodalis in priore instituto habebat, suspenduntur; ab incepta tamen probatione, ipse ad observantiam iuris proprii novi instituti tenetur.

§ 2. Per professionem in novo instituto sodalis eidem incorporatur, cessantibus votis, iuribus et obligationibus praecedentibus.

## Art. 2. DE EGRESSU AB INSTITUTO

**Can. 686** - § 1. Supremus Moderator, de consensu sui consilii, sodali a votis perpetuis professo, gravi de causa concedere potest indultum exclaustationis, non tamen ultra triennium, praevio consensu Ordinarii loci in quo commorari debet, si agitur de clerico. Indultum prorogare vel illud ultra triennium concedere Sanctae Sedi vel, si de institutis iuris dioecesanii agitur, Episcopo dioecetano reservatur.

§ 2. Pro monialibus indultum exclaustationis

another except by a grant of the supreme moderator of each institute and with the consent of their respective councils.

§ 2. After completing a probation which is to last at least three years, the member can be admitted to perpetual profession in the new institute. If the member refuses to make this profession or is not admitted to make it by competent superiors, however, the member is to return to the original institute unless an indult of secularization has been obtained.

§ 3. For a religious to transfer from an autonomous monastery to another of the same institute or federation or confederation, the consent of the major superior of each monastery and of the chapter of the receiving monastery is required and is sufficient, without prejudice to other requirements established by proper law; a new profession is not required.

§ 4. Proper law is to determine the time and manner of the probation which must precede the profession of a member in the new institute.

§ 5. For a transfer to be made to a secular institute or a society of apostolic life or from them to a religious institute, permission of the Holy See is required, whose mandates must be observed.

**Can. 685** - § 1. Until a person makes profession in the new institute, the rights and obligations which the member had in the former institute are suspended although the vows remain. Nevertheless, from the beginning of probation, the member is bound to the observance of the proper law of the new institute.

§ 2. Through profession in the new institute, the member is incorporated into it while the preceding vows, rights, and obligations cease.

## Art. 2. Departure from An Institute

**Can. 686** - § 1. With the consent of the council, the supreme moderator for a grave cause can grant an indult of exclaustation to a member professed by perpetual vows, but not for more than three years, and if it concerns a cleric, with the prior consent of the ordinary of the place in which he must reside. To extend an indult or to grant it for more than three years is reserved to the Holy See, or to the diocesan bishop if it concerns institutes of diocesan right.

§ 2. It is only for the Apostolic See to grant an

concedere unius Apostolicae Sedis est.

§ 3. Petente supremo Moderatore de consensu sui consilii, exclaustatio imponi potest a Sancta Sede pro sodale instituti iuris pontificii vel ab Episcopo dioecesano pro sodale instituti iuris dioecesani, ob graves causas, servata aequitate et caritate.

**Can. 687** - Sodalis exclaustatus exoneratus habetur ab obligationibus, quae cum nova suae vitae condicione componi nequeunt, itemque sub dependentia et cura manet suorum Superiorum et etiam Ordinarii loci, praesertim si de clerico agitur. Habitum instituti deferre potest, nisi aliud in indulto statuatur. Voce tamen activa et passiva caret.

**Can. 688** - § 1. Qui expleto professionis tempore ab instituto egredi voluerit, illud derelinquere potest.

§ 2. Qui perdurante professione temporaria, gravi de causa, petit ut institutum derelinquat, indultum discedendi consequi potest in instituto iuris pontificii a supremo Moderatore de consensu sui consilii; in institutis autem iuris dioecesani et in monasteriis, de quibus in can. 615, indultum, ut valeat, confirmari debet ab Episcopo domus assignationis.

**Can. 689** - § 1. Sodalis, expleta professione temporaria, si iustae causae affuerint, a competenti Superiore maiore, audito suo consilio, a subsequenti professione emittenda excludi potest.

§ 2. Infirmetas physica vel psychica, etiam post professionem contracta, quae, de iudicio peritorum, sodalem, de quo in § 1, reddit ineptum ad vitam in instituto ducendam, causam constituit eum non admittendi ad professionem renovandam vel ad perpetuam emittendam, nisi ob negligentiam instituti vel ob laborem in instituto peractum infirmetas contracta fuerit.

§ 3. Si vero religiosus, perdurantibus votis temporariis, amens evaserit, etsi novam professionem emittere non valeat, ab instituto tamen dimitti non potest.

indult of exclaustation for nuns.

§ 3. At the petition of the supreme moderator with the consent of the council, exclaustation can be imposed by the Holy See on a member of an institute of pontifical right, or by a diocesan bishop on a member of an institute of diocesan right, for grave causes, with equity and charity observed.

**Can. 687** - An exclaustated member is considered freed from the obligations which cannot be reconciled with the new condition of his or her life, yet remains dependent upon and under the care of superiors and also of the local ordinary, especially if the member is a cleric. The member can wear the habit of the institute unless the indult determines otherwise. Nevertheless, the member lacks active and passive voice.

**Can. 688** - § 1. A person who wishes to leave an institute can depart from it when the time of profession has been completed.

§ 2. During the time of temporary profession, a person who asks to leave the institute for a grave cause can obtain an indult of departure from the supreme moderator with the consent of the council in an institute of pontifical right. In institutes of diocesan right and in the monasteries mentioned in can. 615, however, the bishop of the house of assignment must confirm the indult for it to be valid.

**Can. 689** - § 1. If there are just causes, the competent major superior, after having heard the council, can exclude a member from making a subsequent profession when the period of temporary profession has been completed.

§ 2. Physical or psychic illness, even contracted after profession, which in the judgment of experts renders the member mentioned in § 1 unsuited to lead the life of the institute constitutes a cause for not admitting the member to renew profession or to make perpetual profession, unless the illness had been contracted through the negligence of the institute or through work performed in the institute.

§ 3. If, however, a religious becomes insane during the period of temporary vows, even though unable to make a new profession, the religious cannot be dismissed from the institute.

**Can. 690** - § 1. Qui, expleto novitiatu vel post professionem, legitime ab instituto egressus fuerit, a Moderatore supremo de consensu sui consilii rursus admitti potest sine onere repetendi novitiatum; eiusdem autem Moderatoris erit determinare congruam probationem praevisam professioni temporariae et tempus votorum ante professionem perpetuam praemittendum, ad normam cann. 655 et 657.

§ 2. Eadem facultate gaudet Superior monasterii sui iuris cum consensu sui consilii.

**Can. 691** - § 1. Professus a votis perpetuis indultum discedendi ab instituto ne petat, nisi ob gravissimas causas coram Domino perpensas; petitionem suam deferat supremo instituti Moderatori, qui eam una cum voto suo suique consilii auctoritati competenti transmittat.

§ 2. Huiusmodi indultum in institutis iuris pontificii Sedi Apostolicae reservatur; in institutis vero iuris dioecesani, id etiam Episcopus dioecesis, in qua domus assignationis sita est, concedere potest.

**Can. 692** - Indultum discedendi legitime concessum et sodali notificatum, nisi in actu notificationis ab ipso sodale reiectum fuerit, ipso iure secumfert dispensationem a votis necnon ab omnibus obligationibus ex professione ortis.

**Can. 693** - Si sodalis sit clericus, indultum non conceditur priusquam inveniatur Episcopus qui eum in dioecesi incardinet vel saltem ad experimentum recipiat. Si ad experimentum recipiatur, transacto quinquennio, ipso iure dioecesi incardinatur, nisi Episcopus eum recusaverit.

### Art. 3. DE DIMISSIONE SODALIIUM

**Can. 694** - § 1. Ipso facto dimissus ab instituto habendus est sodalis qui:

1° a fide catholica notorie defecerit;

2° matrimonium contraxerit vel, etiam civiliter tantum, attentaverit;

3° a domo religiosa illegitime absens fuerit, secundum can. 665 § 2, duodecim continuos menses, prae oculis habita eiusdem sodalis

**Can. 690** - § 1. The supreme moderator with the consent of the council can readmit without the burden of repeating the novitiate one who had legitimately left the institute after completing the novitiate or after profession. Moreover, it will be for the same moderator to determine an appropriate probation prior to temporary profession and the time of vows to precede perpetual profession, according to the norm of cann. 655 and 657.

§ 2. The superior of an autonomous monastery with the consent of the council possesses the same faculty.

**Can. 691** - § 1. A perpetually professed religious is not to request an indult of departure from an institute except for the gravest of causes considered before the Lord. The religious is to present a petition to the supreme moderator of the institute who is to transmit it along with a personal opinion and the opinion of the council to the competent authority.

§ 2. In institutes of pontifical right, an indult of this type is reserved to the Apostolic See. In institutes of diocesan right, however, the bishop of the diocese in which the house of assignment is situated can also grant it.

**Can. 692** - Unless it has been rejected by the member in the act of notification, an indult of departure granted legitimately and made known to the member entails by the law itself dispensation from the vows and from all the obligations arising from profession.

**Can. 693** - If a member is a cleric, an indult is not granted before he finds a bishop who incardines him in the diocese or at least receives him experimentally. If he is received experimentally, he is incardinated into the diocese by the law itself after five years have passed, unless the bishop has refused him.

### Art. 3. Dismissal of Members

**Can. 694** - § 1. A religious must be held as dismissed ipso facto from an institute who:

1° has defected notoriously from the Catholic faith;

2° has contracted marriage or attempted it, even only civilly;

3° has been illegitimately absent from the religious house, pursuant to can. 665 § 2, for twelve consecutive months, taking into account

irreperibilitate.

§ 2. His in casibus Superior maior cum suo consilio, nulla mora interposita, collectis probationibus, declarationem facti emittat, ut iuridice constet de dimissione.

§ 3. In casu de quo in § 1 n. 3, talis declaratio ut iuridice constet, a Sancta Sede confirmari debet; quod ad instituta iuris dioecesani attinet, confirmatio ad principis Sedis Episcopum spectat.

**Can. 695** - § 1. Sodalis dimitti debet ob delicta de quibus in cann. 1397, 1398 et 1395, nisi in delictis, de quibus in can. 1395, § 2, Superior censeat dimissionem non esse omnino necessariam et emendationi sodalis atque restitutioni iustitiae et reparationi scandali satis alio modo consuli posse.

§ 2. Hisce in casibus, Superior maior, collectis probationibus circa facta et imputabilitatem, sodali dimittendo accusationem atque probationes significet, data eidem facultate sese defendendi. Acta omnia a Superiore maiore et a notario subscripta, una cum responsionibus sodalis scripto redactis et ab ipso sodale subscriptis, supremo Moderatori transmittantur.

**Can. 696** - § 1. Sodalis dimitti etiam potest ob alias causas, dummodo sint graves, externae, imputabiles et iuridice comprobatae, uti sunt: habitualis neglectus obligationum vitae consecratae; iteratae violationes sacrorum vinculorum; pertinax inoboedientia legitimis praescriptis Superiorum in materia gravi; grave scandalum ex culpabili modo agendi sodalis ortum; pertinax sustentatio vel diffusio doctrinarum ab Ecclesiae magisterio damnatarum; publica adhaesio ideologiis materialismo vel atheismo infectis; illegitima absentia, de qua in can. 665, § 2, per semestre protracta; aliae causae similis gravitatis iure proprio instituti forte determinatae.

§ 2. Ad dimissionem sodalis a votis temporariis, etiam causae minoris gravitatis in iure proprio statutae sufficiunt.

**Can. 697** - In casibus de quibus in can. 696, si

that the location of the religious himself or herself is unknown.

§ 2. In such cases the Major Superior, with his or her Council and without hesitation, having gathered the evidence, must issue the statement of the case so that the dismissal may be established juridically.

§ 3. In the case envisaged by § 1 n. 3, in order to be juridically constituted, this statement must be confirmed by the Holy See; for institutes of diocesan right the confirmation rests with the bishop of the principal seat.

**Can. 695** - § 1. A member must be dismissed for the delicts mentioned in cann. 1397, 1398, and 1395, unless in the delicts mentioned in can. 1395, § 2, the superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.

§ 2. In these cases, after the proofs regarding the facts and imputability have been collected, the major superior is to make known the accusation and proofs to the member to be dismissed, giving the member the opportunity for self-defense. All the acts, signed by the major superior and a notary, together with the responses of the member, put in writing and signed by that member, are to be transmitted to the supreme moderator.

**Can. 696** - § 1. A member can also be dismissed for other causes provided that they are grave, external, imputable, and juridically proven such as: habitual neglect of the obligations of consecrated life; repeated violations of the sacred bonds; stubborn disobedience to the legitimate prescripts of superiors in a grave matter; grave scandal arising from the culpable behavior of the member; stubborn upholding or diffusion of doctrines condemned by the magisterium of the Church; public adherence to ideologies infected by materialism or atheism; the illegitimate absence mentioned in can. 665, § 2, lasting six months; other causes of similar gravity which the proper law of the institute may determine.

§ 2. For the dismissal of a member in temporary vows, even causes of lesser gravity established in proper law are sufficient.

**Can. 697** - In the cases mentioned in can. 696,

Superior maior, audito suo consilio, censuerit processum dimissionis esse inchoandum:

1° probationes colligat vel compleat;

2° sodalem scripto vel coram duobus testibus moneat cum explicita comminatione subsecuturæ dimissionis nisi respiscat, clare significata causa dimissionis et data sodali plena facultate sese defendendi; quod si monitio incassum cedat, ad alteram monitionem, spatio saltem quindecim dierum interposito, procedat;

3° si haec quoque monitio incassum ceciderit et Superior maior cum suo consilio censuerit de incorrigibilitate satis constare et defensiones sodalis insufficientes esse, post quindecim dies ab ultima monitione frustra elapsos, acta omnia ab ipso Superiore maiore et a notario subscripta una cum responsionibus sodalis ab ipso sodale subscriptis supremo Moderatori transmittat.

**Can. 698** - In omnibus casibus, de quibus in cann. 695 et 696, firmum semper manet ius sodalis cum supremo Moderatore communicandi et illi directe suas defensiones exhibendi.

**Can. 699** - § 1. Supremus Moderator cum suo consilio, quod ad validitatem saltem quattuor membris constare debet, collegialiter procedat ad probationes, argumenta et defensiones accurate perpendenda, et si per secretam suffragationem id decisum fuerit, decretum dimissionis ferat, expressis ad validitatem saltem summarie motivis in iure et in facto.

§ 2. In monasteriis sui iuris, de quibus in can. 615, dimissionem decernere pertinet ad Episcopum dioecesanum, cui Superior acta a consilio suo recognita submittat.

**Can. 700** - Decretum dimissionis vim non habet, nisi a Sancta Sede confirmatum fuerit, cui decretum et acta omnia transmittenda sunt; si agatur de instituto iuris dioecesani, confirmatio spectat ad Episcopum dioecesis ubi sita est domus, cui religiosus adscriptus est. Decretum vero, ut valeat, indicare debet ius, quo dimissus gaudet, recurrendi intra decem

if the major superior, after having heard the council, has decided that a process of dismissal must be begun:

1° the major superior is to collect or complete the proofs;

2° the major superior is to warn the member in writing or before two witnesses with an explicit threat of subsequent dismissal unless the member reforms, with the cause for dismissal clearly indicated and full opportunity for self-defense given to the member; if the warning occurs in vain, however, the superior is to proceed to another warning after an intervening space of at least fifteen days;

3° if this warning also occurs in vain and the major superior with the council decides that incorrigibility is sufficiently evident and that the defenses of the member are insufficient, after fifteen days have elapsed from the last warning without effect, the major superior is to transmit to the supreme moderator all the acts, signed personally and by a notary, along with the signed responses of the member.

**Can. 698** - In all the cases mentioned in cann. 695 and 696, the right of the member to communicate with and to offer defenses directly to the supreme moderator always remains intact.

**Can. 699** - § 1. The supreme moderator with the council, which must consist of at least four members for validity, is to proceed collegially to the accurate consideration of the proofs, arguments, and defenses; if it has been decided through secret ballot, the supreme moderator is to issue a decree of dismissal with the reasons in law and in fact expressed at least summarily for validity.

§ 2. In the autonomous monasteries mentioned in can. 615, it belongs to the diocesan bishop, to whom the superior is to submit the acts examined by the council, to decide on dismissal.

**Can. 700** - A decree of dismissal does not have effect unless it has been confirmed by the Holy See, to which the decree and all the acts must be transmitted; if it concerns an institute of diocesan right, confirmation belongs to the bishop of the diocese where the house to which the religious has been attached is situated. To be valid, however, the decree must indicate the

dies a recepta notificatione ad auctoritatem competentem. Recursus effectum habet suspensivum.

**Can. 701** - Legitima dimissione ipso facto cessant vota necnon iura et obligationes ex professione promanantia. Si tamen sodalis sit clericus, sacros ordines exercere nequit, donec Episcopum inveniat qui eum post congruam probationem in dioecesi, ad normam can. 693, recipiat vel saltem exercitium sacrorum ordinum permittat.

**Can. 702** - § 1. Qui ex instituto religioso legitime egrediantur vel ab eo legitime dimissi fuerint, nihil ab eodem repetere possunt ob quamlibet operam in eo praestitam.

§ 2. Institutum tamen aequitatem et evangelicam caritatem servet erga sodalem, qui ab eo separatur.

**Can. 703** - In casu gravis scandali exterioris vel gravissimi nocuenti instituto imminentis, sodalis statim a Superiore maiore vel, si periculum sit in mora, a Superiore locali cum consensu sui consilii e domo religiosa eici potest. Superior maior, si opus sit, dimissionis processum ad normam iuris instituendum curet, aut rem Sedi Apostolicae deferat.

**Can. 704** - De sodalibus, qui ab instituto sunt quoquo modo separati, fiat mentio in relatione Sedi Apostolicae mittenda, de qua in can. 592, § 1.

## CAPUT VII. DE RELIGIOSIS AD EPISCOPATUM ERECTIS

**Can. 705** - Religiosus ad episcopatum eVectus instituti sui sodalis remanet, sed vi voti oboedientiae uni Romano Pontifici obnoxius est, et obligationibus non adstringitur, quas ipse prudenter iudicet cum sua condicione componi non posse.

**Can. 706** - Religiosus de quo supra:

1° si per professionem dominium bonorum amiserit, bonorum quae ipsi obveniant habet usum, usumfructum et administrationem; proprietatem vero Episcopus dioecesanus

right which the dismissed possesses to make recourse to the competent authority within ten days from receiving notification. The recourse has suspensive effect.

**Can. 701** - By legitimate dismissal, vows as well as the rights and obligations deriving from profession cease ipso facto. Nevertheless, if the member is a cleric, he cannot exercise sacred orders until he finds a bishop who receives him into the diocese after an appropriate probation according to the norm of can. 693 or at least permits him to exercise sacred orders.

**Can. 702** - § 1. Those who depart from a religious institute legitimately or have been dismissed from it legitimately can request nothing from the institute for any work done in it.

§ 2. Nevertheless, the institute is to observe equity and the charity of the gospel toward a member who is separated from it.

**Can. 703** - In the case of grave external scandal or of most grave imminent harm to the institute, a member can be expelled immediately from a religious house by the major superior or, if there is danger in delay, by the local superior with the consent of the council. If it is necessary, the major superior is to take care to begin a process of dismissal according to the norm of law or is to refer the matter to the Apostolic See.

**Can. 704** - In the report referred to in can. 592, § 1, which is to be sent to the Apostolic See, mention is to be made of members who have been separated from the institute in any way.

## Chapter VII. Religious Raised to the Episcopate

**Can. 705** - A religious raised to the episcopate remains a member of his institute but is subject only to the Roman Pontiff by virtue of the vow of obedience and is not bound by obligations which he himself prudently judges cannot be reconciled with his condition.

**Can. 706** - The religious mentioned above:

1° if he has lost the right of ownership of goods through profession, has the use, revenue, and administration of goods which accrue to him; a diocesan bishop and the

aliique, de quibus in can. 381, § 2, acquirunt Ecclesiae particulari; ceteri, instituto vel Sanctae Sedi, prout institutum capax est possidendi vel minus;

2° si per professionem dominium bonorum non amiserit, bonorum, quae habebat, recuperat usum, usumfructum et administrationem; quae postea ipsi obveniant, sibi plene acquirunt;

3° in utroque autem casu de bonis, quae ipsi obveniant non intuitu personae, disponere debet secundum offerentium voluntatem.

**Can. 707** - § 1. Religiosus Episcopus emeritus habitationis sedem sibi eligere potest etiam extra domos sui instituti, nisi aliud a Sede Apostolica provisum fuerit.

§ 2. Quoad eius congruam et dignam sustentationem, si cuidam dioecesi inserviverit, servetur can. 402, § 2, nisi institutum proprium talem sustentationem providere voluerit; secus Sedes Apostolica aliter provideat.

## CAPUT VIII. DE CONFERENTIIS SUPERIORUM MAIORUM

**Can. 708** - Superiores maiores utiliter in conferentiis seu consiliis consociari possunt ut, collatis viribus, allaborent sive ad finem singulorum institutorum plenius assequendum, salvis semper eorum autonomia, indole proprioque spiritu, sive ad communia negotia pertractanda, sive ad congruam coordinationem et cooperationem cum Episcoporum conferentiis et etiam cum singulis Episcopis instaurandam.

**Can. 709** - Conferentiae Superiorum maiorum sua habeant statuta a Sancta Sede approbata, a qua unice, etiam in personam iuridicam, erigi possunt et sub cuius supremo moderamine manent.

## TITULUS III. DE INSTITUTIS SAECULARIBUS

**Can. 710** - Institutum saeculare est institutum vitae consecratae, in quo christifideles in saeculo viventes ad caritatis perfectionem contendunt atque ad mundi sanctificationem praesertim ab intus conferre student.

**Can. 711** - Instituti saecularis sodalis vi suae

others mentioned in can. 381, § 2, however, acquire property on behalf of the particular church; others, on behalf of the institute or the Holy See insofar as the institute is capable or not of possession;

2° if he has not lost the right of ownership of goods through profession, recovers the use, revenue, and administration of the goods which he had; those things which accrue to him afterwards he fully acquires for himself;

3° in either case, however, must dispose of goods according to the intention of the donors when they do not accrue to him personally.

**Can. 707** - § 1. A retired religious bishop can choose a place of residence even outside the houses of his institute, unless the Apostolic See has provided otherwise.

§ 2. If he has served some diocese, can. 402, § 2 is to be observed with respect to his appropriate and worthy support, unless his own institute wishes to provide such support; otherwise the Apostolic See is to provide in another manner.

## Chapter VIII. Conferences of Major Superiors

**Can. 708** - Major superiors can be associated usefully in conferences or councils so that by common efforts they work to achieve more fully the purpose of the individual institutes, always without prejudice to their autonomy, character, and proper spirit, or to transact common affairs, or to establish appropriate coordination and cooperation with the conferences of bishops and also with individual bishops.

**Can. 709** - Conferences of major superiors are to have their own statutes approved by the Holy See, by which alone they can be erected even as a juridic person and under whose supreme direction they remain.

## Title III. Secular Institutes

**Can. 710** - A secular institute is an institute of consecrated life in which the Christian faithful, living in the world, strive for the perfection of charity and seek to contribute to the sanctification of the world, especially from within.

**Can. 711** - The consecration of a member of a

consecrationis propriam in populo Dei canonicam condicionem, sive laicalem sive clericalem, non mutat, servatis iuris praescriptis quae instituta vitae consecratae respiciunt.

**Can. 712** - Firmis praescriptis cann. 598-601, constitutiones statuunt vincula sacra, quibus evangelica consilia in instituto assumuntur, et definiunt obligationes quas eadem vincula inducunt, servata tamen in vitae ratione semper propria instituti saecularitate.

**Can. 713** - § 1. Sodales horum institutorum propriam consecrationem in actuositate apostolica exprimunt et exercent, iidemque, ad instar fermenti, omnia spiritu evangelico imbuere satagunt ad robur et incrementum Corporis Christi.

§ 2. Sodales laici, munus Ecclesiae evangelizandi, in saeculo et ex saeculo, participant sive per testimonium vitae christianae et fidelitatis erga suam consecrationem, sive per adiutricem quam praebent operam ad ordinandas secundum Deum res temporales atque ad mundum virtute Evangelii informandum. Suam etiam cooperationem, iuxta propriam vitae rationem saecularem, in communitatis ecclesialis servitium offerunt.

§ 3. Sodales clerici per vitae consecratae testimonium, praesertim in presbyterio, peculiari caritate apostolica confratribus adiutorio sunt, et in populo Dei mundi sanctificationem suo sacro ministerio perficiunt.

**Can. 714** - Sodales vitam in ordinariis mundi condicionibus vel soli, vel in sua quisque familia, vel in vitae fraternae coetu, ad normam constitutionum ducant.

**Can. 715** - § 1. Sodales clerici in dioecesi incardinati ab Episcopo dioecesano dependent, salvis iis quae vitam consecratam in proprio instituto respiciunt.

§ 2. Qui vero ad normam can. 266, § 3 instituto incardinantur, si ad opera instituti propria vel ad regimen instituti destinantur, ad instar religiosorum ab Episcopo dependent.

secular institute does not change the member's proper canonical condition among the people of God, whether lay or clerical, with due regard for the prescripts of the law which refer to institutes of consecrated life.

**Can. 712** - Without prejudice to the prescripts of cann. 598-601, the constitutions are to establish the sacred bonds by which the evangelical counsels are assumed in the institute and are to define the obligations which these same bonds bring about; the proper secularity of the institute, however, is always to be preserved in its way of life.

**Can. 713** - § 1. Members of these institutes express and exercise their own consecration in apostolic activity, and like leaven they strive to imbue all things with the spirit of the gospel for the strengthening and growth of the Body of Christ.

§ 2. In the world and from the world, lay members participate in the evangelizing function of the Church whether through the witness of a Christian life and of fidelity toward their own consecration, or through the assistance they offer to order temporal things according to God and to inform the world by the power of the gospel. They also cooperate in the service of the ecclesial community according to their own secular way of life.

§ 3. Through the witness of consecrated life especially in the presbyterium, clerical members help their brothers by a particular apostolic charity, and by their sacred ministry among the people of God they bring about the sanctification of the world.

**Can. 714** - Members are to lead their lives in the ordinary conditions of the world according to the norm of the constitutions, whether alone, or in their own families, or in a group living as brothers or sisters.

**Can. 715** - § 1. Clerical members incardinated in a diocese are subject to the diocesan bishop, without prejudice to those things which regard consecrated life in their own institute.

§ 2. Those who are incardinated in an institute according to the norm of can. 266, § 3, however, are subject to the bishop like religious if they are appointed to the proper works of the institute or to the governance of the institute.



**Can. 716** - § 1. Sodales omnes vitam instituti, secundum ius proprium, actuose participant.

§ 2. Eiusdem instituti sodales communionem inter se servant, sollicite curantes spiritus unitatem et genuinam fraternitatem.

**Can. 717** - § 1. Constitutiones proprium regiminis modum praescribant, tempus quo Moderatores suo officio fungantur et modum quo iidem designantur definiant.

§ 2. Nemo in Moderatorem supremum designetur, qui non sit definitive incorporatus.

§ 3. Qui regimini instituti praepositi sunt, curent ut eiusdem spiritus unitas servetur et actiosa sodalium participatio promoveatur.

**Can. 718** - Administratio bonorum instituti, quae paupertatem evangelicam exprimere et fovere debet, regitur normis Libri V *De bonis Ecclesiae temporalibus* necnon iure proprio instituti. Item ius proprium definiat obligationes praesertim oeconomicas instituti erga sodales, qui pro ipso operam impendunt.

**Can. 719** - § 1. Sodales, ut vocationi suae fideliter respondeant eorumque actio apostolica ex ipsa unione cum Christo procedat, sedulo orationi vacent, sacrarum Scripturarum lectioni apto modo incumbant, annua recessus tempora servant atque alia spiritualia exercitia iuxta ius proprium peragant.

§ 2. Eucharistiae celebratio, quantum fieri potest cotidiana, sit totius eorum vitae consecratae fons et robur.

§ 3. Libere ad sacramentum poenitentiae accedant, quod frequenter recipiant.

§ 4. Necessarium conscientiae moderamen libere obtineant atque huius generis consilia a suis etiam Moderatoribus, si velint, requirant.

**Can. 720** - Ius admittendi in institutum, vel ad probationem vel ad sacra vincula sive temporaria sive perpetua aut definitiva

**Can. 716** - § 1. All members are to participate actively in the life of the institute according to proper law.

§ 2. Members of the same institute are to preserve communion among themselves, caring solicitously for a spirit of unity and a genuine relationship as brothers or sisters.

**Can. 717** - § 1. The constitutions are to prescribe the proper manner of governance; they are to define the time during which the moderators hold their office and the manner by which they are designated.

§ 2. No one is to be designated as supreme moderator who is not incorporated definitively.

§ 3. Those who have been placed in charge of the governance of an institute are to take care that its unity of spirit is preserved and that the active participation of the members is promoted.

**Can. 718** - The administration of the goods of an institute, which must express and foster evangelical poverty, is governed by the norms of Book V, *The Temporal Goods of the Church*, and by the proper law of the institute. Likewise, proper law is to define the obligations of the institute, especially financial ones, towards members who carry on work for it.

**Can. 719** - § 1. For members to respond faithfully to their vocation and for their apostolic action to proceed from their union with Christ, they are to devote themselves diligently to prayer, to give themselves in a fitting way to the reading of sacred scripture, to observe an annual period of spiritual retreat, and to perform other spiritual exercises according to proper law.

§ 2. The celebration of the Eucharist, daily if possible, is to be the source and strength of their whole consecrated life.

§ 3. They are to approach freely the sacrament of penance which they are to receive frequently.

§ 4. They are to obtain freely necessary direction of conscience and to seek counsel of this kind even from the moderators, if they wish.

**Can. 720** - The right of admission into the institute, either for probation or for the assumption of sacred bonds, whether

assumenda, ad Moderatores maiores cum suo consilio ad normam constitutionum pertinet.

**Can. 721 - § 1.** Invalide admittitur ad initialem probationem:

1° qui maiorem aetatem nondum attigerit;

2° qui sacro vinculo in aliquo instituto vitae consecratae actu obstringitur, aut in societate vitae apostolicae incorporatus est;

3° coniux durante matrimonio.

§ 2. Constitutiones possunt alia admissionis impedimenta etiam ad validitatem statuere vel condiciones apponere.

§ 3. Praeterea, ut quis recipiatur, habeat oportet maturitatem, quae ad vitam instituti propriam recte ducendam est necessaria.

**Can. 722 - § 1.** Probatio initialis eo ordinetur, ut candidati suam divinam vocationem et quidem instituti propriam aptius cognoscant iidemque in spiritu et vivendi modo instituti exercentur.

§ 2. Ad vitam secundum evangelica consilia ducendam candidati rite instituantur atque ad eandem integre in apostolatum convertendam edoceantur, eas adhibentes evangelizationis formas, quae instituti fini, spiritui et indoli magis respondeant.

§ 3. Huius probationis modus et tempus ante sacra vincula in instituto primum suscipienda, biennio non brevius, in constitutionibus definiantur.

**Can. 723 - § 1.** Elapso probationis initialis tempore, candidatus qui idoneus iudicetur, tria consilia evangelica, sacro vinculo firmata, assumat vel ab instituto discedat.

§ 2. Quae prima incorporatio, quinquennio non brevior, ad normam constitutionum temporaria sit.

§ 3. Huius incorporationis tempore elapso, sodalis, qui idoneus iudicetur, admittatur ad incorporationem perpetuam vel definitivam, vinculis scilicet temporariis semper renovandis.

temporary or perpetual or definitive, belongs to the major moderators with their council, according to the norm of the constitutions.

**Can. 721 - § 1.** A person is admitted to initial probation invalidly:

1° who has not yet attained the age of majority;

2° who is bound currently by a sacred bond in some institute of consecrated life or is incorporated in a society of apostolic life;

3° a spouse, while the marriage continues to exist.

§ 2. The constitutions can establish other impediments to admission even for validity or can attach conditions.

§ 3. Moreover, to be received, the person must have the maturity necessary to lead rightly the proper life of the institute.

**Can. 722 - § 1.** Initial probation is to be ordered in a way that the candidates understand more fittingly their own divine vocation, and indeed, the one proper to the institute, and that they are trained in the spirit and way of life of the institute.

§ 2. Candidates are properly to be formed to lead a life according to the evangelical counsels and are to be taught to transform their whole life into the apostolate, employing those forms of evangelization which better respond to the purpose, spirit, and character of the institute.

§ 3. The constitutions are to define the manner and length of this probation before first taking on sacred bonds in the institute; the length is not to be less than two years.

**Can. 723 - § 1.** When the period of initial probation has elapsed, a candidate who is judged suitable is to assume the three evangelical counsels strengthened by a sacred bond or is to depart from the institute.

§ 2. This first incorporation is to be temporary according to the norm of the constitutions; it is not to be less than five years.

§ 3. When the period of this incorporation has elapsed, the member who is judged suitable is to be admitted to perpetual incorporation or to definitive incorporation, that is, with temporary bonds that are always to be renewed.

§ 4. Incorporatio definitiva, quoad certos effectus iuridicos in constitutionibus statuendos, perpetuae aequiparatur.

**Can. 724** - § 1. Institutio post vincula sacra primum assumpta iugiter secundum constitutiones est protrahenda.

§ 2. Sodales in rebus divinis et humanis pari gressu instituuntur; de continua vero eorum spirituali formatione seriam habeant curam instituti Moderatores.

**Can. 725** - Institutum sibi associare potest, aliquo vinculo in constitutionibus determinato, alios christifideles, qui ad evangelicam perfectionem secundum spiritum instituti contendunt eiusdemque missionem participent.

**Can. 726** - § 1. Elapso tempore incorporationis temporariae, sodalis institutum libere derelinquere valet vel a sacrorum vinculorum renovatione iusta de causa a Moderatore maiore, audito suo consilio, excludi potest.

§ 2. Sodalis temporariae incorporationis id sponte petens, indultum discedendi a supremo Moderatore de consensu sui consilii gravi de causa obtinere valet.

**Can. 727** - § 1. Sodalis perpetue incorporatus, qui institutum derelinquere velit, indultum discedendi, re coram Domino serio perpensa, a Sede Apostolica per Moderatorem supremum petit, si institutum est iuris pontificii; secus etiam ab Episcopo dioecesano, prout in constitutionibus definitur.

§ 2. Si agatur de clerico instituto incardinato, servetur praescriptum can. 693.

**Can. 728** - Indulto discedendi legitime concesso, cessant omnia vincula necnon iura et obligationes ab incorporatione promanantia.

**Can. 729** - Sodalis ab instituto dimittitur ad normam cann. 694 § 1, 1 et 2 atque 695;

§ 4. Definitive incorporation is equivalent to perpetual incorporation with regard to the specific juridic effects established in the constitutions.

**Can. 724** - § 1. Formation after the first assumption of sacred bonds is to be continued without interruption according to the constitutions.

§ 2. Members are to be formed in divine and human things at the same time; moreover, moderators of the institute are to have a serious concern for the continued spiritual formation of the members.

**Can. 725** - An institute can associate to itself by some bond determined in the constitutions other members of the Christian faithful who are to strive for evangelical perfection according to the spirit of the institute and are to participate in its mission.

**Can. 726** - § 1. When the period of temporary incorporation has elapsed, a member is able to leave the institute freely or the major moderator, after having heard the council, can exclude a member for a just cause from the renewal of the sacred bonds.

§ 2. For a grave cause, a temporarily incorporated member who freely petitions it is able to obtain an indult of departure from the supreme moderator with the consent of the council.

**Can. 727** - § 1. After having considered the matter seriously before the Lord, a perpetually incorporated member who wishes to leave the institute is to seek an indult of departure from the Apostolic See through the supreme moderator if the institute is of pontifical right; otherwise the member may also seek it from the diocesan bishop, as it is defined in the constitutions.

§ 2. If it concerns a cleric incardinated in the institute, the prescript of can. 693 is to be observed.

**Can. 728** - When an indult of departure has been granted legitimately, all the bonds as well as the rights and obligations deriving from incorporation cease.

**Can. 729** - Dismissal of a member of the institute proceeds pursuant to cann. 694 § 1, 1

constitutiones praeterea determinent alias causas dimissionis, dummodo sint proportionate graves, externae, imputabiles et iuridice comprobatae, atque modus procedendi servetur in cann. 697-700 statutus. Dimisso applicatur praescriptum can. 701.

**Can. 730** - Ut sodalis instituti saecularis ad aliud institutum saeculare transeat, serventur praescripta cann. 684, §§ 1, 2, 4 et 685; ut vero ad institutum religiosum vel ad societatem vitae apostolicae aut ex illis ad institutum saeculare fiat transitus, licentia requiritur Sedis Apostolicae, cuius mandatis standum est.

## SECTIO II. DE SOCIETATIBUS VITAE APOSTOLICAE

**Can. 731** - § 1. Institutis vitae consecratae accedunt societates vitae apostolicae, quarum sodales, sine votis religiosis, finem apostolicum societatis proprium prosequuntur et, vitam fraternam in communi ducentes, secundum propriam vitae rationem, per observantiam constitutionum ad perfectionem caritatis tendunt.

§ 2. Inter has sunt societates in quibus sodales, aliquo vinculo constitutionibus definito, consilia evangelica assumunt.

**Can. 732** - Quae in cann. 578-597, et 606 statuuntur, societatibus vitae apostolicae applicantur, salva tamen uniuscuiusque societatis natura; societatibus vero, de quibus in can. 731, § 2, etiam cann. 598-602 applicantur.

**Can. 733** - § 1. Domus erigitur et communitas localis constituitur a competenti auctoritate societatis, praevio consensu Episcopi dioecesani in scriptis dato, qui etiam consuli debet, cum agitur de eius suppressione.

§ 2. Consensus ad erigendam domum secumfert ius habendi saltem oratorium, in quo sanctissima Eucharistia celebretur et asservetur.

**Can. 734** - Regimen societatis a constitutionibus determinatur, servatis, iuxta naturam uniuscuiusque societatis, cann. 617-633.

**Can. 735** - § 1. Sodalium admissio, probatio,

and 2; and 695. The constitutions may also define other causes for dismissal, provided that they be commensurately serious, external, attributable and juridically proven, and that the procedure established in cann. 697-700 also be observed. The provisions of can. 701 are applicable to the dismissed member.

**Can. 730** - In order for a member of a secular institute to transfer to another secular institute, the prescripts of cann. 684, §§ 1, 2, 4, and 685 are to be observed; moreover, for transfer to be made to a religious institute or to a society of apostolic life or from them to a secular institute, the permission of the Apostolic See is required, whose mandates must be observed.

## Section II. Societies of Apostolic Life

**Can. 731** - § 1. Societies of apostolic life resemble institutes of consecrated life; their members, without religious vows, pursue the apostolic purpose proper to the society and, leading a life in common as brothers or sisters according to their proper manner of life, strive for the perfection of charity through the observance of the constitutions.

§ 2. Among these are societies in which members assume the evangelical counsels by some bond defined in the constitutions.

**Can. 732** - Those things which are established in cann. 578-597 and 606 apply to societies of apostolic life, without prejudice, however, to the nature of each society; moreover, cann. 598-602 apply to the societies mentioned in can. 731, § 2.

**Can. 733** - § 1. The competent authority of the society erects a house and establishes a local community with the previous written consent of the diocesan bishop, who must also be consulted concerning its suppression.

§ 2. Consent to erect a house entails the right to have at least an oratory in which the Most Holy Eucharist is to be celebrated and reserved.

**Can. 734** - The constitutions determine the governance of a society, with cann. 617-633 observed according to the nature of each society.

**Can. 735** - § 1. The proper law of each society

incorporatio et institutio determinantur iure proprio cuiusque societatis.

§ 2. Ad admissionem in societatem quod attinet, servantur condiciones in cann. 642-645 statuae.

§ 3. Ius proprium determinare debet rationem probationis et institutionis fini et indoli societatis accommodatam, praesertim doctrinalem, spiritualem et apostolicam, ita ut sodales vocationem divinam agnoscentes ad missionem et vitam societatis apte praeparentur.

**Can. 736** - § 1. In societatibus clericalibus clerici ipsi societati incardinantur, nisi aliter ferant constitutiones.

§ 2. In iis quae ad rationem studiorum et ad ordines suscipiendos pertinent, servantur normae clericorum saecularium, firma tamen § 1.

**Can. 737** - Incorporatio secumfert ex parte sodalium obligationes et iura in constitutionibus definita, ex parte autem societatis, curam sodales ad finem propriae vocationis perducendi, iuxta constitutiones.

**Can. 738** - § 1. Sodales omnes subsunt propriis Moderatoribus ad normam constitutionum in iis quae vitam internam et disciplinam societatis respiciunt.

§ 2. Subsunt quoque Episcopo dioecetano in iis quae cultum publicum, curam animarum aliaque apostolatus opera respiciunt, attentis cann. 679-683.

§ 3. Relationes sodalis dioecesi incardinati cum Episcopo proprio constitutionibus vel particularibus conventionibus definiuntur.

**Can. 739** - Sodales, praeter obligationes quibus, uti sodales, obnoxii sunt secundum constitutiones, communibus obligationibus clericorum adstringuntur, nisi ex natura rei vel ex contextu sermonis aliud constet.

**Can. 740** - Sodales habitare debent in domo vel in communitate legitime constituta et servare vitam communem, ad normam iuris proprii, quo quidem etiam absentiae a domo vel communitate reguntur.

determines the admission, probation, incorporation, and formation of members.

§ 2. In what pertains to admission into a society, the conditions established in cann. 642- 645 are to be observed.

§ 3. Proper law must determine the manner of probation and formation, especially doctrinal, spiritual, and apostolic, adapted to the purpose and character of the society, in such a way that the members, recognizing their divine vocation, are suitably prepared for the mission and life of the society.

**Can. 736** - § 1. In clerical societies, clerics are incardinated in the society itself unless the constitutions establish otherwise.

§ 2. In those things which belong to the program of studies and to the reception of orders, the norms for secular clerics are to be observed, without prejudice to § 1.

**Can. 737** - Incorporation entails on the part of the members the obligations and rights defined in the constitutions and on the part of the society concern for leading the members to the purpose of their proper vocation according to the constitutions.

**Can. 738** - § 1. All members are subject to their proper moderators according to the norm of the constitutions in those matters which regard the internal life and discipline of the society.

§ 2. They are also subject to the diocesan bishop in those matters which regard public worship, the care of souls, and other works of the apostolate, with attention to cann. 679-683.

§ 3. The constitutions or particular agreements define the relations of a member incardinated in a diocese with his own bishop.

**Can. 739** - In addition to the obligations to which members as members are subject according to the constitutions, they are bound by the common obligations of clerics unless it is otherwise evident from the nature of the thing or the context.

**Can. 740** - Members must live in a house or in a legitimately established community and must observe common life according to the norm of proper law, which also governs absences from the house or community.

**Can. 741** - § 1. Societates et, nisi aliter ferant constitutiones, earum partes et domus, personae sunt iuridicae et, qua tales, capaces bona temporalia acquirendi, possidendi, administrandi et alienandi, ad normam praescriptorum Libri V *De bonis Ecclesiae temporalibus*, cann. 636, 638 et 639, necnon iuris proprii.

§ 2. Sodales capaces quoque sunt, ad normam iuris proprii, bona temporalia acquirendi, possidendi, administrandi de iisque disponendi, sed quidquid ipsis intuitu societatis obveniat, societati acquiritur.

**Can. 742** - Egressus et dimissio sodalis nondum definitive incorporati reguntur constitutionibus cuiusque societatis.

**Can. 743** - Indultum discedendi a societate, cessantibus iuribus et obligationibus ex incorporatione promanantibus, firmo praescripto can. 693, sodalis definitive incorporatus a supremo Moderatore cum consensu eius consilii obtinere potest, nisi id iuxta constitutiones Sanctae Sedi reservetur.

**Can. 744** - § 1. Supremo quoque Moderatori cum consensu sui consilii pariter reservatur licentiam concedere sodali definitive incorporato ad aliam societatem vitae apostolicae transeundi, suspensis interim iuribus et obligationibus propriae societatis, firmo tamen iure redeundi ante definitivam incorporationem in novam societatem.

§ 2. Ut transitus fiat ad institutum vitae consecratae vel ex eo ad societatem vitae apostolicae, licentia requiritur Sanctae Sedis, cuius mandatis standum est.

**Can. 745** - Supremus Moderator cum consensu sui consilii sodali definitive incorporato concedere potest indultum vivendi extra societatem, non tamen ultra triennium, suspensis iuribus et obligationibus quae cum ipsius nova condicione componi non possunt; permanet tamen sub cura Moderatorum. Si agitur de clerico, requiritur praeterea consensus Ordinarii loci in quo commorari debet, sub cuius cura et dependentia etiam manet.

**Can. 741** - § 1. Societies and, unless the constitutions determine otherwise, their parts and houses are juridic persons and, as such, capable of acquiring, possessing, administering, and alienating temporal goods according to the norm of the prescripts of Book V, *The Temporal Goods of the Church*, of cann. 636, 638, and 639, and of proper law.

§ 2. According to the norm of proper law, members are also capable of acquiring, possessing, administering, and disposing of temporal goods, but whatever comes to them on behalf of the society is acquired by the society.

**Can. 742** - The constitutions of each society govern the departure and dismissal of a member not yet definitively incorporated.

**Can. 743** - Without prejudice to the prescript of can. 693, a definitively incorporated member can obtain an indult of departure from the society from the supreme moderator with the consent of the council, unless it is reserved to the Holy See according to the constitutions; with the indult, the rights and obligations deriving from incorporation cease.

**Can. 744** - § 1. It is equally reserved to the supreme moderator with the consent of the council to grant permission for a definitively incorporated member to transfer to another society of apostolic life; the rights and obligations proper to the society are suspended in the meantime, without prejudice to the right of returning before definitive incorporation in the new society.

§ 2. Transfer to an institute of consecrated life or from one to a society of apostolic life requires the permission of the Holy See, whose mandates must be observed.

**Can. 745** - The supreme moderator with the consent of the council can grant an indult to live outside the society to a definitively incorporated member, but not for more than three years; the rights and obligations which cannot be reconciled with the new condition of the member are suspended, but the member remains under the care of the moderators. If it concerns a cleric, moreover, the consent of the ordinary of the place in which he must reside is required, under whose care and dependence he also remains.

**Can. 746** - Ad dimissionem sodalis definitive incorporati servantur, congrua congruis referendo, cann. 694-704.

### LIBER III. DE ECCLESIAE MUNERE DOCENDI

**Can. 747** - § 1. Ecclesiae, cui Christus Dominus fidei depositum concredidit ut ipsa, Spiritu Sancto assistente, veritatem revelatam sancte custodiret, intimius perscrutaretur, fideliter annuntiaret atque exponeret, officium est et ius nativum, etiam mediis communicationis socialis sibi propriis adhibitis, a qualibet humana potestate independens, omnibus gentibus Evangelium praedicandi.

§ 2. Ecclesiae competit semper et ubique principia moralia etiam de ordine sociali annuntiare, necnon iudicium ferre de quibuslibet rebus humanis, quatenus personae humanae iura fundamentalia aut animarum salus id exigat.

**Can. 748** - § 1. Omnes homines veritatem in iis, quae Deum eiusque Ecclesiam respiciunt, quaerere tenentur eamque cognitam amplectendi ac servandi obligatione vi legis divinae adstringuntur et iure gaudent.

§ 2. Homines ad amplectendam fidem catholicam contra ipsorum conscientiam per coercionem adducere nemini unquam fas est.

**Can. 749** - § 1. Infallibilitate in magisterio, vi muneris sui gaudet Summus Pontifex quando ut supremus omnium christifidelium Pastor et Doctor, cuius est fratres suos in fide confirmare, doctrinam de fide vel de moribus tenendam definitive actu proclamat.

§ 2. Infallibilitate in magisterio pollet quoque Collegium Episcoporum quando magisterium exercent Episcopi in Concilio Oecumenico coadunati, qui, ut fidei et morum doctores et iudices, pro universa Ecclesia doctrinam de fide vel de moribus definitive tenendam declarant; aut quando per orbem dispersi, communionis nexum inter se et cum Petri successore servant, una cum eodem Romano Pontifice authentice res fidei vel morum docentes, in unam sententiam tamquam definitive tenendam conveniunt.

§ 3. Infallibiliter definita nulla intellegitur

**Can. 746** - For the dismissal of a definitively incorporated member, cann. 694-704 are to be observed with appropriate adaptations.

### BOOK III. THE TEACHING FUNCTION OF THE CHURCH

**Can. 747** - § 1. The Church, to which Christ the Lord has entrusted the deposit of faith so that with the assistance of the Holy Spirit it might protect the revealed truth reverently, examine it more closely, and proclaim and expound it faithfully, has the duty and innate right, independent of any human power whatsoever, to preach the gospel to all peoples, also using the means of social communication proper to it.

§ 2. It belongs to the Church always and everywhere to announce moral principles, even about the social order, and to render judgment concerning any human affairs insofar as the fundamental rights of the human person or the salvation of souls requires it.

**Can. 748** - § 1. All persons are bound to seek the truth in those things which regard God and his Church and by virtue of divine law are bound by the obligation and possess the right of embracing and observing the truth which they have come to know.

§ 2. No one is ever permitted to coerce persons to embrace the Catholic faith against their conscience.

**Can. 749** - § 1. By virtue of his office, the Supreme Pontiff possesses infallibility in teaching when as the supreme pastor and teacher of all the Christian faithful, who strengthens his brothers and sisters in the faith, he proclaims by definitive act that a doctrine of faith or morals is to be held.

§ 2. The college of bishops also possesses infallibility in teaching when the bishops gathered together in an ecumenical council exercise the magisterium as teachers and judges of faith and morals who declare for the universal Church that a doctrine of faith or morals is to be held definitively; or when dispersed throughout the world but preserving the bond of communion among themselves and with the successor of Peter and teaching authentically together with the Roman Pontiff matters of faith or morals, they agree that a particular proposition is to be held definitively.

§ 3. No doctrine is understood as defined

doctrina, nisi id manifesto constiterit.

**Can. 750** - § 1. Fide divina et catholica ea omnia credenda sunt quae verbo Dei scripto vel tradito, uno scilicet fidei deposito Ecclesiae commisso, continentur, et insimul ut divinitus revelata proponuntur, sive ab Ecclesiae magisterio sollemni, sive ab eius magisterio ordinario et universali; quod quidem communi adhaesione christifidelium sub ductu sacri magisterii manifestatur; tenentur igitur omnes quascumque devitare doctrinas iisdem contrarias.

§ 2. Firmiter etiam amplectenda ac retinenda sunt omnia et singula quae circa doctrinam de fide vel moribus ab Ecclesiae magisterio definitive proponuntur, scilicet quae ad idem fidei depositum sancte custodiendum et fideliter exponendum requiruntur; ideoque doctrinae Ecclesiae catholicae adversatur qui easdem propositiones definitive tenendas recusat.

**Can. 751** - Dicitur haeresis, pertinax, post receptum baptismum, alicuius veritatis fide divina et catholica credendae denegatio, aut de eadem pertinax dubitatio; apostasia, fidei christianae ex toto repudiatio; schisma, subiectionis Summo Pontifici aut communionis cum Ecclesiae membris eidem subditis detrectatio.

**Can. 752** - Non quidem fidei assensus, religiosum tamen intellectus et voluntatis obsequium praestandum est doctrinae, quam sive Summus Pontifex sive Collegium Episcoporum de fide vel de moribus enuntiant, cum magisterium authenticum exercent, etsi definitivo actu eandem proclamare non intendant; christifideles ergo devitare curent quae cum eadem non congruant.

**Can. 753** - Episcopi, qui sunt in communionem cum Collegii capite et membris, sive singuli sive in conferentiis Episcoporum aut in conciliis particularibus congregati, licet infallibilitate in docendo non polleant, christifidelium suae curae commissorum authentici sunt fidei doctores et magistri; cui authentico magisterio suorum Episcoporum christifideles religioso animi obsequio adhaerere tenentur.

infallibly unless this is manifestly evident.

**Can. 750** - § 1. A person must believe with divine and Catholic faith all those things contained in the word of God, written or handed on, that is, in the one deposit of faith entrusted to the Church, and at the same time proposed as divinely revealed either by the solemn magisterium of the Church or by its ordinary and universal magisterium which is manifested by the common adherence of the Christian faithful under the leadership of the sacred magisterium; therefore all are bound to avoid any doctrines whatsoever contrary to them.

§ 2. Each and every thing which is proposed definitively by the magisterium of the Church concerning the doctrine of faith and morals, that is, each and every thing which is required to safeguard reverently and to expound faithfully the same deposit of faith, is also to be firmly embraced and retained; therefore, one who rejects those propositions which are to be held definitively is opposed to the doctrine of the Catholic Church.

**Can. 751** - Heresy is the obstinate denial or obstinate doubt after the reception of baptism of some truth which is to be believed by divine and Catholic faith; apostasy is the total repudiation of the Christian faith; schism is the refusal of submission to the Supreme Pontiff or of communion with the members of the Church subject to him.

**Can. 752** - Although not an assent of faith, a religious submission of the intellect and will must be given to a doctrine which the Supreme Pontiff or the college of bishops declares concerning faith or morals when they exercise the authentic magisterium, even if they do not intend to proclaim it by definitive act; therefore, the Christian faithful are to take care to avoid those things which do not agree with it.

**Can. 753** - Although the bishops who are in communion with the head and members of the college, whether individually or joined together in conferences of bishops or in particular councils, do not possess infallibility in teaching, they are authentic teachers and instructors of the faith for the Christian faithful entrusted to their care; the Christian faithful are bound to adhere with religious submission of mind to the authentic magisterium of their bishops.



**Can. 754** - Omnes christifideles obligatione tenentur servandi constitutiones et decreta, quae ad doctrinam proponendam et erroneas opiniones proscribendas fert legitima Ecclesiae auctoritas, speciali vero ratione, quae edit Romanus Pontifex vel Collegium Episcoporum.

**Can. 755** - § 1. Totius Collegii Episcoporum et Sedis Apostolicae imprimis est fovere et dirigere motum oecumenicum apud catholicos, cuius finis est unitatis redintegratio inter universos christianos, ad quam promovendam Ecclesia ex voluntate Christi tenetur.

§ 2. Episcoporum item est, et, ad normam iuris, Episcoporum conferentiarum, eandem unitatem promovere atque pro variis adiunctorum necessitatibus vel opportunitatibus, normas practicas impertire, attentis praescriptis a suprema Ecclesiae auctoritate latis.

#### TITULUS I. DE DIVINI VERBI MINISTERIO

**Can. 756** - § 1. Quoad universam Ecclesiam munus Evangelii annuntiandi praecipue Romano Pontifici et Collegio Episcoporum commissum est.

§ 2. Quoad Ecclesiam particularem sibi concreditam illud munus exercent singuli Episcopi, qui quidem totius ministerii verbi in eadem sunt moderatores; quandoque vero aliqui Episcopi coniunctim illud explent quoad diversas simul Ecclesias, ad normam iuris.

**Can. 757** - Presbyterorum, qui quidem Episcoporum cooperatores sunt, proprium est Evangelium Dei annuntiare; praesertim hoc officio tenentur, quoad populum sibi commissum, parochi aliique quibus cura animarum concreditur; diaconorum etiam est in ministerio verbi populo Dei, in communione cum Episcopo eiusque presbyterio, inservire.

**Can. 758** - Sodales institutorum vitae consecratae, vi propriae Deo consecrationis, peculiari modo Evangelii testimonium reddunt, iidemque in Evangelio annuntiando ab Episcopo in auxilium convenienter assumuntur.

**Can. 759** - Christifideles laici, vi baptismatis et confirmationis, verbo et vitae christianae

**Can. 754** - All the Christian faithful are obliged to observe the constitutions and decrees which the legitimate authority of the Church issues in order to propose doctrine and to proscribe erroneous opinions, particularly those which the Roman Pontiff or the college of bishops puts forth.

**Can. 755** - § 1. It is above all for the entire college of bishops and the Apostolic See to foster and direct among Catholics the ecumenical movement whose purpose is the restoration among all Christians of the unity which the Church is bound to promote by the will of Christ.

§ 2. It is likewise for the bishops and, according to the norm of law, the conferences of bishops to promote this same unity and to impart practical norms according to the various needs and opportunities of the circumstances; they are to be attentive to the prescripts issued by the supreme authority of the Church.

#### Title I. The Ministry of the Divine Word

**Can. 756** - § 1. With respect to the universal Church, the function of proclaiming the gospel has been entrusted principally to the Roman Pontiff and the college of bishops.

§ 2. With respect to the particular church entrusted to him, an individual bishop, who is the moderator of the entire ministry of the word within it, exercises that function; sometimes several bishops fulfill this function jointly with respect to different churches at once, according to the norm of law.

**Can. 757** - It is proper for presbyters, who are co-workers of the bishops, to proclaim the gospel of God; this duty binds especially pastors and others to whom the care of souls is entrusted with respect to the people committed to them. It is also for deacons to serve the people of God in the ministry of the word in communion with the bishop and his presbyterium.

**Can. 758** - By virtue of their consecration to God, members of institutes of consecrated life give witness to the gospel in a special way and the bishop appropriately calls upon them as a help in proclaiming the gospel.

**Can. 759** - By virtue of baptism and confirmation, lay members of the Christian

exemplo evangelici nuntii sunt testes; vocari etiam possunt ut in exercitio ministerii verbi cum Episcopo et presbyteris cooperentur.

**Can. 760** - In ministerio verbi, quod sacra Scriptura, Traditione, liturgia, magisterio vitaeque Ecclesiae innitatur oportet, Christi mysterium integre ac fideliter proponatur.

**Can. 761** - Varia media ad doctrinam christianam annuntiandam adhibeantur quae praesto sunt, imprimis praedicatio atque catechetica institutio, quae quidem semper principem locum tenent, sed et propositio doctrinae in scholis, in academiis, conferentiis et coadunationibus omnis generis, necnon eiusdem diffusio per declarationes publicas a legitima auctoritate occasione quorundam eventuum factas, prelo aliisque instrumentis communicationis socialis.

#### CAPUT I. DE VERBI DEI PRAEDICATIONE

**Can. 762** - Cum Dei populus primum coadunetur verbo Dei vivi, quod ex ore sacerdotum omnino fas est requirere, munus praedicationis magni habeant sacri ministri, inter quorum praecipua officia sit Evangelium Dei omnibus annuntiare.

**Can. 763** - Episcopis ius est ubique, non exclusis ecclesiis et oratoriis institutorum religiosorum iuris pontificii, Dei verbum praedicare, nisi Episcopus loci in casibus particularibus expresse renuerit.

**Can. 764** - Salvo praescripto can. 765, facultate ubique praedicandi, de consensu saltem praesumpto rectoris ecclesiae exercenda, gaudent presbyteri et diaconi, nisi ab Ordinario competenti eadem facultas restricta fuerit aut sublata, aut lege particulari licentia expressa requiratur.

**Can. 765** - Ad praedicandum religiosi in eorum ecclesiis vel oratoriis licentia requiritur Superioris ad normam constitutionum competentis.

**Can. 766** - Ad praedicandum in ecclesia vel oratorio admitti possunt laici, si certis in

faithful are witnesses of the gospel message by word and the example of a Christian life; they can also be called upon to cooperate with the bishop and presbyters in the exercise of the ministry of the word.

**Can. 760** - The mystery of Christ is to be set forth completely and faithfully in the ministry of the word, which must be based upon sacred Scripture, Tradition, liturgy, the magisterium, and the life of the Church.

**Can. 761** - The various means available are to be used to proclaim Christian doctrine: first of all preaching and catechetical instruction, which always hold the principal place, but also the presentation of doctrine in schools, academies, conferences, and meetings of every type and its diffusion through public declarations in the press or in other instruments of social communication by legitimate authority on the occasion of certain events.

#### Chapter I. The Preaching of the Word of God

**Can. 762** - Sacred ministers, among whose principal duties is the proclamation of the gospel of God to all, are to hold the function of preaching in esteem since the people of God are first brought together by the word of the living God, which it is certainly right to require from the mouth of priests.

**Can. 763** - Bishops have the right to preach the word of God everywhere, including in churches and oratories of religious institutes of pontifical right, unless the local bishop has expressly forbidden it in particular cases.

**Can. 764** - Without prejudice to the prescript of can. 765, presbyters and deacons possess the faculty of preaching everywhere; this faculty is to be exercised with at least the presumed consent of the rector of the church, unless the competent ordinary has restricted or taken away the faculty or particular law requires express permission.

**Can. 765** - Preaching to religious in their churches or oratories requires the permission of the superior competent according to the norm of the constitutions.

**Can. 766** - Lay persons can be permitted to preach in a church or oratory, if necessity

adiunctis necessitas id requirat aut in casibus particularibus utilitas id suadeat, iuxta Episcoporum conferentiae praescripta, et salvo can. 767, § 1.

**Can. 767** - § 1. Inter praedicationis formas eminet homilia, quae est pars ipsius liturgiae et sacerdoti aut diacono reservatur; in eadem per anni liturgici cursum ex textu sacro fidei mysteria et normae vitae christianae exponantur.

§ 2. In omnibus Missis diebus dominicis et festis de praecepto, quae concursu populi celebrantur, homilia habenda est nec omitti potest nisi gravi de causa.

§ 3. Valde commendatur ut, si sufficiens detur populi concursus, homilia habeatur etiam in Missis quae infra hebdomadam, praesertim tempore adventus et quadragesimae aut occasione alicuius festi vel luctuosi eventus, celebrentur.

§ 4. Parochi aut ecclesiae rectoris est curare ut haec praescripta religiose servantur.

**Can. 768** - § 1. Divini verbi praecones christifidelibus imprimis proponant, quae ad Dei gloriam hominumque salutem credere et facere oportet.

§ 2. Impertiant quoque fidelibus doctrinam, quam Ecclesiae magisterium proponit de personae humanae dignitate et libertate, de familiae unitate et stabilitate eiusque muniis, de obligationibus quae ad homines in societate coniunctos pertinent, necnon de rebus temporalibus iuxta ordinem a Deo statutum componendis.

**Can. 769** - Doctrina christiana proponatur modo auditorum conditioni accommodato atque ratione temporum necessitatibus aptata.

**Can. 770** - Parochi certis temporibus, iuxta Episcopi dioecesanii praescripta, illas ordinent praedicationes, quas exercitia spiritualia et sacras missiones vocant, vel alias formas necessitatibus aptatas.

**Can. 771** - § 1. Solliciti sint animarum pastores, praesertim Episcopi et parochi, ut Dei verbum

requires it in certain circumstances or it seems advantageous in particular cases, according to the prescripts of the conference of bishops and without prejudice to can. 767, § 1.

**Can. 767** - § 1. Among the forms of preaching, the homily, which is part of the liturgy itself and is reserved to a priest or deacon, is preeminent; in the homily the mysteries of faith and the norms of Christian life are to be explained from the sacred text during the course of the liturgical year.

§ 2. A homily must be given at all Masses on Sundays and holy days of obligation which are celebrated with a congregation, and it cannot be omitted except for a grave cause.

§ 3. It is strongly recommended that if there is a sufficient congregation, a homily is to be given even at Masses celebrated during the week, especially during the time of Advent and Lent or on the occasion of some feast day or a sorrowful event.

§ 4. It is for the pastor or rector of a church to take care that these prescripts are observed conscientiously.

**Can. 768** - § 1. Those who proclaim the divine word are to propose first of all to the Christian faithful those things which one must believe and do for the glory of God and the salvation of humanity.

§ 2. They are also to impart to the faithful the doctrine which the magisterium of the Church sets forth concerning the dignity and freedom of the human person, the unity and stability of the family and its duties, the obligations which people have from being joined together in society, and the ordering of temporal affairs according to the plan established by God.

**Can. 769** - Christian doctrine is to be set forth in a way accommodated to the condition of the listeners and in a manner adapted to the needs of the times.

**Can. 770** - At certain times according to the prescripts of the diocesan bishop, pastors are to arrange for those types of preaching which are called spiritual exercises and sacred missions or for other forms of preaching adapted to needs.

**Can. 771** - § 1. Pastors of souls, especially bishops and pastors, are to be concerned that

iis quoque fidelibus nuntietur, qui ob vitae suae condicionem communi et ordinaria cura pastoralis non satis fruuntur aut eadem penitus careant.

§ 2. Provideant quoque, ut Evangelii nuntium perveniat ad non credentes in territorio degentes, quippe quos, non secus ac fideles, animarum cura complecti debeat.

**Can. 772** - § 1. Ad exercitium praedicationis quod attinet, ab omnibus praeterea serventur normae ab Episcopo dioecesano latae.

§ 2. Ad sermonem de doctrina christiana faciendum via radiophonica aut televisifica, serventur praescripta ab Episcoporum conferentia statuta.

## CAPUT II. DE CATECHETICA INSTITUTIONE

**Can. 773** - Proprium et grave officium pastorum praesertim animarum est catechesim populi christiani curare, ut fidelium fides, per doctrinae institutionem et vitae christianae experientiam, viva fiat explicita atque operosa.

**Can. 774** - § 1. Sollicitudo catechesis, sub moderamine legitimae ecclesiasticae auctoritatis, ad omnia Ecclesiae membra pro sua cuiusque parte pertinet.

§ 2. Prae ceteris parentes obligatione tenentur verbo et exemplo filios in fide et vitae christianae praxi efformandi; pari obligatione adstringuntur, qui parentum locum tenent atque patrini.

**Can. 775** - § 1. Servatis praescriptis ab Apostolica Sede latis, Episcopi dioecesani est normas de re catechetica edicere itemque prospicere ut apta catechesis instrumenta praesto sint, catechismus etiam parando, si opportunum id videatur, necnon incepta catechetica fovere atque coordinare.

§ 2. Episcoporum conferentiae est, si utile videatur, curare ut catechismi pro suo territorio, praevia Sedis Apostolicae approbatione, edantur.

§ 3. Apud Episcoporum conferentiam institui potest officium catechetikum, cuius praecipuum munus sit singulis dioecesibus in re catechetica auxilium praebere.

**Can. 776** - Parochus, vi sui muneris,

the word of God is also proclaimed to those of the faithful who because of the condition of their life do not have sufficient common and ordinary pastoral care or lack it completely.

§ 2. They are also to make provision that the message of the gospel reaches non-believers living in the territory since the care of souls must also extend to them no less than to the faithful.

**Can. 772** - § 1. In the exercise of preaching, moreover, all are to observe the norms issued by the diocesan bishop.

§ 2. In giving a radio or television talk on Christian doctrine, the prescripts established by the conference of bishops are to be observed.

## Chapter II. Catechetical Instruction

**Can. 773** - It is a proper and grave duty especially of pastors of souls to take care of the catechesis of the Christian people so that the living faith of the faithful becomes manifest and active through doctrinal instruction and the experience of Christian life.

**Can. 774** - § 1. Under the direction of legitimate ecclesiastical authority, solicitude for catechesis belongs to all members of the Church according to each one's role.

§ 2. Parents above others are obliged to form their children by word and example in faith and in the practice of Christian life; sponsors and those who take the place of parents are bound by an equal obligation.

**Can. 775** - § 1. Having observed the prescripts issued by the Apostolic See, it is for the diocesan bishop to issue norms for catechetics, to make provision that suitable instruments of catechesis are available, even by preparing a catechism if it seems opportune, and to foster and coordinate catechetical endeavors.

§ 2. If it seems useful, it is for the conference of bishops to take care that catechisms are issued for its territory, with the previous approval of the Apostolic See.

§ 3. The conference of bishops can establish a catechetical office whose primary function is to assist individual dioceses in catechetical matters.

**Can. 776** - By virtue of his function, a pastor is

catecheticam efformationem adultorum, iuvenum et puerorum curare tenetur, quem in finem sociam sibi operam adhibeat clericorum paroeciae addictorum, sodalium institutorum vitae consecratae necnon societatum vitae apostolicae, habita ratione indolis uniuscuiusque instituti, necnon christifidelium laicorum, praesertim catechistarum; hi omnes, nisi legitime impediti, operam suam libenter praestare ne renuant. Munus parentum, in catechesi familiari, de quo in can. 774, § 2, promoveat et foveat.

**Can. 777** - Peculiari modo parochus, attentis normis ab Episcopo dioecesano statutis, curet:

1° ut apta catechesis impertiatur pro sacramentorum celebratione;

2° ut pueri, ope catecheticae institutionis per congruum tempus impertitae, rite praeparentur ad primam receptionem sacramentorum poenitentiae et sanctissimae Eucharistiae necnon ad sacramentum confirmationis;

3° ut iidem, prima communione recepta, uberius ac profundius catechetica efformatione excolantur;

4° ut catechetica institutio iis etiam tradatur, quantum eorum condicio sinat, qui corpore vel mente sint praepediti;

5° ut iuvenum et adultorum fides, variis formis et inceptis, muniatur, illuminetur atque evolvatur.

**Can. 778** - Curent Superiores religiosi et societatum vitae apostolicae ut in suis ecclesiis, scholis aliisque operibus sibi quoquo modo concreditis, catechetica institutio sedulo impertiatur.

**Can. 779** - Institutio catechetica tradatur omnibus adhibitis auxiliis, subsidiis didacticis et communicationis socialis instrumentis, quae efficaciora videantur ut fideles, ratione eorum indoli, facultatibus et aetati necnon vitae condicionibus aptata, plenius catholicam doctrinam ediscere eamque aptius in praxim deducere valeant.

**Can. 780** - Curent locorum Ordinarii ut catechistae ad munus suum rite explendum debite praeparentur, ut nempe continua

bound to take care of the catechetical formation of adults, youth, and children, to which purpose he is to use the help of the clerics attached to the parish, of members of institutes of consecrated life and of societies of apostolic life, taking into account the character of each institute, and of lay members of the Christian faithful, especially of catechists. None of these are to refuse to offer their help willingly unless they are legitimately impeded. The pastor is to promote and foster the function of parents in the family catechesis mentioned in can. 774, § 2.

**Can. 777** - Attentive to the norms established by the diocesan bishop, a pastor is to take care in a special way:

1° that suitable catechesis is imparted for the celebration of the sacraments;

2° that through catechetical instruction imparted for an appropriate period of time children are prepared properly for the first reception of the sacraments of penance and the Most Holy Eucharist and for the sacrament of confirmation;

3° that having received first communion, these children are enriched more fully and deeply through catechetical formation;

4° that catechetical instruction is given also to those who are physically or mentally impeded, insofar as their condition permits;

5° that the faith of youth and adults is strengthened, enlightened, and developed through various means and endeavors.

**Can. 778** - Religious superiors and superiors of societies of apostolic life are to take care that catechetical instruction is imparted diligently in their churches, schools, and other works entrusted to them in any way.

**Can. 779** - Catechetical instruction is to be given by using all helps, teaching aids, and instruments of social communication which seem more effective so that the faithful, in a manner adapted to their character, capabilities and age, and conditions of life, are able to learn Catholic doctrine more fully and put it into practice more suitably.

**Can. 780** - Local ordinaries are to take care that catechists are duly prepared to fulfill their function properly, namely, that continuing

formatio ipsis praebeatur, iidemque Ecclesiae doctrinam apte cognoscant atque normas disciplinis paedagogicis proprias theoretice ac practice addiscant.

## TITULUS II. DE ACTIONE ECCLESIAE MISSIONALI

**Can. 781** - Cum tota Ecclesia natura sua sit missionaria et opus evangelizationis habendum sit fundamentale officium populi Dei, christifideles omnes, propriae responsabilitatis conscii, partem suam in opere missionali assumant.

**Can. 782** - § 1. Suprema directio et coordinatio inceptorum et actionum quae ad opus missionale atque ad cooperationem missionariam pertinent, competit Romano Pontifici et Collegio Episcoporum.

§ 2. Singuli Episcopi, utpote Ecclesiae universae atque omnium Ecclesiarum sponsores, operis missionalis peculiarem sollicitudinem habeant, praesertim incepta missionalia in propria Ecclesia particulari suscitando, fovendo ac sustinendo.

**Can. 783** - Sodales institutorum vitae consecratae, cum vi ipsius consecrationis sese servitio Ecclesiae dedicent, obligatione tenentur ad operam, ratione suo instituto propria, speciali modo in actione missionali navandam.

**Can. 784** - Missionarii, qui scilicet a competenti auctoritate ecclesiastica ad opus missionale explendum mittuntur, eligi possunt autochthoni vel non, sive clerici saeculares, sive institutorum vitae consecratae vel societatis vitae apostolicae sodales, sive alii christifideles laici.

**Can. 785** - § 1. In opere missionali peragendo assumantur catechistae, christifideles nempe laici debite instructi et vita christiana praestantes, qui, sub moderamine missionarii, doctrinae evangelicae proponendae et liturgicis exercitiis caritatisque operibus ordinandis sese impendant.

§ 2. Catechistae efformentur in scholis ad hoc destinatis vel, ubi desint, sub moderamine missionariorum.

formation is made available to them, that they understand the doctrine of the Church appropriately, and that they learn in theory and in practice the methods proper to the teaching disciplines.

## Title II. The Missionary Action of the Church

**Can. 781** - Since the whole Church is by its nature missionary and the work of evangelization must be held as a fundamental duty of the people of God, all the Christian faithful, conscious of their responsibility, are to assume their part in missionary work.

**Can. 782** - § 1. The Roman Pontiff and the college of bishops have the supreme direction and coordination of endeavors and actions which belong to missionary work and missionary cooperation.

§ 2. As sponsors of the universal Church and of all the churches, individual bishops are to have special solicitude for missionary work, especially by initiating, fostering, and sustaining missionary endeavors in their own particular churches.

**Can. 783** - Since by virtue of their consecration members of institutes of consecrated life dedicate themselves to the service of the Church, they are obliged to engage in missionary action in a special way and in a manner proper to their institute.

**Can. 784** - Missionaries, that is, those whom competent ecclesiastical authority sends to carry out missionary work, can be chosen from among natives or non-natives, whether secular clerics, members of institutes of consecrated life or of societies of apostolic life, or other lay members of the Christian faithful.

**Can. 785** - § 1. Catechists are to be used in carrying out missionary work; catechists are lay members of the Christian faithful, duly instructed and outstanding in Christian life, who devote themselves to setting forth the teaching of the gospel and to organizing liturgies and works of charity under the direction of a missionary.

§ 2. Catechists are to be formed in schools designated for this purpose or, where such schools are lacking, under the direction of missionaries.

**Can. 786** - Actio proprie missionalis, qua Ecclesia implantatur in populis vel coetibus ubi nondum radicata est, ab Ecclesia absolvitur praesertim mittendo Evangelii praecones donec novellae Ecclesiae plene constituentur, cum scilicet instructae sint propriis viribus et sufficientibus mediis, quibus opus evangelizandi per se ipsae peragere valeant.

**Can. 787** - § 1. Missionarii, vitae ac verbi testimonio, dialogum sincerum cum non credentibus in Christum instituunt, ut ipsis, ratione eorundem ingenio et culturae aptata, aperiantur viae quibus ad evangelicum nuntium cognoscendum adduci valeant.

§ 2. Curent ut quos ad evangelicum nuntium recipiendum aestiment paratos, veritates fidei edoceant, ita quidem ut ipsi ad baptismum recipiendum, libere id petentes, admitti possint.

**Can. 788** - § 1. Qui voluntatem amplectendi fidem in Christum manifestaverint, expleto tempore praecatechumenatus, liturgicis caerimoniis admittantur ad catechumenatum, atque eorum nomina scribantur in libro ad hoc destinato.

§ 2. Catechumeni, per vitae christianae institutionem et tirocinium, apte initiuntur mysterio salutis atque introducuntur in vitam fidei, liturgiae et caritatis populi Dei atque apostolatus.

§ 3. Conferentiae Episcoporum est statuta edere quibus catechumenatus ordinetur, determinando quaenam a catechumenis sint praestanda, atque definiendo quaenam eis agnoscantur praerogativae.

**Can. 789** - Neophyti, apta institutione ad veritatem evangelicam penitus cognoscendam et officia per baptismum suscepta implenda efformentur; sincero amore erga Christum eiusque Ecclesiam imbuantur.

**Can. 790** - § 1. Episcopi dioecesani in territorii missionis est:

1° promovere, moderari et coordinare incepta et opera, quae ad actionem missionalem spectant;

**Can. 786** - The Church accomplishes the specifically missionary action which implants the Church among peoples or groups where it has not yet taken root especially by sending heralds of the gospel until the young churches are established fully, that is, when they are provided with the proper resources and sufficient means to be able to carry out the work of evangelization themselves.

**Can. 787** - § 1. By the witness of their life and word, missionaries are to establish a sincere dialogue with those who do not believe in Christ so that, in a manner adapted to their own temperament and culture, avenues are opened enabling them to understand the message of the gospel.

§ 2. Missionaries are to take care that they teach the truths of faith to those whom they consider prepared to receive the gospel message so that they can be admitted to receive baptism when they freely request it.

**Can. 788** - § 1. When the period of the precatechumenate has been completed, those who have made known their intention to embrace faith in Christ are to be admitted to the catechumenate in liturgical ceremonies and their names are to be inscribed in the book designated for this purpose.

§ 2. Through instruction and the first experience of Christian life, catechumens are to be initiated suitably into the mystery of salvation and introduced into the life of the faith, the liturgy, the charity of the people of God, and the apostolate.

§ 3. It is for the conference of bishops to issue statutes which regulate the catechumenate by determining what things must be expected of the catechumens and by defining what prerogatives are to be recognized as theirs.

**Can. 789** - Neophytes are to be formed through suitable instruction to understand the gospel truth more deeply and to fulfill the duties assumed through baptism; they are to be imbued with a sincere love for Christ and his Church.

**Can. 790** - § 1. It is for the diocesan bishop in the territories of a mission:

1° to promote, direct, and coordinate endeavors and works which pertain to missionary action;

2° curare ut debitae ineantur conventiones cum Moderatoribus institutorum quae operi missionali se dedicant, utque relationes cum iisdem in bonum cedant missionis.

§ 2. Praescriptis ab Episcopo dioecesano de quibus in § 1, n. 1 editis, subsunt omnes missionarii, etiam religiosi eorumque auxiliares in eius ditione degentes.

**Can. 791** - In singulis dioecesibus ad cooperationem missionalem fovendam:

1° promoveantur vocationes missionales;

2° sacerdos deputetur ad incepta pro missionibus efficaciter promovenda, praesertim *Pontificia Opera Missionalia*;

3° celebretur dies annualis pro missionibus;

4° solvatur quotannis congrua pro missionibus stips, Sanctae Sedi transmittenda.

**Can. 792** - Episcoporum conferentiae opera instituant ac promoveant, quibus ii qui e terris missionum laboris aut studii causa ad earundem territorium accedant, fraterne recipiantur et congruenti pastoralis cura adiuventur.

### TITULUS III. DE EDUCATIONE CATHOLICA

**Can. 793** - § 1. Parentes, necnon qui eorum locum tenent, obligatione adstringuntur et iure gaudent prolem educandi; parentes catholici officium quoque et ius habent ea eligendi media et instituta quibus, iuxta locorum adiuncta, catholicae filiorum educationi aptius prospicere queant.

§ 2. Parentibus ius est etiam iis fruendi auxiliis a societate civili praestandis, quibus in catholica educatione filiorum procuranda indigeant.

**Can. 794** - § 1. Singulari ratione officium et ius educandi spectat ad Ecclesiam, cui divinitus missio concredita est homines adiuvandi, ut ad christianae vitae plenitudinem pervenire valeant.

§ 2. Animarum pastoribus officium est omnia disponendi, ut educatione catholica omnes fideles fruantur.

2° to take care that appropriate agreements are entered into with moderators of institutes which dedicate themselves to missionary work and that relations with them result in the good of the mission.

§ 2. All missionaries, even religious and their assistants living in his jurisdiction, are subject to the prescripts issued by the diocesan bishop mentioned in § 1, n. 1.

**Can. 791** - To foster missionary cooperation in individual dioceses:

1° missionary vocations are to be promoted;

2° a priest is to be designated to promote effectively endeavors for the missions, especially the Pontifical Missionary Works;

3° an annual day for the missions is to be celebrated;

4° a suitable offering for the missions is to be contributed each year and sent to the Holy See.

**Can. 792** - Conferences of bishops are to establish and promote works by which those who come to their territory from mission lands for the sake of work or study are received as brothers and sisters and assisted with adequate pastoral care.

### Title III. Catholic Education

**Can. 793** - § 1. Parents and those who take their place are bound by the obligation and possess the right of educating their offspring. Catholic parents also have the duty and right of choosing those means and institutions through which they can provide more suitably for the Catholic education of their children, according to local circumstances.

§ 2. Parents also have the right to that assistance, to be furnished by civil society, which they need to secure the Catholic education of their children.

**Can. 794** - § 1. The duty and right of educating belongs in a special way to the Church, to which has been divinely entrusted the mission of assisting persons so that they are able to reach the fullness of the Christian life.

§ 2. Pastors of souls have the duty of arranging everything so that all the faithful have a Catholic education.



**Can. 795** - Cum vera educatio integram persequi debeat personae humanae formationem, spectantem ad finem eius ultimum et simul ad bonum commune societatum, pueri et iuvenes ita excolantur ut suas dotes físicas, morales et intellectuales harmonice evolvere valeant, perfectiorem responsabilitatis sensum libertatisque rectum usum acquirant et ad vitam sociale active participandam conformentur.

## CAPUT I. DE SCHOLIS

**Can. 796** - § 1. Inter media ad excolendam educationem christifideles magni faciant scholas, quae quidem parentibus, in munere educationis implendo, praecipuo auxilio sunt.

§ 2. Cum magistris scholarum, quibus filios educandos concredant, parentes arcte cooperentur oportet; magistri vero in officio suo persolvendo intime collaborent cum parentibus, qui quidem libenter audiendi sunt eorumque consociationes vel conventus instaurentur atque magni existimentur.

**Can. 797** - Parentes in scholis eligendis vera libertate gaudeant oportet; quare christifideles solliciti esse debent ut societas civilis hanc libertatem parentibus agnoscat atque, servata iustitia distributiva, etiam subsidiis tueatur.

**Can. 798** - Parentes filios concredant illis scholis in quibus educationi catholicae provideatur; quod si facere non valeant, obligatione tenentur curandi, ut extra scholas debitae eorundem educationi catholicae prospiciatur.

**Can. 799** - Christifideles enitantur ut in societate civili leges quae iuvenum formationem ordinant, educationi eorum religiosae et morali quoque, iuxta parentum conscientiam, in ipsis scholis prospiciant.

**Can. 800** - § 1. Ecclesiae ius est scholas cuiusvis disciplinae, generis et gradus condendi ac moderandi.

§ 2. Christifideles scholas catholicas foveant, pro viribus adiutricem operam conferentes ad easdem condendas et sustentandas.

**Can. 801** - Instituta religiosa quibus missio

**Can. 795** - Since true education must strive for complete formation of the human person that looks to his or her final end as well as to the common good of societies, children and youth are to be nurtured in such a way that they are able to develop their physical, moral, and intellectual talents harmoniously, acquire a more perfect sense of responsibility and right use of freedom, and are formed to participate actively in social life.

## Chapter I. Schools

**Can. 796** - § 1. Among the means to foster education, the Christian faithful are to hold schools in esteem; schools are the principal assistance to parents in fulfilling the function of education.

§ 2. Parents must cooperate closely with the teachers of the schools to which they entrust their children to be educated; moreover, teachers in fulfilling their duty are to collaborate very closely with parents, who are to be heard willingly and for whom associations or meetings are to be established and highly esteemed.

**Can. 797** - Parents must possess a true freedom in choosing schools; therefore, the Christian faithful must be concerned that civil society recognizes this freedom for parents and even supports it with subsidies; distributive justice is to be observed.

**Can. 798** - Parents are to entrust their children to those schools which provide a Catholic education. If they are unable to do this, they are obliged to take care that suitable Catholic education is provided for their children outside the schools.

**Can. 799** - The Christian faithful are to strive so that in civil society the laws which regulate the formation of youth also provide for their religious and moral education in the schools themselves, according to the conscience of the parents.

**Can. 800** - § 1. The Church has the right to establish and direct schools of any discipline, type, and level.

§ 2. The Christian faithful are to foster Catholic schools, assisting in their establishment and maintenance according to their means.

**Can. 801** - Religious institutes whose proper

educationis propria est, fideliter hanc suam missionem retinentes, satagant educationi catholicae etiam per suas scholas, consentiente Episcopo dioecesano conditas, sese impendere.

**Can. 802** - § 1. Si praesto non sint scholae in quibus educatio tradatur christiano spiritu imbuta, Episcopi dioecesani est curare ut condantur.

§ 2. Ubi id expediat, Episcopus dioecesanus provideat ut scholae quoque condantur professionales et technicae necnon aliae quae specialibus necessitatibus requirantur.

**Can. 803** - § 1. Schola catholica ea intellegitur quam auctoritas ecclesiastica competens aut persona iuridica ecclesiastica publica moderatur, aut auctoritas ecclesiastica documento scripto uti talem agnoscit.

§ 2. Institutio et educatio in schola catholica principiis doctrinae catholicae nitatur oportet; magistri recta doctrina et vitae probitate praestent.

§ 3. Nulla schola, etsi reapse catholica, nomen *scholae catholicae* gerat, nisi de consensu competentis auctoritatis ecclesiasticae.

**Can. 804** - § 1. Ecclesiae auctoritati subicitur institutio et educatio religiosa catholica quae in quibuslibet scholis impertitur aut variis communicationis socialis instrumentis procuratur; Episcoporum conferentiae est de hoc actionis campo normas generales edicere, atque Episcopi dioecesani est eundem ordinare et in eum invigilare.

§ 2. Loci Ordinarius sollicitus sit, ut qui ad religionis institutionem in scholis, etiam non catholicis, deputentur magistri recta doctrina, vitae christianae testimonio atque arte paedagogica sint praestantes.

**Can. 805** - Loci Ordinario pro sua dioecesi ius est nominandi aut approbandi magistros religionis, itemque, si religionis morumve ratio id requirat, amovendi aut exigendi ut amoveantur.

**Can. 806** - § 1. Episcopo dioecesano competit ius invigilandi et invisendi scholas catholicas in suo territorio sitas, eas etiam quae ab

missionis educationis, retinendo suam missionem fidei, sunt etiam adstruendo se devotione ad educationem catholicam per suas scholas, conditas cum consensu Episcopi dioecesanus.

**Can. 802** - § 1. If schools which offer an education imbued with a Christian spirit are not available, it is for the diocesan bishop to take care that they are established.

§ 2. Where it is expedient, the diocesan bishop is to make provision for the establishment of professional schools, technical schools, and other schools required by special needs.

**Can. 803** - § 1. A Catholic school is understood as one which a competent ecclesiastical authority or a public ecclesiastical juridic person directs or which ecclesiastical authority recognizes as such through a written document.

§ 2. The instruction and education in a Catholic school must be grounded in the principles of Catholic doctrine; teachers are to be outstanding in correct doctrine and integrity of life.

§ 3. Even if it is in fact Catholic, no school is to bear the name Catholic school without the consent of competent ecclesiastical authority.

**Can. 804** - § 1. The Catholic religious instruction and education which are imparted in any schools whatsoever or are provided through the various instruments of social communication are subject to the authority of the Church. It is for the conference of bishops to issue general norms about this field of action and for the diocesan bishop to regulate and watch over it.

§ 2. The local ordinary is to be concerned that those who are designated teachers of religious instruction in schools, even in non-Catholic ones, are outstanding in correct doctrine, the witness of a Christian life, and teaching skill.

**Can. 805** - For his own diocese, the local ordinary has the right to appoint or approve teachers of religion and even to remove them or demand that they be removed if a reason of religion or morals requires it.

**Can. 806** - § 1. The diocesan bishop has the right to watch over and visit the Catholic schools in his territory, even those which

institutorum religiosorum sodalibus conditae sint aut dirigantur; eidem item competit praescripta edere quae ad generalem attinent ordinationem scholarum catholicarum: quae praescripta valent de scholis quoque quae ab iisdem sodalibus diriguntur, salva quidem eorumdem quoad internum earum scholarum moderamen autonomia.

§ 2. Curent scholarum catholicarum Moderatores, advigilante loci Ordinario, ut institutio quae in iisdem traditur pari saltem gradu ac in aliis scholis regionis, ratione scientifica sit praestans.

## CAPUT II. DE CATHOLICIS UNIVERSITATIBUS ALIISQUE STUDIORUM SUPERIORUM INSTITUTIS

**Can. 807** - Ius est Ecclesiae erigendi et moderandi studiorum universitates, quae quidem ad altiorem hominum culturam et pleniorum personae humanae promotionem necnon ad ipsius Ecclesiae munus docendi implendum conferant.

**Can. 808** - Nulla studiorum universitas, etsi reapse catholica, titulum seu nomen *universitatis catholicae* gerat, nisi de consensu competentis auctoritatis ecclesiasticae.

**Can. 809** - Episcoporum conferentiae curent ut habeantur, si fieri possit et expediat, studiorum universitates aut saltem facultates, in ipsarum territorio apte distributae, in quibus variae disciplinae, servata quidem earum scientifica autonomia, investigentur et tradantur, doctrinae catholicae ratione habita.

**Can. 810** - § 1. Auctoritati iuxta statuta competenti officium est providendi ut in universitatibus catholicis nominentur docentes qui, praeterquam idoneitate scientifica et paedagogica, doctrinae integritate et vitae probitate praestent utque, deficientibus his requisitis, servato modo procedendi in statutis definito, a munere removeantur.

§ 2. Episcoporum conferentiae et Episcopi dioecesani, quorum interest, officium habent et ius invigilandi, ut in iisdem universitatibus principia doctrinae catholicae fideliter serventur.

**Can. 811** - § 1. Curet auctoritas ecclesiastica

members of religious institutes have founded or direct. He also issues prescripts which pertain to the general regulation of Catholic schools; these prescripts are valid also for schools which these religious direct, without prejudice, however, to their autonomy regarding the internal direction of their schools.

§ 2. Directors of Catholic schools are to take care under the watchfulness of the local ordinary that the instruction which is given in them is at least as academically distinguished as that in the other schools of the area.

## Chapter II. Catholic Universities and Other Institutes of Higher Studies

**Can. 807** - The Church has the right to erect and direct universities, which contribute to a more profound human culture, the fuller development of the human person, and the fulfillment of the teaching function of the Church.

**Can. 808** - Even if it is in fact Catholic, no university is to bear the title or name of Catholic university without the consent of competent ecclesiastical authority.

**Can. 809** - If it is possible and expedient, conferences of bishops are to take care that there are universities or at least faculties suitably spread through their territory, in which the various disciplines are studied and taught, with their academic autonomy preserved and in light of Catholic doctrine.

**Can. 810** - § 1. The authority competent according to the statutes has the duty to make provision so that teachers are appointed in Catholic universities who besides their scientific and pedagogical qualifications are outstanding in integrity of doctrine and probity of life and that they are removed from their function when they lack these requirements; the manner of proceeding defined in the statutes is to be observed.

§ 2. The conferences of bishops and diocesan bishops concerned have the duty and right of being watchful so that the principles of Catholic doctrine are observed faithfully in these same universities.

**Can. 811** - § 1. The competent ecclesiastical

competens ut in universitatibus catholicis erigatur facultas aut institutum aut saltem cathedra theologiae, in qua lectiones laicis quoque studentibus tradantur.

§ 2. In singulis universitatibus catholicis lectiones habeantur, in quibus eae praecipue tractentur quaestiones theologiae, quae cum disciplinis earundem facultatum sunt conexae.

**Can. 812** - Qui in studiorum superiorum institutis quibuslibet disciplinas tradunt theologicas, auctoritatis ecclesiasticae competentis mandatum habeant oportet.

**Can. 813** - Episcopus dioecesanus impensam habeat curam pastorem studentium, etiam per paroeciae erectionem, vel saltem per sacerdotes ad hoc stabiliter deputatos, et provideat ut apud universitates, etiam non catholicas, centra habeantur universitaria catholica, quae iuventuti adiutorio sint, praesertim spirituali.

**Can. 814** - Quae de universitatibus statuuntur praescripta, pari ratione applicantur aliis studiorum superiorum institutis.

### CAPUT III. DE UNIVERSITATIBUS ET FACULTATIBUS ECCLESIASTICIS

**Can. 815** - Ecclesiae, vi muneris sui veritatem revelatam nuntiandi, propriae sunt universitates vel facultates ecclesiasticae ad disciplinas sacras vel cum sacris conexas pervestigandas, atque studentes in iisdem disciplinis scientificè instituendos.

**Can. 816** - § 1. Universitates et facultates ecclesiasticae constitui tantum possunt erectione ab Apostolica Sede facta aut approbatione ab eadem concessa; eidem competit etiam earundem superius moderamen.

§ 2. Singulae universitates et facultates ecclesiasticae sua habere debent statuta et studiorum rationem ab Apostolica Sede approbata.

**Can. 817** - Gradus academicos, qui effectus canonicos in Ecclesia habeant, nulla universitas vel facultas conferre valet, quae non sit ab Apostolica Sede erecta vel approbata.

**Can. 818** - Quae de universitatibus catholicis in

authority is to take care that in Catholic universities a faculty or institute or at least a chair of theology is erected in which classes are also given for lay students.

§ 2. In individual Catholic universities, there are to be classes which especially treat those theological questions which are connected to the disciplines of their faculties.

**Can. 812** - Those who teach theological disciplines in any institutes of higher studies whatsoever must have a mandate from the competent ecclesiastical authority.

**Can. 813** - The diocesan bishop is to have earnest pastoral care for students, even by erecting a parish or at least by designating priests stably for this, and is to make provision that at universities, even non-Catholic ones, there are Catholic university centers which give assistance, especially spiritual assistance, to youth.

**Can. 814** - The prescripts established for universities apply equally to other institutes of higher learning.

### Chapter III. Ecclesiastical Universities and Faculties

**Can. 815** - Ecclesiastical universities or faculties, which are to investigate the sacred disciplines or those connected to the sacred and to instruct students scientifically in the same disciplines, are proper to the Church by virtue of its function to announce the revealed truth.

**Can. 816** - § 1. Ecclesiastical universities and faculties can be established only through erection by the Apostolic See or with its approval; their higher direction also pertains to it.

§ 2. Individual ecclesiastical universities and faculties must have their own statutes and plan of studies approved by the Apostolic See.

**Can. 817** - No university or faculty which has not been erected or approved by the Apostolic See is able to confer academic degrees which have canonical effects in the Church.

**Can. 818** - The prescripts established for

cann. 810, 812 et 813 statuuntur praescripta, de universitatibus facultatibusque ecclesiasticis quoque valent.

**Can. 819** - Quatenus dioecesis aut instituti religiosi immo vel ipsius Ecclesiae universae bonum id requirat, debent Episcopi dioecesani aut institutorum Superiores competentes ad universitates vel facultates ecclesiasticas mittere iuvenes et clericos et sodales indole, virtute et ingenio praestantes.

**Can. 820** - Curent universitatum et facultatum ecclesiasticarum Moderatores ac professores ut variae universitatis facultates mutuam sibi, prout obiectum siverit, praestent operam, utque inter propriam universitatem vel facultatem et alias universitates et facultates, etiam non ecclesiasticas, mutua habeatur cooperatio, qua nempe eaedem coniuncta opera, conventibus, investigationibus scientificis coordinatis aliisque mediis, ad maius scientiarum incrementum conspirent.

**Can. 821** - Provideant Episcoporum conferentia atque Episcopus dioecesanus ut, ubi fieri possit, condantur instituta superiora scientiarum religiosarum, in quibus nempe edoceantur disciplinae theologicae aliaeque quae ad culturam christianam pertineant.

#### TITULUS IV. DE INSTRUMENTIS COMMUNICATIONIS SOCIALIS ET IN SPECIE DE LIBRIS

**Can. 822** - § 1. Ecclesiae pastores, in suo munere explendo iure Ecclesiae proprio utentes, instrumenta communicationis socialis adhibere satagant.

§ 2. Iisdem pastoribus curae sit fideles edocere se officio teneri cooperandi ut instrumentorum communicationis socialis usus humano christianoque spiritu vivificetur.

§ 3. Omnes christifideles, ii praesertim qui quoquo modo in eorundem instrumentorum ordinatione aut usu partem habent, solliciti sint operam adiutricem actioni pastoralis praestare, ita ut Ecclesia etiam his instrumentis munus suum efficaciter exercent.

**Can. 823** - § 1. Ut veritatum fidei morumque integritas servetur, officium et ius est Ecclesiae

Catholic universities in cann. 810, 812, and 813 are also valid for ecclesiastical universities and faculties.

**Can. 819** - To the extent that the good of a diocese, a religious institute, or even the universal Church itself requires it, diocesan bishops or the competent superiors of the institutes must send to ecclesiastical universities or faculties youth, clerics, and members, who are outstanding in character, virtue, and talent.

**Can. 820** - The moderators and professors of ecclesiastical universities and faculties are to take care that the various faculties of the university offer mutual assistance as their subject matter allows and that there is mutual cooperation between their own university or faculty and other universities and faculties, even non-ecclesiastical ones, by which they work together for the greater advance of knowledge through common effort, meetings, coordinated scientific research, and other means.

**Can. 821** - The conference of bishops and the diocesan bishop are to make provision so that where possible, higher institutes of the religious sciences are established, namely, those which teach the theological disciplines and other disciplines which pertain to Christian culture.

#### Title IV. Instruments of Social Communication and Books in Particular

**Can. 822** - § 1. The pastors of the Church, using a right proper to the Church in fulfilling their function, are to endeavor to make use of the instruments of social communication.

§ 2. These same pastors are to take care to teach the faithful that they are bound by the duty of cooperating so that a human and Christian spirit enlivens the use of instruments of social communication.

§ 3. All the Christian faithful, especially those who in any way have a role in the regulation or use of the same instruments, are to be concerned to offer assistance in pastoral action so that the Church exercises its function effectively through these instruments.

**Can. 823** - § 1. In order to preserve the integrity of the truths of faith and morals, the pastors of

pastoribus invigilandi, ne scriptis aut usu instrumentorum communicationis socialis christifidelium fidei aut moribus detrimentum afferatur; item exigendi, ut quae scripta fidem moresve tangant a christifidelibus edenda suo iudicio subiciantur; necnon reprobandi scripta quae rectae fidei aut bonis moribus noceant.

§ 2. Officium et ius, de quibus in § 1, competunt Episcopis, tum singulis tum in conciliis particularibus vel Episcoporum conferentiis adunatis quoad christifideles suae curae commissos, supremae autem Ecclesiae auctoritati quoad universum Dei populum.

**Can. 824 - § 1.** Nisi aliud statuatur, loci Ordinarius, cuius licentia aut approbatio ad libros edendos iuxta canones huius tituli est petenda, est loci Ordinarius proprius auctoris aut Ordinarius loci in quo libri publici iuris fient.

§ 2. Quae in canonibus huius tituli statuuntur de libris, quibuslibet scriptis divulgationi publicae destinatis applicanda sunt, nisi aliud constet.

**Can. 825 - § 1.** Libri sacrarum Scripturarum edi non possunt nisi ab Apostolica Sede aut ab Episcoporum conferentia approbati sint; itemque ut eorundem versiones in linguam vernaculam edi possint, requiritur ut ab eadem auctoritate sint approbatae atque insimul necessariis et sufficientibus explicationibus sint instructae.

§ 2. Versiones sacrarum Scripturarum convenientibus explicationibus instructas, communi etiam cum fratribus seiunctis opera, parare atque edere possunt christifideles catholici de licentia Episcoporum conferentiae.

**Can. 826 - § 1.** Ad libros liturgicos quod attinet, servantur praescripta can. 838.

§ 2. Ut iterum edantur libri liturgici necnon eorum versiones in linguam vernaculam eorumve partes, constare debet de concordantia cum editione approbata ex attestazione Ordinarii loci in quo publici iuris

the Church have the duty and right to be watchful so that no harm is done to the faith or morals of the Christian faithful through writings or the use of instruments of social communication. They also have the duty and right to demand that writings to be published by the Christian faithful which touch upon faith or morals be submitted to their judgment and have the duty and right to condemn writings which harm correct faith or good morals.

§ 2. Bishops, individually or gathered in particular councils or conferences of bishops, have the duty and right mentioned in § 1 with regard to the Christian faithful entrusted to their care; the supreme authority of the Church, however, has this duty and right with regard to the entire people of God.

**Can. 824 - § 1.** Unless it is established otherwise, the local ordinary whose permission or approval to publish books must be sought according to the canons of this title is the proper local ordinary of the author or the ordinary of the place where the books are published.

§ 2. Those things established regarding books in the canons of this title must be applied to any writings whatsoever which are destined for public distribution, unless it is otherwise evident.

**Can. 825 - § 1.** Books of the sacred scriptures cannot be published unless the Apostolic See or the conference of bishops has approved them. For the publication of their translations into the vernacular, it is also required that they be approved by the same authority and provided with necessary and sufficient annotations.

§ 2. With the permission of the conference of bishops, Catholic members of the Christian faithful in collaboration with separated brothers and sisters can prepare and publish translations of the sacred scriptures provided with appropriate annotations.

**Can. 826 - § 1.** The prescripts of can. 838 are to be observed concerning liturgical books.

§ 2. To reprint liturgical books, their translations into the vernacular, or their parts, an attestation of the ordinary of the place where they are published must establish their agreement with the approved edition.

fiunt.

§ 3. Libri precum pro publico vel privato fidelium usu ne edantur nisi de licentia loci Ordinarii.

**Can. 827** - § 1. Catechismi necnon alia scripta ad institutionem catechetica pertinentia eorumve versiones, ut edantur, approbatione egent loci Ordinarii, firmo praescripto can. 775, § 2.

§ 2. Nisi cum approbatione competentis auctoritatis ecclesiasticae editi sint aut ab ea postea approbati, in scholis, sive elementariis sive mediis sive superioribus, uti textus, quibus institutio nititur, adhiberi non possunt libri qui quaestiones respiciunt ad sacram Scripturam, ad theologiam, ius canonicum, historiam ecclesiasticam, et ad religiosas aut morales disciplinas pertinentes.

§ 3. Commendatur ut libri materias de quibus in § 2 tractantes, licet non adhibeantur uti textus in institutione tradenda, itemque scripta in quibus aliquid habetur quod religionis aut morum honestatis peculiariter intersit, iudicio subiciantur loci Ordinarii.

§ 4. In ecclesiis oratoriisve exponi, vendi aut dari non possunt libri vel alia scripta de quaestionibus religionis aut morum tractantia, nisi cum licentia competentis auctoritatis ecclesiasticae edita sint aut ab ea postea approbata.

**Can. 828** - Collectiones decretorum aut actorum ab aliqua auctoritate ecclesiastica editas, iterum edere non licet, nisi impetrata prius eiusdem auctoritatis licentia et servatis condicionibus ab eadem praescriptis.

**Can. 829** - Approbatio vel licentia alicuius operis edendi pro textu originali valet, non vero pro eiusdem novis editionibus vel translationibus.

**Can. 830** - § 1. Integro manente iure uniuscuiusque loci Ordinarii committendi personis sibi probatis iudicium de libris, ab Episcoporum conferentia confici potest elenchus censorum, scientia, recta doctrina et prudentia praestantium, qui curiis dioecesanis praesto sint, aut constitui etiam potest commissio censorum, quam loci Ordinarii consulere possint.

§ 3. Books of prayers for the public or private use of the faithful are not to be published without the permission of the local ordinary.

**Can. 827** - § 1. To be published, catechisms and other writings pertaining to catechetical instruction or their translations require the approval of the local ordinary, without prejudice to the prescript of can. 775, § 2.

§ 2. Books which regard questions pertaining to sacred scripture, theology, canon law, ecclesiastical history, and religious or moral disciplines cannot be used as texts on which instruction is based in elementary, middle, or higher schools unless they have been published with the approval of competent ecclesiastical authority or have been approved by it subsequently.

§ 3. It is recommended that books dealing with the matters mentioned in § 2, although not used as texts in instruction, as well as writings which especially concern religion or good morals are submitted to the judgment of the local ordinary.

§ 4. Books or other writings dealing with questions of religion or morals cannot be exhibited, sold, or distributed in churches or oratories unless they have been published with the permission of competent ecclesiastical authority or approved by it subsequently.

**Can. 828** - It is not permitted to reprint collections of decrees or acts published by some ecclesiastical authority unless the prior permission of the same authority has been obtained and the conditions prescribed by it have been observed.

**Can. 829** - The approval or permission to publish some work is valid for the original text but not for new editions or translations of the same.

**Can. 830** - § 1. The conference of bishops can compile a list of censors outstanding in knowledge, correct doctrine, and prudence to be available to diocesan curias or can also establish a commission of censors which local ordinaries can consult; the right of each local ordinary to entrust judgment regarding books to persons he approves, however, remains intact.

§ 2. Censor, in suo obeundo officio, omni personarum acceptatione seposita, prae oculis tantummodo habeat Ecclesiae de fide et moribus doctrinam, uti a magisterio ecclesiastico proponitur.

§ 3. Censor sententiam suam scripto dare debet; quae si fuerit, Ordinarius pro suo prudenti iudicio licentiam concedat ut editio fiat, expresso suo nomine necnon tempore ac loco concessae licentiae; quod si eam non concedat, rationes denegationis cum operis scriptore Ordinarius communicet.

**Can. 831 - § 1.** In diariis, libellis aut foliis periodicis quae religionem catholicam aut bonos mores manifesto impetere solent, ne quidpiam conscribant christifideles, nisi iusta et rationabili de causa; clerici autem et institutorum religiosorum sodales, tantummodo de licentia loci Ordinarii.

§ 2. Episcoporum conferentiae est normas statuere de requisitis ut clericis atque sodalibus institutorum religiosorum partem habere liceat in tractandis via radiophonica aut televisifica quaestionibus, quae ad doctrinam catholicam aut mores attineant.

**Can. 832 -** Institutorum religiosorum sodales ut scripta quaestiones religionis morumve tractantia edere possint, licentia quoque egent sui Superioris maioris ad normam constitutionum.

## TITULUS V. DE FIDEI PROFESSIONE

**Can. 833 -** Obligatione emittendi personaliter professionem fidei, secundum formulam a Sede Apostolica probatam, tenentur:

1° coram praeside eiusve delegato, omnes qui Concilio Oecumenico vel particulari, synodo Episcoporum atque synodo dioecesanae intersunt cum voto sive deliberativo sive consultivo; praeses autem coram Concilio aut synodo;

2° promoti ad cardinalitiam dignitatem iuxta sacri Collegii statuta;

3° coram delegato ab Apostolica Sede, omnes promoti ad episcopatum, itemque qui Episcopo dioecetano aequiparantur;

§ 2. In fulfilling this office, laying aside any favoritism, the censor is to consider only the doctrine of the Church concerning faith and morals as it is proposed by the ecclesiastical magisterium.

§ 3. A censor must give his or her opinion in writing; if it is favorable, the ordinary, according to his own prudent judgment, is to grant permission for publication to take place, with his name and the time and place of the permission granted expressed. If he does not grant permission, the ordinary is to communicate the reasons for the denial to the author of the work.

**Can. 831 - § 1.** Except for a just and reasonable cause, the Christian faithful are not to write anything for newspapers, magazines, or periodicals which are accustomed to attack openly the Catholic religion or good morals; clerics and members of religious institutes, however, are to do so only with the permission of the local ordinary.

§ 2. It is for the conference of bishops to establish norms concerning the requirements for clerics and members of religious institutes to take part on radio or television in dealing with questions of Catholic doctrine or morals.

**Can. 832 -** Members of religious institutes also need permission of their major superior according to the norm of the constitutions in order to publish writings dealing with questions of religion or morals.

## Title V. The Profession of Faith

**Can. 833 -** The following are obliged personally to make a profession of faith according to the formula approved by the Apostolic See:

1° in the presence of the president or his delegate, all those who attend with either a deliberative or consultative vote an ecumenical or particular council, a synod of bishops, and a diocesan synod; the president, however, makes it in the presence of the council or synod;

2° those promoted to the cardinalial dignity, according to the statutes of the sacred college;

3° in the presence of the one delegated by the Apostolic See, all those promoted to the episcopate as well as those who are equivalent to a diocesan bishop;



4° coram collegio consultorum,  
Administrator dioecesanus;

5° coram Episcopo dioecesano eiusve  
delegato, Vicarii generales et Vicarii  
episcopales necnon Vicarii iudiciales;

6° coram loci Ordinario eiusve delegato,  
parochi, rector, magistri theologiae et  
philosophiae in seminariis, initio suscepti  
muneris; promovendi ad ordinem diaconatus;

7° coram Magno Cancellario eoque  
deficiente coram Ordinario loci eorumve  
delegatis, rector universitatis ecclesiasticae vel  
catholicae, initio suscepti muneris; coram  
rectore, si sit sacerdos, vel coram loci Ordinario  
eorumve delegatis, docentes qui disciplinas ad  
fidem vel mores pertinentes in quibusvis  
universitatibus tradunt, initio suscepti muneris;

8° Superiores in institutis religiosis et  
societatibus vitae apostolicae clericalibus, ad  
normam constitutionum.

#### LIBER IV. DE ECCLESIAE MUNERE SANCTIFICANDI

**Can. 834** - § 1. Munus sanctificandi Ecclesia  
peculiari modo adimplet per sacram liturgiam,  
quae quidem habetur ut Iesu Christi muneris  
sacerdotalis exercitatio, in qua hominum  
sanctificatio per signa sensibilia significatur ac  
modo singulis proprio efficitur, atque a mystico  
Iesu Christi Corpore, Capite nempe et  
membris, integer cultus Dei publicus exercetur.

§ 2. Huiusmodi cultus tunc habetur, cum  
defertur nomine Ecclesiae a personis legitime  
deputatis et per actus ab Ecclesiae auctoritate  
probatos.

**Can. 835** - § 1. Munus sanctificandi exercent  
imprimis Episcopi, qui sunt magni sacerdotes,  
mysteriorum Dei praecipui dispensatores atque  
totius vitae liturgicae in Ecclesia sibi commissa  
moderatores, promotores atque custodes.

§ 2. Illud quoque exercent presbyteri, qui  
nempe, et ipsi Christi sacerdotii participes, ut  
eius ministri sub Episcopi auctoritate, ad cultum  
divinum celebrandum et populum

4° in the presence of the college of  
consultors, the diocesan administrator;

5° in the presence of the diocesan bishop or  
his delegate, vicars general, episcopal vicars,  
and judicial vicars;

6° in the presence of the local ordinary or  
his delegate and at the beginning of their  
function, pastors, the rector of a seminary, and  
teachers of theology and philosophy in  
seminaries; those to be promoted to the order  
of the diaconate;

7° in the presence of the grand chancellor  
or, in his absence, in the presence of the local  
ordinary or their delegates, the rector of an  
ecclesiastical or Catholic university, when the  
rector's function begins; in the presence of the  
rector if he is a priest or in the presence of the  
local ordinary or their delegates, teachers in  
any universities whatsoever who teach  
disciplines pertaining to faith or morals, when  
they begin their function;

8° Superiors in clerical religious institutes  
and societies of apostolic life, according to the  
norm of the constitutions.

#### BOOK IV. THE SANCTIFYING FUNCTION OF THE CHURCH

**Can. 834** - § 1. The Church fulfills its  
sanctifying function in a particular way through  
the sacred liturgy, which is an exercise of the  
priestly function of Jesus Christ. In the sacred  
liturgy the sanctification of humanity is signified  
through sensible signs and effected in a  
manner proper to each sign. In the sacred  
liturgy, the whole public worship of God is  
carried out by the Head and members of the  
mystical Body of Jesus Christ.

§ 2. Such worship takes place when it is carried  
out in the name of the Church by persons  
legitimately designated and through acts  
approved by the authority of the Church.

**Can. 835** - § 1. The bishops in the first place  
exercise the sanctifying function; they are the  
high priests, the principal dispensers of the  
mysteries of God, and the directors, promoters,  
and guardians of the entire liturgical life in the  
church entrusted to them.

§ 2. Presbyters also exercise this function;  
sharing in the priesthood of Christ and as his  
ministers under the authority of the bishop, they  
are consecrated to celebrate divine worship

sanctificandum consecrantur.

§ 3. Diaconi in divino cultu celebrando partem habent, ad normam iuris praescriptorum.

§ 4. In munere sanctificandi propriam sibi partem habent ceteri quoque christifideles actuose liturgicas celebrationes, eucharisticam praesertim, suo modo participando; peculiari modo idem munus participant parentes vitam coniugalem spiritu christiano ducendo et educationem christianam filiorum procurando.

**Can. 836** - Cum cultus christianus, in quo sacerdotium commune christifidelium exercetur, opus sit quod a fide procedit et eadem innititur, ministri sacri eandem excitare et illustrare sedulo curent, ministerio praesertim verbi, quo fides nascitur et nutritur.

**Can. 837** - § 1. Actiones liturgicae non sunt actiones privatae, sed celebrationes Ecclesiae ipsius, quae est «unitatis sacramentum», scilicet plebs sancta sub Episcopis adunata et ordinata; quare ad universum corpus Ecclesiae pertinent illudque manifestant et afficiunt; singula vero membra ipsius attingunt diverso modo, pro diversitate ordinum, munerum et actualis participationis.

§ 2. Actiones liturgicae, quatenus suapte natura celebrationem communem secumferant, ubi id fieri potest, cum frequentia et actuosa participatione christifidelium celebrentur.

**Can. 838** - § 1. Sacrae liturgiae moderatio ab Ecclesiae auctoritate unice pendet: quae quidem est penes Apostolicam Sedem et, ad normam iuris, penes Episcopum dioecesanum.

§ 2. Apostolicae Sedis est sacram liturgiam Ecclesiae universae ordinare, libros liturgicos edere, adaptationes, ad normam iuris a Conferentia Episcoporum approbatas, recognoscere, necnon advigilare ut ordinationes liturgicae ubique fideliter observentur.

§ 3. Ad Episcoporum Conferentias spectat versiones librorum liturgicorum in linguas vernaculas fideliter et convenienter intra limites

and to sanctify the people.

§ 3. Deacons have a part in the celebration of divine worship according to the norm of the prescripts of the law.

§ 4. The other members of the Christian faithful also have their own part in the function of sanctifying by participating actively in their own way in liturgical celebrations, especially the Eucharist. Parents share in a particular way in this function by leading a conjugal life in a Christian spirit and by seeing to the Christian education of their children.

**Can. 836** - Since Christian worship, in which the common priesthood of the Christian faithful is carried out, is a work which proceeds from faith and is based on it, sacred ministers are to take care to arouse and enlighten this faith diligently, especially through the ministry of the word, which gives birth to and nourishes the faith.

**Can. 837** - § 1. Liturgical actions are not private actions but celebrations of the Church itself which is the sacrament of unity, that is, a holy people gathered and ordered under the bishops. Liturgical actions therefore belong to the whole body of the Church and manifest and affect it; they touch its individual members in different ways, however, according to the diversity of orders, functions, and actual participation.

§ 2. Inasmuch as liturgical actions by their nature entail a common celebration, they are to be celebrated with the presence and active participation of the Christian faithful where possible.

**Can. 838** - § 1. The ordering and guidance of the sacred liturgy depends solely upon the authority of the Church, namely, that of the Apostolic See and, as provided by law, that of the diocesan Bishop.

§ 2. It is for the Apostolic See to order the sacred liturgy of the universal Church, publish liturgical books, recognise adaptations approved by the Episcopal Conference according to the norm of law, and exercise vigilance that liturgical regulations are observed faithfully everywhere.

§ 3. It pertains to the Episcopal Conferences to faithfully prepare versions of the liturgical books in vernacular languages, suitably

definitos accommodatas parare et approbare atque libros liturgicos, pro regionibus ad quas pertinent, post confirmationem Apostolicae Sedis, edere.

§ 4. Ad Episcopum dioecesanum in Ecclesia sibi commissa pertinet, intra limites suae competentiae, normas de re liturgica dare, quibus omnes tenentur.

**Can. 839** - § 1. Aliis quoque mediis munus sanctificationis peragit Ecclesia, sive orationibus, quibus Deum deprecatur ut christifideles sanctificati sint in veritate, sive paenitentiae et caritatis operibus, quae quidem magnopere ad Regnum Christi in animis radicandum et roborandum adiuvant et ad mundi salutem conferunt.

§ 2. Curent locorum Ordinarii ut orationes necnon pia et sacra exercitia populi christiani normis Ecclesiae plene congruant.

## PARS I. DE SACRAMENTIS

**Can. 840** - Sacramenta Novi Testamenti, a Christo Domino instituta et Ecclesiae concredita, utpote actiones Christi et Ecclesiae, signa exstant ac media quibus fides exprimitur et roboratur, cultus Deo redditur et hominum sanctificatio efficitur, atque ideo ad communionem ecclesiasticam inducendam, firmandam et manifestandam summopere conferunt; quapropter in iis celebrandis summa veneratione debitaque diligentia uti debent tum sacri ministri tum ceteri christifideles.

**Can. 841** - Cum sacramenta eadem sint pro universa Ecclesia et ad divinum depositum pertineant, unius supremae Ecclesiae auctoritatis est probare vel definire quae ad eorum validitatem sunt requisita, atque eiusdem aliusve auctoritatis competentis, ad normam can. 838, §§ 3 et 4, est discernere quae ad eorum celebrationem, administrationem et receptionem licitam necnon ad ordinem in eorum celebratione servandum spectant.

**Can. 842** - § 1. Ad cetera sacramenta valide admitti nequit, qui baptismum non recepit.

§ 2. Sacramenta baptismi, confirmationis et sanctissimae Eucharistiae ita inter se

accommodated within defined limits, and to approve and publish the liturgical books for the regions for which they are responsible after the confirmation of the Apostolic See.

§ 4. Within the limits of his competence, it belongs to the diocesan Bishop to lay down in the Church entrusted to his care, liturgical regulations which are binding on all.

**Can. 839** - § 1. The Church carries out the function of sanctifying also by other means, both by prayers in which it asks God to sanctify the Christian faithful in truth, and by works of penance and charity which greatly help to root and strengthen the kingdom of Christ in souls and contribute to the salvation of the world.

§ 2. Local ordinaries are to take care that the prayers and pious and sacred exercises of the Christian people are fully in keeping with the norms of the Church.

## Part I. THE SACRAMENTS

**Can. 840** - The sacraments of the New Testament were instituted by Christ the Lord and entrusted to the Church. As actions of Christ and the Church, they are signs and means which express and strengthen the faith, render worship to God, and effect the sanctification of humanity and thus contribute in the greatest way to establish, strengthen, and manifest ecclesiastical communion. Accordingly, in the celebration of the sacraments the sacred ministers and the other members of the Christian faithful must use the greatest veneration and necessary diligence.

**Can. 841** - Since the sacraments are the same for the whole Church and belong to the divine deposit, it is only for the supreme authority of the Church to approve or define the requirements for their validity; it is for the same or another competent authority according to the norm of can. 838 §§ 3 and 4 to decide what pertains to their licit celebration, administration, and reception and to the order to be observed in their celebration.

**Can. 842** - § 1. A person who has not received baptism cannot be admitted validly to the other sacraments.

§ 2. The sacraments of baptism, confirmation, and the Most Holy Eucharist are interrelated in

coalescunt, ut ad plenam initiationem christianam requirantur.

**Can. 843** - § 1. Ministri sacri denegare non possunt sacramenta iis qui opportune eadem petant, rite sint dispositi, nec iure ab iis recipiendis prohibeantur.

§ 2. Animarum pastores ceterique christifideles, pro suo quisque ecclesiastico munere, officium habent curandi ut qui sacramenta petunt debita evangelizatione necnon catechetica institutione ad eadem recipienda praeparentur, attentis normis a competenti auctoritate editis.

**Can. 844** - § 1. Ministri catholici sacramenta licite administrant solis christifidelibus catholicis, qui pariter eadem a solis ministris catholicis licite recipiunt, salvo huius canonis §§ 2, 3 et 4, atque can. 861, § 2 praescriptis.

§ 2. Quoties necessitas id postulet aut vera spiritualis utilitas id suadeat, et dummodo periculum vitetur erroris vel indifferentismi, licet christifidelibus quibus physice aut moraliter impossibile sit accedere ad ministrum catholicum, sacramenta poenitentiae, Eucharistiae et unctionis infirmorum recipere a ministris non catholicis, in quorum Ecclesia valida existunt praedicta sacramenta.

§ 3. Ministri catholici licite sacramenta poenitentiae, Eucharistiae et unctionis infirmorum administrant membris Ecclesiarum orientalium quae plenam cum Ecclesia catholica communionem non habent, si sponte id petant et rite sint disposita; quod etiam valet quoad membra aliarum Ecclesiarum, quae iudicio Sedis Apostolicae, ad sacramenta quod attinet, in pari condicione ac praedictae Ecclesiae orientales versantur.

§ 4. Si adsit periculum mortis aut, iudicio Episcopi dioecesani aut Episcoporum conferentiae, alia urgeat gravis necessitas, ministri catholici licite eadem sacramenta administrant ceteris quoque christianis plenam communionem cum Ecclesia catholica non habentibus, qui ad suae communitatis ministrum accedere nequeant atque sponte id petant, dummodo quoad eadem sacramenta fidem catholicam manifestent et rite sint

such a way that they are required for full Christian initiation.

**Can. 843** - § 1. Sacred ministers cannot deny the sacraments to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them.

§ 2. Pastors of souls and other members of the Christian faithful, according to their respective ecclesiastical function, have the duty to take care that those who seek the sacraments are prepared to receive them by proper evangelization and catechetical instruction, attentive to the norms issued by competent authority.

**Can. 844** - § 1. Catholic ministers administer the sacraments licitly to Catholic members of the Christian faithful alone, who likewise receive them licitly from Catholic ministers alone, without prejudice to the prescripts of §§ 2, 3, and 4 of this canon, and can. 861, § 2.

§ 2. Whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided, the Christian faithful for whom it is physically or morally impossible to approach a Catholic minister are permitted to receive the sacraments of penance, Eucharist, and anointing of the sick from non-Catholic ministers in whose Churches these sacraments are valid.

§ 3. Catholic ministers administer the sacraments of penance, Eucharist, and anointing of the sick licitly to members of Eastern Churches which do not have full communion with the Catholic Church if they seek such on their own accord and are properly disposed. This is also valid for members of other Churches which in the judgment of the Apostolic See are in the same condition in regard to the sacraments as these Eastern Churches.

§ 4. If the danger of death is present or if, in the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it, Catholic ministers administer these same sacraments licitly also to other Christians not having full communion with the Catholic Church, who cannot approach a minister of their own community and who seek such on their own accord, provided that they manifest Catholic faith in respect to these sacraments

dispositi.

§ 5. Pro casibus de quibus in §§ 2, 3 et 4, Episcopus dioecesanus aut Episcoporum conferentia generales normas ne ferant, nisi post consultationem cum auctoritate competenti saltem locali Ecclesiae vel communitatis non catholicae, cuius interest.

**Can. 845** - § 1. Sacramenta baptismi, confirmationis et ordinis, quippe quae characterem imprimant, iterari nequeunt.

§ 2. Si, diligenti inquisitione peracta, prudens adhuc dubium supersit num sacramenta de quibus in § 1 revera aut valide collata fuerint, sub condicione conferantur.

**Can. 846** - § 1. In sacramentis celebrandis fideliter servantur libri liturgici a competenti auctoritate probati; quapropter nemo in iisdem quidpiam proprio Marte addat, demat aut mutet.

§ 2. Minister sacramenta celebret secundum proprium ritum.

**Can. 847** - § 1. In administrandis sacramentis, in quibus sacra olea adhibenda sunt, minister uti debet oleis ex olivis aut aliis ex plantis expressis atque, salvo praescripto can. 999, n. 2, ab Episcopo consecratis vel benedictis, et quidem recenter; veteribus ne utatur, nisi adsit necessitas.

§ 2. Parochus olea sacra a proprio Episcopo impetret eaque decenti custodia diligenter asservet.

**Can. 848** - Minister, praeter oblationes a competenti auctoritate definitas, pro sacramentorum administratione nihil petat, cauto semper ne egentes priventur auxilio sacramentorum ratione paupertatis.

## TITULUS I. DE BAPTISMO

**Can. 849** - Baptismus, ianua sacramentorum, in re vel saltem in voto ad salutem necessarius, quo homines a peccatis liberantur, in Dei filios regenerantur atque indelebili characterе Christo configurati Ecclesiae incorporantur, valide confertur tantummodo per lavacrum aquae verae cum debita verborum forma.

and are properly disposed.

§ 5. For the cases mentioned in §§ 2, 3, and 4, the diocesan bishop or conference of bishops is not to issue general norms except after consultation at least with the local competent authority of the interested non-Catholic Church or community.

**Can. 845** - § 1. Since the sacraments of baptism, confirmation, and orders imprint a character, they cannot be repeated.

§ 2. If after completing a diligent inquiry a prudent doubt still exists whether the sacraments mentioned in § 1 were actually or validly conferred, they are to be conferred conditionally.

**Can. 846** - § 1. In celebrating the sacraments the liturgical books approved by competent authority are to be observed faithfully; accordingly, no one is to add, omit, or alter anything in them on one's own authority.

§ 2. The minister is to celebrate the sacraments according to the minister's own rite.

**Can. 847** - § 1. In administering the sacraments in which holy oils must be used, the minister must use oils pressed from olives or other plants and, without prejudice to the prescript of can. 999, n. 2, consecrated or blessed recently by a bishop; he is not to use old oils unless it is necessary.

§ 2. The pastor is to obtain the holy oils from his own bishop and is to preserve them diligently with proper care.

**Can. 848** - The minister is to seek nothing for the administration of the sacraments beyond the offerings defined by competent authority, always taking care that the needy are not deprived of the assistance of the sacraments because of poverty.

## Title I. Baptism

**Can. 849** - Baptism, the gateway to the sacraments and necessary for salvation by actual reception or at least by desire, is validly conferred only by a washing of true water with the proper form of words. Through baptism men and women are freed from sin, are reborn as children of God, and, configured to Christ by an indelible character, are incorporated into the Church.

## CAPUT I. DE BAPTISMI CELEBRATIONE

**Can. 850** - Baptismus ministratur secundum ordinem in probatis liturgicis libris praescriptum, excepto casu necessitatis urgentis, in quo ea tantum observari debent, quae ad validitatem sacramenti requiruntur.

**Can. 851** - Baptismi celebratio debite praeparetur oportet; itaque:

1° adultus, qui baptismum recipere intendit, ad catechumenatum admittatur et, quatenus fieri potest, per varios gradus ad initiationem sacramentalem perducatur, secundum ordinem initiationis ab Episcoporum conferentia aptatum et peculiare normas ab eadem editas;

2° infantis baptizandi parentes, itemque qui munus patrini sunt suscepturi, de significatione huius sacramenti deque obligationibus cum eo cohaerentibus rite edoceantur; parochus per se vel per alios curet ut ita pastoralibus monitionibus, immo et communi precatione, debite parentes instruantur, plures adunando familias atque, ubi fieri possit, eas visitando.

**Can. 852** - § 1. Quae in canonibus de baptismo adulti habentur praescripta, applicantur omnibus qui, infantia egressi, rationis usum assecuti sunt.

§ 2. Infanti assimilatur, etiam ad baptismum quod attinet, qui non est sui compos.

**Can. 853** - Aqua in baptismo conferendo adhibenda, extra casum necessitatis, benedicta sit oportet, secundum librorum liturgicorum praescripta.

**Can. 854** - Baptismus conferatur sive per immersionem sive per infusionem, servatis Episcoporum conferentiae praescriptis.

**Can. 855** - Curent parentes, patrini et parochus ne imponatur nomen a sensu christiano alienum.

**Can. 856** - Licet baptismus quolibet die celebrari possit, commendatur tamen ut ordinarie die dominica aut, si fieri possit, in vigilia Paschatis, celebretur.

**Can. 857** - § 1. Extra casum necessitatis, proprius baptismi locus est ecclesia aut

## Chapter I. The Celebration of Baptism

**Can. 850** - Baptism is administered according to the order prescribed in the approved liturgical books, except in case of urgent necessity when only those things required for the validity of the sacrament must be observed.

**Can. 851** - The celebration of baptism must be prepared properly; consequently:

1° an adult who intends to receive baptism is to be admitted to the catechumenate and is to be led insofar as possible through the various stages to sacramental initiation, according to the order of initiation adapted by the conference of bishops and the special norms issued by it;

2° the parents of an infant to be baptized and those who are to undertake the function of sponsor are to be instructed properly on the meaning of this sacrament and the obligations attached to it. The pastor personally or through others is to take care that the parents are properly instructed through both pastoral advice and common prayer, bringing several families together and, where possible, visiting them.

**Can. 852** - § 1. The prescripts of the canons on adult baptism are to be applied to all those who, no longer infants, have attained the use of reason.

§ 2. A person who is not responsible for oneself (non sui compos) is also regarded as an infant with respect to baptism.

**Can. 853** - Apart from a case of necessity, the water to be used in conferring baptism must be blessed according to the prescripts of the liturgical books.

**Can. 854** - Baptism is to be conferred either by immersion or by pouring; the prescripts of the conference of bishops are to be observed.

**Can. 855** - Parents, sponsors, and the pastor are to take care that a name foreign to Christian sensibility is not given.

**Can. 856** - Although baptism can be celebrated on any day, it is nevertheless recommended that it be celebrated ordinarily on Sunday or, if possible, at the Easter Vigil.

**Can. 857** - § 1. Apart from a case of necessity, the proper place of baptism is a church or

oratorium.

§ 2. Pro regula habeatur ut adultus baptizetur in propria ecclesia paroeciali, infans vero in ecclesia paroeciali parentum propria, nisi iusta causa aliud suadeat.

**Can. 858** - § 1. Quaevis ecclesia paroecialis baptismalem fontem habeat, salvo iure cumulativo aliis ecclesiis iam quaesito.

§ 2. Loci Ordinarius, audito loci parrocho, potest ad fidelium commoditatem permittere aut iubere, ut fons baptismalis habeatur etiam in alia ecclesia aut oratorio intra paroeciae fines.

**Can. 859** - Si ad ecclesiam paroecialem aut ad aliam ecclesiam vel oratorium, de quo in can. 858, § 2, baptizandus, propter locorum distantiam aliave adiuncta, sine gravi incommodo accedere vel transferri nequeat, baptismus conferri potest et debet in alia propinquiore ecclesia vel oratorio, aut etiam alio in loco decenti.

**Can. 860** - § 1. Praeter casum necessitatis, baptismus ne conferatur in domibus privatis, nisi loci Ordinarius gravi de causa id permiserit.

§ 2. In valetudinariis, nisi aliter Episcopus dioecesanus statuerit, baptismus ne celebretur, nisi in casu necessitatis vel alia ratione pastoralis cogente.

## CAPUT II. DE BAPTISMI MINISTRO

**Can. 861** - § 1. Minister ordinarius baptismi est Episcopus, presbyter et diaconus, firmo praescripto can. 530, n. 1.

§ 2. Absente aut impedito ministro ordinario, licite baptismum confert catechista aliusve ad hoc munus ab Ordinario loci deputatus, immo, in casu necessitatis, quilibet homo debita intentione motus; solliciti sint animarum pastores, praesertim parrochus, ut christifideles de recto baptizandi modo edoceantur.

**Can. 862** - Excepto casu necessitatis, nemini licet, sine debita licentia, in alieno territorio baptismum conferre, ne suis quidem subditis.

oratory.

§ 2. As a rule an adult is to be baptized in his or her parish church and an infant in the parish church of the parents unless a just cause suggests otherwise.

**Can. 858** - § 1. Every parish church is to have a baptismal font, without prejudice to the cumulative right already acquired by other churches.

§ 2. After having heard the local pastor, the local ordinary can permit or order for the convenience of the faithful that there also be a baptismal font in another church or oratory within the boundaries of the parish.

**Can. 859** - If because of distance or other circumstances the one to be baptized cannot go or be brought to the parish church or to the other church or oratory mentioned in can. 858, § 2 without grave inconvenience, baptism can and must be conferred in another nearer church or oratory, or even in another fitting place.

**Can. 860** - § 1. Apart from a case of necessity, baptism is not to be conferred in private houses, unless the local ordinary has permitted it for a grave cause.

§ 2. Except in a case of necessity or for some other compelling pastoral reason, baptism is not to be celebrated in hospitals unless the diocesan bishop has established otherwise.

## Chapter II. The Minister of Baptism

**Can. 861** - § 1. The ordinary minister of baptism is a bishop, a presbyter, or a deacon, without prejudice to the prescript of can. 530, n. 1.

§ 2. When an ordinary minister is absent or impeded, a catechist or another person designated for this function by the local ordinary, or in a case of necessity any person with the right intention, confers baptism licitly. Pastors of souls, especially the pastor of a parish, are to be concerned that the Christian faithful are taught the correct way to baptize.

**Can. 862** - Except in a case of necessity, no one is permitted to confer baptism in the territory of another without the required permission, not even upon his own subjects.

**Can. 863** - Baptismus adultorum, saltem eorum qui aetatem quattuordecim annorum expleverunt, ad Episcopum dioecesanum deferatur ut, si id expedire iudicaverit, ab ipso administretur.

### CAPUT III. DE BAPTIZANDIS

**Can. 864** - Baptismi capax est omnis et solus homo nondum baptizatus.

**Can. 865** - § 1. Ut adultus baptizari possit, oportet voluntatem baptismum recipiendi manifestaverit, de fidei veritatibus obligationibusque christianis sufficienter sit instructus atque in vita christiana per catechumenatum sit probatus; admoneatur etiam ut de peccatis suis doleat.

§ 2. Adultus, qui in periculo mortis versatur, baptizari potest si, aliquam de praecipuis fidei veritatibus cognitionem habens, quovis modo intentionem suam baptismum recipiendi manifestaverit et promittat se christianae religionis mandata esse servaturum.

**Can. 866** - Adultus qui baptizatur, nisi gravis obstet ratio, statim post baptismum confirmetur atque celebrationem eucharisticam, communionem etiam recipiendo, participet.

**Can. 867** - § 1. Parentes obligatione tenentur curandi ut infantes intra priores hebdomadas baptizentur; quam primum post nativitatem, immo iam ante eam, parochum adeant ut sacramentum pro filio petant et debite ad illud praeparentur.

§ 2. Si infans in periculo mortis versetur, sine ulla mora baptizetur.

**Can. 868** - § 1. Ut infans licite baptizetur, oportet:

1° parentes, saltem eorum unus aut qui legitime eorundem locum tenet, consentiant;

2° spes habeatur fundata eum in religione catholica educatum iri, firma § 3; quae si prorsus deficiat, baptismus secundum praescripta iuris particularis differatur, monitis de ratione parentibus.

§ 2. Infans parentum catholicorum, immo et

**Can. 863** - The baptism of adults, at least of those who have completed their fourteenth year, is to be deferred to the diocesan bishop so that he himself administers it if he has judged it expedient.

### Chapter III. Those to be Baptized

**Can. 864** - Every person not yet baptized and only such a person is capable of baptism.

**Can. 865** - § 1. For an adult to be baptized, the person must have manifested the intention to receive baptism, have been instructed sufficiently about the truths of the faith and Christian obligations, and have been tested in the Christian life through the catechumenate. The adult is also to be urged to have sorrow for personal sins.

§ 2. An adult in danger of death can be baptized if, having some knowledge of the principal truths of the faith, the person has manifested in any way at all the intention to receive baptism and promises to observe the commandments of the Christian religion.

**Can. 866** - Unless there is a grave reason to the contrary, an adult who is baptized is to be confirmed immediately after baptism and is to participate in the eucharistic celebration also by receiving communion.

**Can. 867** - § 1. Parents are obliged to take care that infants are baptized in the first few weeks; as soon as possible after the birth or even before it, they are to go to the pastor to request the sacrament for their child and to be prepared properly for it.

§ 2. An infant in danger of death is to be baptized without delay.

**Can. 868** - § 1. For an infant to be baptized licitly:

1° the parents or at least one of them or the person who legitimately takes their place must consent;

2° there must be a founded hope that the infant will be brought up in the Catholic religion, without prejudice of § 3; if such hope is altogether lacking, the baptism is to be delayed according to the prescripts of particular law after the parents have been informed of the reason.

§ 2. An infant of Catholic parents or even of



non catholicorum, in periculo mortis licite baptizatur, etiam invitis parentibus.

§ 3. Infans christianorum non catholicorum licite baptizatur, si parentes aut unus saltem eorum aut is, qui legitime eorundem locum tenet, id petunt et si eis physice aut moraliter impossibile sit accedere ad ministrum proprium.

**Can. 869** - § 1. Si dubitetur num quis baptizatus fuerit, aut baptismus valide collatus fuerit, dubio quidem post seriam investigationem permanente, baptismus eidem sub condicione conferatur.

§ 2. Baptizati in communitate ecclesiali non catholica non sunt sub condicione baptizandi, nisi, inspecta materia et verborum forma in baptismo collato adhibitis necnon attenta intentione baptizati adulti et ministri baptizantis, seria ratio adsit de baptismi validitate dubitandi.

§ 3. Quod si, in casibus de quibus in §§ 1 et 2, dubia remaneat baptismi collatio aut validitas, baptismus ne conferatur nisi postquam baptizando, si sit adultus, doctrina de baptismi sacramento exponatur, atque eidem aut, si de infante agitur, eius parentibus rationes dubiae validitatis baptismi celebrati declarentur.

**Can. 870** - Infans expositus aut inventus, nisi re diligenter investigata de eius baptismo constet, baptizetur.

**Can. 871** - Fetus abortivi, si vivant, quatenus fieri potest, baptizentur.

#### CAPUT IV. DE PATRINIS

**Can. 872** - Baptizando, quantum fieri potest, detur patrinus, cuius est baptizando adulto in initiatione christiana adstare, et baptizandum infantem una cum parentibus ad baptismum praesentare itemque operam dare ut baptizatus vitam christianam baptismis congruam ducat obligationesque eidem inhaerentes fideliter adimpleat.

**Can. 873** - Patrinus unus tantum vel matrina una vel etiam unus et una assumantur.

**Can. 874** - § 1. Ut quis ad munus patrini

non-Catholic parents is baptized licitly in danger of death even against the will of the parents.

§ 3. An infant of non-Catholic Christians parents is baptized licitly if the parents or at least one of them, or the person who legitimately takes their place, request it and if it is physically or morally impossible for them to approach their own minister.

**Can. 869** - § 1. If there is a doubt whether a person has been baptized or whether baptism was conferred validly and the doubt remains after a serious investigation, baptism is to be conferred conditionally.

§ 2. Those baptized in a non-Catholic ecclesial community must not be baptized conditionally unless, after an examination of the matter and the form of the words used in the conferral of baptism and a consideration of the intention of the baptized adult and the minister of the baptism, a serious reason exists to doubt the validity of the baptism.

§ 3. If in the cases mentioned in §§ 1 and 2 the conferral or validity of the baptism remains doubtful, baptism is not to be conferred until after the doctrine of the sacrament of baptism is explained to the person to be baptized, if an adult, and the reasons of the doubtful validity of the baptism are explained to the person or, in the case of an infant, to the parents.

**Can. 870** - An abandoned infant or a foundling is to be baptized unless after diligent investigation the baptism of the infant is established.

**Can. 871** - If aborted fetuses are alive, they are to be baptized insofar as possible.

#### Chapter IV. Sponsors

**Can. 872** - Insofar as possible, a person to be baptized is to be given a sponsor who assists an adult in Christian initiation or together with the parents presents an infant for baptism. A sponsor also helps the baptized person to lead a Christian life in keeping with baptism and to fulfill faithfully the obligations inherent in it.

**Can. 873** - There is to be only one male sponsor or one female sponsor or one of each.

**Can. 874** - § 1. To be permitted to take on the

suscipiendum admittatur, oportet:

1° ab ipso baptizando eiusve parentibus aut ab eo qui eorum locum tenet aut, his deficientibus, a parrocho vel ministro sit designatus atque aptitudinem et intentionem habeat hoc munus gerendi;

2° decimum sextum aetatis annum expleverit, nisi alia aetas ab Episcopo dioecesano statuta fuerit vel exceptio iusta de causa parrocho aut ministro admittenda videatur;

3° sit catholicus, confirmatus et sanctissimum Eucharistiae sacramentum iam receperit, idemque vitam ducat fidei et muneri suscipiendo congruam;

4° nulla poena canonica legitime irrogata vel declarata sit innodatus;

5° non sit pater aut mater baptizandi.

§ 2. Baptizatus ad communitatem ecclesiam non catholicam pertinens, non nisi una cum patre catholico, et quidem ut testis tantum baptismi, admittatur.

#### CAPUT V. DE COLLATI BAPTISMI PROBATIONE ET ADNOTATIONE

**Can. 875** - Qui baptismum administrat curet ut, nisi adsit pater, habeatur saltem testis quo collatio baptismi probari possit.

**Can. 876** - Ad collatum baptismum comprobandum, si nemini fiat praeiudicium, sufficit declaratio unius testis omni exceptione maioris, aut ipsius baptizati iusiurandum, si ipse in aetate adulta baptismum receperit.

**Can. 877** - § 1. Parochus loci, in quo baptismus celebratur, debet nomina baptizatorum, mentione facta de ministro, parentibus, patris necnon, si adsint, testibus, de loco ac die collati baptismi, in baptizatorum libro sedulo et sine ulla mora referre, simul indicatis die et loco nativitatis.

§ 2. Si de filio agatur e matre non nupta nato, matris nomen inserendum est, si publice de eius maternitate constet aut ipsa sponte sua, scripto vel coram duobus testibus, id petat; item nomen patris inscribendum est, si eius

function of sponsor a person must:

1° be designated by the one to be baptized, by the parents or the person who takes their place, or in their absence by the pastor or minister and have the aptitude and intention of fulfilling this function;

2° have completed the sixteenth year of age, unless the diocesan bishop has established another age, or the pastor or minister has granted an exception for a just cause;

3° be a Catholic who has been confirmed and has already received the most holy sacrament of the Eucharist and who leads a life of faith in keeping with the function to be taken on;

4° not be bound by any canonical penalty legitimately imposed or declared;

5° not be the father or mother of the one to be baptized.

§ 2. A baptized person who belongs to a non-Catholic ecclesial community is not to participate except together with a Catholic sponsor and then only as a witness of the baptism.

#### Chapter V. The Proof and Registration of the Conferral of Baptism

**Can. 875** - A person who administers baptism is to take care that, unless a sponsor is present, there is at least a witness who can attest to the conferral of the baptism.

**Can. 876** - To prove the conferral of baptism, if prejudicial to no one, the declaration of one witness beyond all exception is sufficient or the oath of the one baptized if the person received baptism as an adult.

**Can. 877** - § 1. The pastor of the place where the baptism is celebrated must carefully and without any delay record in the baptismal register the names of the baptized, with mention made of the minister, parents, sponsors, witnesses, if any, the place and date of the conferral of the baptism, and the date and place of birth.

§ 2. If it concerns a child born to an unmarried mother, the name of the mother must be inserted, if her maternity is established publicly or if she seeks it willingly in writing or before two witnesses. Moreover, the name of the

paternitas probatur aliquo publico documento aut ipsius declaratione coram paroco et duobus testibus facta; in ceteris casibus, inscribatur baptizatus, nulla facta de patris aut parentum nomine indicatione.

§ 3. Si de filio adoptivo agitur, inscribantur nomina adoptantium necnon, saltem si ita fiat in actu civili regionis, parentum naturalium ad normam §§ 1 et 2, attentis Episcoporum conferentiae praescriptis.

**Can. 878** - Si baptismus neque a paroco neque eo praesente administratus fuerit, minister baptismi, quicumque est, de collato baptismo certiore facere debet parochum paroeciae in qua baptismus administratus est, ut baptismum adnotet ad normam can. 877, § 1.

## TITULUS II. DE SACRAMENTO CONFIRMATIONIS

**Can. 879** - Sacramentum confirmationis, quod characterem imprimit et quo baptizati, iter initiationis christianae prosequentes, Spiritus Sancti dono ditantur atque perfectius Ecclesiae vinculantur, eosdem roborat arctiusque obligat ut verbo et opere testes sint Christi fidemque diffundant et defendant.

### CAPUT I. DE CONFIRMATIONIS CELEBRATIONE

**Can. 880** - § 1. Sacramentum confirmationis confertur per unctionem chrismatis in fronte, quae fit manus impositione atque per verba in probatis liturgicis libris praescripta.

§ 2. Chrisma in sacramento confirmationis adhibendum debet esse ab Episcopo consecratum, etiamsi sacramentum a presbytero ministretur.

**Can. 881** - Expedit ut confirmationis sacramentum in ecclesia, et quidem intra Missam, celebretur; ex causa tamen iusta et rationabili, extra Missam et quolibet loco digno celebrari potest.

### CAPUT II. DE CONFIRMATIONIS MINISTRO

**Can. 882** - Confirmationis minister ordinarius

father must be inscribed if a public document or his own declaration before the pastor and two witnesses proves his paternity; in other cases, the name of the baptized is inscribed with no mention of the name of the father or the parents.

§ 3. If it concerns an adopted child, the names of those adopting are to be inscribed and, at least if it is done in the civil records of the region, also the names of the natural parents according to the norm of §§ 1 and 2, with due regard for the prescripts of the conference of bishops.

**Can. 878** - If the baptism was not administered by the pastor or in his presence, the minister of baptism, whoever it is, must inform the pastor of the parish in which it was administered of the conferral of the baptism, so that he records the baptism according to the norm of can. 877, § 1.

## Title II. The Sacrament of Confirmation

**Can. 879** - The sacrament of confirmation strengthens the baptized and obliges them more firmly to be witnesses of Christ by word and deed and to spread and defend the faith. It imprints a character, enriches by the gift of the Holy Spirit the baptized continuing on the path of Christian initiation, and binds them more perfectly to the Church.

### Chapter I. The Celebration of Confirmation

**Can. 880** - § 1. The sacrament of confirmation is conferred by the anointing of chrism on the forehead, which is done by the imposition of the hand and through the words prescribed in the approved liturgical books.

§ 2. The chrism to be used in the sacrament of confirmation must be consecrated by a bishop even if a presbyter administers the sacrament.

**Can. 881** - It is desirable to celebrate the sacrament of confirmation in a church and during Mass; for a just and reasonable cause, however, it can be celebrated outside Mass and in any worthy place.

### Chapter II. The Minister of Confirmation

**Can. 882** - The ordinary minister of

est Episcopus; valide hoc sacramentum confert presbyter quoque hac facultate vi iuris universalis aut peculiaris concessionis competentis auctoritatis instructus.

**Can. 883** - Ipso iure facultate confirmationem ministrandi gaudent:

1° intra fines suae ditionis, qui iure Episcopo dioecesano aequiparantur;

2° quoad personam de qua agitur, presbyter qui, vi officii vel mandati Episcopi dioecesani, infantia egressum baptizat aut iam baptizatum in plenam Ecclesiae catholicae communionem admittit;

3° quoad eos qui in periculo mortis versantur, parochus, immo quilibet presbyter.

**Can. 884** - § 1. Episcopus dioecesanus confirmationem administret per se ipse aut curet ut per alium Episcopum administretur; quod si necessitas id requirat, facultatem concedere potest uni vel pluribus determinatis presbyteris, qui hoc sacramentum administrent.

§ 2. Gravi de causa, Episcopus itemque presbyter, vi iuris aut peculiaris concessionis competentis auctoritatis facultate confirmandi donatus, possunt in singulis casibus presbyteros, ut et ipsi sacramentum administrent, sibi sociare.

**Can. 885** - § 1. Episcopus dioecesanus obligatione tenetur curandi ut sacramentum confirmationis subditis rite et rationabiliter petentibus conferatur.

§ 2. Presbyter, qui hac facultate gaudet, eadem uti debet erga eos in quorum favorem facultas concessa est.

**Can. 886** - § 1. Episcopus in sua dioecesi sacramentum confirmationis legitime administrat etiam fidelibus non subditis, nisi obstet expressa proprii ipsorum Ordinarii prohibitio.

§ 2. Ut in aliena dioecesi confirmationem licite administret, Episcopus indiget, nisi agatur de suis subditis, licentia saltem rationabiliter praesumpta Episcopi dioecesani.

**Can. 887** - Presbyter facultate confirmationem ministrandi gaudens, in territorio sibi designato hoc sacramentum extraneis quoque licite confert, nisi obstet proprii eorum Ordinarii

confirmationis a bishop; a presbyter provided with this faculty in virtue of universal law or the special grant of the competent authority also confers this sacrament validly.

**Can. 883** - The following possess the faculty of administering confirmation by the law itself:

1° within the boundaries of their jurisdiction, those who are equivalent in law to a diocesan bishop;

2° as regards the person in question, the presbyter who by virtue of office or mandate of the diocesan bishop baptizes one who is no longer an infant or admits one already baptized into the full communion of the Catholic Church;

3° as regards those who are in danger of death, the pastor or indeed any presbyter.

**Can. 884** - § 1. The diocesan bishop is to administer confirmation personally or is to take care that another bishop administers it. If necessity requires it, he can grant the faculty to one or more specific presbyters, who are to administer this sacrament.

§ 2. For a grave cause the bishop and even the presbyter endowed with the faculty of confirming in virtue of the law or the special grant of the competent authority can in single cases also associate presbyters with themselves to administer the sacrament.

**Can. 885** - § 1. The diocesan bishop is obliged to take care that the sacrament of confirmation is conferred on subjects who properly and reasonably seek it.

§ 2. A presbyter who possesses this faculty must use it for the sake of those in whose favor the faculty was granted.

**Can. 886** - § 1. A bishop in his diocese legitimately administers the sacrament of confirmation even to faithful who are not his subjects, unless their own ordinary expressly prohibits it.

§ 2. To administer confirmation licitly in another diocese, a bishop needs at least the reasonably presumed permission of the diocesan bishop unless it concerns his own subjects.

**Can. 887** - A presbyter who possesses the faculty of administering confirmation also confers this sacrament licitly on externs in the territory assigned to him unless their proper

vetitum; illud vero in alieno territorio nemini valide confert, salvo praescripto can. 883, n. 3.

**Can. 888** - Intra territorium in quo confirmationem conferre valent, ministri in locis quoque exemptis eam ministrare possunt.

### CAPUT III. DE CONFIRMANDIS

**Can. 889** - § 1. Confirmationis recipiendae capax est omnis et solus baptizatus, nondum confirmatus.

§ 2. Extra periculum mortis, ut quis licite confirmationem recipiat, requiritur, si rationis usu polleat, ut sit apte institutus, rite dispositus et promissiones baptismales renovare valeat.

**Can. 890** - Fideles tenentur obligatione hoc sacramentum tempestive recipiendi; curent parentes, animarum pastores, praesertim parochi, ut fideles ad illud recipiendum rite instruantur et opportuno tempore accedant.

**Can. 891** - Sacramentum confirmationis conferatur fidelibus circa aetatem discretionis, nisi Episcoporum conferentia aliam aetatem determinaverit, aut adsit periculum mortis vel, de iudicio ministri, gravis causa aliud suadeat.

### CAPUT IV. DE PATRINIS

**Can. 892** - Confirmando, quantum id fieri potest, adsit patrinus, cuius est curare ut confirmatus tamquam verus Christi testis se gerat obligationesque eidem sacramento inhaerentes fideliter adimpleat.

**Can. 893** - § 1. Ut quis patrini munere fungatur, condiciones adimpleat oportet, de quibus in can. 874.

§ 2. Expedit ut tamquam patrinus assumatur qui idem munus in baptismo suscepit.

### CAPUT V. DE COLLATAE CONFIRMATIONIS PROBATIONE ET ADNOTATIONE

**Can. 894** - Ad collatam confirmationem probandam servantur praescripta can. 876.

**Can. 895** - Nomina confirmatorum, facta

ordinary prohibits it; he cannot confer it validly on anyone in another territory, without prejudice to the prescript of can. 883, n. 3.

**Can. 888** - Within the territory in which they are able to confer confirmation, ministers can administer it even in exempt places.

### Chapter III. Those to be Confirmed

**Can. 889** - § 1. Every baptized person not yet confirmed and only such a person is capable of receiving confirmation.

§ 2. To receive confirmation licitly outside the danger of death requires that a person who has the use of reason be suitably instructed, properly disposed, and able to renew the baptismal promises.

**Can. 890** - The faithful are obliged to receive this sacrament at the proper time. Parents and pastors of souls, especially pastors of parishes, are to take care that the faithful are properly instructed to receive the sacrament and come to it at the appropriate time.

**Can. 891** - The sacrament of confirmation is to be conferred on the faithful at about the age of discretion unless the conference of bishops has determined another age, or there is danger of death, or in the judgment of the minister a grave cause suggests otherwise.

### Chapter IV. Sponsors

**Can. 892** - Insofar as possible, there is to be a sponsor for the person to be confirmed; the sponsor is to take care that the confirmed person behaves as a true witness of Christ and faithfully fulfills the obligations inherent in this sacrament.

**Can. 893** - § 1. To perform the function of sponsor, a person must fulfill the conditions mentioned in can. 874.

§ 2. It is desirable to choose as sponsor the one who undertook the same function in baptism.

### Chapter V. The Proof and Registration of the Conferral of Confirmation

**Can. 894** - To prove the conferral of confirmation the prescripts of can. 876 are to be observed.

**Can. 895** - The names of those confirmed with

mentionem ministri, parentum et patrinoꝝ, loci et diei collatae confirmationis in librum confirmatoꝝ Curiae dioecesaenae adnotentur, vel, ubi id praescripserit Episcoporum conferentia aut Episcopus dioecesaenus, in librum in archivo paroeciali conservandum; parochus debet de collata confirmatione monere parochum loci baptismi, ut adnotatio fiat in libro baptizatoꝝ, ad normam can. 535, § 2.

**Can. 896** - Si parochus loci praesens non fuerit, eundem de collata confirmatione minister per se vel per alium quam primum certioꝝ faciat.

### TITULUS III. DE SANCTISSIMA EUCHARISTIA

**Can. 897** - Augustissimum Sacramentum est sanctissima Eucharistia, in qua ipsemet Christus Dominus continetur, offertur ac sumitur, et qua continuo vivit et crescit Ecclesia. Sacrificium eucharisticum, memoriale mortis et resurrectionis Domini, in quo Sacrificium crucis in saecula perpetuatur, totius cultus et vitae christianae est culmen et fons, quo significatur et efficitur unitas populi Dei et corporis Christi aedificatio perficitur. Cetera enim sacramenta et omnia ecclesiastica apostolatus opera cum sanctissima Eucharistia cohaerent et ad eam ordinantur.

**Can. 898** - Christifideles maximo in honore sanctissimam Eucharistiam habeant, actuosam in celebratione augustissimi Sacrificii partem habentes, devotissime et frequenter hoc sacramentum recipientes, atque summa cum adoratione idem colentes; animarum pastores doctrinam de hoc sacramento illustrantes, fideles hanc obligationem sedulo edoceant.

### CAPUT I. DE EUCHARISTICA CELEBRATIONE

**Can. 899** - § 1. Eucharistica celebratio actio est ipsius Christi et Ecclesiae, in qua Christus Dominus, ministerio sacerdotis, semetipsum, sub speciebus panis et vini substantialiter praesentem, Deo Patri offert atque fidelibus in sua oblatione sociatis se praebet ut cibum spiritualem.

§ 2. In eucharistica Synaxi populus Dei in unum

mentionem ministri, parentum et patrinoꝝ, loci et diei collatae confirmationis in librum confirmatoꝝ Curiae dioecesaenae adnotentur, vel, ubi id praescripserit Episcoporum conferentia aut Episcopus dioecesaenus, in librum in archivo paroeciali conservandum; parochus debet de collata confirmatione monere parochum loci baptismi, ut adnotatio fiat in libro baptizatoꝝ, ad normam can. 535, § 2.

**Can. 896** - If the pastor of the place was not present, the minister either personally or through another is to inform him as soon as possible of the conferral of confirmation.

### Title III. The Most Holy Eucharist

**Can. 897** - The most august sacrament is the Most Holy Eucharist in which Christ the Lord himself is contained, offered, and received and by which the Church continually lives and grows. The eucharistic sacrifice, the memorial of the death and resurrection of the Lord, in which the sacrifice of the cross is perpetuated through the ages is the summit and source of all worship and Christian life, which signifies and effects the unity of the People of God and brings about the building up of the body of Christ. Indeed, the other sacraments and all the ecclesiastical works of the apostolate are closely connected with the Most Holy Eucharist and ordered to it.

**Can. 898** - The Christian faithful are to hold the Most Holy Eucharist in highest honor, taking an active part in the celebration of the most august sacrifice, receiving this sacrament most devoutly and frequently, and worshiping it with the highest adoration. In explaining the doctrine about this sacrament, pastors of souls are to teach the faithful diligently about this obligation.

### Chapter I. The Eucharistic Celebration

**Can. 899** - § 1. The eucharistic celebration is the action of Christ himself and the Church. In it, Christ the Lord, through the ministry of the priest, offers himself, substantially present under the species of bread and wine, to God the Father and gives himself as spiritual food to the faithful united with his offering.

§ 2. In the eucharistic gathering the people of

convocatur, Episcopo aut, sub eius auctoritate, presbytero praeside, personam Christi gerente, atque omnes qui intersunt fideles, sive clerici sive laici, suo quisque modo pro ordinum et liturgicorum munerum diversitate, participando concurrunt.

§ 3. Celebratio eucharistica ita ordinetur, ut omnes participantibus exinde plurimos capiant fructus, ad quos obtinendos Christus Dominus Sacrificium eucharisticum instituit.

#### Art. 1. DE SANCTISSIMAE EUCHARISTIAE MINISTRO

**Can. 900** - § 1. Minister, qui in persona Christi sacramentum Eucharistiae conficere valet, est solus sacerdos valide ordinatus.

§ 2. Licite Eucharistiam celebrat sacerdos lege canonica non impeditus, servatis praescriptis canonum qui sequuntur.

**Can. 901** - Integrum est sacerdoti Missam applicare pro quibusvis, tum vivis tum defunctis.

**Can. 902** - Nisi utilitas christifidelium aliud requirat aut suadeat, sacerdotes Eucharistiam concelebrare possunt, integra tamen pro singulis libertate manente Eucharistiam individuali modo celebrandi, non vero eo tempore, quo in eadem ecclesia aut oratorio concelebratio habetur.

**Can. 903** - Sacerdos ad celebrandum admittatur etiamsi rectori ecclesiae sit ignotus, dummodo aut litteras commendatitias sui Ordinarii vel sui Superioris, saltem intra annum datas, exhibeat, aut prudenter existimari possit eundem a celebratione non esse impeditum.

**Can. 904** - Sacerdotes, memoria semper tenentes in mysterio Sacrificii eucharistici opus redemptionis continuo exerceri, frequenter celebrent; immo enixe commendatur celebratio cotidiana, quae quidem, etiam si praesentia fidelium haberi non possit, actus est Christi et Ecclesiae, in quo peragendo munus suum praecipuum sacerdotes adimplent.

**Can. 905** - § 1. Exceptis casibus in quibus ad normam iuris licitum est pluries eadem die

God are called together with the bishop or, under his authority, a presbyter presiding and acting in the person of Christ. All the faithful who are present, whether clerics or laity, unite together by participating in their own way according to the diversity of orders and liturgical functions.

§ 3. The eucharistic celebration is to be organized in such a way that all those participating receive from it the many fruits for which Christ the Lord instituted the eucharistic sacrifice.

#### Art. 1. The Minister of the Most Holy Eucharist

**Can. 900** - § 1. The minister who is able to confect the sacrament of the Eucharist in the person of Christ is a validly ordained priest alone.

§ 2. A priest not impeded by canon law celebrates the Eucharist licitly; the provisions of the following canons are to be observed.

**Can. 901** - A priest is free to apply the Mass for anyone, living or dead.

**Can. 902** - Unless the welfare of the Christian faithful requires or suggests otherwise, priests can concelebrate the Eucharist. They are completely free to celebrate the Eucharist individually, however, but not while a concelebration is taking place in the same church or oratory.

**Can. 903** - A priest is to be permitted to celebrate even if the rector of the church does not know him, provided that either he presents a letter of introduction from his ordinary or superior, issued at least within the year, or it can be judged prudently that he is not impeded from celebrating.

**Can. 904** - Remembering always that in the mystery of the eucharistic sacrifice the work of redemption is exercised continually, priests are to celebrate frequently; indeed, daily celebration is recommended earnestly since, even if the faithful cannot be present, it is the act of Christ and the Church in which priests fulfill their principal function.

**Can. 905** - § 1. A priest is not permitted to celebrate the Eucharist more than once a day

Eucharistiam celebrare aut concelebrare, non licet sacerdoti plus semel in die celebrare.

§ 2. Si sacerdotum penuria habeatur, concedere potest loci Ordinarius ut sacerdotes, iusta de causa, bis in die, immo, necessitate pastorali id postulante, etiam ter in diebus dominicis et festis de praecepto, celebrent.

**Can. 906** - Nisi iusta et rationabili de causa, sacerdos Sacrificium eucharisticum ne celebret sine participatione alicuius saltem fidelis.

**Can. 907** - In celebratione eucharistica diaconis et laicis non licet orationes, speciatim precem eucharisticam, proferre vel actionibus fungi, quae sacerdotis celebrantis sunt propriae.

**Can. 908** - Sacerdotibus catholicis vetitum est una cum sacerdotibus vel ministris Ecclesiarum communitatumve ecclesialium plenam communionem cum Ecclesia catholica non habentium, Eucharistiam concelebrare.

**Can. 909** - Sacerdos ne omittat ad eucharistici Sacrificii celebrationem oratione debite se praeparare, eoque expleto Deo gratias agere.

**Can. 910** - § 1. Minister ordinarius sacrae communionis est Episcopus, presbyter et diaconus.

§ 2. Extraordinarius sacrae communionis minister est acolythus necnon alius christifidelis ad normam can. 230, § 3 deputatus.

**Can. 911** - § 1. Officium et ius sanctissimam Eucharistiam per modum Viatici ad infirmos deferendi habent parochus et vicarii paroeciales, cappellani, necnon Superior communitatis in clericalibus institutis religiosis aut societatibus vitae apostolicae quoad omnes in domo versantes.

§ 2. In casu necessitatis aut de licentia saltem praesumpta parochi, cappellani vel Superioris, cui postea notitiam dari oportet, hoc facere debet quilibet sacerdos vel alius sacrae communionis minister.

Art. 2. DE SANCTISSIMA EUCHARISTIA PARTICIPANDA

except in cases where the law permits him to celebrate or concelebrate more than once on the same day.

§ 2. If there is a shortage of priests, the local ordinary can allow priests to celebrate twice a day for a just cause, or if pastoral necessity requires it, even three times on Sundays and holy days of obligation.

**Can. 906** - Except for a just and reasonable cause, a priest is not to celebrate the eucharistic sacrifice without the participation of at least some member of the faithful.

**Can. 907** - In the eucharistic celebration deacons and lay persons are not permitted to offer prayers, especially the eucharistic prayer, or to perform actions which are proper to the celebrating priest.

**Can. 908** - Catholic priests are forbidden to concelebrate the Eucharist with priests or ministers of Churches or ecclesial communities which do not have full communion with the Catholic Church.

**Can. 909** - A priest is not to neglect to prepare himself properly through prayer for the celebration of the eucharistic sacrifice and to offer thanks to God at its completion.

**Can. 910** - § 1. The ordinary minister of holy communion is a bishop, presbyter, or deacon.

§ 2. The extraordinary minister of holy communion is an acolyte or another member of the Christian faithful designated according to the norm of can. 230, § 3.

**Can. 911** - § 1. The pastor, parochial vicars, chaplains, and, with regard to all those dwelling in the house, the superior of a community in clerical religious institutes and societies of apostolic life have the duty and right of bringing the Most Holy Eucharist as Viaticum to the sick.

§ 2. In the case of necessity or with at least the presumed permission of the pastor, chaplain, or superior, who must be notified afterwards, any priest or other minister of holy communion must do this.

Art. 2. Participation in the Most Holy Eucharist



**Can. 912** - Quilibet baptizatus, qui iure non prohibeatur, admitti potest et debet ad sacram communionem.

**Can. 913** - § 1. Ut sanctissima Eucharistia ministrari possit pueris, requiritur ut ipsi sufficienti cognitione et accurata praeparatione gaudeant, ita ut mysterium Christi pro suo captu percipiant et Corpus Domini cum fide et devotione sumere valeant.

§ 2. Pueris tamen in periculo mortis versantibus sanctissima Eucharistia ministrari potest, si Corpus Christi a communi cibo discernere et communionem reverenter suscipere possint.

**Can. 914** - Parentum imprimis atque eorum qui parentum locum tenent necnon parochi officium est curandi ut pueri usum rationis assecuti debite praeparentur et quam primum, praemissa sacramentali confessione, hoc divino cibo reficiantur; parochi etiam est advigilare ne ad sacram Synaxim accedant pueri, qui rationis usum non sint adepti aut quos non sufficienter dispositos iudicaverit.

**Can. 915** - Ad sacram communionem ne admittantur excommunicati et interdicti post irrogationem vel declarationem poenae alique in manifesto gravi peccato obstinate perseverantes.

**Can. 916** - Qui conscius est peccati gravis, sine praemissa sacramentali confessione Missam ne celebret neve Corpori Domini communicet, nisi adsit gravis ratio et deficiat opportunitas confitendi; quo in casu meminerit se obligatione teneri ad eliciendum actum perfectae contritionis, qui includit propositum quam primum confitendi.

**Can. 917** - Qui sanctissimam Eucharistiam iam recepit, potest eam iterum eadem die suscipere solummodo intra eucharisticam celebrationem cui participat, salvo praescripto can. 921, § 2.

**Can. 918** - Maxime commendatur ut fideles in ipsa eucharistica celebratione sacram

**Can. 912** - Any baptized person not prohibited by law can and must be admitted to holy communion.

**Can. 913** - § 1. The administration of the Most Holy Eucharist to children requires that they have sufficient knowledge and careful preparation so that they understand the mystery of Christ according to their capacity and are able to receive the body of Christ with faith and devotion.

§ 2. The Most Holy Eucharist, however, can be administered to children in danger of death if they can distinguish the body of Christ from ordinary food and receive communion reverently.

**Can. 914** - It is primarily the duty of parents and those who take the place of parents, as well as the duty of pastors, to take care that children who have reached the use of reason are prepared properly and, after they have made sacramental confession, are refreshed with this divine food as soon as possible. It is for the pastor to exercise vigilance so that children who have not attained the use of reason or whom he judges are not sufficiently disposed do not approach holy communion.

**Can. 915** - Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to holy communion.

**Can. 916** - A person who is conscious of grave sin is not to celebrate Mass or receive the body of the Lord without previous sacramental confession unless there is a grave reason and there is no opportunity to confess; in this case the person is to remember the obligation to make an act of perfect contrition which includes the resolution of confessing as soon as possible.

**Can. 917** - A person who has already received the Most Holy Eucharist can receive it a second time on the same day only within the eucharistic celebration in which the person participates, without prejudice to the prescript of can. 921, § 2.

**Can. 918** - It is highly recommended that the faithful receive holy communion during the

communione recipiant; ipsis tamen iusta de causa petentibus extra Missam ministretur, servatis liturgicis ritibus.

**Can. 919** - § 1. Sanctissimam Eucharistiam recepturus per spatium saltem unius horae ante sacram communionem abstineat a quocumque cibo et potu, excepta tantummodo aqua atque medicina.

§ 2. Sacerdos, qui eadem die bis aut ter sanctissimam Eucharistiam celebrat, aliquid sumere potest ante secundam aut tertiam celebrationem, etiamsi non intercesserit spatium unius horae.

§ 3. Aetate proVecti et infirmitate quadam laborantes necnon eorum curae addicti, sanctissimam Eucharistiam accipere possunt, etiamsi intra horam antecedentem aliquid sumpserint.

**Can. 920** - § 1. Omnis fidelis, postquam ad sanctissimam Eucharistiam initiatus sit, obligatione tenetur semel saltem in anno, sacram communionem recipiendi.

§ 2. Hoc praeceptum impleri debet tempore paschali, nisi iusta de causa alio tempore intra annum adimpleatur.

**Can. 921** - § 1. Christifideles qui versantur in periculo mortis, quavis ex causa procedenti, sacra communione per modum Viatici reficiantur.

§ 2. Etiamsi eadem die sacra communione refecti fuerint, valde tamen suadetur ut qui in vitae discrimen adducti sint, denuo communicent.

§ 3. Perdurante mortis periculo, commendatur ut sacra communio pluries, distinctis diebus, ministretur.

**Can. 922** - Sanctum Viaticum infirmis ne nimium differatur; qui animarum curam gerunt sedulo advigilent, ut eodem infirmi plene sui compotes reficiantur.

**Can. 923** - Christifideles Sacrificium eucharisticum participare et sacram communionem suscipere possunt quolibet ritu catholico, firmo praescripto can. 844.

Art. 3. DE RITIBUS ET CAEREMONIIS

eucharistic celebration itself. It is to be administered outside the Mass, however, to those who request it for a just cause, with the liturgical rites being observed.

**Can. 919** - § 1. A person who is to receive the Most Holy Eucharist is to abstain for at least one hour before holy communion from any food and drink, except for only water and medicine.

§ 2. A priest who celebrates the Most Holy Eucharist two or three times on the same day can take something before the second or third celebration even if there is less than one hour between them.

§ 3. The elderly, the infirm, and those who care for them can receive the Most Holy Eucharist even if they have eaten something within the preceding hour.

**Can. 920** - § 1. After being initiated into the Most Holy Eucharist, each of the faithful is obliged to receive holy communion at least once a year.

§ 2. This precept must be fulfilled during the Easter season unless it is fulfilled for a just cause at another time during the year.

**Can. 921** - § 1. The Christian faithful who are in danger of death from any cause are to be nourished by holy communion in the form of Viaticum.

§ 2. Even if they have been nourished by holy communion on the same day, however, those in danger of death are strongly urged to receive communion again.

§ 3. While the danger of death lasts, it is recommended that holy communion be administered often, but on separate days.

**Can. 922** - Holy Viaticum for the sick is not to be delayed too long; those who have the care of souls are to be zealous and vigilant that the sick are nourished by Viaticum while fully conscious.

**Can. 923** - The Christian faithful can participate in the eucharistic sacrifice and receive holy communion in any Catholic rite, without prejudice to the prescript of can. 844.

Art. 3. The Rites and Ceremonies of the

## EUCCHARISTICAE CELEBRATIONIS

**Can. 924** - § 1. Sacrosanctum eucharisticum Sacrificium offerri debet ex pane et vino, cui modica aqua miscenda est.

§ 2. Panis debet esse mere triticeus et recenter confectus, ita ut nullum sit periculum corruptionis.

§ 3. Vinum debet esse naturale de genimine vitis et non corruptum.

**Can. 925** - Sacra communio conferatur sub sola specie panis aut, ad normam legum liturgicarum, sub utraque specie; in casu autem necessitatis, etiam sub sola specie vini.

**Can. 926** - In eucharistica celebratione secundum antiquam Ecclesiae latinae traditionem sacerdos adhibeat panem azymum ubicumque litat.

**Can. 927** - Nefas est, urgente etiam extrema necessitate, alteram materiam sine altera, aut etiam utramque extra eucharisticam celebrationem, consecrare.

**Can. 928** - Eucharistica celebratio peragatur lingua latina aut alia lingua, dummodo textus liturgici legitime approbati fuerint.

**Can. 929** - Sacerdotes et diaconi in Eucharistia celebranda et ministranda sacra ornamenta rubricis praescripta deferant.

**Can. 930** - § 1. Sacerdos infirmus aut aetate proventus, si stare nequeat, Sacrificium eucharisticum celebrare potest sedens, servatis quidem legibus liturgicis, non tamen coram populo, nisi de licentia loci Ordinarii.

§ 2. Sacerdos caecus aliave infirmitate laborans licite eucharisticum Sacrificium celebrat, adhibendo textum quemlibet Missae ex probatis, adstante, si casus ferat, alio sacerdote vel diacono, aut etiam laico rite instructo, qui eundem adiuvet.

### Art. 4. DE TEMPORE ET LOCO CELEBRATIONIS EUCCHARISTIAE

**Can. 931** - Eucharistiae celebratio et distributio fieri potest qualibet die et hora, iis exceptis, quae secundum liturgicas normas excluduntur.

## Eucharistic Celebration

**Can. 924** - § 1. The most holy eucharistic sacrifice must be offered with bread and with wine in which a little water must be mixed.

§ 2. The bread must be only wheat and recently made so that there is no danger of spoiling.

§ 3. The wine must be natural from the fruit of the vine and not spoiled.

**Can. 925** - Holy communion is to be given under the form of bread alone, or under both species according to the norm of the liturgical laws, or even under the form of wine alone in a case of necessity.

**Can. 926** - According to the ancient tradition of the Latin Church, the priest is to use unleavened bread in the eucharistic celebration whenever he offers it.

**Can. 927** - It is absolutely forbidden, even in extreme urgent necessity, to consecrate one matter without the other or even both outside the eucharistic celebration.

**Can. 928** - The eucharistic celebration is to be carried out in the Latin language or in another language provided that the liturgical texts have been legitimately approved.

**Can. 929** - In celebrating and administering the Eucharist, priests and deacons are to wear the sacred vestments prescribed by the rubrics.

**Can. 930** - § 1. If an infirm or elderly priest is unable to stand, he can celebrate the eucharistic sacrifice while seated, but not before the people except with the permission of the local ordinary; the liturgical laws are to be observed.

§ 2. A blind or otherwise infirm priest licitly celebrates the eucharistic sacrifice by using any approved text of the Mass with the assistance, if needed, of another priest, deacon, or even a properly instructed lay person.

### Art. 4. The Time and Place of the Celebration of the Eucharist

**Can. 931** - The celebration and distribution of the Eucharist can be done at any day and hour except those which the liturgical norms exclude.

**Can. 932** - § 1. Celebratio eucharistica peragatur in loco sacro, nisi in casu particulari necessitas aliud postulet; quo in casu, in loco honesto celebratio fieri debet.

§ 2. Sacrificium eucharisticum peragendum est super altare dedicatum vel benedictum; extra locum sacrum adhiberi potest mensa conveniens, retentis semper tobalea et corporali.

**Can. 933** - Iusta de causa et de licentia expressa Ordinarii loci licet sacerdoti Eucharistiam celebrare in templo alicuius Ecclesiae aut communitatis ecclesialis plenam communionem cum Ecclesia catholica non habentium, remoto scandalo.

## CAPUT II. DE SANCTISSIMA EUCHARISTIA ASSERVANDA ET VENERANDA

**Can. 934** - § 1. Sanctissima Eucharistia:

1° asservari debet in ecclesia cathedrali aut eidem aequiparata, in qualibet ecclesia paroeciali necnon in ecclesia vel oratorio domui instituti religiosi aut societatis vitae apostolicae adnexo;

2° asservari potest in sacello Episcopi et, de licentia Ordinarii loci, in aliis ecclesiis, oratoriis et sacellis.

§ 2. In locis sacris ubi sanctissima Eucharistia asservatur, adesse semper debet qui eius curam habeat et, quantum fieri potest, sacerdos saltem bis in mense Missam ibi celebret.

**Can. 935** - Nemini licet sanctissimam Eucharistiam apud se retinere aut secum in itinere deferre, nisi necessitate pastoralis urgente et servatis Episcopi dioecesanis praescriptis.

**Can. 936** - In domo instituti religiosi aliave pia domo, sanctissima Eucharistia asservetur tantummodo in ecclesia aut in oratorio principali domui adnexo; potest tamen iusta de causa Ordinarius permittere, ut etiam in alio oratorio eiusdem domus asservetur.

**Can. 937** - Nisi gravis obstet ratio, ecclesia in qua sanctissima Eucharistia asservatur, per

**Can. 932** - § 1. The eucharistic celebration is to be carried out in a sacred place unless in a particular case necessity requires otherwise; in such a case the celebration must be done in a decent place.

§ 2. The eucharistic sacrifice must be carried out on a dedicated or blessed altar; outside a sacred place a suitable table can be used, always with a cloth and a corporal.

**Can. 933** - For a just cause and with the express permission of the local ordinary, a priest is permitted to celebrate the Eucharist in the place of worship of some Church or ecclesial community which does not have full communion with the Catholic Church so long as there is no scandal.

## Chapter II. The Reservation and Veneration of the Most Holy Eucharist

**Can. 934** - § 1. The Most Holy Eucharist:

1° must be reserved in the cathedral church or its equivalent, in every parish church, and in a church or oratory connected to the house of a religious institute or society of apostolic life;

2° can be reserved in the chapel of the bishop and, with the permission of the local ordinary, in other churches, oratories, and chapels.

§ 2. In sacred places where the Most Holy Eucharist is reserved, there must always be someone responsible for it and, insofar as possible, a priest is to celebrate Mass there at least twice a month.

**Can. 935** - No one is permitted to keep the Eucharist on one's person or to carry it around, unless pastoral necessity urges it and the prescripts of the diocesan bishop are observed.

**Can. 936** - In the house of a religious institute or some other pious house, the Most Holy Eucharist is to be reserved only in the church or principal oratory attached to the house. For a just cause, however, the ordinary can also permit it to be reserved in another oratory of the same house.

**Can. 937** - Unless there is a grave reason to the contrary, the church in which the Most Holy

aliquot saltem horas cotidie fidelibus pateat, ut coram sanctissimo Sacramento orationi vacare possint.

**Can. 938** - § 1. Sanctissima Eucharistia habitualiter in uno tantum ecclesiae vel oratorii tabernaculo asservetur.

§ 2. Tabernaculum, in quo sanctissima Eucharistia asservatur, situm sit in aliqua ecclesiae vel oratorii parte insigni, conspicua, decore ornata, ad orationem apta.

§ 3. Tabernaculum, in quo habitualiter sanctissima Eucharistia asservatur, sit inamovibile, materia solida non transparenti confectum, et ita clausum ut quam maxime periculum profanationis vitetur.

§ 4. Gravi de causa, licet sanctissimam Eucharistiam, nocturno praesertim tempore, alio in loco tutiore et decore asservare.

§ 5. Qui ecclesiae vel oratorii curam habet, prospiciat ut clavis tabernaculi, in quo sanctissima Eucharistia asservatur, diligentissime custodiatur.

**Can. 939** - Hostiae consecratae quantitate fidelium necessitatibus sufficienti in pyxide seu vasculo servantur, et frequenter, veteribus rite consumptis, renovantur.

**Can. 940** - Coram tabernaculo, in quo sanctissima Eucharistia asservatur, peculiaris perenniter luceat lampas, qua indicetur et honoretur Christi praesentia.

**Can. 941** - § 1. In ecclesiis aut oratoriis quibus datum est asservare sanctissimam Eucharistiam, fieri possunt expositiones sive cum pyxide sive cum ostensorio, servatis normis in libris liturgicis praescriptis.

§ 2. Celebratione Missae durante, ne habeatur in eadem ecclesiae vel oratorii aula sanctissimi Sacramenti expositio.

**Can. 942** - Commendatur ut in iisdem ecclesiis et oratoriis quotannis fiat sollemnis sanctissimi Sacramenti expositio per congruum tempus, etsi non continuum, protracta, ut communitas localis eucharisticum mysterium impensius meditetur et adoret; huiusmodi tamen expositio

Eucharist is reserved is to be open to the faithful for at least some hours every day so that they can pray before the Most Blessed Sacrament.

**Can. 938** - § 1. The Most Holy Eucharist is to be reserved habitually in only one tabernacle of a church or oratory.

§ 2. The tabernacle in which the Most Holy Eucharist is reserved is to be situated in some part of the church or oratory which is distinguished, conspicuous, beautifully decorated, and suitable for prayer.

§ 3. The tabernacle in which the Most Holy Eucharist is reserved habitually is to be immovable, made of solid and opaque material, and locked in such a way that the danger of profanation is avoided as much as possible.

§ 4. For a grave cause, it is permitted to reserve the Most Holy Eucharist in some other fitting and more secure place, especially at night.

§ 5. The person responsible for the church or oratory is to take care that the key of the tabernacle in which the Most Holy Eucharist is reserved is safeguarded most diligently.

**Can. 939** - Consecrated hosts in a quantity sufficient for the needs of the faithful are to be kept in a pyx or small vessel; they are to be renewed frequently and the older hosts consumed properly.

**Can. 940** - A special lamp which indicates and honors the presence of Christ is to shine continuously before a tabernacle in which the Most Holy Eucharist is reserved.

**Can. 941** - § 1. In churches or oratories where it is permitted to reserve the Most Holy Eucharist, there can be expositions with the pyx or the monstrance; the norms prescribed in the liturgical books are to be observed.

§ 2. Exposition of the Most Blessed Sacrament is not to be held in the same area of the church or oratory during the celebration of Mass.

**Can. 942** - It is recommended that in these churches and oratories an annual solemn exposition of the Most Blessed Sacrament be held for an appropriate period of time, even if not continuous, so that the local community more profoundly meditates on and adores the

fiat tantum si congruus praevideatur fidelium concursus et servatis normis statutis.

**Can. 943** - Minister expositionis sanctissimi Sacramenti et benedictionis eucharisticae est sacerdos vel diaconus; in peculiaribus adiunctis, solius expositionis et repositionis, sine tamen benedictione, est acolythus, minister extraordinarius sacrae communionis aliusve ab Ordinario loci deputatus, servatis Episcopi dioecesanii praescriptis.

**Can. 944** - § 1. Ubi de iudicio Episcopi dioecesanii fieri potest, in publicum erga sanctissimam Eucharistiam venerationis testimonium, habeatur, praesertim in sollemnitate Corporis et Sanguinis Christi, processio per vias publicas ducta.

§ 2. Episcopi dioecesanii est de processionibus statuere ordinationes, quibus earum participationi et dignitati prospiciatur.

### CAPUT III. DE OBLATA AD MISSAE CELEBRATIONEM STIPE

**Can. 945** - § 1. Secundum probatum Ecclesiae morem, sacerdoti cuilibet Missam celebranti aut concelebranti licet stipem oblatam recipere, ut iuxta certam intentionem Missam applicet.

§ 2. Enixe commendatur sacerdotibus ut, etiam nulla recepta stipe, Missam ad intentionem christifidelium praecipue egentium celebrent.

**Can. 946** - Christifideles stipem offerentes, ut ad suam intentionem Missa applicetur, ad bonum conferunt Ecclesiae atque eius curam in ministris operibusque sustinendis ea oblatione participant.

**Can. 947** - A stipe Missarum quaelibet etiam species negotiationis vel mercaturae omnino arceatur.

**Can. 948** - Distinctae applicandae sunt Missae ad eorum intentiones pro quibus singulis stips, licet exigua, oblata et acceptata est.

**Can. 949** - Qui obligatione gravatur Missam celebrandi et applicandi ad intentionem eorum

eucharistic mystery. Such an exposition is to be held, however, only if a suitable gathering of the faithful is foreseen and the established norms are observed.

**Can. 943** - The minister of exposition of the Most Blessed Sacrament and of eucharistic benediction is a priest or deacon; in special circumstances, the minister of exposition and reposition alone without benediction is the acolyte, extraordinary minister of holy communion, or someone else designated by the local ordinary; the prescripts of the diocesan bishop are to be observed.

**Can. 944** - § 1. When it can be done in the judgment of the diocesan bishop, a procession through the public streets is to be held as a public witness of veneration toward the Most Holy Eucharist, especially on the solemnity of the Body and Blood of Christ.

§ 2. It is for the diocesan bishop to establish regulations which provide for the participation in and the dignity of processions.

### Chapter III. The Offering Given for the Celebration of Mass

**Can. 945** - § 1. In accord with the approved practice of the Church, any priest celebrating or concelebrating is permitted to receive an offering to apply the Mass for a specific intention.

§ 2. It is recommended earnestly to priests that they celebrate Mass for the intention of the Christian faithful, especially the needy, even if they have not received an offering.

**Can. 946** - The Christian faithful who give an offering to apply the Mass for their intention contribute to the good of the Church and by that offering share its concern to support its ministers and works.

**Can. 947** - Any appearance of trafficking or trading is to be excluded entirely from the offering for Masses.

**Can. 948** - Separate Masses are to be applied for the intentions of those for whom a single offering, although small, has been given and accepted.

**Can. 949** - A person obliged to celebrate and apply Mass for the intention of those who gave

qui stipem obtulerunt, eadem obligatione tenentur, etiamsi sine ipsius culpa stipes perceptae perierint.

**Can. 950** - Si pecuniae summa offertur pro Missarum applicatione, non indicato Missarum celebrandarum numero, hic supputetur attendita stipe statuta in loco in quo oblato commoratur, nisi aliam fuisse eius intentionem legitime praesumi debeat.

**Can. 951** - § 1. Sacerdos plures eadem die Missas celebrans, singulas applicare potest ad intentionem pro qua stips oblata est, ea tamen lege ut, praeterquam in die Nativitatis Domini, stipem pro una tantum Missa faciat suam, ceteras vero in fines ab Ordinario praescriptos concredat, admissa quidem aliqua retributione ex titulo extrinseco.

§ 2. Sacerdos alteram Missam eadem die concelebrans, nullo titulo pro ea stipem recipere potest.

**Can. 952** - § 1. Concilii provincialis aut conventus Episcoporum provinciae est pro universa provincia per decretum definire quaenam pro celebratione et applicatione Missae sit offerenda stips, nec licet sacerdoti summam maiorem expetere; ipsi tamen fas est stipem sponte oblatam definita maiorem pro Missae applicatione accipere, et etiam minorem.

§ 2. Ubi desit tale decretum, servetur consuetudo in dioecesi vigens.

§ 3. Sodales quoque institutorum religiosorum quorumlibet stare debent eidem decreto aut consuetudini loci, de quibus in §§ 1 et 2.

**Can. 953** - Nemini licet tot stipes Missarum per se applicandarum accipere, quibus intra annum satisfacere non potest.

**Can. 954** - Si certis in ecclesiis aut oratoriis Missae petuntur celebrandae numero plures quam ut ibidem celebrari possint, earundem celebratio alibi fieri licet, nisi contrariam voluntatem oblatores expresse manifestaverint.

**Can. 955** - § 1. Qui celebrationem Missarum applicandarum aliis committere intendat, earum celebrationem quam primum sacerdotibus sibi acceptis committat, dummodo ipsi constet eos

an offering is bound by the obligation even if the offerings received have been lost through no fault of his own.

**Can. 950** - If a sum of money is offered for the application of Masses without an indication of the number of Masses to be celebrated, the number is to be computed on the basis of the offering established in the place where the donor resides, unless the intention of the donor must be presumed legitimately to have been different.

**Can. 951** - § 1. A priest who celebrates several Masses on the same day can apply each to the intention for which the offering was given, but subject to the rule that, except on Christmas, he is to keep the offering for only one Mass and transfer the others to the purposes prescribed by the ordinary, while allowing for some recompense by reason of an extrinsic title.

§ 2. A priest who concelebrates a second Mass on the same day cannot accept an offering for it under any title.

**Can. 952** - § 1. It is for the provincial council or a meeting of the bishops of the province to define by decree for the entire province the offering to be given for the celebration and application of Mass, and a priest is not permitted to seek a larger sum. Nevertheless, he is permitted to accept for the application of a Mass a voluntary offering which is larger or even smaller than the one defined.

§ 2. Where there is no such decree, the custom in force in the diocese is to be observed.

§ 3. Members of all religious institutes must also observe the same decree or local custom mentioned in §§ 1 and 2.

**Can. 953** - No one is permitted to accept more offerings for Masses to be applied by himself than he can satisfy within a year.

**Can. 954** - If in certain churches or oratories more Masses are asked to be celebrated than can be celebrated there, it is permitted for them to be celebrated elsewhere unless the donors have expressly indicated a contrary intention.

**Can. 955** - § 1. A person who intends to entrust to others the celebration of Masses to be applied is to entrust their celebration as soon as possible to priests acceptable to him,

esse omni exceptione maiores; integram stipem receptam transmittere debet, nisi certo constet excessum supra summam in dioecesi debitam datum esse intuitu personae; obligatione etiam tenetur Missarum celebrationem curandi, donec tum susceptae obligationis tum receptae stipis testimonium acceperit.

§ 2. Tempus intra quod Missae celebrandae sunt, initium habet a die quo sacerdos easdem celebraturus recepti, nisi aliud constet.

§ 3. Qui aliis Missas celebrandas committunt, sine mora in librum referant tum Missas quas acceperunt, tum eas, quas aliis tradiderunt, notatis etiam earundem stipibus.

§ 4. Quilibet sacerdos accurate notare debet Missas quas celebrandas acceperit, quibusque satisfecerit.

**Can. 956** - Omnes et singuli administratores causarum piarum aut quoquo modo obligati ad Missarum celebrationem curandam, sive clerici sive laici, onera Missarum quibus intra annum non fuerit satisfactum suis Ordinariis tradant, secundum modum ab his definiendum.

**Can. 957** - Officium et ius advigilandi ut Missarum onera adimpleantur, in ecclesiis cleri saecularis pertinet ad loci Ordinarium, in ecclesiis institutorum religiosorum aut societatum vitae apostolicae ad eorum Superiores.

**Can. 958** - § 1. Parochus necnon rector ecclesiae aliusve pii loci, in quibus stipes Missarum recipi solent, peculiarem habeant librum, in quo accurate adnotent Missarum celebrandarum numerum, intentionem, stipem oblatam, necnon celebrationem peractam.

§ 2. Ordinarius obligatione tenetur singulis annis huiusmodi libros per se aut per alios recognoscendi.

#### TITULUS IV. DE SACRAMENTO PAENITENTIAE

**Can. 959** - In sacramento paenitentiae fideles peccata legitimo ministro confitentes, de iisdem contriti atque propositum sese emendandi habentes, per absolutionem ab eodem ministro

provided that he is certain that they are above suspicion. He must transfer the entire offering received unless it is certain that the excess over the sum fixed in the diocese was given for him personally. He is also obliged to see to the celebration of the Masses until he learns that the obligation has been accepted and the offering received.

§ 2. The time within which Masses must be celebrated begins on the day the priest who is to celebrate them received them unless it is otherwise evident.

§ 3. Those who entrust to others Masses to be celebrated are to record in a book without delay both the Masses which they received and those which they transferred to others, as well as their offerings.

§ 4. Every priest must note accurately the Masses which he accepted to celebrate and those which he has satisfied.

**Can. 956** - Each and every administrator of pious causes or those obliged in any way to see to the celebration of Masses, whether clerics or laity, are to hand over to their ordinaries according to the method defined by the latter the Mass obligations which have not been satisfied within a year.

**Can. 957** - The duty and right of exercising vigilance that Mass obligations are fulfilled belong to the local ordinary in churches of secular clergy and to the superiors in churches of religious institutes or societies of apostolic life.

**Can. 958** - § 1. The pastor and the rector of a church or other pious place which regularly receives offerings for Masses are to have a special book in which they note accurately the number of Masses to be celebrated, the intention, the offering given, and their celebration.

§ 2. The ordinary is obliged to examine these books each year either personally or through others.

#### Title IV. The Sacrament of Penance

**Can. 959** - In the sacrament of penance the faithful who confess their sins to a legitimate minister, are sorry for them, and intend to reform themselves obtain from God through the



impertitam, veniam peccatorum quae post baptismum commiserint a Deo obtinent, simulque reconciliantur cum Ecclesia, quam peccando vulneraverunt.

## CAPUT I. DE CELEBRATIONE SACRAMENTI

**Can. 960** - Individualis et integra confessio atque absolutio unicum constituunt modum ordinarium, quo fidelis peccati gravis sibi conscius cum Deo et Ecclesia reconciliatur; solummodo impossibilitas physica vel moralis ab huiusmodi confessione excusat, quo in casu aliis quoque modis reconciliatio haberi potest.

**Can. 961** - § 1. Absolutio pluribus insimul paenitentibus sine praevia individuali confessione, generali modo impertiri non potest, nisi:

1° immineat periculum mortis et tempus non suppetat sacerdoti vel sacerdotibus ad audiendas singulorum paenitentium confessiones;

2° adsit gravis necessitas, videlicet quando, attento paenitentium numero, confessorum copia praesto non est ad rite audiendas singulorum confessiones intra congruum tempus, ita ut paenitentes, sine propria culpa, gratia sacramentali aut sacra communione diu carere cogantur; necessitas vero non censetur sufficiens, cum confessarii praesto esse non possunt, ratione solius magni concursus paenitentium, qualis haberi potest in magna aliqua festivitate aut peregrinatione.

§ 2. Iudicium ferre an dentur condiciones ad normam § 1, n. 2 requisitae, pertinet ad Episcopum dioecesanum, qui, attentis criteriis cum ceteris membris Episcoporum conferentiae concordatis, casus talis necessitatis determinare potest.

**Can. 962** - § 1. Ut christifidelis sacramentali absolute una simul pluribus data valide fruatur, requiritur non tantum ut sit apte dispositus, sed ut insimul sibi proponat singillatim debito tempore confiteri peccata gravia, quae in praesens ita confiteri nequit.

§ 2. Christifideles, quantum fieri potest etiam occasione absolutionis generalis recipiendae,

absolution imparted by the same minister forgiveness for the sins they have committed after baptism and, at the same time are reconciled with the Church which they have wounded by sinning.

## Chapter I. The Celebration of the Sacrament

**Can. 960** - Individual and integral confession and absolution constitute the only ordinary means by which a member of the faithful conscious of grave sin is reconciled with God and the Church. Only physical or moral impossibility excuses from confession of this type; in such a case reconciliation can be obtained by other means.

**Can. 961** - § 1. Absolution cannot be imparted in a general manner to many penitents at once without previous individual confession unless:

1° danger of death is imminent and there is insufficient time for the priest or priests to hear the confessions of the individual penitents;

2° there is grave necessity, that is, when in view of the number of penitents, there are not enough confessors available to hear the confessions of individuals properly within a suitable period of time in such a way that the penitents are forced to be deprived for a long while of sacramental grace or holy communion through no fault of their own. Sufficient necessity is not considered to exist when confessors cannot be present due only to the large number of penitents such as can occur on some great feast or pilgrimage.

§ 2. It belongs to the diocesan bishop to judge whether the conditions required according to the norm of § 1, n. 2 are present. He can determine the cases of such necessity, attentive to the criteria agreed upon with the other members of the conference of bishops.

**Can. 962** - § 1. For a member of the Christian faithful validly to receive sacramental absolution given to many at one time, it is required not only that the person is properly disposed but also at the same time intends to confess within a suitable period of time each grave sin which at the present time cannot be so confessed.

§ 2. Insofar as it can be done even on the occasion of the reception of general absolution,

de requisitis ad normam § 1 edoceantur et absolutioni generali, in casu quoque periculi mortis, si tempus suppetat, praemittatur exhortatio ut actum contritionis quisque elicere curet.

**Can. 963** - Firma manente obligatione de qua in can. 989, is cui generali absolutione gravia peccata remittuntur, ad confessionem individuaalem quam primum, occasione data, accedat, antequam aliam recipiat absolutionem generalem, nisi iusta causa interveniat.

**Can. 964** - § 1. Ad sacramentales confessiones excipiendas locus proprius est ecclesia aut oratorium.

§ 2. Ad sedem confessionalem quod attinet, normae ab Episcoporum conferentia statuuntur, cauto tamen ut semper habeantur in loco patenti sedes confessionales crate fixa inter paenitentem et confessarium instructae, quibus libere uti possint fideles, qui id desiderent.

§ 3. Confessiones extra sedem confessionalem ne excipiantur, nisi iusta de causa.

## CAPUT II. DE SACRAMENTI PAENITENTIAE MINISTRO

**Can. 965** - Minister sacramenti paenitentiae est solus sacerdos.

**Can. 966** - § 1. Ad validam peccatorum absolutionem requiritur ut minister, praeterquam potestate ordinis, facultate gaudeat eandem in fideles, quibus absolutionem impertitur, exercendi.

§ 2. Hac facultate donari potest sacerdos, sive ipso iure sive concessione ab auctoritate competenti facta ad normam can. 969.

**Can. 967** - § 1. Praeter Romanum Pontificem, facultate christifidelium ubique terrarum confessiones excipiendi ipso iure gaudent Cardinales; itemque Episcopi, qui eadem et licite ubique utuntur, nisi Episcopus dioecesanus in casu particulari renuerit.

§ 2. Qui facultate confessiones habitualiter excipiendi gaudent sive vi officii sive vi concessionis Ordinarii loci incardinationis aut

the Christian faithful are to be instructed about the requirements of the norm of § 1. An exhortation that each person take care to make an act of contrition is to precede general absolution even in the case of danger of death, if there is time.

**Can. 963** - Without prejudice to the obligation mentioned in can. 989, a person whose grave sins are remitted by general absolution is to approach individual confession as soon as possible, given the opportunity, before receiving another general absolution, unless a just cause intervenes.

**Can. 964** - § 1. The proper place to hear sacramental confessions is a church or oratory.

§ 2. The conference of bishops is to establish norms regarding the confessional; it is to take care, however, that there are always confessionals with a fixed grate between the penitent and the confessor in an open place so that the faithful who wish to can use them freely.

§ 3. Confessions are not to be heard outside a confessional without a just cause.

## Chapter II. The Minister of the Sacrament of Penance

**Can. 965** - A priest alone is the minister of the sacrament of penance.

**Can. 966** - § 1. The valid absolution of sins requires that the minister have, in addition to the power of orders, the faculty of exercising it for the faithful to whom he imparts absolution.

§ 2. A priest can be given this faculty either by the law itself or by a grant made by the competent authority according to the norm of can. 969.

**Can. 967** - § 1. In addition to the Roman Pontiff, cardinals have the faculty of hearing the confessions of the Christian faithful everywhere in the world by the law itself. Bishops likewise have this faculty and use it licitly everywhere unless the diocesan bishop has denied it in a particular case.

§ 2. Those who possess the faculty of hearing confessions habitually whether by virtue of office or by virtue of the grant of an ordinary of

loci in quo domicilium habent, eandem facultatem ubique exercere possunt, nisi loci Ordinarius in casu particulari renuerit, firmis praescriptis can. 974, §§ 2 et 3.

§ 3. Ipso iure eadem facultate ubique potiuntur erga sodales aliosque in domo instituti aut societatis diu noctuque degentes, qui vi officii aut concessionis Superioris competentis ad normam cann. 968, § 2 et 969, § 2 facultate confessiones excipiendi sunt instructi; qui quidem eadem et licite utuntur, nisi aliquis Superior maior quoad proprios subditos in casu particulari renuerit.

**Can. 968 - § 1.** Vi officii pro sua quisque ditione facultate ad confessiones excipiendas gaudent loci Ordinarius, canonicus paenitentarius, itemque parochus aliique qui loco parochi sunt.

§ 2. Vi officii facultate gaudent confessiones excipiendi suorum subditorum aliorumque, in domo diu noctuque degentium, Superiores instituti religiosi aut societatis vitae apostolicae, si sint clericales iuris pontificii, ad normam constitutionum potestate regiminis executiva fruuntur, firmo tamen praescripto can. 630, § 4.

**Can. 969 - § 1.** Solus loci Ordinarius competens est qui facultatem ad confessiones quorumlibet fidelium excipiendas conferat presbyteris quibuslibet; presbyteri autem qui sodales sunt institutorum religiosorum, eadem ne utantur sine licentia saltem praesumpta sui Superioris.

§ 2. Superior instituti religiosi aut societatis vitae apostolicae, de quo in can. 968, § 2, competens est qui facultatem ad excipiendas confessiones suorum subditorum aliorumque in domo diu noctuque degentium presbyteris quibuslibet conferat.

**Can. 970 -** Facultas ad confessiones excipiendas ne concedatur nisi presbyteris qui idonei per examen reperti fuerint, aut de eorum idoneitate aliunde constet.

**Can. 971 -** Facultatem ad excipiendas habitualiter confessiones loci Ordinarius presbytero, etsi domicilium vel quasi-domicilium

the place of incardination or of the place in which they have a domicile can exercise that faculty everywhere unless the local ordinary has denied it in a particular case, without prejudice to the prescripts of can. 974, §§ 2 and 3.

§ 3. Those who are provided with the faculty of hearing confessions by reason of office or grant of a competent superior according to the norm of cann. 968, § 2 and 969, § 2 possess the same faculty everywhere by the law itself as regards members and others living day and night in the house of the institute or society; they also use the faculty licitly unless some major superior has denied it in a particular case as regards his own subjects.

**Can. 968 - § 1.** In virtue of office, a local ordinary, canon penitentiary, a pastor, and those who take the place of a pastor possess the faculty of hearing confessions, each within his jurisdiction.

§ 2. In virtue of their office, superiors of religious institutes or societies of apostolic life that are clerical and of pontifical right, who have executive power of governance according to the norm of their constitutions, possess the faculty of hearing the confessions of their subjects and of others living day and night in the house, without prejudice to the prescript of can. 630, § 4.

**Can. 969 - § 1.** The local ordinary alone is competent to confer upon any presbyters whatsoever the faculty to hear the confessions of any of the faithful. Presbyters who are members of religious institutes, however, are not to use the faculty without at least the presumed permission of their superior.

§ 2. The superior of a religious institute or society of apostolic life mentioned in can. 968, § 2 is competent to confer upon any presbyters whatsoever the faculty to hear the confessions of their subjects and of others living day and night in the house.

**Can. 970 -** The faculty to hear confessions is not to be granted except to presbyters who are found to be suitable through an examination or whose suitability is otherwise evident.

**Can. 971 -** The local ordinary is not to grant the faculty of hearing confessions habitually to a presbyter, even one having a domicile or quasi-

in sua ditione habenti, ne concedat, nisi prius, quantum fieri potest, audito eiusdem presbyteri Ordinario.

**Can. 972** - Facultas ad confessiones excipiendas a competenti auctoritate, de qua in can. 969, concedi potest ad tempus sive indeterminatum sive determinatum.

**Can. 973** - Facultas ad confessiones habitualiter excipiendas scripto concedatur.

**Can. 974** - § 1. Loci Ordinarius, itemque Superior competens, facultatem ad confessiones excipiendas habitualiter concessam ne revocet nisi gravem ob causam.

§ 2. Revocata facultate ad confessiones excipiendas a loci Ordinario qui eam concessit, de quo in can. 967, § 2, presbyter eandem facultatem ubique amittit; revocata eadem facultate ab alio loci Ordinario, eandem amittit tantum in territorio revocantis.

§ 3. Quilibet loci Ordinarius qui alicui presbytero revocaverit facultatem ad confessiones excipiendas, certiore reddat Ordinarium qui ratione incardinationis est presbyteri proprius, aut, si agatur de sodali instituti religiosi, eiusdem competentem Superiorem.

§ 4. Revocata facultate ad confessiones excipiendas a proprio Superiore maiore, facultatem ad excipiendas confessiones ubique erga sodales instituti amittit presbyter; revocata autem eadem facultate ab alio Superiore competenti, eandem amittit erga solos in eiusdem ditione subditos.

**Can. 975** - Praeterquam revocatione, facultas de qua in can. 967, § 2 cessat amissione officii vel excardinatione aut amissione domicilii.

**Can. 976** - Quilibet sacerdos, licet ad confessiones excipiendas facultate careat, quoslibet paenitentes in periculo mortis versantes valide et licite absolvit a quibusvis censuris et peccatis, etiamsi praesens sit sacerdos approbatus.

**Can. 977** - Absolutio complicitis in peccato contra sextum Decalogi praeceptum invalida est, praeterquam in periculo mortis.

domicile in his jurisdictione, unless he has first heard the ordinary of the same presbyter insofar as possible.

**Can. 972** - The competent authority mentioned in can. 969 can grant the faculty to hear confessions for either an indefinite or a definite period of time.

**Can. 973** - The faculty to hear confessions habitually is to be granted in writing.

**Can. 974** - § 1. The local ordinary and the competent superior are not to revoke the faculty to hear confessions habitually except for a grave cause.

§ 2. When the faculty to hear confessions has been revoked by the local ordinary who granted it as mentioned in can. 967, § 2, a presbyter loses the faculty everywhere. If some other local ordinary has revoked the faculty, the presbyter loses it only in the territory of the one who revokes it.

§ 3. Any local ordinary who has revoked the faculty of some presbyter to hear confessions is to inform the proper ordinary of incardination of the presbyter or, if he is a member of a religious institute, his competent superior.

§ 4. If the proper major superior of a presbyter has revoked the faculty to hear confessions, the presbyter loses the faculty to hear the confessions of members of the institute everywhere. If some other competent superior has revoked the faculty, however, the presbyter loses it only with regard to the subjects in the jurisdiction of that superior.

**Can. 975** - Besides by revocation, the faculty mentioned in can. 967, § 2 ceases by loss of office, excardination, or loss of domicile.

**Can. 976** - Even though a priest lacks the faculty to hear confessions, he absolves validly and licitly any penitents whatsoever in danger of death from any censures and sins, even if an approved priest is present.

**Can. 977** - The absolution of an accomplice in a sin against the sixth commandment of the Decalogue is invalid except in danger of death.

**Can. 978** - § 1. Meminerit sacerdos in audiendis confessionibus se iudicis pariter et medici personam sustinere ac divinae iustitiae simul et misericordiae ministrum a Deo constitutum esse, ut honori divino et animarum saluti consulat.

§ 2. Confessarius, utpote minister Ecclesiae, in administrando sacramento, doctrinae Magisterii et normis a competenti auctoritate latis fideliter adhaereat.

**Can. 979** - Sacerdos in quaestionibus ponendis cum prudentia et discretione procedat, attenta quidem condicione et aetate paenitentis, absteatque a nomine complicitis inquirendo.

**Can. 980** - Si confessario dubium non est de paenitentis dispositione et hic absolutionem petat, absolutio ne denegetur nec differatur.

**Can. 981** - Pro qualitate et numero peccatorum, habita tamen ratione paenitentis condicionis, salutare et convenientes satisfactiones confessarius iniungat; quas paenitens per se ipse implendi obligatione tenetur.

**Can. 982** - Qui confitetur se falso confessarium innocentem apud auctoritatem ecclesiasticam denunciasset de crimine sollicitationis ad peccatum contra sextum Decalogi praeceptum, ne absolvatur nisi prius falsam denuntiationem formaliter retractaverit et paratus sit ad damna, si quae habeantur, reparanda.

**Can. 983** - § 1. Sacramentale sigillum inviolabile est; quare nefas est confessario verbis vel alio quovis modo et quavis de causa aliquatenus prodere paenitentem.

§ 2. Obligatione secretum servandi tenentur quoque interpretes, si detur, necnon omnes alii ad quos ex confessione notitia peccatorum quoquo modo pervenerit.

**Can. 984** - § 1. Omnino confessario prohibetur scientiae ex confessione acquisitae usus cum paenitentis gravamine, etiam quovis revelationis periculo excluso.

§ 2. Qui in auctoritate est constitutus, notitia

**Can. 978** - § 1. In hearing confessions the priest is to remember that he is equally a judge and a physician and has been established by God as a minister of divine justice and mercy, so that he has regard for the divine honor and the salvation of souls.

§ 2. In administering the sacrament, the confessor as a minister of the Church is to adhere faithfully to the doctrine of the magisterium and the norms issued by competent authority.

**Can. 979** - In posing questions, the priest is to proceed with prudence and discretion, attentive to the condition and age of the penitent, and is to refrain from asking the name of an accomplice.

**Can. 980** - If the confessor has no doubt about the disposition of the penitent, and the penitent seeks absolution, absolution is to be neither refused nor deferred.

**Can. 981** - The confessor is to impose salutary and suitable penances in accord with the quality and number of sins, taking into account the condition of the penitent. The penitent is obliged to fulfill these personally.

**Can. 982** - Whoever confesses to have denounced falsely an innocent confessor to ecclesiastical authority concerning the crime of solicitation to sin against the sixth commandment of the Decalogue is not to be absolved unless the person has first formally retracted the false denunciation and is prepared to repair damages if there are any.

**Can. 983** - § 1. The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

§ 2. The interpreter, if there is one, and all others who in any way have knowledge of sins from confession are also obliged to observe secrecy.

**Can. 984** - § 1. A confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded.

§ 2. A person who has been placed in authority

quam de peccatis in confessione quovis tempore excepta habuerit, ad exteriorem gubernationem nullo modo uti potest.

**Can. 985** - Magister novitiorum eiusque socius, rector seminarii aliusve instituti educationis sacramentales confessiones suorum alumnorum in eadem domo commorantium ne audiant, nisi alumni in casibus particularibus sponte id petant.

**Can. 986** - § 1. Omnis cui animarum cura vi muneris est demandata, obligatione tenetur providendi ut audiantur confessiones fidelium sibi commissorum, qui rationabiliter audiri petant, utque iisdem opportunitas praebeatur ad confessionem individuaem, diebus ac horis in eorum commodum statutis, accedendi.

§ 2. Urgente necessitate, quilibet confessarius obligatione tenetur confessiones christifidelium excipiendi, et in periculo mortis quilibet sacerdos.

### CAPUT III. DE IPSO PAENITENTE

**Can. 987** - Christifidelis, ut sacramenti paenitentiae remedium percipiat salutiferum, ita dispositus sit oportet ut, peccata quae commiserit repudians et propositum sese emendandi habens, ad Deum convertatur.

**Can. 988** - § 1. Christifidelis obligatione tenetur in specie et numero confitendi omnia peccata gravia post baptismum perpetrata et nondum per claves Ecclesiae directe remissa neque in confessione individuali accusata, quorum post diligentem sui discussionem conscientiam habeat.

§ 2. Commendatur christifidelibus ut etiam peccata venialia confiteantur.

**Can. 989** - Omnis fidelis, postquam ad annos discretionis pervenerit, obligatione tenetur peccata sua gravia, saltem semel in anno, fideliter confitendi.

**Can. 990** - Nemo prohibetur quominus per interpretem confiteatur, vitatis quidem abusibus et scandalis atque firmo praescripto can. 983, § 2.

**Can. 991** - Cuius christifideli integrum est confessario legitime approbato etiam alius ritus,

cannot use in any manner for external governance the knowledge about sins which he has received in confession at any time.

**Can. 985** - The director of novices and his associate and the rector of a seminary or other institute of education are not to hear the sacramental confessions of their students residing in the same house unless the students freely request it in particular cases.

**Can. 986** - § 1. All to whom the care of souls has been entrusted in virtue of some function are obliged to make provision so that the confessions of the faithful entrusted to them are heard when they reasonably seek to be heard and that they have the opportunity to approach individual confession on days and at times established for their convenience.

§ 2. In urgent necessity, any confessor is obliged to hear the confessions of the Christian faithful, and in danger of death, any priest is so obliged.

### Chapter III. The Penitent

**Can. 987** - To receive the salvific remedy of the sacrament of penance, a member of the Christian faithful must be disposed in such a way that, rejecting sins committed and having a purpose of amendment, the person is turned back to God.

**Can. 988** - § 1. A member of the Christian faithful is obliged to confess in kind and number all grave sins committed after baptism and not yet remitted directly through the keys of the Church nor acknowledged in individual confession, of which the person has knowledge after diligent examination of conscience.

§ 2. It is recommended to the Christian faithful that they also confess venial sins.

**Can. 989** - After having reached the age of discretion, each member of the faithful is obliged to confess faithfully his or her grave sins at least once a year.

**Can. 990** - No one is prohibited from confessing through an interpreter as long as abuses and scandals are avoided and without prejudice to the prescript of can. 983, § 2.

**Can. 991** - Every member of the Christian faithful is free to confess sins to a legitimately

cui maluerit, peccata confiteri.

#### CAPUT IV. DE INDULGENTIIS

**Can. 992** - Indulgentia est remissio coram Deo poenae temporalis pro peccatis, ad culpam quod attinet iam deletis, quam christifidelis, apte dispositus et certis ac definitis condicionibus, consequitur ope Ecclesiae quae, ut ministra redemptionis, thesaurum satisfactionum Christi et Sanctorum auctoritative dispensat et applicat.

**Can. 993** - Indulgentia est partialis aut plenaria, prout a poena temporali pro peccatis debita liberat ex parte aut ex toto.

**Can. 994** - Quivis fidelis potest indulgentias sive partiales sive plenarias, aut sibi ipsi lucrari, aut defunctis applicare ad modum suffragii.

**Can. 995** - § 1. Praeter supremam Ecclesiae auctoritatem ii tantum possunt indulgentias elargiri, quibus haec potestas iure agnoscitur aut a Romano Pontifice conceditur.

§ 2. Nulla auctoritas infra Romanum Pontificem potest potestatem concedendi indulgentias aliis committere, nisi id ei a Sede Apostolica expresse fuerit indultum.

**Can. 996** - § 1. Ut quis capax sit lucrandi indulgentias debet esse baptizatus, non excommunicatus, in statu gratiae saltem in fine operum praescriptorum.

§ 2. Ut vero subiectum capax eas lucretur, habere debet intentionem saltem generalem eas acquirendi et opera iniuncta implere statuto tempore ac debito modo, secundum concessionis tenorem.

**Can. 997** - Ad indulgentiarum concessionem et usum quod attinet, servanda sunt insuper cetera praescripta quae in peculiaribus Ecclesiae legibus continentur.

#### TITULUS V. DE SACRAMENTO UNCTIONIS INFIRMORUM

**Can. 998** - Unctio infirmorum, qua Ecclesia fideles periculose aegrotantes Domino patienti et glorificato, ut eos allevet et salvet, commendat, confertur eos liniendo oleo atque verba proferendo in liturgicis libris praescripta.

approved confessor of his or her choice, even to one of another rite.

#### Chapter IV. Indulgences

**Can. 992** - An indulgence is the remission before God of temporal punishment for sins whose guilt is already forgiven, which a properly disposed member of the Christian faithful gains under certain and defined conditions by the assistance of the Church which as minister of redemption dispenses and applies authoritatively the treasury of the satisfactions of Christ and the saints.

**Can. 993** - An indulgence is partial or plenary insofar as it partially or totally frees from the temporal punishment due to sins.

**Can. 994** - Any member of the faithful can gain partial or plenary indulgences for oneself or apply them to the dead by way of suffrage.

**Can. 995** - § 1. In addition to the supreme authority of the Church, only those to whom this power is acknowledged in the law or granted by the Roman Pontiff can bestow indulgences.

§ 2. No authority below the Roman Pontiff can entrust the power of granting indulgences to others unless the Apostolic See has given this expressly to the person.

**Can. 996** - § 1. To be capable of gaining indulgences, a person must be baptized, not excommunicated, and in the state of grace at least at the end of the prescribed works.

§ 2. To gain indulgences, however, a capable subject must have at least the general intention of acquiring them and must fulfill the enjoined works in the established time and the proper method, according to the tenor of the grant.

**Can. 997** - As regards the granting and use of indulgences, the other prescripts contained in the special laws of the Church must also be observed.

#### Title V. The Sacrament of the Anointing of the Sick

**Can. 998** - The anointing of the sick, by which the Church commends the faithful who are dangerously ill to the suffering and glorified Lord in order that he relieve and save them, is conferred by anointing them with oil and pronouncing the words prescribed in the

## CAPUT I. DE SACRAMENTI CELEBRATIONE

**Can. 999** - Praeter Episcopum, oleum in unctione infirmorum adhibendum benedicere possunt:

1° qui iure Episcopo dioecesano aequiparantur;

2° in casu necessitatis, quilibet presbyter in ipsa tamen celebratione sacramenti.

**Can. 1000** - § 1. Unctiones verbis, ordine et modo praescriptis in liturgicis libris, accurate peragantur; in casu tamen necessitatis, sufficit unctio unica in fronte vel etiam in alia corporis parte, integra formula prolata.

§ 2. Unctiones peragat minister propria manu, nisi gravis ratio usum instrumenti suadeat.

**Can. 1001** - Curent animarum pastores et infirmorum propinqui, ut tempore opportuno infirmi hoc sacramento subleventur.

**Can. 1002** - Celebratio communis unctionis infirmorum, pro pluribus infirmis simul, qui apte sint praeparati et rite dispositi, iuxta Episcopi dioecesani praescripta peragi potest.

## CAPUT II. DE MINISTRO UNCTIONIS INFIRMORUM

**Can. 1003** - § 1. Unctionem infirmorum valide administrat omnis et solus sacerdos.

§ 2. Officium et ius unctionis infirmorum ministrandi habent omnes sacerdotes, quibus demandata est cura animarum, erga fideles suo pastoralis officio commissos; ex rationabili causa, quilibet alius sacerdos hoc sacramentum ministrare potest de consensu saltem praesumpto sacerdotis de quo supra.

§ 3. Cuilibet sacerdoti licet oleum benedictum secumferre ut, in casu necessitatis, sacramentum unctionis infirmorum ministrare valeat.

## CAPUT III. DE IIS QUIBUS UNCTIO INFIRMORUM CONFERENDA SIT

liturgical books.

## Chapter I. The Celebration of the Sacrament

**Can. 999** - In addition to a bishop, the following can bless the oil to be used in the anointing of the sick:

1° those equivalent to a diocesan bishop by law;

2° any presbyter in a case of necessity, but only in the actual celebration of the sacrament.

**Can. 1000** - § 1. The anointings with the words, order, and manner prescribed in the liturgical books are to be performed carefully. In a case of necessity, however, a single anointing on the forehead or even on some other part of the body is sufficient, while the entire formula is said.

§ 2. The minister is to perform the anointings with his own hand, unless a grave reason warrants the use of an instrument.

**Can. 1001** - Pastors of souls and those close to the sick are to take care that the sick are consoled by this sacrament at the appropriate time.

**Can. 1002** - The communal celebration of the anointing of the sick for many of the sick at once, who have been suitably prepared and are properly disposed, can be performed according to the prescripts of the diocesan bishop.

## Chapter II. The Minister of the Anointing of the Sick

**Can. 1003** - § 1. Every priest and a priest alone validly administers the anointing of the sick.

§ 2. All priests to whom the care of souls has been entrusted have the duty and right of administering the anointing of the sick for the faithful entrusted to their pastoral office. For a reasonable cause, any other priest can administer this sacrament with at least the presumed consent of the priest mentioned above.

§ 3. Any priest is permitted to carry blessed oil with him so that he is able to administer the sacrament of the anointing of the sick in a case of necessity.

## Chapter III. Those on Whom the Anointing of the Sick is to be Conferred



**Can. 1004** - § 1. Unctio infirmorum ministrari potest fideli qui, adepto rationis usu, ob infirmitatem vel senium in periculo incipit versari.

§ 2. Hoc sacramentum iterari potest, si infirmus, postquam convaluerit, denuo in gravem infirmitatem inciderit aut si, eadem infirmitate perdurante, discrimen factum gravius sit.

**Can. 1005** - In dubio utrum infirmus rationis usum attigerit, an periculose aegrotet vel mortuus sit, hoc sacramentum ministretur.

**Can. 1006** - Infirmis qui, cum suae mentis compotes essent, hoc sacramentum implicite saltem petierint, conferatur.

**Can. 1007** - Unctio infirmorum ne conferatur illis, qui in manifesto gravi peccato obstinate perseverent.

## TITULUS VI. DE ORDINE

**Can. 1008** - Sacramento ordinis ex divina institutione inter christifideles quidam, caractere indelebili quo signantur, constituuntur sacri ministri, qui nempe consecrantur et deputantur ut, pro suo quisque gradu, novo et peculiari titulo Dei populo inserviant.

**Can. 1009** - § 1. Ordines sunt episcopatus, presbyteratus et diaconatus.

§ 2. Conferuntur manuum impositione et precatione consecratoria, quam pro singulis gradibus libri liturgici praescribunt.

§ 3. Qui constituti sunt in ordine episcopatus aut presbyteratus missionem et facultatem agendi in persona Christi Capitis accipiunt, diaconi vero vim populo Dei serviendi in diaconia liturgiae, verbi et caritatis.

## CAPUT I. DE ORDINATIONIS CELEBRATIONE ET MINISTRO

**Can. 1010** - Ordinatio intra Missarum sollemnia celebretur, die dominico vel festo de praecepto, sed ob rationes pastorales aliis etiam diebus, ferialibus non exceptis, fieri potest.

**Can. 1011** - § 1. Ordinatio generaliter in

**Can. 1004** - § 1. The anointing of the sick can be administered to a member of the faithful who, having reached the use of reason, begins to be in danger due to sickness or old age.

§ 2. This sacrament can be repeated if the sick person, having recovered, again becomes gravely ill or if the condition becomes more grave during the same illness.

**Can. 1005** - This sacrament is to be administered in a case of doubt whether the sick person has attained the use of reason, is dangerously ill, or is dead.

**Can. 1006** - This sacrament is to be conferred on the sick who at least implicitly requested it when they were in control of their faculties.

**Can. 1007** - The anointing of the sick is not to be conferred upon those who persevere obstinately in manifest grave sin.

## Title VI. Orders

**Can. 1008** - By divine institution, the sacrament of orders establishes some among the Christian faithful as sacred ministers through an indelible character which marks them. They are consecrated and designated, each according to his grade, so that they may serve the People of God by a new and specific title.

**Can. 1009** - § 1. The orders are the episcopate, the presbyterate, and the diaconate.

§ 2. They are conferred by the imposition of hands and the consecratory prayer which the liturgical books prescribe for the individual grades.

§ 3. Those who are constituted in the order of the episcopate or the presbyterate receive the mission and capacity to act in the person of Christ the Head, whereas deacons are empowered to serve the People of God in the ministries of the liturgy, the word, and charity.

## Chapter I. The Celebration and Minister of Ordination

**Can. 1010** - Ordination is to be celebrated within the solemnities of the Mass on a Sunday or holy day of obligation. For pastoral reasons it can take place also on other days, even weekdays.

**Can. 1011** - § 1. Ordination generally is to be

cathedrali ecclesia celebretur; ob rationes tamen pastorales in alia ecclesia aut oratorio celebrari potest.

§ 2. Ad ordinationem invitandi sunt clerici aliique christifideles, ut quam maxima frequentia celebrationi intersint.

**Can. 1012** - Sacrae ordinationis minister est Episcopus consecratus.

**Can. 1013** - Nulli Episcopo licet quemquam consecrare in Episcopum, nisi prius constet de pontificio mandato.

**Can. 1014** - Nisi Sedis Apostolicae dispensatio intercesserit, Episcopus consecrator principalis in consecratione episcopali duos saltem Episcopos consecrantes sibi adiungat; valde convenit autem, ut una cum iisdem omnes Episcopi praesentes electum consecrent.

**Can. 1015** - § 1. Unusquisque ad presbyteratum et ad diaconatum a proprio Episcopo ordinetur aut cum legitimis eiusdem litteris dimissoriis.

§ 2. Episcopus proprius, iusta de causa non impeditus, per se ipse suos subditos ordinet; sed subditum orientalis ritus, sine apostolico indulto, licite ordinare non potest.

§ 3. Qui potest litteras dimissorias ad ordines recipiendos dare, potest quoque eosdem ordines per se ipse conferre, si character episcopali polleat.

**Can. 1016** - Episcopus proprius, quod attinet ad ordinationem diaconalem eorum qui clero saeculari se adscribi intendunt, est Episcopus dioecesis, in qua promovendus habet domicilium, aut dioecesis cui promovendus sese devovere statuit; quod attinet ad ordinationem presbyteralem clericorum saecularium, est Episcopus dioecesis, cui promovendus per diaconatum est incardinatus.

**Can. 1017** - Episcopus extra propriam ditionem nonnisi cum licentia Episcopi dioecesanii ordines conferre potest.

**Can. 1018** - § 1. Litteras dimissorias pro saecularibus dare possunt:

1° Episcopus proprius, de quo in can. 1016;

celebrated in the cathedral church; for pastoral reasons, however, it can be celebrated in another church or oratory.

§ 2. Clerics and other members of the Christian faithful must be invited to the ordination so that as large an assembly as possible is present at the celebration.

**Can. 1012** - The minister of sacred ordination is a consecrated bishop.

**Can. 1013** - No bishop is permitted to consecrate anyone a bishop unless it is first evident that there is a pontifical mandate.

**Can. 1014** - Unless the Apostolic See has granted a dispensation, the principal bishop consecrator in an episcopal consecration is to be joined by at least two consecrating bishops; it is especially appropriate, however, that all the bishops present consecrate the elect together with the bishops mentioned.

**Can. 1015** - § 1. Each person is to be ordained to the presbyterate or the diaconate by his proper bishop or with legitimate dimissorial letters from him.

§ 2. If not impeded by a just cause, the proper bishop is to ordain his own subjects personally; without an apostolic indult, however, he cannot ordain licitly a subject of an Eastern rite.

§ 3. The person who can give dimissorial letters to receive orders can himself also confer the same orders personally if he possesses the episcopal character.

**Can. 1016** - As regards the diaconal ordination of those who intend to be enrolled in the secular clergy, the proper bishop is the bishop of the diocese in which the candidate has a domicile or the bishop of the diocese to which the candidate is determined to devote himself. As regards the presbyteral ordination of secular clerics, it is the bishop of the diocese in which the candidate was incardinated through the diaconate.

**Can. 1017** - A bishop cannot confer orders outside his own jurisdiction without the permission of the diocesan bishop.

**Can. 1018** - § 1. The following can give dimissorial letters for secular clergy:

1° the proper bishop mentioned in

2° Administrator apostolicus atque, de consensu collegii consultorum, Administrator dioecesanus; de consensu consilii, de quo in can. 495, § 2, Pro-vicarius et Pro-praefectus apostolicus.

§ 2. Administrator dioecesanus, Pro-vicarius et Pro-praefectus apostolicus litteras dimissorias ne iis concedant, quibus ab Episcopo dioecetano aut a Vicario vel Praefecto apostolico accessus ad ordines denegatus fuerit.

**Can. 1019** - § 1. Superiori maiori instituti religiosi clericalis iuris pontificii aut societatis clericalis vitae apostolicae iuris pontificii competit ut suis subditis, iuxta constitutiones perpetuo vel definitive instituto aut societati adscriptis, concedat litteras dimissorias ad diaconatum et ad presbyteratum.

§ 2. Ordinatio ceterorum omnium alumnorum cuiusvis instituti aut societatis regitur iure clericorum saecularium, revocato quolibet indulto Superioribus concesso.

**Can. 1020** - Litterae dimissoriae ne concedantur, nisi habitis antea omnibus testimoniis et documentis, quae iure exiguntur ad normam cann. 1050 et 1051.

**Can. 1021** - Litterae dimissoriae mitti possunt ad quemlibet Episcopum communionem cum Sede Apostolica habentem, excepto tantum, citra apostolicum indultum, Episcopo ritus diversi a ritu promovendi.

**Can. 1022** - Episcopus ordinans, acceptis legitimis litteris dimissoriis, ad ordinationem ne procedat, nisi de germana litterarum fide plane constet.

**Can. 1023** - Litterae dimissoriae possunt ab ipso concedente aut ab eius successore limitibus circumscribi aut revocari, sed semel concessae non extinguuntur resoluta iure concedentis.

## CAPUT II. DE ORDINANDIS

**Can. 1024** - Sacram ordinationem valide recipit solus vir baptizatus.

**Can. 1025** - § 1. Ad licite ordines presbyteratus

can. 1016;

2° an apostolic administrator and, with the consent of the college of consultors, a diocesan administrator; with the consent of the council mentioned in can. 495, § 2, an apostolic pro-vicar and an apostolic pro-prefect.

§ 2. A diocesan administrator, apostolic pro-vicar, and apostolic pro-prefect are not to grant dimissorial letters to those who have been denied admission to orders by the diocesan bishop, the apostolic vicar, or the apostolic prefect.

**Can. 1019** - § 1. The major superior of a clerical religious institute of pontifical right or of a clerical society of apostolic life of pontifical right is competent to grant dimissorial letters for the diaconate and the presbyterate to their subjects who are enrolled perpetually or definitively in the institute or society according to their constitutions.

§ 2. The law for secular clerics governs the ordination of all other candidates of any institute or society; any other indult granted to superiors is revoked.

**Can. 1020** - Dimissorial letters are not to be granted unless all the testimonials and documents required by law according to the norm of cann. 1050 and 1051 have been obtained beforehand.

**Can. 1021** - Dimissorial letters can be sent to any bishop in communion with the Apostolic See except to a bishop of a rite different from the rite of the candidate unless there is an apostolic indult.

**Can. 1022** - After the ordaining bishop has received legitimate dimissorial letters, he is not to proceed to the ordination unless it is clearly evident that the letters are authentic.

**Can. 1023** - Dimissorial letters can be limited or revoked by the one who granted them or by his successor, but once granted they do not lapse when the authority of the one who granted them ceases.

## Chapter II. Those to be Ordained

**Can. 1024** - A baptized male alone receives sacred ordination validly.

**Can. 1025** - § 1. To confer the presbyteral or

vel diaconatus conferendos requiritur ut candidatus, probatione ad normam iuris peracta, debitis qualitatibus, iudicio proprii Episcopi aut Superioris maioris competentis, praeditus sit, nulla detineatur irregularitate nulloque impedimento, atque praerequisita, ad normam cann. 1033-1039 adimpleverit; praeterea documenta habeantur, de quibus in can. 1050, atque scrutinium peractum sit, de quo in can. 1051.

§ 2. Insuper requiritur ut, iudicio eiusdem legitimi Superioris, ad Ecclesiae ministerium utilis habeatur.

§ 3. Episcopo ordinanti proprium subditum, qui servitio alius dioecesis destinatur, constare debet ordinandum huic dioecesi addictum iri.

#### Art. 1. DE REQUISITIS IN ORDINANDIS

**Can. 1026** - Ut quis ordinetur debita libertate gaudeat oportet; nefas est quemquam, quovis modo, ob quamlibet causam ad ordines recipiendos cogere, vel canonice idoneum ab iisdem recipiendis avertere.

**Can. 1027** - Aspirantes ad diaconatum et presbyteratum accurata praeparatione efformentur, ad normam iuris.

**Can. 1028** - Curet Episcopus dioecesanus aut Superior competens ut candidati, antequam ad ordinem aliquem promoveantur, rite edoceantur de iis, quae ad ordinem eiusque obligationes pertinent.

**Can. 1029** - Ad ordines ii soli promoveantur qui, prudenti iudicio Episcopi proprii aut Superioris maioris competentis, omnibus perpensis, integram habent fidem, recta moventur intentione, debita pollent scientia, bona gaudent existimatione, integris moribus probatisque virtutibus atque aliis qualitatibus physicis et psychicis ordini recipiendo congruentibus sunt praediti.

**Can. 1030** - Nonnisi ex causa canonica, licet occulta, proprius Episcopus vel Superior maior competens diaconis ad presbyteratum destinatis, sibi subditis, ascensum ad presbyteratum interdicere potest, salvo recursu

diaconal orders licitly, it is required that the candidate, having completed the period of probation according to the norm of law, is endowed in the judgment of his own bishop or of the competent major superior with the necessary qualities, is prevented by no irregularity and no impediment, and has fulfilled the prerequisites according to the norm of cann. 1033-1039. Moreover, the documents mentioned in can. 1050 are to be obtained and the investigation mentioned in can. 1051 is to be completed.

§ 2. Furthermore, it is required that he is considered in the judgment of the same legitimate superior as useful for the ministry of the Church.

§ 3. The bishop ordaining his own subject who is destined to the service of another diocese must be sure that the one to be ordained is going to be attached to this other diocese.

#### Art. 1. Requirements in Those to be Ordained

**Can. 1026** - A person must possess due freedom in order to be ordained. It is absolutely forbidden to force anyone in any way or for any reason to receive orders or to deter one who is canonically suitable from receiving them.

**Can. 1027** - Those aspiring to the diaconate and presbyterate are to be formed by careful preparation, according to the norm of law.

**Can. 1028** - The diocesan bishop or the competent superior is to take care that before candidates are promoted to any order, they are instructed properly about those things which belong to the order and its obligations.

**Can. 1029** - Only those are to be promoted to orders who, in the prudent judgment of their own bishop or of the competent major superior, all things considered, have integral faith, are moved by the right intention, have the requisite knowledge, possess a good reputation, and are endowed with integral morals and proven virtues and the other physical and psychic qualities in keeping with the order to be received.

**Can. 1030** - Only for a canonical cause, even if occult, can the proper bishop or competent major superior forbid admission to the presbyterate to deacons subject to him who are destined to the presbyterate, without prejudice

ad normam iuris.

**Can. 1031** - § 1. Presbyteratus ne conferatur nisi iis qui aetatis annum vigesimum quintum expleverint et sufficienti gaudeant maturitate, servato insuper intervallo sex saltem mensium inter diaconatum et presbyteratum; qui ad presbyteratum destinantur, ad diaconatus ordinem tantummodo post expletum aetatis annum vigesimum tertium admittantur.

§ 2. Candidatus ad diaconatum permanentem qui non sit uxoratus ad eundem diaconatum ne admittatur, nisi post expletum vigesimum quintum saltem aetatis annum; qui matrimonio coniunctus est, nonnisi post expletum trigesimum quintum saltem aetatis annum, atque de uxoris consensu.

§ 3. Integrum est Episcoporum conferentiis normam statuere, qua provecior ad presbyteratum et ad diaconatum permanentem requiratur aetas.

§ 4. Dispensatio ultra annum super aetate requisita ad normam §§ 1 et 2, Apostolicae Sedi reservatur.

**Can. 1032** - § 1. Aspirantes ad presbyteratum promoveri possunt ad diaconatum solummodo post expletum quintum curriculum studiorum philosophico-theologicorum annum.

§ 2. Post expletum studiorum curriculum, diaconus per tempus congruum, ab Episcopo vel a Superiore maiore competenti definiendum, in cura pastoralis partem habeat, diaconalem exercens ordinem, antequam ad presbyteratum promoveatur.

§ 3. Aspirans ad diaconatum permanentem, ad hunc ordinem ne promoveatur nisi post expletum formationis tempus.

## Art. 2. DE PRAEREQUISITIS AD ORDINATIONEM

**Can. 1033** - Licite ad ordines promovetur tantum qui recepit sacrae confirmationis sacramentum.

**Can. 1034** - § 1. Ad diaconatum vel presbyteratum aspirans ne ordinetur, nisi prius per liturgicum admissionis ritum ab auctoritate, de qua in cann. 1016 et 1019, adscriptionem inter candidatos obtinuerit post praeviam suam petitionem propria manu exaratam et

to recourse according to the norm of law.

**Can. 1031** - § 1. The presbyterate is not to be conferred except on those who have completed the twenty-fifth year of age and possess sufficient maturity; an interval of at least six months is to be observed between the diaconate and the presbyterate. Those destined to the presbyterate are to be admitted to the order of deacon only after completing the twenty-third year of age.

§ 2. A candidate for the permanent diaconate who is not married is not to be admitted to the diaconate until after completing at least the twenty-fifth year of age; one who is married, not until after completing at least the thirty-fifth year of age and with the consent of his wife.

§ 3. The conferences of bishops are free to establish norms which require an older age for the presbyterate and the permanent diaconate.

§ 4. A dispensation of more than a year from the age required according to the norm of §§ 1 and 2 is reserved to the Apostolic See.

**Can. 1032** - § 1. Those aspiring to the presbyterate can be promoted to the diaconate only after they have completed the fifth year of the curriculum of philosophical and theological studies.

§ 2. After a deacon has completed the curriculum of studies and before he is promoted to the presbyterate, he is to take part in pastoral care, exercising the diaconal order, for a suitable time defined by the bishop or competent major superior.

§ 3. A person aspiring to the permanent diaconate is not to be promoted to this order unless he has completed the time of formation.

## Art. 2. The Prerequisites for Ordination

**Can. 1033** - A person is promoted licitly to orders only if he has received the sacrament of confirmation.

**Can. 1034** - § 1. A person aspiring to the diaconate or presbyterate is not to be ordained unless he has first been enrolled among the candidates through the liturgical rite of admission by the authority mentioned in cann. 1016 and 1019; his petition is previously to

subscriptam, atque ab eadem auctoritate in scriptis acceptatam.

§ 2. Ad eandem admissionem obtinendam non tenetur, qui per vota in clericale institutum cooptatus est.

**Can. 1035** - § 1. Antequam quis ad diaconatum sive permanentem sive transeuntem promoveatur, requiritur ut ministeria lectoris et acolythi receperit et per congruum tempus exercuerit.

§ 2. Inter acolythatus et diaconatus collationem intervallum intercedat sex saltem mensium.

**Can. 1036** - Candidatus, ut ad ordinem diaconatus aut presbyteratus promoveri possit, Episcopo proprio aut Superiori maiori competenti declarationem tradat propria manu exaratam et subscriptam, qua testificetur se sponte ac libere sacrum ordinem suscepturum atque se ministerio ecclesiastico perpetuo mancipaturum esse, insimul petens ut ad ordinem recipiendum admittatur.

**Can. 1037** - Promovendus ad diaconatum permanentem qui non sit uxoratus, itemque promovendus ad presbyteratum, ad ordinem diaconatus ne admittantur, nisi ritu praescripto publice coram Deo et Ecclesia obligationem caelibatus assumpserint, aut vota perpetua in instituto religioso emisierint.

**Can. 1038** - Diaconus, qui ad presbyteratum promoveri renuat, ab ordinis recepti exercitio prohiberi non potest, nisi impedimento detineatur canonico aliave gravi causa, de iudicio Episcopi dioecesanii aut Superioris maioris competentis aestimanda.

**Can. 1039** - Omnes, qui ad aliquem ordinem promovendi sunt, exercitiis spiritualibus vacent per quinque saltem dies, loco et modo ab Ordinario determinatis; Episcopus, antequam ad ordinationem procedat, certior factus sit oportet candidatos rite iisdem exercitiis vacasse.

### Art. 3. DE IRREGULARITATIBUS ALIISQUE IMPEDIMENTIS

**Can. 1040** - A recipiendis ordinibus arcentur qui quovis impedimento afficiuntur sive

have been written in his own hand, signed, and accepted in writing by the same authority.

§ 2. A person who has been received into a clerical institute through vows is not bound to obtain this admission.

**Can. 1035** - § 1. Before anyone is promoted to the permanent or transitional diaconate, he is required to have received the ministries of lector and acolyte and to have exercised them for a suitable period of time.

§ 2. There is to be an interval of at least six months between the conferral of the ministry of acolyte and the diaconate.

**Can. 1036** - In order to be promoted to the order of diaconate or of presbyterate, the candidate is to present to his bishop or competent major superior a declaration written in his own hand and signed in which he attests that he will receive the sacred order of his own accord and freely and will devote himself perpetually to the ecclesiastical ministry and at the same time asks to be admitted to the order to be received.

**Can. 1037** - An unmarried candidate for the permanent diaconate and a candidate for the presbyterate are not to be admitted to the order of diaconate unless they have assumed the obligation of celibacy in the prescribed rite publicly before God and the Church or have made perpetual vows in a religious institute.

**Can. 1038** - A deacon who refuses to be promoted to the presbyterate cannot be prohibited from the exercise of the order received unless he is prevented by a canonical impediment or another grave cause to be evaluated in the judgment of the diocesan bishop or competent major superior.

**Can. 1039** - All candidates for any order are to make a spiritual retreat for at least five days in a place and manner determined by the ordinary. Before the bishop proceeds to ordination, he must be certain that the candidates properly made this retreat.

### Art. 3. Irregularities and Other Impediments

**Can. 1040** - Those affected by any impediment, whether perpetual, which is called an

perpetuo, quod venit nomine irregularitatis, sive simplici; nullum autem impedimentum contrahitur, quod in canonibus qui sequuntur non contineatur.

**Can. 1041** - Ad recipiendos ordines sunt irregulares:

1° qui aliqua forma laborat amentiae aliueve psychicae infirmitatis, qua, consultis peritis, inhabilis iudicatur ad ministerium rite implendum;

2° qui delictum apostasiae, haeresis aut schismatis commiserit;

3° qui matrimonium etiam civile tantum attentaverit, vel ipsemet vinculo matrimoniali aut ordine sacro aut voto publico perpetuo castitatis a matrimonio ineundo impeditus, vel cum muliere matrimonio valido coniuncta aut eodem voto adstricta;

4° qui voluntarium homicidium perpetraverit aut abortum procuraverit, effectu secuto, omnesque positive cooperantes;

5° qui seipsum vel alium graviter et dolose mutilaverit vel sibi vitam adimere tentaverit;

6° qui actum ordinis posuerit constitutis in ordine episcopatus vel presbyteratus reservatum, vel eodem carens, vel ab eius exercitio poena aliqua canonica declarata vel irrogata prohibitus.

**Can. 1042** - Sunt a recipiendis ordinibus simpliciter impediti:

1° vir uxorem habens, nisi ad diaconatum permanentem legitime destinetur;

2° qui officium vel administrationem gerit clericis ad normam cann. 285 et 286 vetitam cuius rationem reddere debet, donec, depositis officio et administratione atque rationibus redditis, liber factus sit;

3° neophytus, nisi, iudicio Ordinarii, sufficienter probatus fuerit.

**Can. 1043** - Christifideles obligatione tenentur impedimenta ad sacros ordines, si qua norint, Ordinario vel parrocho ante ordinationem revelandi.

**Can. 1044**

irregularity, or simple, are prevented from receiving orders. The only impediments incurred, however, are those contained in the following canons.

**Can. 1041** - The following are irregular for receiving orders:

1° a person who labors under some form of amentia or other psychic illness due to which, after experts have been consulted, he is judged unqualified to fulfill the ministry properly;

2° a person who has committed the delict of apostasy, heresy, or schism;

3° a person who has attempted marriage, even only civilly, while either impeded personally from entering marriage by a matrimonial bond, sacred orders, or a public perpetual vow of chastity, or with a woman bound by a valid marriage or restricted by the same type of vow;

4° a person who has committed voluntary homicide or procured a completed abortion and all those who positively cooperated in either;

5° a person who has mutilated himself or another gravely and maliciously or who has attempted suicide;

6° a person who has placed an act of orders reserved to those in the order of episcopate or presbyterate while either lacking that order or prohibited from its exercise by some declared or imposed canonical penalty.

**Can. 1042** - The following are simply impeded from receiving orders:

1° a man who has a wife, unless he is legitimately destined to the permanent diaconate;

2° a person who exercises an office or administration forbidden to clerics according to the norm of cann. 285 and 286 for which he must render an account, until he becomes free by having relinquished the office or administration and rendered the account;

3° a neophyte unless he has been proven sufficiently in the judgment of the ordinary.

**Can. 1043** - If the Christian faithful are aware of impediments to sacred orders, they are obliged to reveal them to the ordinary or pastor before the ordination.

**Can. 1044**

- § 1. Ad exercendos ordines receptos sunt irregulares:

1° qui irregularitate ad ordines recipiendos dum afficiebatur, illegitime ordines recepit;

2° qui delictum commisit, de quo in can. 1041, n. 2, si delictum est publicum;

3° qui delictum commisit, de quibus in can. 1041, nn. 3, 4, 5, 6.

§ 2. Ab ordinibus exercendis impediuntur:

1° qui impedimento ad ordines recipiendos detentus, illegitime ordines recepit;

2° qui amentia aliave infirmitate psychica de qua in can. 1041, n. 1 afficitur, donec Ordinarius, consulto perito, eiusdem ordinis exercitium permiserit.

**Can. 1045** - Ignorantia irregularitatum atque impedimentorum ab eisdem non eximit.

**Can. 1046** - Irregularitates et impedimenta multiplicantur ex diversis eorundem causis, non autem ex repetita eadem causa, nisi agatur de irregularitate ex homicidio voluntario aut ex procurato abortu, effectu secuto.

**Can. 1047** - § 1. Uni Apostolicae Sedi reservatur dispensatio ab omnibus irregularitatibus, si factum quo innituntur ad forum iudiciale deductum fuerit.

§ 2. Eidem etiam reservatur dispensatio ab irregularitatibus et impedimentis ad ordines recipiendos, quae sequuntur:

1° ab irregularitatibus ex delictis publicis, de quibus in can. 1041, nn. 2 et 3;

2° ab irregularitate ex delicto sive publico sive occulto, de quo in can. 1041, n. 4;

3° ab impedimento, de quo in can. 1042, n. 1.

§ 3. Apostolicae Sedi etiam reservatur dispensatio ab irregularitatibus ad exercitium ordinis suscepti, de quibus in can. 1041, n. 3, in casibus publicis tantum, atque in eodem canone, n. 4, etiam in casibus occultis.

- § 1. The following are irregular for the exercise of orders received:

1° a person who has received orders illegitimately while affected by an irregularity to receive them;

2° a person who has committed a delict mentioned in can. 1041, n. 2, if the delict is public;

3° a person who has committed a delict mentioned in can. 1041, nn. 3, 4, 5, 6.

§ 2. The following are impeded from the exercise of orders:

1° a person who has received orders illegitimately while prevented by an impediment from receiving them;

2° a person who is affected by amentia or some other psychic illness mentioned in can. 1041, n. 1 until the ordinary, after consulting an expert, permits the exercise of the order.

**Can. 1045** - Ignorance of the irregularities and impediments does not exempt from them.

**Can. 1046** - Irregularities and impediments are multiplied if they arise from different causes. They are not multiplied, however, if they arise from the repetition of the same cause unless it is a question of the irregularity for voluntary homicide or for having procured a completed abortion.

**Can. 1047** - § 1. Dispensation from all irregularities is reserved to the Apostolic See alone if the fact on which they are based has been brought to the judicial forum.

§ 2. Dispensation from the following irregularities and impediments to receive orders is also reserved to the Apostolic See:

1° irregularities from the public delicts mentioned in can. 1041, nn. 2 and 3;

2° the irregularity from the delict mentioned in can. 1041, n. 4, whether public or occult;

3° the impediment mentioned in can. 1042, n. 1.

§ 3. Dispensation in public cases from the irregularities from exercising an order received mentioned in can. 1041, n. 3, and even in occult cases from the irregularities mentioned in can. 1041, n. 4 is also reserved to the Apostolic See.



§ 4. Ab irregularitatibus et impedimentis Sanctae Sedi non reservatis dispensare valet Ordinarius.

**Can. 1048** - In casibus occultis urgentioribus, si adiri nequeat Ordinarius aut cum de irregularitatibus agatur de quibus in can. 1041, nn. 3 et 4, Paenitentiarum, et si periculum imminet gravis damni aut infamiae, potest qui irregularitate ab ordine exercendo impeditur eundem exercere, firmo tamen manente onere quam primum recurrendi ad Ordinarium aut Paenitentiarum, reticito nomine et per confessarium.

**Can. 1049** - § 1. In precibus ad obtinendam irregularitatum et impedimentorum dispensationem, omnes irregularitates et impedimenta indicanda sunt; attamen, dispensatio generalis valet etiam pro reticitis bona fide, exceptis irregularitatibus de quibus in can. 1041, n. 4, aliisve ad forum iudiciale deductis, non autem pro reticitis mala fide.

§ 2. Si agatur de irregularitate ex voluntario homicidio aut ex procurato abortu, etiam numerus delictorum ad validitatem dispensationis exprimendus est.

§ 3. Dispensatio generalis ab irregularitatibus et impedimentis ad ordines recipiendos valet pro omnibus ordinibus.

#### Art. 4. DE DOCUMENTIS REQUISITIS ET DE SCRUTINIO

**Can. 1050** - Ut quis ad sacros ordines promoveri possit, sequentia requiruntur documenta:

1° testimonium de studiis rite peractis ad normam can. 1032;

2° si agatur de ordinandis ad presbyteratum, testimonium recepti diaconatus;

3° si agatur de promovendis ad diaconatum, testimonium recepti baptismi et confirmationis, atque receptorum ministeriorum de quibus in can. 1035; item testimonium factae declarationis de qua in can. 1036, necnon, si ordinandus qui promovendus est ad diaconatum permanentem sit uxoratus, testimonia celebrati matrimonii et consensus uxoris.

§ 4. An ordinary is able to dispense from irregularities and impediments not reserved to the Holy See.

**Can. 1048** - In more urgent occult cases, if the ordinary or, when it concerns the irregularities mentioned in can. 1041, nn. 3 and 4, the Penitentiary cannot be approached and if there is imminent danger of grave harm or infamy, a person impeded by an irregularity from exercising an order can exercise it, but without prejudice to the obligation which remains of making recourse as soon as possible to the ordinary or the Penitentiary, omitting the name and through a confessor.

**Can. 1049** - § 1. Petitions to obtain a dispensation from irregularities or impediments must indicate all the irregularities and impediments. Nevertheless, a general dispensation is valid even for those omitted in good faith, except for the irregularities mentioned in can. 1041, n. 4, and for others brought to the judicial forum, but not for those omitted in bad faith.

§ 2. If it is a question of the irregularity from voluntary homicide or a procured abortion, the number of the delicts also must be mentioned for the validity of the dispensation.

§ 3. A general dispensation from irregularities and impediments to receive orders is valid for all the orders.

#### Art. 4. The Required Documents and Investigation

**Can. 1050** - For a person to be promoted to sacred orders, the following documents are required:

1° a testimonial that studies have been properly completed according to the norm of can. 1032;

2° for those to be ordained to the presbyterate, a testimonial that the diaconate was received;

3° for candidates to the diaconate, a testimonial that baptism, confirmation and the ministries mentioned in can. 1035 were received; likewise, a testimonial that the declaration mentioned in can. 1036 was made, and if the one to be ordained to the permanent diaconate is a married candidate, testimonials that the marriage was celebrated and the wife consents.

**Can. 1051** - Ad scrutinium de qualitatibus in ordinando requisitis quod attinet, servantur praescripta quae sequuntur:

1° habeatur testimonium rectoris seminarii vel domus formationis de qualitatibus ad ordinem recipiendum requisitis, scilicet de candidati recta doctrina, genuina pietate, bonis moribus, aptitudine ad ministerium exercendum; itemque, rite peracta inquisitione, de eius statu valetudinis physicae et psychicae;

2° Episcopus dioecesanus aut Superior maior, ut scrutinium rite peragatur, potest alia adhibere media quae sibi, pro temporis et loci adiunctis, utilia videantur, uti sunt litterae testimoniales, publicationes vel aliae informationes.

**Can. 1052** - § 1. Ut Episcopus ordinationem iure proprio conferens ad eam procedere possit, ipsi constare debet documenta, de quibus in can. 1050, praesto esse atque, scrutinio ad normam iuris peracto, idoneitatem candidati positivis argumentis esse probatam.

§ 2. Ut Episcopus ad ordinationem procedat alieni subditi, sufficit ut litterae dimissoriae referant eadem documenta praesto esse, scrutinium ad normam iuris esse peractum atque de idoneitate candidati constare; quod si promovendus sit sodalis instituti religiosi aut societatis vitae apostolicae, eaedem litterae insuper testari debent ipsum in institutum vel societatem definitive cooptatum fuisse et esse subditum Superioris qui dat litteras.

§ 3. Si, his omnibus non obstantibus, ob certas rationes Episcopus dubitat num candidatus sit idoneus ad ordines recipiendos, eundem ne promoveat.

### CAPUT III. DE ADNOTATIONE AC TESTIMONIO PERACTAE ORDINATIONIS

**Can. 1053** - § 1. Expleta ordinatione, nomina singulorum ordinatorum ac ministri ordinantis, locus et dies ordinationis notentur in peculiari libro apud curiam loci ordinationis diligenter custodiendo, et omnia singularum ordinationum documenta accurate servantur.

**Can. 1051** - The following prescripts regarding the investigation about the qualities required in the one to be ordained are to be observed:

1° there is to be a testimonial of the rector of the seminary or house of formation about the qualities required to receive the order, that is, about the sound doctrine of the candidate, his genuine piety, good morals, and aptitude to exercise the ministry, as well as, after a properly executed inquiry, about his state of physical and psychic health;

2° in order to conduct the investigation properly, the diocesan bishop or major superior can employ other means which seem useful to him according to the circumstances of time and place, such as testimonial letters, public announcements, or other sources of information.

**Can. 1052** - § 1. For a bishop conferring ordination by his own right to proceed to the ordination, he must be sure that the documents mentioned in can. 1050 are at hand and that, after the investigation has been conducted according to the norm of law, positive arguments have proven the suitability of the candidate.

§ 2. For a bishop to proceed to the ordination of someone who is not his subject, it is sufficient that the dimissorial letters mention that the same documents are at hand, that the investigation has been performed according to the norm of the law, and that the suitability of the candidate has been established. Moreover, if the candidate is a member of a religious institute or a society of apostolic life, the same letters must also attest that he has been received definitively into the institute or society and is a subject of the superior who gives the letters.

§ 3. If, all these notwithstanding, the bishop doubts for specific reasons whether a candidate is suitable to receive orders, he is not to promote him.

### Chapter III. The Notation and Testimonial of Ordination Conferred

**Can. 1053** - § 1. After an ordination has taken place, the names of those ordained and of the ordaining minister and the place and date of the ordination are to be noted in a special register to be kept carefully in the curia of the place of ordination; all the documents of individual

§ 2. Singulis ordinatis det Episcopus ordinans authenticum ordinationis receptae testimonium; qui, si ab Episcopo extraneo cum litteris dimissoriis promoti fuerint, illud proprio Ordinario exhibeant pro ordinationis adnotatione in speciali libro in archivo servando.

**Can. 1054** - Loci Ordinarius, si agatur de saecularibus, aut Superior maior competens, si agatur de ipsius subditis, notitiam uniuscuiusque celebratae ordinationis transmittat ad parochum loci baptismi, qui id adnotet in suo baptizatorum libro, ad normam can. 535, § 2.

## TITULUS VII. DE MATRIMONIO

**Can. 1055** - § 1. Matrimoniale foedus, quo vir et mulier inter se totius vitae consortium constituunt, indole sua naturali ad bonum coniugum atque ad prolis generationem et educationem ordinatum, a Christo Domino ad sacramenti dignitatem inter baptizatos evectum est.

§ 2. Quare inter baptizatos nequit matrimonialis contractus validus consistere, quin sit eo ipso sacramentum.

**Can. 1056** - Essentiales matrimonii proprietates sunt unitas et indissolubilitas, quae in matrimonio christiano ratione sacramenti peculiarem obtinent firmitatem.

**Can. 1057** - § 1. Matrimonium facit partium consensus inter personas iure habiles legitime manifestatus, qui nulla humana potestate suppleri valet.

§ 2. Consensus matrimonialis est actus voluntatis, quo vir et mulier foedere irrevocabili sese mutuo tradunt et accipiunt ad constituendum matrimonium.

**Can. 1058** - Omnes possunt matrimonium contrahere, qui iure non prohibentur.

**Can. 1059** - Matrimonium catholicorum, etsi una tantum pars sit catholica, regitur iure non solum divino, sed etiam canonico, salva competentia civilis potestatis circa mere civiles eiusdem matrimonii effectus.

ordinations are to be preserved carefully.

§ 2. The ordaining bishop is to give to each of the ordained an authentic testimonial of the reception of ordination; if a bishop other than their own promoted them with dimissorial letters, they are to show the testimonial to their own ordinary for notation of the ordination in a special register to be kept in the archive.

**Can. 1054** - The local ordinary if it concerns seculars, or the competent major superior if it concerns his own subjects, is to send notice of each ordination celebrated to the pastor of the place of baptism, who is to record it in his baptismal register according to the norm of can. 535, § 2.

## Title VII. Marriage

**Can. 1055** - § 1. The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized.

§ 2. For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament.

**Can. 1056** - The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament.

**Can. 1057** - § 1. The consent of the parties, legitimately manifested between persons qualified by law, makes marriage; no human power is able to supply this consent.

§ 2. Matrimonial consent is an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage.

**Can. 1058** - All persons who are not prohibited by law can contract marriage.

**Can. 1059** - Even if only one party is Catholic, the marriage of Catholics is governed not only by divine law but also by canon law, without prejudice to the competence of civil authority concerning the merely civil effects of the same marriage.

**Can. 1060** - Matrimonium gaudet favore iuris; quare in dubio standum est pro valore matrimonii, donec contrarium probetur.

**Can. 1061** - § 1. Matrimonium inter baptizatos validum dicitur ratum tantum, si non est consummatum; ratum et consummatum, si coniuges inter se humano modo posuerunt coniugalem actum per se aptum ad proles generationem, ad quem natura sua ordinatur matrimonium, et quo coniuges fiunt una caro.

§ 2. Celebrato matrimonio, si coniuges cohabitaverint, praesumitur consummatio, donec contrarium probetur.

§ 3. Matrimonium invalidum dicitur putativum, si bona fide ab una saltem parte celebratum fuerit, donec utraque pars de eiusdem nullitate certa evadat.

**Can. 1062** - § 1. Matrimonii promissio sive unilateralis sive bilateralis, quam sponsalia vocant, regitur iure particulari, quod ab Episcoporum conferentia, habita ratione consuetudinum et legum civilium, si quae sint, statutum fuit.

§ 2. Ex matrimonii promissione non datur actio ad petendam matrimonii celebrationem; datur tamen ad reparationem damnorum, si qua debeatur.

#### CAPUT I. DE CURA PASTORALI ET DE IIS QUAE MATRIMONII CELEBRATIONI PRAEMITTI DEBENT

**Can. 1063** - Pastores animarum obligatione tenentur curandi ut propria ecclesiastica communitas christifidelibus assistentiam praebeat, qua status matrimonialis in spiritu christiano servetur et in perfectione progrediatur. Haec assistentia imprimis praebenda est:

1° praedicatione, catechesi minoribus, iuvenibus et adultis aptata, immo usu instrumentorum communicationis socialis, quibus christifideles de significatione matrimonii christiani deque munere coniugum ac parentum christianorum instituantur;

2° praeparatione personali ad matrimonium ineundum, qua sponsi ad novi sui status sanctitatem et officia disponantur;

**Can. 1060** - Marriage possesses the favor of law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven.

**Can. 1061** - § 1. A valid marriage between the baptized is called ratum tantum if it has not been consummated; it is called ratum et consummatum if the spouses have performed between themselves in a human fashion a conjugal act which is suitable in itself for the procreation of offspring, to which marriage is ordered by its nature and by which the spouses become one flesh.

§ 2. After a marriage has been celebrated, if the spouses have lived together consummation is presumed until the contrary is proven.

§ 3. An invalid marriage is called putative if at least one party celebrated it in good faith, until both parties become certain of its nullity.

**Can. 1062** - § 1. A promise of marriage, whether unilateral or bilateral, which is called an engagement, is governed by the particular law established by the conference of bishops, after it has considered any existing customs and civil laws.

§ 2. A promise to marry does not give rise to an action to seek the celebration of marriage; an action to repair damages, however, does arise if warranted.

#### Chapter I. Pastoral Care and Those Things Which Must Precede the Celebration of Marriage

**Can. 1063** - Pastors of souls are obliged to take care that their ecclesiastical community offers the Christian faithful the assistance by which the matrimonial state is preserved in a Christian spirit and advances in perfection. This assistance must be offered especially by:

1° preaching, catechesis adapted to minors, youth, and adults, and even the use of instruments of social communication, by which the Christian faithful are instructed about the meaning of Christian marriage and about the function of Christian spouses and parents;

2° personal preparation to enter marriage, which disposes the spouses to the holiness and duties of their new state;

3° fructuosa liturgica matrimonii celebratione, qua eluceat coniuges mysterium unitatis et fecundi amoris inter Christum et Ecclesiam significare atque participare;

4° auxilio coniugatis praestito, ut ipsi foedus coniugale fideliter servantes atque tuentes, ad sanctiorem in dies pleniorumque in familia vitam ducendam perveniant.

**Can. 1064** - Ordinarii loci est curare ut debite ordinetur eadem assistentia, auditis etiam, si opportunum videatur, viris et mulieribus experientia et peritia probatis.

**Can. 1065** - § 1. Catholici qui sacramentum confirmationis nondum receperint, illud, antequam ad matrimonium admittantur, recipiant, si id fieri possit sine gravi incommodo.

§ 2. Ut fructuose sacramentum matrimonii recipiatur, enixe sponsis commendatur, ut ad sacramenta poenitentiae et sanctissimae Eucharistiae accedant.

**Can. 1066** - Antequam matrimonium celebretur, constare debet nihil eius validae ac licitae celebrationi obsistere.

**Can. 1067** - Episcoporum conferentia statuatur normas de examine sponsorum, necnon de publicationibus matrimonialibus aliisque opportunis mediis ad investigationes peragendas, quae ante matrimonium necessaria sunt, quibus diligenter observatis, parochus procedere possit ad matrimonium assistendum.

**Can. 1068** - In periculo mortis, si aliae probationes haberi nequeant, sufficit, nisi contraria adsint indicia, affirmatio contrahentium, si casus ferat etiam iurata, se baptizatos esse et nullo detineri impedimento.

**Can. 1069** - Omnes fideles obligatione tenentur impedimenta, si quae norint, parochus aut loci Ordinario, ante matrimonii celebrationem, revelandi.

**Can. 1070** - Si alius quam parochus, cuius est assistere matrimonio, investigationes peregerit, de harum exitu quam primum per authenticum documentum eundem parochum certiorum reddat.

3° a fruitful liturgical celebration of marriage which is to show that the spouses signify and share in the mystery of the unity and fruitful love between Christ and the Church;

4° help offered to those who are married, so that faithfully preserving and protecting the conjugal covenant, they daily come to lead holier and fuller lives in their family.

**Can. 1064** - It is for the local ordinary to take care that such assistance is organized fittingly, after he has also heard men and women proven by experience and expertise if it seems opportune.

**Can. 1065** - § 1. Catholics who have not yet received the sacrament of confirmation are to receive it before they are admitted to marriage if it can be done without grave inconvenience.

§ 2. To receive the sacrament of marriage fruitfully, spouses are urged especially to approach the sacraments of penance and of the Most Holy Eucharist.

**Can. 1066** - Before a marriage is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration.

**Can. 1067** - The conference of bishops is to establish norms about the examination of spouses and about the marriage banns or other opportune means to accomplish the investigations necessary before marriage. After these norms have been diligently observed, the pastor can proceed to assist at the marriage.

**Can. 1068** - In danger of death and if other proofs cannot be obtained, the affirmation of the contracting parties, even sworn if the case warrants it, that they are baptized and are prevented by no impediment is sufficient unless there are indications to the contrary.

**Can. 1069** - All the faithful are obliged to reveal any impediments they know about to the pastor or local ordinary before the celebration of the marriage.

**Can. 1070** - If someone other than the pastor who is to assist at marriage has conducted the investigations, the person is to notify the pastor about the results as soon as possible through an authentic document.

**Can. 1071** - § 1. Excepto casu necessitatis, sine licentia Ordinarii loci ne quis assistat:

1° matrimonio vagorum;

2° matrimonio quod ad normam legis civilis agnosci vel celebrari nequeat;

3° matrimonio eius qui obligationibus teneatur naturalibus erga aliam partem filiosve ex praecedenti unione ortis;

4° matrimonio eius qui notorie catholicam fidem abiecerit;

5° matrimonio eius qui censura innodatus sit;

6° matrimonio filii familias minoris, insciis aut rationabiliter invitis parentibus;

7° matrimonio per procuratorem ineundo, de quo in can. 1105.

§ 2. Ordinarius loci licentiam assistendi matrimonio eius qui notorie catholicam fidem abiecerit ne concedat, nisi servatis normis de quibus in can. 1125, congrua congruis referendo.

**Can. 1072** - Curent animarum pastores a matrimonii celebratione avertere iuvenes ante aetatem, qua secundum regionis receptos mores matrimonium iniri solet.

## CAPUT II. DE IMPEDIMENTIS DIRIMENTIBUS IN GENERE

**Can. 1073** - Impedimentum dirimens personam inhabilem reddit ad matrimonium valide contrahendum.

**Can. 1074** - Publicum censetur impedimentum, quod probari in foro externo potest; secus est occultum.

**Can. 1075** - § 1. Supremae tantum Ecclesiae auctoritatis est authentice declarare quandonam ius divinum matrimonium prohibeat vel dirimat.

§ 2. Uni quoque supremae auctoritati ius est alia impedimenta pro baptizatis constituere.

**Can. 1076** - Consuetudo novum impedimentum inducens aut impedimentis exsistentibus contraria reprobatur.

**Can. 1077** - § 1. Ordinarius loci propriis subditis

**Can. 1071** - § 1. Except in a case of necessity, a person is not to assist without the permission of the local ordinary at:

1° a marriage of transients;

2° a marriage which cannot be recognized or celebrated according to the norm of civil law;

3° a marriage of a person who is bound by natural obligations toward another party or children arising from a previous union;

4° a marriage of a person who has notoriously rejected the Catholic faith;

5° a marriage of a person who is under a censure;

6° a marriage of a minor child when the parents are unaware or reasonably opposed;

7° a marriage to be entered into through a proxy as mentioned in can. 1105.

§ 2. The local ordinary is not to grant permission to assist at the marriage of a person who has notoriously rejected the Catholic faith unless the norms mentioned in can. 1125 have been observed with necessary adaptation.

**Can. 1072** - Pastors of souls are to take care to dissuade youth from the celebration of marriage before the age at which a person usually enters marriage according to the accepted practices of the region.

## Chapter II. Diriment Impediments in General

**Can. 1073** - A diriment impediment renders a person unqualified to contract marriage validly.

**Can. 1074** - An impediment which can be proven in the external forum is considered to be public; otherwise it is occult.

**Can. 1075** - § 1. It is only for the supreme authority of the Church to declare authentically when divine law prohibits or nullifies marriage.

§ 2. Only the supreme authority has the right to establish other impediments for the baptized.

**Can. 1076** - A custom which introduces a new impediment or is contrary to existing impediments is reprobated.

**Can. 1077** - § 1. In a special case, the local

ubique commorantibus et omnibus in proprio territorio actu degentibus vetare potest matrimonium in casu peculiari, sed ad tempus tantum, gravi de causa eaque perdurante.

§ 2. Vetito clausulam dirimentem una suprema Ecclesiae auctoritas addere potest.

**Can. 1078** - § 1. Ordinarius loci proprios subditos ubique commorantes et omnes in proprio territorio actu degentes ab omnibus impedimentis iuris ecclesiastici dispensare potest, exceptis iis, quorum dispensatio Sedi Apostolicae reservatur.

§ 2. Impedimenta quorum dispensatio Sedi Apostolicae reservatur sunt:

1° impedimentum ortum ex sacris ordinibus aut ex voto publico perpetuo castitatis in instituto religioso iuris pontificii;

2° impedimentum criminis de quo in can. 1090.

§ 3. Numquam datur dispensatio ab impedimento consanguinitatis in linea recta aut in secundo gradu lineae collateralis.

**Can. 1079** - § 1. Urgente mortis periculo, loci Ordinarius potest tum super forma in matrimonii celebratione servanda, tum super omnibus et singulis impedimentis iuris ecclesiastici sive publicis sive occultis, dispensare proprios subditos ubique commorantes et omnes in proprio territorio actu degentes, excepto impedimento orto ex sacro ordine presbyteratus.

§ 2. In eisdem rerum adiunctis, de quibus in § 1, sed solum pro casibus in quibus ne loci quidem Ordinarius adiri possit, eadem dispensandi potestate pollet tum parochus, tum minister sacer rite delegatus, tum sacerdos vel diaconus qui matrimonio, ad normam can. 1116, § 2, assistit.

§ 3. In periculo mortis confessarius gaudet potestate dispensandi ab impedimentis occultis pro foro interno sive intra sive extra actum sacramentalis confessionis.

§ 4. In casu de quo in § 2, loci Ordinarius censetur adiri non posse, si tantum per telegraphum vel telephorum id fieri possit.

**Can. 1080** - § 1. Quoties impedimentum

ordinary can prohibit marriage for his own subjects residing anywhere and for all actually present in his own territory but only for a time, for a grave cause, and for as long as the cause continues.

§ 2. Only the supreme authority of the Church can add a nullifying clause to a prohibition.

**Can. 1078** - § 1. The local ordinary can dispense his own subjects residing anywhere and all actually present in his own territory from all impediments of ecclesiastical law except those whose dispensation is reserved to the Apostolic See.

§ 2. Impediments whose dispensation is reserved to the Apostolic See are:

1° the impediment arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right;

2° the impediment of crime mentioned in can. 1090.

§ 3. A dispensation is never given from the impediment of consanguinity in the direct line or in the second degree of the collateral line.

**Can. 1079** - § 1. In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in his territory both from the form to be observed in the celebration of marriage and from each and every impediment of ecclesiastical law, whether public or occult, except the impediment arising from the sacred order of presbyterate.

§ 2. In the same circumstances mentioned in § 1, but only for cases in which the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage according to the norm of can. 1116, § 2 possess the same power of dispensing.

§ 3. In danger of death a confessor possesses the power of dispensing from occult impediments for the internal forum, whether within or outside the act of sacramental confession.

§ 4. In the case mentioned in § 2, the local ordinary is not considered accessible if he can be reached only through telegraph or telephone.

**Can. 1080** - § 1. Whenever an impediment is

detegatur cum iam omnia sunt parata ad nuptias, nec matrimonium sine probabili gravis mali periculo differri possit usquedum a competenti auctoritate dispensatio obtineatur, potestate gaudent dispensandi ab omnibus impedimentis, iis exceptis de quibus in can. 1078, § 2, n. 1, loci Ordinarius et, dummodo casus sit occultus, omnes de quibus in can. 1079, §§ 2-3, servatis condicionibus ibidem praescriptis.

§ 2. Haec potestas valet etiam ad matrimonium convalidandum, si idem periculum sit in mora nec tempus suppetat recurrenti ad Sedem Apostolicam vel ad loci Ordinarium, quod attinet ad impedimenta a quibus dispensare valet.

**Can. 1081** - Parochus aut sacerdos vel diaconus, de quibus in can. 1079, § 2, de concessa dispensatione pro foro externo Ordinarium loci statim certiore faciat; eaque adnotetur in libro matrimoniorum.

**Can. 1082** - Nisi aliud ferat Paenitentiariae rescriptum, dispensatio in foro interno non sacramentali concessa super impedimento occulto, adnotetur in libro, qui in secreto curiae archivo asservandus est, nec alia dispensatio pro foro externo est necessaria, si postea occultum impedimentum publicum evaserit.

### CAPUT III. DE IMPEDIMENTIS DIRIMENTIBUS IN SPECIE

**Can. 1083** - § 1. Vir ante decimum sextum aetatis annum completum, mulier ante decimum quartum item completum, matrimonium validum inire non possunt.

§ 2. Integrum est Episcoporum conferentiae aetatem superiorem ad licitam matrimonii celebrationem statuere.

**Can. 1084** - § 1. Impotentia coeundi antecedens et perpetua, sive ex parte viri sive ex parte mulieris, sive absoluta sive relativa, matrimonium ex ipsa eius natura dirimit.

§ 2. Si impedimentum impotentiae dubium sit, sive dubio iuris sive dubio facti, matrimonium non est impediendum nec, stante dubio, nullum declarandum.

discovered after everything has already been prepared for the wedding, and the marriage cannot be delayed without probable danger of grave harm until a dispensation is obtained from the competent authority, the local ordinary and, provided that the case is occult, all those mentioned in can. 1079, §§ 2-3 when the conditions prescribed therein have been observed possess the power of dispensing from all impediments except those mentioned in can. 1078, § 2, n. 1.

§ 2. This power is valid even to convalidate a marriage if there is the same danger in delay and there is insufficient time to make recourse to the Apostolic See or to the local ordinary concerning impediments from which he is able to dispense.

**Can. 1081** - The pastor or the priest or deacon mentioned in can. 1079, § 2 is to notify the local ordinary immediately about a dispensation granted for the external forum; it is also to be noted in the marriage register.

**Can. 1082** - Unless a rescript of the Penitentiary provides otherwise, a dispensation from an occult impediment granted in the non-sacramental internal forum is to be noted in a book which must be kept in the secret archive of the curia; no other dispensation for the external forum is necessary if afterwards the occult impediment becomes public.

### Chapter III. Specific Diriment Impediments

**Can. 1083** - § 1. A man before he has completed his sixteenth year of age and a woman before she has completed her fourteenth year of age cannot enter into a valid marriage.

§ 2. The conference of bishops is free to establish a higher age for the licit celebration of marriage.

**Can. 1084** - § 1. Antecedent and perpetual impotence to have intercourse, whether on the part of the man or the woman, whether absolute or relative, nullifies marriage by its very nature.

§ 2. If the impediment of impotence is doubtful, whether by a doubt about the law or a doubt about a fact, a marriage must not be impeded nor, while the doubt remains, declared null.



§ 3. Sterilitas matrimonium nec prohibet nec dirimit, firmo praescripto can. 1098.

**Can. 1085** - § 1. Invalide matrimonium attentat qui vinculo tenetur prioris matrimonii, quamquam non consummati.

§ 2. Quamvis prius matrimonium sit irritum aut solutum qualibet ex causa, non ideo licet aliud contrahere, antequam de prioris nullitate aut solutione legitime et certo constiterit.

**Can. 1086** - § 1. Matrimonium inter duas personas, quarum altera sit baptizata in Ecclesia catholica vel in eandem recepta, et altera non baptizata, invalidum est.

§ 2. Ab hoc impedimento ne dispensetur, nisi impletis condicionibus de quibus in cann. 1125 et 1126.

§ 3. Si pars tempore contracti matrimonii tamquam baptizata communiter habebatur aut eius baptismus erat dubius, praesumenda est, ad normam can. 1060, validitas matrimonii, donec certo probetur alteram partem baptizatam esse, alteram vero non baptizatam.

**Can. 1087** - Invalide matrimonium attentant, qui in sacris ordinibus sunt constituti.

**Can. 1088** - Invalide matrimonium attentant, qui voto publico perpetuo castitatis in instituto religioso adstricti sunt.

**Can. 1089** - Inter virum et mulierem abductam vel saltem retentam intuitu matrimonii cum ea contrahendi, nullum matrimonium consistere potest, nisi postea mulier a raptore separata et in loco tuto ac libero constituta, matrimonium sponte eligat.

**Can. 1090** - § 1. Qui intuitu matrimonii cum certa persona ineundi, huius coniugi vel proprio coniugi mortem intulerit, invalide hoc matrimonium attentat.

§ 2. Invalide quoque matrimonium inter se attentant qui mutua opera physica vel morali mortem coniugi intulerunt.

**Can. 1091** - § 1. In linea recta consanguinitatis

§ 3. Sterility neither prohibits nor nullifies marriage, without prejudice to the prescript of can. 1098.

**Can. 1085** - § 1. A person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage.

§ 2. Even if the prior marriage is invalid or dissolved for any reason, it is not on that account permitted to contract another before the nullity or dissolution of the prior marriage is established legitimately and certainly.

**Can. 1086** - § 1. A marriage between two persons, one of whom has been baptized in the Catholic Church or received into it, and the other of whom is not baptized, is invalid.

§ 2. A person is not to be dispensed from this impediment unless the conditions mentioned in cann. 1125 and 1126 have been fulfilled.

§ 3. If at the time the marriage was contracted one party was commonly held to have been baptized or the baptism was doubtful, the validity of the marriage must be presumed according to the norm of can. 1060 until it is proven with certainty that one party was baptized but the other was not.

**Can. 1087** - Those in sacred orders invalidly attempt marriage.

**Can. 1088** - Those bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.

**Can. 1089** - No marriage can exist between a man and a woman who has been abducted or at least detained with a view of contracting marriage with her unless the woman chooses marriage of her own accord after she has been separated from the captor and established in a safe and free place.

**Can. 1090** - § 1. Anyone who with a view to entering marriage with a certain person has brought about the death of that person's spouse or of one's own spouse invalidly attempts this marriage.

§ 2. Those who have brought about the death of a spouse by mutual physical or moral cooperation also invalidly attempt a marriage together.

**Can. 1091** - § 1. In the direct line of

matrimonium irritum est inter omnes ascendentes et descendentes tum legitimos tum naturales.

§ 2. In linea collateralis irritum est usque ad quartum gradum inclusive.

§ 3. Impedimentum consanguinitatis non multiplicatur.

§ 4. Numquam matrimonium permittatur, si quod subest dubium num partes sint consanguineae in aliquo gradu lineae rectae aut in secundo gradu lineae collateralis.

**Can. 1092** - Affinitas in linea recta dirimit matrimonium in quolibet gradu.

**Can. 1093** - Impedimentum publicae honestatis oritur ex matrimonio invalido post instauratam vitam communem aut ex notorio vel publico concubinato; et nuptias dirimit in primo gradu lineae rectae inter virum et consanguineas mulieris, ac vice versa.

**Can. 1094** - Matrimonium inter se valide contrahere nequeunt qui cognatione legali ex adoptione orta, in linea recta aut in secundo gradu lineae collateralis, coniuncti sunt.

#### CAPUT IV. DE CONSENSU MATRIMONIALI

**Can. 1095** - Sunt incapaces matrimonii contrahendi:

1° qui sufficienti rationis usu carent;

2° qui laborant gravi defectu discretionis iudicii circa iura et officia matrimonialia essentialia mutuo tradenda et acceptanda;

3° qui ob causas naturae psychicae obligationes matrimonii essentialia assumere non valent.

**Can. 1096** - § 1. Ut consensus matrimonialis haberi possit, necesse est ut contrahentes saltem non ignorent matrimonium esse consortium permanens inter virum et mulierem ordinatum ad prolem, cooperatione aliqua sexuali, procreandam.

§ 2. Haec ignorantia post pubertatem non praesumitur.

**Can. 1097** - § 1. Error in persona invalidum reddit matrimonium.

consanguinity marriage is invalid between all ancestors and descendants, both legitimate and natural.

§ 2. In the collateral line marriage is invalid up to and including the fourth degree.

§ 3. The impediment of consanguinity is not multiplied.

§ 4. A marriage is never permitted if doubt exists whether the partners are related by consanguinity in any degree of the direct line or in the second degree of the collateral line.

**Can. 1092** - Affinity in the direct line in any degree invalidates a marriage.

**Can. 1093** - The impediment of public propriety arises from an invalid marriage after the establishment of common life or from notorious or public concubinage. It nullifies marriage in the first degree of the direct line between the man and the blood relatives of the woman, and vice versa.

**Can. 1094** - Those who are related in the direct line or in the second degree of the collateral line by a legal relationship arising from adoption cannot contract marriage together validly.

#### Chapter IV. Matrimonial Consent

**Can. 1095** - The following are incapable of contracting marriage:

1° those who lack the sufficient use of reason;

2° those who suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;

3° those who are not able to assume the essential obligations of marriage for causes of a psychic nature.

**Can. 1096** - § 1. For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.

§ 2. This ignorance is not presumed after puberty.

**Can. 1097** - § 1. Error concerning the person renders a marriage invalid.

§ 2. Error in qualitate personae, etsi det causam contractui, matrimonium irritum non reddit, nisi haec qualitas directe et principaliter intendatur.

**Can. 1098** - Qui matrimonium in initio deceptus dolo, ad obtinendum consensum contrahit, circa aliquam alterius partis qualitatem, quae suapte natura consortium vitae conjugalis graviter perturbare potest, invalide contrahit.

**Can. 1099** - Error circa matrimonii unitatem vel indissolubilitatem aut sacramentalem dignitatem, dummodo non determinet voluntatem, non vitiat consensum matrimoniale.

**Can. 1100** - Scientia aut opinio nullitatis matrimonii consensum matrimoniale non necessario excludit.

**Can. 1101** - § 1. Internus animi consensus praesumitur conformis verbis vel signis in celebrando matrimonio adhibitis.

§ 2. At si alterutra vel utraque pars positivo voluntatis actu excludat matrimonium ipsum vel matrimonii essentiale aliquod elementum, vel essentialiam aliquam proprietatem, invalide contrahit.

**Can. 1102** - § 1. Matrimonium sub conditione de futuro valide contrahi nequit.

§ 2. Matrimonium sub conditione de praeterito vel de praesenti initum est validum vel non, prout id quod conditioni subest, existit vel non.

§ 3. Condicio autem, de qua in § 2, licite apponi nequit, nisi cum licentia Ordinarii loci scripto data.

**Can. 1103** - Invalidum est matrimonium initum ob vim vel metum gravem ab extrinseco, etiam haud consulto incussum, a quo ut quis se liberet, eligere cogatur matrimonium.

**Can. 1104** - § 1. Ad matrimonium valide contrahendum necesse est ut contrahentes sint praesentes una simul sive per se ipsi, sive per procuratorem.

§ 2. Sponsi consensum matrimoniale verbis expriment; si vero loqui non possunt, signis

§ 2. Error concerning a quality of the person does not render a marriage invalid even if it is the cause for the contract, unless this quality is directly and principally intended.

**Can. 1098** - A person contracts invalidly who enters into a marriage deceived by malice, perpetrated to obtain consent, concerning some quality of the other partner which by its very nature can gravely disturb the partnership of conjugal life.

**Can. 1099** - Error concerning the unity or indissolubility or sacramental dignity of marriage does not vitiate matrimonial consent provided that it does not determine the will.

**Can. 1100** - The knowledge or opinion of the nullity of a marriage does not necessarily exclude matrimonial consent.

**Can. 1101** - § 1. The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage.

§ 2. If, however, either or both of the parties by a positive act of the will exclude marriage itself, some essential element of marriage, or some essential property of marriage, the party contracts invalidly.

**Can. 1102** - § 1. A marriage subject to a condition about the future cannot be contracted validly.

§ 2. A marriage entered into subject to a condition about the past or the present is valid or not insofar as that which is subject to the condition exists or not.

§ 3. The condition mentioned in § 2, however, cannot be placed licitly without the written permission of the local ordinary.

**Can. 1103** - A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from it.

**Can. 1104** - § 1. To contract a marriage validly the contracting parties must be present together, either in person or by proxy.

§ 2. Those being married are to express matrimonial consent in words or, if they cannot

aequipollentibus.

**Can. 1105** - § 1. Ad matrimonium per procuratorem valide ineundum requiritur:

1° ut adsit mandatum speciale ad contrahendum cum certa persona;

2° ut procurator ab ipso mandante designetur, et munere suo per se ipse fungatur.

§ 2. Mandatum, ut valeat, subscribendum est a mandante et praeterea a paroco vel Ordinario loci in quo mandatum datur, aut a sacerdote ab alterutro delegato, aut a duobus saltem testibus; aut confici debet per documentum ad normam iuris civilis authenticum.

§ 3. Si mandans scribere nequeat, id in ipso mandato adnotetur et alius testis addatur qui scripturam ipse quoque subsignet; secus mandatum irritum est.

§ 4. Si mandans, antequam procurator eius nomine contrahat, mandatum revocaverit aut in amentiam inciderit, invalidum est matrimonium, licet sive procurator sive altera pars contrahens haec ignoraverit.

**Can. 1106** - Matrimonium per interpretem contrahi potest; cui tamen parochus ne assistat, nisi de interpretis fide sibi constet.

**Can. 1107** - Etsi matrimonium invalide ratione impedimenti vel defectus formae initum fuerit, consensus praestitus praesumitur perseverare, donec de eius revocatione constiterit.

## CAPUT V. DE FORMA CELEBRATIONIS MATRIMONII

**Can. 1108** - § 1. Ea tantum matrimonia valida sunt, quae contrahuntur coram loci Ordinario aut paroco aut sacerdote vel diacono ab alterutro delegato qui assistant, necnon coram duobus testibus, secundum tamen regulas expressas in canonibus qui sequuntur, et salvis exceptionibus de quibus in cann. 144, 1112, § 1, 1116 et 1127, §§ 1-2.

§ 2. Assistens matrimonio intellegitur tantum qui praesens exquirat manifestationem contrahentium consensus eamque nomine Ecclesiae recipit.

§ 3. Solus sacerdos valide assistit matrimonio inter partes orientales vel inter partem latinam

speak, through equivalent signs.

**Can. 1105** - § 1. To enter into a marriage validly by proxy it is required that:

1° there is a special mandate to contract with a specific person;

2° the proxy is designated by the one mandating and fulfills this function personally.

§ 2. To be valid the mandate must be signed by the one mandating and by the pastor or ordinary of the place where the mandate is given, or by a priest delegated by either of them, or at least by two witnesses, or it must be made by means of a document which is authentic according to the norm of civil law.

§ 3. If the one mandating cannot write, this is to be noted in the mandate itself and another witness is to be added who also signs the document; otherwise, the mandate is invalid.

§ 4. If the one mandating revokes the mandate or develops amentia before the proxy contracts in his or her name, the marriage is invalid even if the proxy or the other contracting party does not know this.

**Can. 1106** - A marriage can be contracted through an interpreter; the pastor is not to assist at it, however, unless he is certain of the trustworthiness of the interpreter.

**Can. 1107** - Even if a marriage was entered into invalidly by reason of an impediment or a defect of form, the consent given is presumed to persist until its revocation is established.

## Chapter V. The Form of the Celebration of Marriage

**Can. 1108** - § 1. Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses according to the rules expressed in the following canons and without prejudice to the exceptions mentioned in cann. 144, 1112, § 1, 1116, and 1127, §§ 1-2.

§ 2. The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of the consent of the contracting parties, and receives it in the name of the Church.

§ 3. Only a priest validly assists at the marriage between two Eastern parties or between one

et partem orientalem sive catholicam sive non catholicam.

**Can. 1109** - Loci Ordinarius et parochus, nisi per sententiam vel per decretum fuerint excommunicati vel interdicti vel suspensi ab officio aut tales declarati, vi officii, intra fines sui territorii, valide matrimoniis assistunt non tantum subditorum sed etiam, dummodo alterutra saltem pars sit adscripta Ecclesiae latinae, non subditorum.

**Can. 1110** - Ordinarius et parochus personalis vi officii matrimonio solummodo eorum valide assistunt, quorum saltem alteruter subditus sit intra fines suae ditionis.

**Can. 1111** - § 1. Loci Ordinarius et parochus, quamdiu valide officio funguntur, possunt facultatem intra fines sui territorii matrimoniis assistendi, etiam generalem, sacerdotibus et diaconis delegare, firmo tamen eo quod praescribit can. 1108 § 3.

§ 2. Ut valida sit delegatio facultatis assistendi matrimoniis, determinatis personis expresse dari debet; si agitur de delegatione speciali, ad determinatum matrimonium danda est; si vero agitur de delegatione generali, scripto est concedenda.

**Can. 1112** - § 1. Ubi desunt sacerdotes et diaconi, potest Episcopus dioecesanus, praevis voto favorabili Episcoporum conferentiae et obtenta licentia Sanctae Sedis, delegare laicos, qui matrimoniis assistant, firmo praescripto can. 1108 § 3.

§ 2. Laicus seligatur idoneus, ad institutionem nupturientibus tradendam capax et qui liturgiae matrimoniali rite peragenda aptus sit.

**Can. 1113** - Antequam delegatio concedatur specialis, omnia provideantur, quae ius statuit ad libertatem status comprobendam.

**Can. 1114** - Assistens matrimonio illicite agit, nisi ipsi constiterit de libero statu contrahentium ad normam iuris atque, si fieri potest, de licentia parochi, quoties vi delegationis generalis assistit.

Latin party and one Eastern Catholic or non-Catholic party.

**Can. 1109** - Unless the local ordinary and pastor have been excommunicated, interdicted, or suspended from office or declared such through a sentence or decree, by virtue of their office and within the confines of their territory they assist validly at the marriages not only of their subjects, but also provided at least one of the parties is ascribed to the Latin Church, those who are not their subjects.

**Can. 1110** - By virtue of office, a personal ordinary and a personal pastor assist validly only at marriages where at least one of the parties is a subject within the confines of their jurisdiction.

**Can. 1111** - § 1. As long as they hold office validly, the local ordinary and the pastor can delegate to priests and deacons the faculty, even a general one, of assisting at marriages within the limits of their territory, without prejudice to the prescript of can. 1108 § 3.

§ 2. To be valid, the delegation of the faculty to assist at marriages must be given to specific persons expressly. If it concerns special delegation, it must be given for a specific marriage; if it concerns general delegation, it must be given in writing.

**Can. 1112** - § 1. With the prior favorable opinion of the conference of bishops and after the permission of the Holy See has been obtained, the diocesan bishop can delegate lay persons to assist at marriages where priests or deacons are lacking, without prejudice to the prescript of can. 1108, § 3.

§ 2. A suitable lay person is to be selected, who is capable of giving instruction to those preparing to be married and able to perform the matrimonial liturgy properly.

**Can. 1113** - Before special delegation is granted, all those things which the law has established to prove free status are to be fulfilled.

**Can. 1114** - The person assisting at marriage acts illicitly unless the person has made certain of the free status of the contracting parties according to the norm of law and, if possible, of the permission of the pastor whenever the person assists in virtue of general delegation.

**Can. 1115** - Matrimonia celebrentur in paroecia ubi alterutra pars contrahentium habet domicilium vel quasi-domicilium vel menstruam commorationem, aut, si de vagis agitur, in paroecia ubi actu commorantur; cum licentia proprii Ordinarii aut parochi proprii, alibi celebrari possunt.

**Can. 1116** - § 1. Si haberi vel adiri nequeat sine gravi incommodo assistens ad normam iuris competens, qui intendunt verum matrimonium inire, illud valide ac licite coram solis testibus contrahere possunt:

1° in mortis periculo;

2° extra mortis periculum, dummodo prudenter praevideatur earum rerum condicionem esse per mensem duraturam.

§ 2. In utroque casu, si praesto sit alius sacerdos vel diaconus qui adesse possit, vocari et, una cum testibus, matrimonii celebrationi adesse debet, salva coniugii validitate coram solis testibus.

§ 3. In iisdem rerum adiunctis, de quibus in § 1, nn. 1 et 2, Ordinarius loci cuilibet sacerdote catholico facultatem conferre potest matrimonium benedicendi christifidelium Ecclesiarum orientalium quae plenam cum Ecclesia catholica communionem non habeant si sponte id petant, et dummodo nihil validae vel licitae celebrationi matrimonii obstet. Sacerdos ipse, si id prudenter fieri possit, auctoritatem competentem Ecclesiae non catholicae, cuius interest, de re certiore faciat.

**Can. 1117** - Statuta superius forma servanda est, si saltem alterutra pars matrimonium contrahentium in Ecclesia catholica baptizata vel in eandem recepta sit, salvis praescriptis can. 1127, § 2.

**Can. 1118** - § 1. Matrimonium inter catholicos vel inter partem catholicam et partem non catholicam baptizatam celebretur in ecclesia paroeciali; in alia ecclesia aut oratorio celebrari poterit de licentia Ordinarii loci vel parochi.

§ 2. Matrimonium in alio convenienti loco celebrari Ordinarius loci permittere potest.

§ 3. Matrimonium inter partem catholicam et partem non baptizatam in ecclesia vel in alio

**Can. 1115** - Marriages are to be celebrated in a parish where either of the contracting parties has a domicile, quasi-domicile, or month long residence or, if it concerns transients, in the parish where they actually reside. With the permission of the proper ordinary or proper pastor, marriages can be celebrated elsewhere.

**Can. 1116** - § 1. If a person competent to assist according to the norm of law cannot be present or approached without grave inconvenience, those who intend to enter into a true marriage can contract it validly and licitly before witnesses only:

1° in danger of death;

2° outside the danger of death provided that it is prudently foreseen that the situation will continue for a month.

§ 2. In either case, if some other priest or deacon who can be present is available, he must be called and be present at the celebration of the marriage together with the witnesses, without prejudice to the validity of the marriage before witnesses only.

§ 3. In addition to the provisions established § 1, nn. 1 and 2, the local ordinary can confer to any Catholic priest the faculty to bless the marriage of the Christian faithful of the Eastern Churches who are not in full communion with the Catholic Church if they request it spontaneously and provided there is nothing to preclude the valid and licit celebration of the marriage. If it is prudently possible, the same priest is to inform the competent authority of the non-Catholic Church, who are concerned, of the fact.

**Can. 1117** - The form established above must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it, without prejudice to the prescripts of can. 1127, § 2.

**Can. 1118** - § 1. A marriage between Catholics or between a Catholic party and a non-Catholic baptized party is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.

§ 2. The local ordinary can permit a marriage to be celebrated in another suitable place.

§ 3. A marriage between a Catholic party and a non-baptized party can be celebrated in a

convenienti loco celebrari poterit.

**Can. 1119** - Extra casum necessitatis, in matrimonii celebratione servantur ritus in libris liturgicis, ab Ecclesia probatis, praescripti aut legitimis consuetudinibus recepti.

**Can. 1120** - Episcoporum conferentia exarare potest ritum proprium matrimonii, a Sancta Sede recognoscendum, congruentem locorum et populorum usibus ad spiritum christianum aptatis, firma tamen lege ut assistens matrimonio praesens requirat manifestationem consensus contrahentium eamque recipiat.

**Can. 1121** - § 1. Celebrato matrimonio, parochus loci celebrationis vel qui eius vices gerit, etsi neuter eidem astiterit, quam primum adnotet in matrimoniorum registis nomina coniugum, assistentis ac testium, locum et diem celebrationis matrimonii, iuxta modum ab Episcoporum conferentia aut ab Episcopo dioecesano praescriptum.

§ 2. Quoties matrimonium ad normam can. 1116 contrahitur, sacerdos vel diaconus, si celebrationi adfuerit, secus testes tenentur in solidum cum contrahentibus parochum aut Ordinarium loci de inito coniugio quam primum certiozem reddere.

§ 3. Ad matrimonium quod attinet cum dispensatione a forma canonica contractum, loci Ordinarius, qui dispensationem concessit, curet ut inscribatur dispensatio et celebratio in libro matrimoniorum tum curiae tum paroeciae propriae partis catholicae, cuius parochus inquisitiones de statu libero peregit; de celebrato matrimonio eundem Ordinarium et parochum quam primum certiozem reddere tenetur coniux catholicus, indicans etiam locum celebrationis necnon formam publicam servatam.

**Can. 1122** - § 1. Matrimonium contractum adnotetur etiam in registis baptizatorum, in quibus baptismus coniugum inscriptus est.

§ 2. Si coniux matrimonium contraxerit non in paroecia in qua baptizatus est, parochus loci

church or in another suitable place.

**Can. 1119** - Outside the case of necessity, the rites prescribed in the liturgical books approved by the Church or received by legitimate customs are to be observed in the celebration of a marriage.

**Can. 1120** - The conference of bishops can produce its own rite of marriage, to be reviewed by the Holy See, in keeping with the usages of places and peoples which are adapted to the Christian spirit; nevertheless, the law remains in effect that the person who assists at the marriage is present, asks for the manifestation of consent of the contracting parties, and receives it.

**Can. 1121** - § 1. After a marriage has been celebrated, the pastor of the place of the celebration or the person who takes his place, even if neither assisted at the marriage, is to note as soon as possible in the marriage register the names of the spouses, the person who assisted, and the witnesses, and the place and date of the celebration of the marriage according to the method prescribed by the conference of bishops or the diocesan bishop.

§ 2. Whenever a marriage is contracted according to the norm of can. 1116, a priest or deacon, if he was present at the celebration, or otherwise the witnesses in solidum with the contracting parties are bound to inform as soon as possible the pastor or local ordinary about the marriage entered into.

§ 3. For a marriage contracted with a dispensation from canonical form, the local ordinary who granted the dispensation is to take care that the dispensation and celebration are inscribed in the marriage registers of both the curia and the proper parish of the Catholic party whose pastor conducted the investigation about the free status. The Catholic spouse is bound to notify as soon as possible the same ordinary and pastor about the marriage celebrated and also to indicate the place of the celebration and the public form observed.

**Can. 1122** - § 1. The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded.

§ 2. If a spouse did not contract marriage in the parish in which the person was baptized, the

celebrationis notitiam initi coniugii ad parochum loci collati baptismi quam primum transmittat.

**Can. 1123** - Quoties matrimonium vel convalidatur pro foro externo, vel nullum declaratur, vel legitime praeterquam morte solvitur, parochus loci celebrationis matrimonii certior fieri debet, ut adnotatio in registis matrimoniorum et baptizatorum rite fiat.

#### CAPUT VI. DE MATRIMONIIS MIXTIS

**Can. 1124** - Matrimonium inter duas personas baptizatas, quarum altera sit in Ecclesia catholica baptizata vel in eadem post baptismum recepta, altera vero Ecclesiae vel communitati ecclesiali plenam communionem cum Ecclesia catholica non habenti adscripta, sine expressa auctoritatis competentis licentia prohibitum est.

**Can. 1125** - Huiusmodi licentiam concedere potest Ordinarius loci, si iusta et rationabilis causa habeatur; eam ne concedat, nisi impletis condicionibus quae sequuntur:

1° pars catholica declaret se paratam esse pericula a fide deficiendi remove atque sinceram promissionem praestet se omnia pro viribus facturam esse, ut universa proles in Ecclesia catholica baptizetur et educetur;

2° de his promissionibus a parte catholica faciendis altera pars tempestive certior fiat, adeo ut constet ipsam vere consciam esse promissionis et obligationis partis catholicae;

3° ambae partes edoceantur de finibus et proprietatibus essentialibus matrimonii, a neutro contrahente excludendis.

**Can. 1126** - Episcoporum conferentiae est tum modum statuere, quo hae declarationes et promissiones, quae semper requiruntur, faciendae sint, tum rationem definire, qua de ipsis et in foro externo constet et pars non catholica certior reddatur.

**Can. 1127** - § 1. Ad formam quod attinet in matrimonio mixto adhibendam, serventur praescripta can. 1108; si tamen pars catholica

pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism.

**Can. 1123** - Whenever a marriage is either convalidated in the external forum, declared null, or legitimately dissolved other than by death, the pastor of the place of the celebration of the marriage must be informed so that a notation is properly made in the marriage and baptismal registers.

#### Chapter VI. Mixed Marriages

**Can. 1124** - Without express permission of the competent authority, a marriage is prohibited between two baptized persons of whom one is baptized in the Catholic Church or received into it after baptism and the other of whom is enrolled in a Church or ecclesial community not in full communion with the Catholic Church.

**Can. 1125** - The local ordinary can grant a permission of this kind if there is a just and reasonable cause. He is not to grant it unless the following conditions have been fulfilled:

1° the Catholic party is to declare that he or she is prepared to remove dangers of defecting from the faith and is to make a sincere promise to do all in his or her power so that all offspring are baptized and brought up in the Catholic Church;

2° the other party is to be informed at an appropriate time about the promises which the Catholic party is to make, in such a way that it is certain that he or she is truly aware of the promise and obligation of the Catholic party;

3° both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.

**Can. 1126** - It is for the conference of bishops to establish the method in which these declarations and promises, which are always required, must be made and to define the manner in which they are to be established in the external forum and the non-Catholic party informed about them.

**Can. 1127** - § 1. The prescripts of can. 1108 are to be observed for the form to be employed in a mixed marriage; if, however, a Catholic



matrimonium contrahit cum parte non catholica ritus orientalis, forma canonica celebrationis servanda est ad liceitatem tantum; ad validitatem autem requiritur interventus sacerdotis, servatis aliis de iure servandis.

§ 2. Si graves difficultates formae canonicae servandae obstant, Ordinario loci partis catholicae ius est ab eadem in singulis casibus dispensandi, consulto tamen Ordinario loci in quo matrimonium celebratur, et salva ad validitatem aliqua publica forma celebrationis; Episcoporum conferentiae est normas statuere, quibus praedicta dispensatio concordati ratione concedatur.

§ 3. Vetatur ne, ante vel post canonicam celebrationem ad normam § 1, alia habeatur eiusdem matrimonii celebratio religiosa ad matrimonialem consensum praestandum vel renovandum; item ne fiat celebratio religiosa, in qua assistens catholicus et minister non catholicus insimul, suum quisque ritum peragens, partium consensum exquirant.

**Can. 1128** - Locorum Ordinarii alique animarum pastores curent, ne coniugi catholico et filiis e matrimonio mixto natis auxilium spirituale desit ad eorum obligationes adimplendas atque coniuges adiuvent ad vitae coniugalis et familiaris fovendam unitatem.

**Can. 1129** - Praescripta cann. 1127 et 1128 applicanda sunt quoque matrimoniis, quibus obstat impedimentum disparitatis cultus, de quo in can. 1086, § 1.

## CAPUT VII. DE MATRIMONIO SECRETO CELEBRANDO

**Can. 1130** - Ex gravi et urgenti causa loci Ordinarius permittere potest, ut matrimonium secreto celebretur.

**Can. 1131** - Permissio matrimonium secreto celebrandi secumfert:

1° ut secreto fiant investigationes quae ante matrimonium peragenda sunt;

2° ut secretum de matrimonio celebrato servetur ab Ordinario loci, assistente, testibus, coniugibus.

party contracts marriage with a non-Catholic party of an Eastern rite, the canonical form of the celebration must be observed for liceity only; for validity, however, the presence of a priest is required notwithstanding whatever else is to be observed in accordance with the law..

§ 2. If grave difficulties hinder the observance of canonical form, the local ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity. It is for the conference of bishops to establish norms by which the aforementioned dispensation is to be granted in a uniform manner.

§ 3. It is forbidden to have another religious celebration of the same marriage to give or renew matrimonial consent before or after the canonical celebration according to the norm of § 1. Likewise, there is not to be a religious celebration in which the Catholic who is assisting and a non-Catholic minister together, using their own rites, ask for the consent of the parties.

**Can. 1128** - Local ordinaries and other pastors of souls are to take care that the Catholic spouse and the children born of a mixed marriage do not lack the spiritual help to fulfill their obligations and are to help spouses foster the unity of conjugal and family life.

**Can. 1129** - The prescripts of cann. 1127 and 1128 must be applied also to marriages which the impediment of disparity of cult mentioned in can. 1086, § 1 impedes.

## Chapter VII. Marriage Celebrated Secretly

**Can. 1130** - For a grave and urgent cause, the local ordinary can permit a marriage to be celebrated secretly.

**Can. 1131** - Permission to celebrate a marriage secretly entails the following:

1° the investigations which must be conducted before the marriage are done secretly;

2° the local ordinary, the one assisting, the witnesses, and the spouses observe secrecy about the marriage celebrated.

**Can. 1132** - Obligatio secretum servandi, de qua in can. 1131, n. 2, ex parte Ordinarii loci cessat si grave scandalum aut gravis erga matrimonii sanctitatem iniuria ex secreti observantia immineat, idque notum fiat partibus ante matrimonii celebrationem.

**Can. 1133** - Matrimonium secreto celebratum in peculiari tantummodo registro, servando in secreto curiae archivo, adnotetur.

#### CAPUT VIII. DE MATRIMONII EFFECTIBUS

**Can. 1134** - Ex valido matrimonio enascitur inter coniuges vinculum natura sua perpetuum et exclusivum; in matrimonio praeterea christiano coniuges ad sui status officia et dignitatem peculiari sacramento roborantur et veluti consecrantur.

**Can. 1135** - Utrique coniugi aequum officium et ius est ad ea quae pertinent ad consortium vitae coniugalis.

**Can. 1136** - Parentes officium gravissimum et ius primum habent proles educationem tum physicam, socialem et culturalem, tum moralem et religiosam pro viribus curandi.

**Can. 1137** - Legitimi sunt filii concepti aut nati ex matrimonio valido vel putativo.

**Can. 1138** - § 1. Pater is est, quem iustae nuptiae demonstrant, nisi evidentibus argumentis contrarium probetur.

§ 2. Legitimi praesumuntur filii, qui nati sunt saltem post dies 180 a die celebrati matrimonii, vel infra dies 300 a die dissolutae vitae coniugalis.

**Can. 1139** - Filii illegitimi legitimantur per subsequens matrimonium parentum sive validum sive putativum, vel per rescriptum Sanctae Sedis.

**Can. 1140** - Filii legitimati, ad effectus canonicos quod attinet, in omnibus aequiparantur legitimis, nisi aliud expresse iure cautum fuerit.

#### CAPUT IX. DE SEPARATIONE CONIUGUM

##### Art. 1. DE DISSOLUTIONE VINCULI

**Can. 1141** - Matrimonium ratum et

**Can. 1132** - The obligation of observing the secrecy mentioned in can. 1131, n. 2 ceases on the part of the local ordinary if grave scandal or grave harm to the holiness of marriage is imminent due to the observance of the secret; this is to be made known to the parties before the celebration of the marriage.

**Can. 1133** - A marriage celebrated secretly is to be noted only in a special register to be kept in the secret archive of the curia.

#### Chapter VIII. The Effects of Marriage

**Can. 1134** - From a valid marriage there arises between the spouses a bond which by its nature is perpetual and exclusive. Moreover, a special sacrament strengthens and, as it were, consecrates the spouses in a Christian marriage for the duties and dignity of their state.

**Can. 1135** - Each spouse has an equal duty and right to those things which belong to the partnership of conjugal life.

**Can. 1136** - Parents have the most grave duty and the primary right to take care as best they can for the physical, social, cultural, moral, and religious education of their offspring.

**Can. 1137** - The children conceived or born of a valid or putative marriage are legitimate.

**Can. 1138** - § 1. The father is he whom a lawful marriage indicates unless clear evidence proves the contrary.

§ 2. Children born at least 180 days after the day when the marriage was celebrated or within 300 days from the day of the dissolution of conjugal life are presumed to be legitimate.

**Can. 1139** - Illegitimate children are legitimated by the subsequent valid or putative marriage of their parents or by a rescript of the Holy See.

**Can. 1140** - As regards canonical effects, legitimated children are equal in all things to legitimate ones unless the law has expressly provided otherwise.

#### Chapter IX. The Separation of Spouses

##### Art. 1. Dissolution of the Bond

**Can. 1141** - A marriage that is ratum et

consummatum nulla humana potestate  
nullaque causa, praeterquam morte, dissolvi  
potest.

**Can. 1142** - Matrimonium non consummatum  
inter baptizatos vel inter partem baptizatam et  
partem non baptizatam a Romano Pontifice  
dissolvi potest iusta de causa, utraque parte  
rogante vel alterutra, etsi altera pars sit invita.

**Can. 1143** - § 1. Matrimonium initum a duobus  
non baptizatis solvitur ex privilegio paulino in  
favorem fidei partis quae baptismum recepit,  
ipso facto quo novum matrimonium ab eadem  
parte contrahitur, dummodo pars non baptizata  
discedat.

§ 2. Discedere censetur pars non baptizata, si  
nolit cum parte baptizata cohabitare vel  
cohabitare pacifice sine contumelia Creatoris,  
nisi haec post baptismum receptum iustam illi  
dederit discedendi causam.

**Can. 1144** - § 1. Ut pars baptizata novum  
matrimonium valide contrahat, pars non  
baptizata semper interpellari debet an:

1° velit et ipsa baptismum recipere;

2° saltem velit cum parte baptizata pacifice  
cohabitare, sine contumelia Creatoris.

§ 2. Haec interpellatio post baptismum fieri  
debet; at loci Ordinarius, gravi de causa,  
permittere potest ut interpellatio ante  
baptismum fiat, immo et ab interpellatione  
dispensare, sive ante sive post baptismum,  
dummodo constet modo procedendi saltem  
summario et extrajudiciali eam fieri non posse  
aut fore inutilem.

**Can. 1145** - § 1. Interpellatio fiat regulariter de  
auctoritate loci Ordinarii partis conversae; a  
quo Ordinario concedendae sunt alteri coniugi,  
si quidem eas petierit, induciae ad  
respondendum, eodem tamen monito ut, si  
induciae inutiliter praeterlabantur, eius silentium  
pro responsione negativa habeatur.

§ 2. Interpellatio etiam privatim facta ab ipsa  
parte conversa valet, immo est licita, si forma  
superius praescripta servari nequeat.

consummatum can be dissolved by no human  
power and by no cause, except death.

**Can. 1142** - For a just cause, the Roman  
Pontiff can dissolve a non-consummated  
marriage between baptized persons or between  
a baptized party and a non-baptized party at  
the request of both parties or of one of them,  
even if the other party is unwilling.

**Can. 1143** - § 1. A marriage entered into by two  
non-baptized persons is dissolved by means of  
the Pauline privilege in favor of the faith of the  
party who has received baptism by the very fact  
that a new marriage is contracted by the same  
party, provided that the non-baptized party  
departs.

§ 2. The non-baptized party is considered to  
depart if he or she does not wish to cohabit with  
the baptized party or to cohabit peacefully  
without affront to the Creator unless the  
baptized party, after baptism was received, has  
given the other a just cause for departing.

**Can. 1144** - § 1. For the baptized party to  
contract a new marriage validly, the non-  
baptized party must always be interrogated  
whether:

1° he or she also wishes to receive baptism;

2° he or she at least wishes to cohabit  
peacefully with the baptized party without  
affront to the Creator.

§ 2. This interrogation must be done after  
baptism. For a grave cause, however, the local  
ordinary can permit the interrogation to be done  
before baptism or can even dispense from the  
interrogation either before or after baptism  
provided that it is evident at least by a summary  
and extrajudicial process that it cannot be done  
or would be useless.

**Can. 1145** - § 1. The interrogation is regularly  
to be done on the authority of the local ordinary  
of the converted party. This ordinary must grant  
the other spouse a period of time to respond if  
the spouse seeks it, after having been advised,  
however, that his or her silence will be  
considered a negative response if the period  
passes without effect.

§ 2. Even an interrogation made privately by  
the converted party is valid and indeed licit if  
the form prescribed above cannot be observed.

§ 3. In utroque casu de interpellatione facta deque eiusdem exitu in foro externo legitime constare debet.

**Can. 1146** - Pars baptizata ius habet novas nuptias contrahendi cum parte catholica:

1° si altera pars negative interpellationi responderit, aut si interpellatio legitime omissa fuerit;

2° si pars non baptizata, sive iam interpellata sive non, prius perseverans in pacifica cohabitatione sine contumelia Creatoris, postea sine iusta causa discesserit, firmis praescriptis cann. 1144 et 1145.

**Can. 1147** - Ordinarius loci tamen, gravi de causa, concedere potest ut pars baptizata, utens privilegio paulino, contrahat matrimonium cum parte non catholica sive baptizata sive non baptizata, servatis etiam praescriptis canonum de matrimoniis mixtis.

**Can. 1148** - § 1. Non baptizatus, qui plures uxores non baptizatas simul habeat, recepto in Ecclesia catholica baptismo, si durum ei sit cum earum prima permanere, unam ex illis, ceteris dimissis, retinere potest. Idem valet de muliere non baptizata, quae plures maritos non baptizatos simul habeat.

§ 2. In casibus de quibus in § 1, matrimonium, recepto baptismo, forma legitima contrahendum est, servatis etiam, si opus sit, praescriptis de matrimoniis mixtis et aliis de iure servandis.

§ 3. Ordinarius loci, prae oculis habita condicione morali, sociali, oeconomica locorum et personarum, curet ut primae uxoris ceterarumque dimissarum necessitatibus satis provisum sit, iuxta normas iustitiae, christianae caritatis et naturalis aequitatis.

**Can. 1149** - Non baptizatus qui, recepto in Ecclesia catholica baptismo, cum coniuge non baptizato ratione captivitatis vel persecutionis cohabitationem restaurare nequeat, aliud matrimonium contrahere potest, etiamsi altera pars baptismum interea receperit, firmo praescripto can. 1141.

**Can. 1150** - In re dubia privilegium fidei gaudet

§ 3. In either case, the fact that the interrogation was done and its outcome must be established legitimately in the external forum.

**Can. 1146** - The baptized party has the right to contract a new marriage with a Catholic party:

1° if the other party responded negatively to the interrogation or if the interrogation had been omitted legitimately;

2° if the non-baptized party, already interrogated or not, at first persevered in peaceful cohabitation without affront to the Creator but then departed without a just cause, without prejudice to the prescripts of cann. 1144 and 1145.

**Can. 1147** - For a grave cause, however, the local ordinary can allow a baptized party who uses the Pauline privilege to contract marriage with a non-Catholic party, whether baptized or not baptized; the prescripts of the canons about mixed marriages are also to be observed.

**Can. 1148** - § 1. When he receives baptism in the Catholic Church, a non-baptized man who has several non-baptized wives at the same time can retain one of them after the others have been dismissed, if it is hard for him to remain with the first one. The same is valid for a non-baptized woman who has several non-baptized husbands at the same time.

§ 2. In the cases mentioned in § 1, marriage must be contracted in legitimate form after baptism has been received, and the prescripts about mixed marriages, if necessary, and other matters required by the law are to be observed.

§ 3. Keeping in mind the moral, social, and economic conditions of places and of persons, the local ordinary is to take care that the needs of the first wife and the others dismissed are sufficiently provided for according to the norms of justice, Christian charity, and natural equity.

**Can. 1149** - A non-baptized person who, after having received baptism in the Catholic Church, cannot restore cohabitation with a non-baptized spouse by reason of captivity or persecution can contract another marriage even if the other party has received baptism in the meantime, without prejudice to the prescript of can. 1141.

**Can. 1150** - In a doubtful matter the privilege of

favore iuris.

## Art. 2. DE SEPARATIONE MANENTE VINCULO

**Can. 1151** - Coniuges habent officium et ius servandi convictum coniugalem, nisi legitima causa eos excuset.

**Can. 1152** - § 1. Licet enixe commendetur ut coniux, caritate christiana motus et boni familiae sollicitus, veniam non abnuat comparti adulterae atque vitam coniugalem non disrumpat, si tamen eiusdem culpam expresse aut tacite non condonaverit, ius ipsi est solvendi coniugalem convictum, nisi in adulterium consenserit aut eidem causam dederit aut ipse quoque adulterium commiserit.

§ 2. Tacita condonatio habetur si coniux innocens, postquam de adulterio certior factus est, sponte cum altero coniuge maritali affectu conversatus fuerit; praesumitur vero, si per sex menses coniugalem convictum servaverit, neque recursum apud auctoritatem ecclesiasticam vel civilem fecerit.

§ 3. Si coniux innocens sponte convictum coniugalem solverit, intra sex menses causam separationis deferat ad competentem auctoritatem ecclesiasticam, quae, omnibus inspectis adiunctis, perpendat si coniux innocens adduci possit ad culpam condonandam et ad separationem in perpetuum non protrahendam.

**Can. 1153** - § 1. Si alteruter coniugum grave seu animi seu corporis periculum alteri aut proli facessat, vel aliter vitam communem nimis duram reddat, alteri legitimam praebet causam discedendi, decreto Ordinarii loci et, si periculum sit in mora, etiam propria auctoritate.

§ 2. In omnibus casibus, causa separationis cessante, coniugalis convictus restaurandus est, nisi ab auctoritate ecclesiastica aliter statuatur.

**Can. 1154** - Instituta separatione coniugum, opportune semper cavendum est debitae filiorum sustentationi et educationi.

**Can. 1155** - Coniux innocens laudabiliter alterum coniugem ad vitam coniugalem rursus

faith possesses the favor of the law.

## Art. 2. Separation with the Bond Remaining

**Can. 1151** - Spouses have the duty and right to preserve conjugal living unless a legitimate cause excuses them.

**Can. 1152** - § 1. Although it is earnestly recommended that a spouse, moved by Christian charity and concerned for the good of the family, not refuse forgiveness to an adulterous partner and not disrupt conjugal life, nevertheless, if the spouse did not condone the fault of the other expressly or tacitly, the spouse has the right to sever conjugal living unless the spouse consented to the adultery, gave cause for it, or also committed adultery.

§ 2. Tacit condonation exists if the innocent spouse has had marital relations voluntarily with the other spouse after having become certain of the adultery. It is presumed, moreover, if the spouse observed conjugal living for six months and did not make recourse to the ecclesiastical or civil authority.

§ 3. If the innocent spouse has severed conjugal living voluntarily, the spouse is to introduce a cause for separation within six months to the competent ecclesiastical authority which, after having investigated all the circumstances, is to consider carefully whether the innocent spouse can be moved to forgive the fault and not to prolong the separation permanently.

**Can. 1153** - § 1. If either of the spouses causes grave mental or physical danger to the other spouse or to the offspring or otherwise renders common life too difficult, that spouse gives the other a legitimate cause for leaving, either by decree of the local ordinary or even on his or her own authority if there is danger in delay.

§ 2. In all cases, when the cause for the separation ceases, conjugal living must be restored unless ecclesiastical authority has established otherwise.

**Can. 1154** - After the separation of the spouses has taken place, the adequate support and education of the children must always be suitably provided.

**Can. 1155** - The innocent spouse laudably can readmit the other spouse to conjugal life; in this

admittere potest, quo in casu iuri separationis renuntiat.

## CAPUT X. DE MATRIMONII CONVALIDATIONE

### Art. 1. DE CONVALIDATIONE SIMPLICI

**Can. 1156** - § 1. Ad convalidandum matrimonium irritum ob impedimentum dirimens, requiritur ut cesset impedimentum vel ab eodem dispensetur, et consensum renovet saltem pars impedimenti conscia.

§ 2. Haec renovatio iure ecclesiastico requiritur ad validitatem convalidationis, etiamsi initio utraque pars consensum praestiterit nec postea revocaverit.

**Can. 1157** - Renovatio consensus debet esse novus voluntatis actus in matrimonium, quod pars renovans scit aut opinatur ab initio nullum fuisse.

**Can. 1158** - § 1. Si impedimentum sit publicum, consensus ab utraque parte renovandus est forma canonica, salvo praescripto can. 1127, § 2.

§ 2. Si impedimentum probari nequeat, satis est ut consensus renovetur privatim et secreto, et quidem a parte impedimenti conscia, dummodo altera in consensu praestito perseveret, aut ab utraque parte, si impedimentum sit utrique parti notum.

**Can. 1159** - § 1. Matrimonium irritum ob defectum consensus convalidatur, si pars quae non consenserat, iam consentiat, dummodo consensus ab altera parte praestitus perseveret.

§ 2. Si defectus consensus probari nequeat, satis est ut pars, quae non consenserat, privatim et secreto consensum praestet.

§ 3. Si defectus consensus probari potest, necesse est ut consensus forma canonica praestetur.

**Can. 1160** - Matrimonium nullum ob defectum formae, ut validum fiat, contrahi denuo debet forma canonica, salvo praescripto can. 1127, § 2.

### Art. 2. DE SANATIONE IN RADICE

**Can. 1161** - § 1. Matrimonii irriti sanatio in

case the innocent spouse renounces the right to separate.

## Chapter X. The Convalidation of Marriage

### Art. 1. Simple Convalidation

**Can. 1156** - § 1. To convalidate a marriage which is invalid because of a diriment impediment, it is required that the impediment ceases or is dispensed and that at least the party conscious of the impediment renews consent.

§ 2. Ecclesiastical law requires this renewal for the validity of the convalidation even if each party gave consent at the beginning and did not revoke it afterwards.

**Can. 1157** - The renewal of consent must be a new act of the will concerning a marriage which the renewing party knows or thinks was null from the beginning.

**Can. 1158** - § 1. If the impediment is public, both parties must renew the consent in canonical form, without prejudice to the prescript of can. 1127, § 2.

§ 2. If the impediment cannot be proven, it is sufficient that the party conscious of the impediment renews the consent privately and in secret, provided that the other perseveres in the consent offered; if the impediment is known to both parties, both are to renew the consent.

**Can. 1159** - § 1. A marriage which is invalid because of a defect of consent is convalidated if the party who did not consent now consents, provided that the consent given by the other party perseveres.

§ 2. If the defect of consent cannot be proven, it is sufficient that the party who did not consent gives consent privately and in secret.

§ 3. If the defect of consent can be proven, the consent must be given in canonical form.

**Can. 1160** - A marriage which is null because of defect of form must be contracted anew in canonical form in order to become valid, without prejudice to the prescript of can. 1127, § 2.

### Art. 2. Radical Sanation

**Can. 1161** - § 1. The radical sanation of an

radice est eiusdem, sine renovatione consensus, convalidatio, a competenti auctoritate concessa, secumferens dispensationem ab impedimento, si adsit, atque a forma canonica, si servata non fuerit, necnon retrotractionem effectuum canonicorum ad praeteritum.

§ 2. Convalidatio fit a momento concessionis gratiae; retrotractio vero intellegitur facta ad momentum celebrationis matrimonii, nisi aliud expresse caveatur.

§ 3. Sanatio in radice ne concedatur, nisi probabile sit partes in vita coniugali perseverare velle.

**Can. 1162** - § 1. Si in utraque vel alterutra parte deficiat consensus, matrimonium nequit sanari in radice, sive consensus ab initio defuerit, sive ab initio praestitus, postea fuerit revocatus.

§ 2. Quod si consensus ab initio quidem defuerat, sed postea praestitus est, sanatio concedi potest a momento praestiti consensus.

**Can. 1163** - § 1. Matrimonium irritum ob impedimentum vel ob defectum legitimae formae sanari potest, dummodo consensus utriusque partis perseveret.

§ 2. Matrimonium irritum ob impedimentum iuris naturalis aut divini positivi sanari potest solummodo postquam impedimentum cessavit.

**Can. 1164** - Sanatio valide concedi potest etiam alterutra vel utraque parte inscia; ne autem concedatur nisi ob gravem causam.

**Can. 1165** - § 1. Sanatio in radice concedi potest ab Apostolica Sede.

§ 2. Concedi potest ab Episcopo dioecetano in singulis casibus, etiam si plures nullitatis rationes in eodem matrimonio concurrant, impletis condicionibus, de quibus in can. 1125, pro sanatione matrimonii mixti; concedi autem ab eodem nequit, si adsit impedimentum cuius dispensatio Sedi Apostolicae reservatur ad normam can. 1078, § 2, aut agatur de impedimento iuris naturalis aut divini positivi quod iam cessavit.

invalid marriage is its convalidation without the renewal of consent, which is granted by competent authority and entails the dispensation from an impediment, if there is one, and from canonical form, if it was not observed, and the retroactivity of canonical effects.

§ 2. Convalidation occurs at the moment of the granting of the favor. Retroactivity, however, is understood to extend to the moment of the celebration of the marriage unless other provision is expressly made.

§ 3. A radical sanation is not to be granted unless it is probable that the parties wish to persevere in conjugal life.

**Can. 1162** - § 1. A marriage cannot be radically sanated if consent is lacking in either or both of the parties, whether the consent was lacking from the beginning or, though present in the beginning, was revoked afterwards.

§ 2. If this consent was indeed lacking from the beginning but was given afterwards, the sanation can be granted from the moment the consent was given.

**Can. 1163** - § 1. A marriage which is invalid because of an impediment or a defect of legitimate form can be sanated provided that the consent of each party perseveres.

§ 2. A marriage which is invalid because of an impediment of natural law or of divine positive law can be sanated only after the impediment has ceased.

**Can. 1164** - A sanation can be granted validly even if either or both of the parties do not know of it; nevertheless, it is not to be granted except for a grave cause.

**Can. 1165** - § 1. The Apostolic See can grant a radical sanation.

§ 2. The diocesan bishop can grant a radical sanation in individual cases even if there are several reasons for nullity in the same marriage, after the conditions mentioned in can. 1125 for the sanation of a mixed marriage have been fulfilled. He cannot grant one, however, if there is an impediment whose dispensation is reserved to the Apostolic See according to the norm of can. 1078, § 2, or if it concerns an impediment of natural law or divine positive law which has now ceased.

## PARS II. DE CETERIS ACTIBUS CULTUS DIVINI

### TITULUS I. DE SACRAMENTALIBUS

**Can. 1166** - Sacramentalia sunt signa sacra, quibus, ad aliquam sacramentorum imitationem, effectus praesertim spirituales significantur et ex Ecclesiae impetratione obtinentur.

**Can. 1167** - § 1. Nova sacramentalia constituere aut recepta authentice interpretari, ex eis aliqua abolere aut mutare, sola potest Sedes Apostolica.

§ 2. In sacramentalibus conficiendis seu administrandis accurate serventur ritus et formulae ab Ecclesiae auctoritate probata.

**Can. 1168** - Sacramentalium minister est clericus debita potestate instructus; quaedam sacramentalia, ad normam librorum liturgicorum, de iudicio loci Ordinarii, a laicis quoque, congruis qualitatibus praeditis, administrari possunt.

**Can. 1169** - § 1. Consecrationes et dedicationes valide peragere possunt qui character episcopali insigniti sunt, necnon presbyteri quibus iure vel legitima concessione id permittitur.

§ 2. Benedictiones, exceptis iis quae Romano Pontifici aut Episcopis reservantur, impertire potest quilibet presbyter.

§ 3. Diaconus illas tantum benedictiones impertire potest, quae ipsi expresse iure permittuntur.

**Can. 1170** - Benedictiones, imprimis impertiendae catholicis, dari possunt catechumenis quoque, immo, nisi obstet Ecclesiae prohibitio, etiam non catholicis.

**Can. 1171** - Res sacrae, quae dedicatione vel benedictione ad divinum cultum destinatae sunt, reverenter tractentur nec ad usum profanum vel non proprium adhibeantur, etiamsi in dominio sint privatorum.

**Can. 1172** - § 1. Nemo exorcismos in obsessos proferre legitime potest, nisi ab Ordinario loci peculiarem et expressam licentiam obtinuerit.

## Part II. OTHER ACTS OF DIVINE WORSHIP

### Title I. Sacramentals

**Can. 1166** - Sacramentals are sacred signs by which effects, especially spiritual effects, are signified in some imitation of the sacraments and are obtained through the intercession of the Church.

**Can. 1167** - § 1. The Apostolic See alone can establish new sacramentals, authentically interpret those already received, or abolish or change any of them.

§ 2. In confecting or administering sacramentals, the rites and formulas approved by the authority of the Church are to be observed carefully.

**Can. 1168** - The minister of sacramentals is a cleric who has been provided with the requisite power. According to the norm of the liturgical books and to the judgment of the local ordinary lay persons who possess the appropriate qualities can also administer some sacramentals.

**Can. 1169** - § 1. Those marked with the episcopal character and presbyters permitted by law or legitimate grant can perform consecrations and dedications validly.

§ 2. Any presbyter can impart blessings except those reserved to the Roman Pontiff or bishops.

§ 3. A deacon can impart only those blessings expressly permitted by law.

**Can. 1170** - Blessings, which are to be imparted first of all to Catholics, can also be given to catechumens and even to non-Catholics unless there is a prohibition of the Church to the contrary.

**Can. 1171** - Sacred objects, which are designated for divine worship by dedication or blessing, are to be treated reverently and are not to be employed for profane or inappropriate use even if they are owned by private persons.

**Can. 1172** - § 1. No one can perform exorcisms legitimately upon the possessed unless he has obtained special and express permission from



§ 2. Haec licentia ab Ordinario loci concedatur tantummodo presbytero pietate, scientia, prudentia ac vitae integritate praedito.

## TITULUS II. DE LITURGIA HORARUM

**Can. 1173** - Ecclesia, sacerdotale munus Christi adimplens, liturgiam horarum celebrat, qua Deum ad populum suum loquentem audiens et memoriam mysterii salutis agens, Ipsum sine intermissione, cantu et oratione, laudat atque interpellat pro totius mundi salute.

**Can. 1174** - § 1. Obligatione liturgiae horarum persolvendae adstringuntur clerici, ad normam can. 276, § 2, n. 3; sodales vero institutorum vitae consecratae necnon societatum vitae apostolicae, ad normam suarum constitutionum.

§ 2. Ad participandam liturgiam horarum, utpote actionem Ecclesiae, etiam ceteri christifideles, pro adiunctis, enixe invitantur.

**Can. 1175** - In liturgia horarum persolvenda, quantum fieri potest, verum tempus servetur uniuscuiusque horae.

## TITULUS III. DE EXEQUIIS ECCLESIASTICIS

**Can. 1176** - § 1. Christifideles defuncti exequiis ecclesiasticis ad normam iuris donandi sunt.

§ 2. Exequiae ecclesiasticae, quibus Ecclesia defunctis spiritualem opem impetrat eorumque corpora honorat ac simul vivis spei solacium affert, celebrandae sunt ad normam legum liturgicarum.

§ 3. Enixe commendat Ecclesia, ut pia consuetudo defunctorum corpora sepeliendi servetur; non tamen prohibet cremationem, nisi ob rationes christianae doctrinae contrarias electa fuerit.

## CAPUT I. DE EXEQUIARUM CELEBRATIONE

**Can. 1177** - § 1. Exequiae pro quolibet fidei defuncto generatim in propriae parociae ecclesia celebrari debent.

§ 2. Fas est autem cuilibet fidei, vel iis quibus fidelis defuncti exequias curare competit, aliam

the local ordinary.

§ 2. The local ordinary is to give this permission only to a presbyter who has piety, knowledge, prudence, and integrity of life.

## Title II. The Liturgy of the Hours

**Can. 1173** - Fulfilling the priestly function of Christ, the Church celebrates the liturgy of the hours. In the liturgy of the hours, the Church, hearing God speaking to his people and recalling the mystery of salvation, praises him without ceasing by song and prayer and intercedes for the salvation of the whole world.

**Can. 1174** - § 1. Clerics are obliged to carry out the liturgy of the hours according to the norm of can. 276, § 2, n. 3; members of institutes of consecrated life and societies of apostolic life, however, are bound according to the norm of their constitutions.

§ 2. Other members of the Christian faithful, according to circumstances, are also earnestly invited to participate in the liturgy of the hours as an action of the Church.

**Can. 1175** - In carrying out the liturgy of the hours, the true time for each hour is to be observed insofar as possible.

## Title III. Ecclesiastical Funerals

**Can. 1176** - § 1. Deceased members of the Christian faithful must be given ecclesiastical funerals according to the norm of law.

§ 2. Ecclesiastical funerals, by which the Church seeks spiritual support for the deceased, honors their bodies, and at the same time brings the solace of hope to the living, must be celebrated according to the norm of the liturgical laws.

§ 3. The Church earnestly recommends that the pious custom of burying the bodies of the deceased be observed; nevertheless, the Church does not prohibit cremation unless it was chosen for reasons contrary to Christian doctrine.

## Chapter I. The Celebration of Funerals

**Can. 1177** - § 1. A funeral for any deceased member of the faithful must generally be celebrated in his or her parish church.

§ 2. Any member of the faithful or those competent to take care of the funeral of a

ecclesiam funeris eligere de consensu eius, qui eam regit, et monito defuncti parochi proprio.

§ 3. Si extra propriam paroeciam mors acciderit, neque cadaver ad eam translatum fuerit, neque aliqua ecclesia funeris legitime electa, exequiae celebrentur in ecclesia paroeciae ubi mors accidit, nisi alia iure particulari designata sit.

**Can. 1178** - Exequiae Episcopi dioecisani in propria ecclesia cathedrali celebrentur, nisi ipse aliam ecclesiam elegerit.

**Can. 1179** - Exequiae religiosorum aut sodalium societatis vitae apostolicae generatim celebrentur in propria ecclesia aut oratorio a Superiore, si institutum aut societas sint clericalia, secus a cappellano.

**Can. 1180** - § 1. Si paroecia proprium habeat coemeterium, in eo tumulandi sunt fideles defuncti, nisi aliud coemeterium legitime electum fuerit ab ipso defuncto vel ab iis quibus defuncti sepulturam curare competit.

§ 2. Omnibus autem licet, nisi iure prohibeantur, eligere coemeterium sepulturae.

**Can. 1181** - Ad oblationes occasione funerum quod attinet, serventur praescripta can. 1264, cauto tamen ne ulla fiat in exequiis personarum acceptio neve pauperes debitis exequiis priventur.

**Can. 1182** - Expleta tumulatione, inscriptio in librum defunctorum fiat ad normam iuris particularis.

## CAPUT II. DE IIS QUIBUS EXEQUIAE ECCLESIASTICAE CONCEDENDAE SUNT AUT DENEGANDAE

**Can. 1183** - § 1. Ad exequias quod attinet, christifidelibus catechumeni accensendi sunt.

§ 2. Ordinarius loci permittere potest ut parvuli, quos parentes baptizare intendebant quique autem ante baptismum mortui sunt, exequiis ecclesiasticis donentur.

deceased member of the faithful are permitted to choose another church for the funeral rite with the consent of the person who governs it and after notification of the proper pastor of the deceased.

§ 3. If a death occurred outside the person's own parish, and the body was not transferred to it nor another church legitimately chosen for the funeral rite, the funeral is to be celebrated in the church of the parish where the death occurred unless particular law has designated another church.

**Can. 1178** - The funeral of a diocesan bishop is to be celebrated in his own cathedral church unless he has chosen another church.

**Can. 1179** - The funerals of religious or members of a society of apostolic life are generally to be celebrated in their own church or oratory by the superior if the institute or society is clerical; otherwise by the chaplain.

**Can. 1180** - § 1. If a parish has its own cemetery, the deceased members of the faithful must be buried in it unless the deceased or those competent to take care of the burial of the deceased have chosen another cemetery legitimately.

§ 2. Everyone, however, is permitted to choose the cemetery of burial unless prohibited by law.

**Can. 1181** - Regarding offerings on the occasion of funeral rites, the prescripts of can. 1264 are to be observed, with the caution, however, that there is to be no favoritism toward persons in funerals and that the poor are not deprived of fitting funerals.

**Can. 1182** - When the burial has been completed, a record is to be made in the register of deaths according to the norm of particular law.

## Chapter II. Those To Whom Ecclesiastical Funerals Must Be Granted or Denied

**Can. 1183** - § 1. When it concerns funerals, catechumens must be counted among the Christian faithful.

§ 2. The local ordinary can permit children whom the parents intended to baptize but who died before baptism to be given ecclesiastical funerals.

§ 3. Baptizatis alicui Ecclesiae aut communitati ecclesiali non catholicae adscriptis, exequiae ecclesiasticae concedi possunt de prudenti Ordinarii loci iudicio, nisi constet de contraria eorum voluntate et dummodo minister proprius haberi nequeat.

**Can. 1184** - § 1. Exequiis ecclesiasticis privandi sunt, nisi ante mortem aliqua dederint paenitentiae signa:

1° notorii apostatae, haeretici et schismatici;

2° qui proprii corporis cremationem elegerint ob rationes fidei christianae adversas;

3° alii peccatores manifesti, quibus exequiae ecclesiasticae non sine publico fidelium scandalo concedi possunt.

§ 2. Occurrente aliquo dubio, consulatur loci Ordinarius, cuius iudicio standum est.

**Can. 1185** - Excluso ab ecclesiasticis exequiis deneganda quoque est quaelibet Missa exequalis.

#### TITULUS IV. DE CULTU SANCTORUM, SACRARUM IMAGINUM ET RELIQUIARUM

**Can. 1186** - Ad sanctificationem populi Dei fovendam, Ecclesia peculiari et filiali christifidelium venerationi commendat Beatam Mariam semper Virginem, Dei Matrem, quam Christus hominum omnium Matrem constituit, atque verum et authenticum promovet cultum aliorum Sanctorum, quorum quidem exemplo christifideles aedificantur et intercessione sustentantur.

**Can. 1187** - Cultu publico eos tantum Dei servos venerari licet, qui auctoritate Ecclesiae in album Sanctorum vel Beatorum relati sint.

**Can. 1188** - Firma maneat praxis in ecclesiis sacras imagines fidelium venerationi proponendi; attamen moderato numero et congruo ordine exponantur, ne populi christiani admiratio excitetur, neve devotioni minus rectae ansa praebeatur.

**Can. 1189** - Imagines pretiosae, idest vetustate, arte, aut cultu praestantes, in ecclesiis vel oratoriis fidelium venerationi

§ 3. In the prudent judgment of the local ordinary, ecclesiastical funerals can be granted to baptized persons who are enrolled in a non-Catholic Church or ecclesial community unless their intention is evidently to the contrary and provided that their own minister is not available.

**Can. 1184** - § 1. Unless they gave some signs of repentance before death, the following must be deprived of ecclesiastical funerals:

1° notorious apostates, heretics, and schismatics;

2° those who chose the cremation of their bodies for reasons contrary to Christian faith;

3° other manifest sinners who cannot be granted ecclesiastical funerals without public scandal of the faithful.

§ 2. If any doubt occurs, the local ordinary is to be consulted, and his judgment must be followed.

**Can. 1185** - Any funeral Mass must also be denied a person who is excluded from ecclesiastical funerals.

#### Title IV. The Veneration of the Saints, Sacred Images, and Relics

**Can. 1186** - To foster the sanctification of the people of God, the Church commends to the special and filial reverence of the Christian faithful the Blessed Mary ever Virgin, Mother of God, whom Christ established as the mother of all people, and promotes the true and authentic veneration of the other saints whose example instructs the Christian faithful and whose intercession sustains them.

**Can. 1187** - It is permitted to reverence through public veneration only those servants of God whom the authority of the Church has recorded in the list of the saints or the blessed.

**Can. 1188** - The practice of displaying sacred images in churches for the reverence of the faithful is to remain in effect. Nevertheless, they are to be exhibited in moderate number and in suitable order so that the Christian people are not confused nor occasion given for inappropriate devotion.

**Can. 1189** - If they are in need of repair, precious images, that is, those distinguished by age, art, or veneration, which are exhibited in

expositae, si quando reparatione indigeant, numquam restaurentur sine data scripto licentia ab Ordinario; qui, antequam eam concedat, peritos consulat.

**Can. 1190** - § 1. Sacras reliquias vendere nefas est.

§ 2. Insignes reliquiae itemque aliae, quae magna populi veneratione honorantur, nequeunt quoquo modo valide alienari neque perpetuo transferri sine Apostolicae Sedis licentia.

§ 3. Praescriptum § 2 valet etiam pro imaginibus, quae in aliqua ecclesia magna populi veneratione honorantur.

## TITULUS V DE VOTO ET IUREIURANDO

### CAPUT I. DE VOTO

**Can. 1191** - § 1. Votum, idest promissio deliberata ac libera Deo facta de bono possibili et meliore, ex virtute religionis impleri debet.

§ 2. Nisi iure prohibeantur, omnes congruenti rationis usu pollentes, sunt voti capaces.

§ 3. Votum metu gravi et iniusto vel dolo emissum ipso iure nullum est.

**Can. 1192** - § 1. Votum est *publicum*, si nomine Ecclesiae a legitimo Superiore acceptetur; *secus privatum*.

§ 2. *Sollemne*, si ab Ecclesia uti tale fuerit agnitum; *secus simplex*.

§ 3. *Personale*, quo actio voventis promittitur; *reale*, quo promittitur res aliqua; *mixtum*, quod personalis et realis naturam participat.

**Can. 1193** - Votum non obligat, ratione sui, nisi emittentem.

**Can. 1194** - Cessat votum lapsu temporis ad finiendam obligationem appositi, mutatione substantiali materiae promissae, deficiente condicione a qua votum pendet aut eiusdem causa finali, dispensatione, commutatione.

**Can. 1195** - Qui potestatem in voti materiam habet, potest voti obligationem tamdiu suspendere, quamdiu voti adimpletio sibi

churches or oratories for the reverence of the faithful are never to be restored without the written permission of the ordinary; he is to consult experts before he grants permission.

**Can. 1190** - § 1. It is absolutely forbidden to sell sacred relics.

§ 2. Relics of great significance and other relics honored with great reverence by the people cannot be alienated validly in any manner or transferred permanently without the permission of the Apostolic See.

§ 3. The prescript of § 2 is valid also for images which are honored in some church with great reverence by the people.

## Title V. A Vow and An Oath

### Chapter I. A Vow

**Can. 1191** - § 1. A vow, that is, a deliberate and free promise made to God about a possible and better good, must be fulfilled by reason of the virtue of religion.

§ 2. Unless they are prohibited by law, all who possess suitable use of reason are capable of making a vow.

§ 3. A vow made out of grave and unjust fear or malice is null by the law itself.

**Can. 1192** - § 1. A vow is public if a legitimate superior accepts it in the name of the Church; otherwise, it is private.

§ 2. A vow is solemn if the Church has recognized it as such; otherwise, it is simple.

§ 3. A vow is personal if the person making the vow promises an action; real if the person making the vow promises some thing; mixed if it shares the nature of a personal and a real vow.

**Can. 1193** - By its nature a vow obliges only the person who makes it.

**Can. 1194** - A vow ceases by the lapse of the time designated to fulfill the obligation, by a substantial change of the matter promised, by the absence of a condition on which the vow depends, by the absence of the purpose of the vow, by dispensation, or by commutation.

**Can. 1195** - The person who has power over the matter of the vow can suspend the obligation of the vow for as long a time as the

praeiudicium afferat.

**Can. 1196** - Praeter Romanum Pontificem, vota privata possunt iusta de causa dispensare, dummodo dispensatio ne laedat ius aliis quaesitum:

1° loci Ordinarius et parochus, quod attinet ad omnes ipsorum subditos atque etiam peregrinos;

2° Superior instituti religiosi aut societatis vitae apostolicae, si sint clericalia iuris pontificii, quod attinet ad sodales, novitios atque personas, quae diu noctuque in domo instituti aut societatis degunt;

3° ii quibus ab Apostolica Sede vel ab Ordinario loci delegata fuerit dispensandi potestas.

**Can. 1197** - Opus voto privato promissum potest in maius vel in aequale bonum ab ipso vovente commutari; in minus vero bonum, ab illo cui potestas est dispensandi ad normam can. 1196.

**Can. 1198** - Vota ante professionem religiosam emissa suspenduntur, donec vovens in instituto religioso permanserit.

## CAPUT II. DE IUREIURANDO

**Can. 1199** - § 1. Iusiurandum, idest invocatio Nominis divini in testem veritatis, praestari nequit, nisi in veritate, in iudicio et in iustitia.

§ 2. Iusiurandum quod canones exigunt vel admittunt, per procuratorem praestari valide nequit.

**Can. 1200** - § 1. Qui libere iurat se aliquid facturum, peculiari religionis obligatione tenetur implendi, quod iureiurando firmaverit.

§ 2. Iusiurandum dolo, vi aut metu gravi extortum, ipso iure nullum est.

**Can. 1201** - § 1. Iusiurandum promissorium sequitur naturam et condiciones actus cui adicitur.

§ 2. Si actui directe vergenti in damnum aliorum aut in praeiudicium boni publici vel salutis aeternae iusiurandum adiciatur, nullam exinde

fulfillment of the vow brings disadvantage to that person.

**Can. 1196** - In addition to the Roman Pontiff, the following can dispense from private vows for a just cause provided that a dispensation does not injure a right acquired by others:

1° the local ordinary and the pastor with regard to all their subjects and even travelers;

2° the superior of a religious institute or society of apostolic life if it is clerical and of pontifical right with regard to members, novices, and persons who live day and night in a house of the institute or society;

3° those to whom the Apostolic See or the local ordinary has delegated the power of dispensing.

**Can. 1197** - The person who makes a private vow can commute the work promised by the vow into a better or equal good; however, one who has the power of dispensing according to the norm of can. 1196 can commute it into a lesser good.

**Can. 1198** - Vows made before religious profession are suspended while the person who made the vow remains in the religious institute.

## Chapter II. An Oath

**Can. 1199** - § 1. An oath, that is, the invocation of the divine name in witness to the truth, cannot be taken unless in truth, in judgment, and in justice.

§ 2. An oath which the canons require or permit cannot be taken validly through a proxy.

**Can. 1200** - § 1. A person who freely swears to do something is bound by a special obligation of religion to fulfill what he or she affirmed by oath.

§ 2. An oath extorted by malice, force, or grave fear is null by the law itself.

**Can. 1201** - § 1. A promissory oath follows the nature and conditions of the act to which it is attached.

§ 2. If an oath is added to an act which directly tends toward the harm of others or toward the disadvantage of the public good or of eternal

actus consequitur firmitatem.

**Can. 1202** - Obligatio iureiurando promissorio inducta desinit:

1° si remittatur ab eo in cuius commodum iusiurandum emissum fuerat;

2° si res iurata substantialiter mutetur, aut, mutatis adiunctis, fiat vel mala vel omnino indifferens, vel denique maius bonum impediatur;

3° deficiente causa finali aut condicione sub qua forte iusiurandum datum est;

4° dispensatione, commutatione, ad normam can. 1203.

**Can. 1203** - Qui suspendere, dispensare, commutare possunt votum, eandem potestatem eademque ratione habent circa iusiurandum promissorium; sed si iurisiurandi dispensatio vergat in praeiudicium aliorum qui obligationem remittere recusent, una Apostolica Sedes potest iusiurandum dispensare.

**Can. 1204** - Iusiurandum stricte est interpretandum secundum ius et secundum intentionem iurantem aut, si hic dolo agat, secundum intentionem illius cui iusiurandum praestatur.

### PARS III. DE LOCIS ET TEMPORIBUS SACRIS

#### TITULUS I. DE LOCIS SACRIS

**Can. 1205** - Loca sacra ea sunt quae divino cultui fideliumve sepulturae deputantur dedicatione vel benedictione, quam liturgici libri ad hoc praescribunt.

**Can. 1206** - Dedicatio alicuius loci spectat ad Episcopum dioecesanum et ad eos qui ipsi iure aequiparantur; iidem possunt cuilibet Episcopo vel, in casibus exceptionalibus, presbytero munus committere dedicationem peragendi in suo territorio.

**Can. 1207** - Loca sacra benedicuntur ab Ordinario; benedictio tamen ecclesiarum reservatur Episcopo dioecesano; uterque vero potest alium sacerdotem ad hoc delegare.

**Can. 1208** - De peracta dedicatione vel

salvatione, tunc actus non reforatur a iuramento.

**Can. 1202** - The obligation arising from a promissory oath ceases:

1° if it is remitted by the person for whose benefit the oath was made;

2° if the matter sworn to is substantially changed or if, after the circumstances have changed, it becomes either evil or entirely indifferent or, finally, impedes a greater good;

3° if the purpose or a condition under which the oath may have been taken ceases;

4° by dispensation or commutation, according to the norm of can. 1203.

**Can. 1203** - Those who can suspend, dispense, or commute a vow have the same power in the same manner over a promissory oath; but if the dispensation from the oath tends to the disadvantage of others who refuse to remit the obligation of the oath, only the Apostolic See can dispense the oath.

**Can. 1204** - An oath must be interpreted strictly according to the law and according to the intention of the person taking the oath or, if that person acts out of malice, according to the intention of the person to whom the oath is made.

### Part III. SACRED PLACES AND TIMES

#### Title I. Sacred Places

**Can. 1205** - Sacred places are those which are designated for divine worship or for the burial of the faithful by a dedication or a blessing which the liturgical books prescribe for this purpose.

**Can. 1206** - The dedication of any place belongs to the diocesan bishop and to those equivalent to him by law; they can entrust the function of carrying out a dedication in their territory to any bishop or, in exceptional cases, to a presbyter.

**Can. 1207** - Sacred places are blessed by the ordinary; the blessing of churches, however, is reserved to the diocesan bishop. Either of them, moreover, can delegate another priest for this purpose.

**Can. 1208** - When the dedication or blessing of

benedictione ecclesiae, itemque de benedictione coemeterii redigatur documentum, cuius alterum exemplar in curia dioecesana, alterum in ecclesiae archivo servetur.

**Can. 1209** - Dedicatio vel benedictio alicuius loci, modo nemini damnum fiat, satis probatur etiam per unum testem omni exceptione maiorem.

**Can. 1210** - In loco sacro ea tantum admittantur quae cultui, pietati, religioni exercendis vel promovendis inserviunt, ac vetatur quicquid a loci sanctitate absonum sit. Ordinarius vero per modum actus alios usus, sanctitati tamen loci non contrarios, permittere potest.

**Can. 1211** - Loca sacra violantur per actiones graviter iniurias cum scandalo fidelium ibi positas, quae, de iudicio Ordinarii loci, ita graves et sanctitati loci contrariae sunt ut non liceat in eis cultum exercere, donec ritu paenitentiali ad normam librorum liturgicorum iniuria reparetur.

**Can. 1212** - Dedicacionem vel benedictionem amittunt loca sacra, si magna ex parte destructa fuerint, vel ad usus profanos permanenter decreto competentis Ordinarii vel de facto reducta.

**Can. 1213** - Potestates suas et munera auctoritas ecclesiastica in locis sacris libere exercet.

## CAPUT I. DE ECCLESIIS

**Can. 1214** - Ecclesiae nomine intellegitur aedes sacra divino cultui destinata, ad quam fidelibus ius est adeundi ad divinum cultum praesertim publice exercendum.

**Can. 1215** - § 1. Nulla ecclesia aedificetur sine expresso Episcopi dioecesani consensu scriptis dato.

§ 2. Episcopus dioecesanus consensum ne praebeat nisi, audito consilio presbyterali et vicinarum ecclesiarum rectoribus, censeat novam ecclesiam bono animarum inservire posse, et media ad ecclesiae aedificationem et ad cultum divinum necessaria non esse defutura.

a church or the blessing of a cemetery has been completed, a document is to be drawn up, one copy of which is to be kept in the diocesan curia and another in the archive of the church.

**Can. 1209** - The dedication or blessing of any place is sufficiently proven by one witness who is above suspicion, provided that no harm is done to anyone.

**Can. 1210** - Only those things which serve the exercise or promotion of worship, piety, or religion are permitted in a sacred place; anything not consonant with the holiness of the place is forbidden. In an individual case, however, the ordinary can permit other uses which are not contrary to the holiness of the place.

**Can. 1211** - Sacred places are violated by gravely injurious actions done in them with scandal to the faithful, actions which, in the judgment of the local ordinary, are so grave and contrary to the holiness of the place that it is not permitted to carry on worship in them until the damage is repaired by a penitential rite according to the norm of the liturgical books.

**Can. 1212** - Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact.

**Can. 1213** - The ecclesiastical authority freely exercises its powers and functions in sacred places.

## Chapter I. Churches

**Can. 1214** - By the term church is understood a sacred building designated for divine worship to which the faithful have the right of entry for the exercise, especially the public exercise, of divine worship.

**Can. 1215** - § 1. No church is to be built without the express written consent of the diocesan bishop.

§ 2. The diocesan bishop is not to give consent unless, after having heard the presbyteral council and the rectors of the neighboring churches, he judges that the new church can serve the good of souls and that the means necessary for building the church and for divine worship will not be lacking.

§ 3. Etiam instituta religiosa, licet consensum constituendae novae domus in dioecesi vel civitate ab Episcopo dioecesano rettulerint, antequam tamen ecclesiam in certo ac determinato loco aedificent, eiusdem licentiam obtinere debent.

**Can. 1216** - In ecclesiarum aedificatione et refectioe, adhibito peritorum consilio, servantur principia et normae liturgiae et artis sacrae.

**Can. 1217** - § 1. Aedificatione rite peracta, nova ecclesia quam primum dedicetur aut saltem benedicatur, sacrae liturgiae legibus servatis.

§ 2. Sollemni ritu dedicentur ecclesiae, praesertim cathedrales et paroeciales.

**Can. 1218** - Unaquaeque ecclesia suum habeat titulum qui, peracta ecclesiae dedicatione, mutari nequit.

**Can. 1219** - In ecclesia legitime dedicata vel benedicta omnes actus cultus divini perfici possunt, salvo iuribus paroecialibus.

**Can. 1220** - § 1. Curent omnes ad quos res pertinet, ut in ecclesiis illa munditia ac decor servantur, quae domum Dei addeceant, et ab iisdem arceatur quicquid a sanctitate loci absonum sit.

§ 2. Ad bona sacra et pretiosa tuenda ordinaria conservationis cura et opportuna securitatis media adhibeantur.

**Can. 1221** - Ingressus in ecclesiam tempore sacrarum celebrationum sit liber et gratuitus.

**Can. 1222** - § 1. Si qua ecclesia nullo modo ad cultum divinum adhiberi queat et possibilitas non detur eam reficiendi, in usum profanum non sordidum ab Episcopo dioecesano redigi potest.

§ 2. Ubi aliae graves causae suadeant ut aliqua ecclesia ad divinum cultum amplius non adhibeatur, eam Episcopus dioecesanus, audito consilio presbyterali, in usum profanum non sordidum redigere potest, de consensu

§ 3. Although religious institutes have received from the diocesan bishop consent to establish a new house in the diocese or the city, they must also obtain his permission before building a church in a certain and determined place.

**Can. 1216** - In the building and repair of churches, the principles and norms of the liturgy and of sacred art are to be observed, after the advice of experts has been taken into account.

**Can. 1217** - § 1. After construction has been completed properly, a new church is to be dedicated or at least blessed as soon as possible; the laws of the sacred liturgy are to be observed.

§ 2. Churches, especially cathedrals and parish churches, are to be dedicated by the solemn rite.

**Can. 1218** - Each church is to have its own title which cannot be changed after the church has been dedicated.

**Can. 1219** - In a church that has legitimately been dedicated or blessed, all acts of divine worship can be performed, without prejudice to parochial rights.

**Can. 1220** - § 1. All those responsible are to take care that in churches such cleanliness and beauty are preserved as befit a house of God and that whatever is inappropriate to the holiness of the place is excluded.

§ 2. Ordinary care for preservation and fitting means of security are to be used to protect sacred and precious goods.

**Can. 1221** - Entry to a church is to be free and gratuitous during the time of sacred celebrations.

**Can. 1222** - § 1. If a church cannot be used in any way for divine worship and there is no possibility of repairing it, the diocesan bishop can relegate it to profane but not sordid use.

§ 2. Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it to profane but not sordid use, with the consent of those



eorum qui iura in eadem sibi legitime vindicent, et dummodo animarum bonum nullum inde detrimentum capiat.

## CAPUT II. DE ORATORIIS ET DE SACELLIS PRIVATIS

**Can. 1223** - Oratorii nomine intellegitur locus divino cultui, in commodum alicuius communitatis vel coetus fidelium eo convenientium de licentia Ordinarii destinatus, ad quem etiam alii fideles de consensu Superioris competentis accedere possunt.

**Can. 1224** - § 1. Ordinarius licentiam ad constituendum oratorium requisitam ne concedat, nisi prius per se vel per alium locum ad oratorium destinatum visitaverit et decenter instructum repperit.

§ 2. Data autem licentia, oratorium ad usus profanos converti nequit sine eiusdem Ordinarii auctoritate.

**Can. 1225** - In oratoriis legitime constitutis omnes celebrationes sacrae peragi possunt, nisi quae iure aut Ordinarii loci praescripto excipiantur, aut obstent normae liturgicae.

**Can. 1226** - Nominem sacelli privati intellegitur locus divino cultui, in commodum unius vel plurium personarum physicarum, de licentia Ordinarii loci destinatus.

**Can. 1227** - Episcopi sacellum privatum sibi constituere possunt, quod iisdem iuribus ac oratorium gaudet.

**Can. 1228** - Firmo praescripto can. 1227, ad Missam aliasve sacras celebrationes in aliquo sacello privato peragendas requiritur Ordinarii loci licentia.

**Can. 1229** - Oratoria et sacella privata benedici convenit secundum ritum in libris liturgicis praescriptum; debent autem esse divino tantum cultui reservata et ab omnibus domesticis usibus libera.

## CAPUT III. DE SANCTUARIIS

**Can. 1230** - Sanctuarii nomine intelleguntur ecclesia vel alius locus sacer ad quos, ob peculiarem pietatis causam, fideles frequentes, approbante Ordinario loci, peregrinantur.

who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby.

## Chapter II. Oratories and Private Chapels

**Can. 1223** - By the term oratory is understood a place for divine worship designated by permission of the ordinary for the benefit of some community or group of the faithful who gather in it and to which other members of the faithful can also come with the consent of the competent superior.

**Can. 1224** - § 1. The ordinary is not to grant the permission required to establish an oratory unless he has first visited the place destined for the oratory personally or through another and has found it properly prepared.

§ 2. After permission has been given, however, an oratory cannot be converted to profane use without the authority of the same ordinary.

**Can. 1225** - All sacred celebrations can be performed in legitimately established oratories except those which the law or a prescript of the local ordinary excludes or the liturgical norms prohibit.

**Can. 1226** - By the term private chapel is understood a place for divine worship designated by permission of the local ordinary for the benefit of one or more physical persons.

**Can. 1227** - Bishops can establish a private chapel for themselves which possesses the same rights as an oratory.

**Can. 1228** - Without prejudice to the prescript of can. 1227, the permission of the local ordinary is required for Mass or other sacred celebrations to take place in any private chapel.

**Can. 1229** - It is fitting for oratories and private chapels to be blessed according to the rite prescribed in the liturgical books. They must, however, be reserved for divine worship alone and free from all domestic uses.

## Chapter III. Shrines

**Can. 1230** - By the term shrine is understood a church or other sacred place to which numerous members of the faithful make pilgrimage for a special reason of piety, with the approval of the local ordinary.

**Can. 1231** - Ut sanctuarium dici possit nationale, accedere debet approbatio Episcoporum conferentiae; ut dici possit internationale, requiritur approbatio Sanctae Sedis.

**Can. 1232** - § 1. Ad approbanda statuta sanctuarii dioecesiani, competens est Ordinarius loci; ad statuta sanctuarii nationalis, Episcoporum conferentia; ad statuta sanctuarii internationalis, sola Sancta Sedes.

§ 2. In statutis determinantur praesertim finis, auctoritas rectoris, dominium et administratio bonorum.

**Can. 1233** - Sanctuariis quaedam privilegia concedi poterunt, quoties locorum circumstantiae, peregrinantium frequentia et praesertim fidelium bonum id suadere videantur.

**Can. 1234** - § 1. In sanctuariis abundantius fidelibus suppeditentur media salutis, verbum Dei sedulo annuntiando, vitam liturgicam praesertim per Eucharistiae et paenitentiae celebrationem apte fovendo, necnon probatas pietatis popularis formas colendo.

§ 2. Votiva artis popularis et pietatis documenta in sanctuariis aut locis adiacentibus spectabilia servantur atque secure custodiantur.

#### CAPUT IV. DE ALTARIBUS

**Can. 1235** - § 1. Altare, seu mensa super quam Sacrificium eucharisticum celebratur, *fixum* dicitur, si ita exstruatur ut cum pavimento cohaereat ideoque amoveri nequeat; *mobile* vero, si transferri possit.

§ 2. Expediit in omni ecclesia altare fixum inesse; ceteris vero in locis, sacris celebrationibus destinatis, altare fixum vel mobile.

**Can. 1236** - § 1. Iuxta traditum Ecclesiae morem mensa altaris fixi sit lapidea, et quidem ex unico lapide naturali; attamen etiam alia materia digna et solida, de iudicio Episcoporum conferentiae, adhiberi potest. Stipites vero seu basis ex qualibet materia confici possunt.

§ 2. Altare mobile ex qualibet materia solida, usui liturgico congruenti, extrui potest.

**Can. 1231** - For a shrine to be called a national shrine, the conference of bishops must give its approval; for it to be called an international shrine, the approval of the Holy See is required.

**Can. 1232** - § 1. The local ordinary is competent to approve the statutes of a diocesan shrine; the conference of bishops for the statutes of a national shrine; the Holy See alone for the statutes of an international shrine.

§ 2. The statutes are to determine especially the purpose, the authority of the rector, and the ownership and administration of goods.

**Can. 1233** - Certain privileges can be granted to shrines whenever local circumstances, the large number of pilgrims, and especially the good of the faithful seem to suggest it.

**Can. 1234** - § 1. At shrines the means of salvation are to be supplied more abundantly to the faithful by the diligent proclamation of the word of God, the suitable promotion of liturgical life especially through the celebration of the Eucharist and of penance, and the cultivation of approved forms of popular piety.

§ 2. Votive offerings of popular art and piety are to be kept on display in the shrines or nearby places and guarded securely.

#### Chapter IV. Altars

**Can. 1235** - § 1. An altar, or a table upon which the eucharistic sacrifice is celebrated, is called fixed if it is so constructed that it adheres to the floor and thus cannot be moved; it is called movable if it can be removed.

§ 2. It is desirable to have a fixed altar in every church, but a fixed or a movable altar in other places designated for sacred celebrations.

**Can. 1236** - § 1. According to the traditional practice of the Church, the table of a fixed altar is to be of stone, and indeed of a single natural stone. Nevertheless, another worthy and solid material can also be used in the judgment of the conference of bishops. The supports or base, however, can be made of any material.

§ 2. A movable altar can be constructed of any solid material suitable for liturgical use.

**Can. 1237** - § 1. Altaria fixa dedicanda sunt, mobilia vero dedicanda aut benedicenda, iuxta ritus in liturgicis libris praescriptos.

§ 2. Antiqua traditio Martyrum aliorumve Sanctorum reliquias sub altari fixo condendi servetur, iuxta normas in libris liturgicis traditas.

**Can. 1238** - § 1. Altare dedicationem vel benedictionem amittit ad normam can. 1212.

§ 2. Per reductionem ecclesiae vel alius loci sacri ad usus profanos, altaria sive fixa sive mobilia non amittunt dedicationem vel benedictionem.

**Can. 1239** - § 1. Altare tum fixum tum mobile divino dumtaxat cultui reservandum est, quolibet profano usu prorsus excluso.

§ 2. Subtus altare nullum sit reconditum cadaver; secus Missam super illud celebrare non licet.

#### CAPUT V. DE COEMETERIIS

**Can. 1240** - § 1. Coemeteria Ecclesiae propria, ubi fieri potest, habeantur, vel saltem spatia in coemeteriis civilibus fidelibus defunctis destinata, rite benedicenda.

§ 2. Si vero hoc obtineri nequeat, toties quoties singuli tumuli rite benedicantur.

**Can. 1241** - § 1. Paroeciae et instituta religiosa coemeterium proprium habere possunt.

§ 2. Etiam aliae personae iuridicae vel familiae habere possunt peculiare coemeterium seu sepulcrum, de iudicio Ordinarii loci benedicendum.

**Can. 1242** - In ecclesiis cadavera ne sepeliantur, nisi agatur de Romano Pontifice aut Cardinalibus vel Episcopis dioecesanis etiam emeritis in propria ecclesia sepeliendis.

**Can. 1243** - Opportunae normae de disciplina in coemeteriis servanda, praesertim ad eorum indolem sacram tuendam et fovendam quod attinet, iure particulari statuuntur.

#### TITULUS II. DE TEMPORIBUS SACRIS

**Can. 1244** - § 1. Dies festos itemque dies

**Can. 1237** - § 1. Fixed altars must be dedicated, and movable altars must be dedicated or blessed, according to the rites prescribed in the liturgical books.

§ 2. The ancient tradition of placing relics of martyrs or other saints under a fixed altar is to be preserved, according to the norms given in the liturgical books.

**Can. 1238** - § 1. An altar loses its dedication or blessing according to the norm of can. 1212.

§ 2. Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.

**Can. 1239** - § 1. An altar, whether fixed or movable, must be reserved for divine worship alone, to the absolute exclusion of any profane use.

§ 2. A body is not to be buried beneath an altar; otherwise, it is not permitted to celebrate Mass on the altar.

#### Chapter V. Cemeteries

**Can. 1240** - § 1. Where possible, the Church is to have its own cemeteries or at least areas in civil cemeteries that are designated for the deceased members of the faithful and properly blessed.

§ 2. If this cannot be achieved, however, then individual graves are to be properly blessed.

**Can. 1241** - § 1. Parishes and religious institutes can have their own cemetery.

§ 2. Other juridic persons or families can also have a special cemetery or tomb, to be blessed according to the judgment of the local ordinary.

**Can. 1242** - Bodies are not to be buried in churches unless it is a question of burying in their own church the Roman Pontiff, cardinals, or diocesan bishops, including retired ones.

**Can. 1243** - Particular law is to establish appropriate norms about the discipline to be observed in cemeteries, especially with regard to protecting and fostering their sacred character.

#### Title II. Sacred Times

**Can. 1244** - § 1. It is only for the supreme

paenitentiae, universae Ecclesiae communes, constituere, transferre, abolere, unius est supremae ecclesiasticae auctoritatis, firmo praescripto can. 1246, § 2.

§ 2. Episcopi dioecesani peculiare suis dioecesibus seu locis dies festos aut dies paenitentiae possunt, per modum tantum actus, indicere.

**Can. 1245** - Firmo iure Episcoporum dioecesanorum de quo in can. 87, parochus, iusta de causa et secundum Episcopi dioecesanii praescripta, singulis in casibus concedere potest dispensationem ab obligatione servandi diem festum vel diem paenitentiae aut commutationem eiusdem in alia pia opera; idque potest etiam Superior instituti religiosi aut societatis vitae apostolicae, si sint clericalia iuris pontificii, quoad proprios subditos aliosque in domo diu noctuque degentes.

#### CAPUT I. DE DIEBUS FESTIS

**Can. 1246** - § 1. Dies dominica in qua mysterium paschale celebratur, ex apostolica traditione, in universa Ecclesia uti primordialis dies festus de praecepto servanda est. Itemque servari debent dies Nativitatis Domini Nostri Iesu Christi, Epiphaniae, Ascensionis et sanctissimi Corporis et Sanguinis Christi, Sanctae Dei Genetricis Mariae, eiusdem Immaculatae Conceptionis et Assumptionis, sancti Ioseph, sanctorum Petri et Pauli Apostolorum, omnium denique Sanctorum.

§ 2. Episcoporum conferentia tamen potest, praevia Apostolicae Sedis approbatione, quosdam ex diebus festis de praecepto abolere vel ad diem dominicam transferre.

**Can. 1247** - Die dominica aliisque diebus festis de praecepto fideles obligatione tenentur Missam participandi; abstineant insuper ab illis operibus et negotiis quae cultum Deo reddendum, laetitiam diei Domini propriam, aut debitam mentis ac corporis relaxationem impediunt.

**Can. 1248** - § 1. Praecepto de Missa participanda satisfacit qui Missae assistit ubicumque celebratur ritu catholico vel ipso die festo vel vespere diei praecedentis.

§ 2. Si deficiente ministro sacro aliave gravi de causa participatio eucharisticae celebrationis

ecclesiasticae auctoritatis, firmo praescripto can. 1246, § 2.

§ 2. Diocesan bishops can decree special feast days or days of penance for their dioceses or places, but only in individual instances.

**Can. 1245** - Without prejudice to the right of diocesan bishops mentioned in can. 87, for a just cause and according to the prescripts of the diocesan bishop, a pastor can grant in individual cases a dispensation from the obligation of observing a feast day or a day of penance or can grant a commutation of the obligation into other pious works. A superior of a religious institute or society of apostolic life, if they are clerical and of pontifical right, can also do this in regard to his own subjects and others living in the house day and night.

#### Chapter I. Feast Days

**Can. 1246** - § 1. Sunday, on which by apostolic tradition the paschal mystery is celebrated, must be observed in the universal Church as the primordial holy day of obligation. The following days must also be observed: the Nativity of our Lord Jesus Christ, the Epiphany, the Ascension, the Body and Blood of Christ, Holy Mary the Mother of God, her Immaculate Conception, her Assumption, Saint Joseph, Saint Peter and Saint Paul the Apostles, and All Saints.

§ 2. With the prior approval of the Apostolic See, however, the conference of bishops can suppress some of the holy days of obligation or transfer them to a Sunday.

**Can. 1247** - On Sundays and other holy days of obligation, the faithful are obliged to participate in the Mass. Moreover, they are to abstain from those works and affairs which hinder the worship to be rendered to God, the joy proper to the Lord's day, or the suitable relaxation of mind and body.

**Can. 1248** - § 1. A person who assists at a Mass celebrated anywhere in a Catholic rite either on the feast day itself or in the evening of the preceding day satisfies the obligation of participating in the Mass.

§ 2. If participation in the eucharistic celebration becomes impossible because of the absence of

impossibilis evadat, valde commendatur ut fideles in liturgia Verbi, si quae sit in ecclesia paroeciali aliove sacro loco, iuxta Episcopi dioeciesani praescripta celebrata, partem habeant, aut orationi per debitum tempus personaliter aut in familia vel pro opportunitate in familiarum coetibus vacent.

## CAPUT II. DE DIEBUS PAENITENTIAE

**Can. 1249** - Omnes christifideles, suo quisque modo, paenitentiam agere ex lege divina tenentur; ut vero cuncti communi quadam paenitentiae observatione inter se coniungantur, dies paenitentiales praescribuntur, in quibus christifideles speciali modo orationi vacent, opera pietatis et caritatis exercent, se ipsos abnegent, proprias obligationes fidelius adimplendo et praesertim ieiunium et abstinentiam, ad normam canonum qui sequuntur, observando.

**Can. 1250** - Dies et tempora paenientialia in universa Ecclesia sunt singulae feriae sextae totius anni et tempus quadragesimae.

**Can. 1251** - Abstinentia a carnis comestione vel ab alio cibo iuxta conferentiae Episcoporum praescripta, servetur singulis anni sextis feriis, nisi cum aliquo die inter sollemnitates recensito occurrant; abstinentia vero et ieiunium, feria quarta Cinerum et feria sexta in Passione et Morte Domini Nostri Iesu Christi.

**Can. 1252** - Lege abstinentiae tenentur qui decimum quartum aetatis annum expleverint; lege vero ieiunii adstringuntur omnes aetate maiores usque ad annum inceptum sexagesimum. Curent tamen animarum pastores et parentes ut etiam ii qui, ratione minoris aetatis ad legem ieiunii et abstinentiae non tenentur, ad genuinum paenitentiae sensum informantur.

**Can. 1253** - Episcoporum conferentia potest pressius determinare observantiam ieiunii et abstinentiae, necnon alias formas paenitentiae, praesertim opera caritatis et exercitationes pietatis, ex toto vel ex parte pro abstinentia et ieiunio substituere.

## LIBER V. DE BONIS ECCLESIAE TEMPORALIBUS

a sacred minister or for another grave cause, it is strongly recommended that the faithful take part in a liturgy of the word if such a liturgy is celebrated in a parish church or other sacred place according to the prescripts of the diocesan bishop or that they devote themselves to prayer for a suitable time alone, as a family, or, as the occasion permits, in groups of families.

## Chapter II. Days of Penance

**Can. 1249** - The divine law binds all the Christian faithful to do penance each in his or her own way. In order for all to be united among themselves by some common observance of penance, however, penitential days are prescribed on which the Christian faithful devote themselves in a special way to prayer, perform works of piety and charity, and deny themselves by fulfilling their own obligations more faithfully and especially by observing fast and abstinence, according to the norm of the following canons.

**Can. 1250** - The penitential days and times in the universal Church are every Friday of the whole year and the season of Lent.

**Can. 1251** - Abstinence from eating meat or some other food according to the prescripts of the conference of bishops is to be observed on every Friday of the year unless a Friday occurs on a day listed as a solemnity. Abstinence and fasting, however, are to be observed on Ash Wednesday and Good Friday.

**Can. 1252** - The law of abstinence binds those who have completed their fourteenth year of age. The law of fasting, however, binds all those who have attained their majority until the beginning of their sixtieth year. Nevertheless, pastors of souls and parents are to take care that minors not bound by the law of fast and abstinence are also educated in a genuine sense of penance.

**Can. 1253** - The conference of bishops can determine more precisely the observance of fast and abstinence as well as substitute other forms of penance, especially works of charity and exercises of piety, in whole or in part, for abstinence and fast.

## BOOK V. THE TEMPORAL GOODS OF THE CHURCH

**Can. 1254** - § 1. Ecclesia catholica bona temporalia iure nativo, independenter a civili potestate, acquirere, retinere, administrare et alienare valet ad fines sibi proprios prosequendos.

§ 2. Fines vero proprii praecipue sunt: cultus divinus ordinandus, honesta cleri aliorumque ministrorum sustentatio procuranda, opera sacri apostolatus et caritatis, praesertim erga egenos, exercenda.

**Can. 1255** - Ecclesia universa atque Apostolica Sedes, Ecclesiae particulares necnon alia quaevis persona iuridica, sive publica sive privata, subiecta sunt capacia bona temporalia acquirendi, retinendi, administrandi et alienandi ad normam iuris.

**Can. 1256** - Dominium bonorum, sub suprema auctoritate Romani Pontificis, ad eam pertinet iuridicam personam, quae eadem bona legitime acquisiverit.

**Can. 1257** - § 1. Bona temporalia omnia quae ad Ecclesiam universam, Apostolicam Sedem aliasve in Ecclesia personas iuridicas publicas pertinent, sunt bona ecclesiastica et reguntur canonibus qui sequuntur, necnon propriis statutis.

§ 2. Bona temporalia personae iuridicae privatae reguntur propriis statutis, non autem hisce canonibus, nisi expresse aliud caveatur.

**Can. 1258** - In canonibus qui sequuntur nomine Ecclesiae significatur non solum Ecclesia universa aut Sedes Apostolica, sed etiam quaelibet persona iuridica publica in Ecclesia, nisi ex contextu sermonis vel ex natura rei aliud appareat.

#### TITULUS I. DE ACQUISITIONE BONORUM

**Can. 1259** - Ecclesia acquirere bona temporalia potest omnibus iustis modis iuris sive naturalis sive positivi, quibus aliis licet.

**Can. 1260** - Ecclesiae nativum ius est exigendi a christifidelibus, quae ad fines sibi proprios sint necessaria.

**Can. 1261** - § 1. Integrum est christifidelibus bona temporalia in favorem Ecclesiae conferre.

**Can. 1254** - § 1. To pursue its proper purposes, the Catholic Church by innate right is able to acquire, retain, administer, and alienate temporal goods independently from civil power.

§ 2. The proper purposes are principally: to order divine worship, to care for the decent support of the clergy and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy.

**Can. 1255** - The universal Church and the Apostolic See, the particular churches, as well as any other juridic person, public or private, are subjects capable of acquiring, retaining, administering, and alienating temporal goods according to the norm of law.

**Can. 1256** - Under the supreme authority of the Roman Pontiff, ownership of goods belongs to that juridic person which has acquired them legitimately.

**Can. 1257** - § 1. All temporal goods which belong to the universal Church, the Apostolic See, or other public juridic persons in the Church are ecclesiastical goods and are governed by the following canons and their own statutes.

§ 2. The temporal goods of a private juridic person are governed by its own statutes but not by these canons unless other provision is expressly made.

**Can. 1258** - In the following canons, the term Church signifies not only the universal Church or the Apostolic See but also any public juridic person in the Church unless it is otherwise apparent from the context or the nature of the matter.

#### Title I. The Acquisition of Goods

**Can. 1259** - The Church can acquire temporal goods by every just means of natural or positive law permitted to others.

**Can. 1260** - The Church has an innate right to require from the Christian faithful those things which are necessary for the purposes proper to it.

**Can. 1261** - § 1. The Christian faithful are free to give temporal goods for the benefit of the Church.

§ 2. Episcopus dioecesanus fideles de obligatione, de qua in can. 222, § 1, monere tenetur et opportuno modo eam urgere.

**Can. 1262** - Fideles subsidia Ecclesiae conferant per subventiones rogatas et iuxta normas ab Episcoporum conferentia latas.

**Can. 1263** - Ius est Episcopo dioecetano, auditis consilio a rebus oeconomicis et consilio presbyterali, pro dioecesis necessitatibus, personis iuridicis publicis suo regimini subiectis moderatum tributum, earum redditibus proportionatum, imponendi; ceteris personis physicis et iuridicis ipsi licet tantum, in casu gravis necessitatis et sub iisdem condicionibus, extraordinariam et moderatam exactionem imponere, salvis legibus et consuetudinibus particularibus quae eidem potiora iura tribuant.

**Can. 1264** - Nisi aliud iure cautum sit, conventus Episcoporum provinciae est:

1° praefinire taxas pro actibus potestatis executivae gratiosae vel pro executione rescriptorum Sedis Apostolicae, ab ipsa Sede Apostolica approbandas;

2° definire oblationes occasione ministracionis sacramentorum et sacramentalium.

**Can. 1265** - § 1. Salvo iure religiosorum mendicantium, vetatur persona quaevis privata, sive physica sive iuridica, sine proprii Ordinarii et Ordinarii loci licentia, in scriptis data, stipem cogere pro quolibet pio aut ecclesiastico instituto vel fine.

§ 2. Episcoporum conferentia potest normas de stipe quaeritanda statuere, quae ab omnibus servari debent, iis non exclusis, qui ex institutione mendicantes vocantur et sunt.

**Can. 1266** - In omnibus ecclesiis et oratoriis, etiam ad instituta religiosa pertinentibus, quae de facto habitualiter christifidelibus pateant, Ordinarius loci praecipere potest ut specialis stips colligatur pro determinatis inceptis paroecialibus, dioecesanis, nationalibus vel universalibus, ad curiam dioecesanam postea sedulo mittenda.

§ 2. The diocesan bishop is bound to admonish the faithful of the obligation mentioned in can. 222, § 1 and in an appropriate manner to urge its observance.

**Can. 1262** - The faithful are to give support to the Church by responding to appeals and according to the norms issued by the conference of bishops.

**Can. 1263** - After the diocesan bishop has heard the finance council and the presbyteral council, he has the right to impose a moderate tax for the needs of the diocese upon public juridic persons subject to his governance; this tax is to be proportionate to their income. He is permitted only to impose an extraordinary and moderate exaction upon other physical and juridic persons in case of grave necessity and under the same conditions, without prejudice to particular laws and customs which attribute greater rights to him.

**Can. 1264** - Unless the law has provided otherwise, it is for a meeting of the bishops of a province:

1° to fix the fees for acts of executive power granting a favor or for the execution of rescripts of the Apostolic See, to be approved by the Apostolic See itself;

2° to set a limit on the offerings on the occasion of the administration of sacraments and sacramentals.

**Can. 1265** - § 1. Without prejudice to the right of religious mendicants, any private person, whether physical or juridic, is forbidden to beg for alms for any pious or ecclesiastical institute or purpose without the written permission of that person's own ordinary and of the local ordinary.

§ 2. The conference of bishops can establish norms for begging for alms which all must observe, including those who by their foundation are called and are mendicants.

**Can. 1266** - In all churches and oratories which are, in fact, habitually open to the Christian faithful, including those which belong to religious institutes, the local ordinary can order the taking up of a special collection for specific parochial, diocesan, national, or universal projects; this collection must be diligently sent afterwards to the diocesan curia.

**Can. 1267** - § 1. Nisi contrarium constet, oblationes quae fiunt Superioribus vel administratoribus cuiusvis personae iuridicae ecclesiasticae, etiam privatae, praesumuntur ipsi personae iuridicae factae.

§ 2. Oblationes, de quibus in § 1, repudiari nequeunt nisi iusta de causa et, in rebus maioris momenti, de licentia Ordinarii, si agitur de persona iuridica publica; eiusdem Ordinarii licentia requiritur ut acceptentur quae onere modalis vel conditione gravantur, firmo praescripto can. 1295.

§ 3. Oblationes a fidelibus ad certum finem factae, non nisi ad eundem finem destinari possunt.

**Can. 1268** - Praescriptionem, tamquam acquirendi et se liberandi modum, Ecclesia pro bonis temporalibus recipit, ad normam cann. 197-199.

**Can. 1269** - Res sacrae, si in dominio privatorum sunt, praescriptione acquiri a privatis personis possunt, sed eas adhibere ad usus profanos non licet, nisi dedicationem vel benedictionem amiserint; si vero ad personam iuridicam ecclesiasticam publicam pertinent, tantum ab alia persona iuridica ecclesiastica publica acquiri possunt.

**Can. 1270** - Res immobiles, mobiles pretiosae, iura et actiones sive personales sive reales, quae pertinent ad Sedem Apostolicam, spatio centum annorum praescribuntur; quae ad aliam personam iuridicam publicam ecclesiasticam pertinent, spatio triginta annorum.

**Can. 1271** - Episcopi, ratione vinculi unitatis et caritatis, pro suae dioecesis facultatibus, conferant ad media procuranda, quibus Sedes Apostolica secundum temporum condiciones indiget, ut servitium erga Ecclesiam universam rite praestare valeat.

**Can. 1272** - In regionibus ubi beneficia proprie dicta adhuc existunt, Episcoporum conferentiae est, opportunis normis cum Apostolica Sede concordatis et ab ea approbatis, huiusmodi beneficiorum regimen moderari, ita ut redditus, immo quatenus possibile sit ipsa dos beneficiorum ad institutum, de quo in can. 1274, § 1, paulatim

**Can. 1267** - § 1. Unless the contrary is established, offerings given to superiors or administrators of any ecclesiastical juridic person, even a private one, are presumed given to the juridic person itself.

§ 2. The offerings mentioned in § 1 cannot be refused except for a just cause and, in matters of greater importance if it concerns a public juridic person, with the permission of the ordinary; the permission of the same ordinary is required to accept offerings burdened by a modal obligation or condition, without prejudice to the prescript of can. 1295.

§ 3. Offerings given by the faithful for a certain purpose can be applied only for that same purpose.

**Can. 1268** - The Church recognizes prescription as a means of acquiring temporal goods and freeing oneself from them, according to the norm of cann. 197-199.

**Can. 1269** - If sacred objects are privately owned, private persons can acquire them through prescription, but it is not permitted to employ them for profane uses unless they have lost their dedication or blessing; if they belong to a public ecclesiastical juridic person, however, only another public ecclesiastical juridic person can acquire them.

**Can. 1270** - If they belong to the Apostolic See, immovable property, precious movable objects, and personal or real rights and actions are prescribed by a period of a hundred years; if they belong to another public ecclesiastical juridic person, they are prescribed by a period of thirty years.

**Can. 1271** - By reason of the bond of unity and charity and according to the resources of their dioceses, bishops are to assist in procuring those means which the Apostolic See needs, according to the conditions of the times, so that it is able to offer service properly to the universal Church.

**Can. 1272** - In regions where benefices properly so called still exist, it is for the conference of bishops, through appropriate norms agreed to and approved by the Apostolic See, to direct the governance of such benefices in such a way that the income and even, insofar as possible, the endowment itself of the benefices are gradually transferred to the



deferatur.

## TITULUS II. DE ADMINISTRATIONE BONORUM

**Can. 1273** - Romanus Pontifex, vi primatus regiminis, est omnium bonorum ecclesiasticorum supremus administrator et dispensator.

**Can. 1274** - § 1. Habeatur in singulis dioecesibus speciale institutum, quod bona vel oblationes colligat eum in finem ut sustentationi clericorum, qui in favorem dioecesis servitium praestant, ad normam can. 281 provideatur, nisi aliter eisdem provisum sit.

§ 2. Ubi praevidentia socialis in favorem cleri nondum apte ordinata est, curet Episcoporum conferentia ut habeatur institutum, quo securitati sociali clericorum satis provideatur.

§ 3. In singulis dioecesibus constituatur, quatenus opus sit, massa communis qua valeant Episcopi obligationibus erga alias personas Ecclesiae deservientes satisfacere variisque dioecesis necessitatibus occurrere, quaque etiam dioeceses divitiores possint pauperioribus subvenire.

§ 4. Pro diversis locorum adiunctis, fines de quibus in §§ 2 et 3 aptius obtineri possunt per instituta dioecesana inter se foederata, vel per cooperationem aut etiam per convenientem consociationem pro variis dioecesibus, immo et pro toto territorio ipsius Episcoporum conferentiae constitutam.

§ 5. Haec instituta, si fieri possit, ita constituenda sunt, ut efficaciam quoque in iure civili obtineant.

**Can. 1275** - Massa bonorum ex diversis dioecesibus provenientium administratur secundum normas ab Episcopis, quorum interest, opportune concordatas.

**Can. 1276** - § 1. Ordinarii est sedulo advigilare administrationi omnium bonorum, quae ad personas iuridicas publicas sibi subiectas pertinent, salvo legitimis titulis quibus eidem Ordinario potiora iura tribuantur.

§ 2. Habita ratione iurium, legitimarum consuetudinum et circumstantiarum, Ordinarii,

institute mentioned in can. 1274, § 1.

## Title II. The Administration of Goods

**Can. 1273** - By virtue of his primacy of governance, the Roman Pontiff is the supreme administrator and steward of all ecclesiastical goods.

**Can. 1274** - § 1. Each diocese is to have a special institute which is to collect goods or offerings for the purpose of providing, according to the norm of can. 281, for the support of clerics who offer service for the benefit of the diocese, unless provision is made for them in another way.

§ 2. Where social provision for the benefit of clergy has not yet been suitably arranged, the conference of bishops is to take care that there is an institute which provides sufficiently for the social security of clerics.

§ 3. Insofar as necessary, each diocese is to establish a common fund through which bishops are able to satisfy obligations towards other persons who serve the Church and meet the various needs of the diocese and through which the richer dioceses can also assist the poorer ones.

§ 4. According to different local circumstances, the purposes mentioned in §§ 2 and 3 can be obtained more suitably through a federation of diocesan institutes, through a cooperative endeavor, or even through an appropriate association established for various dioceses or for the entire territory of the conference of bishops.

§ 5. If possible, these institutes are to be established in such a way that they also have recognition in civil law.

**Can. 1275** - An aggregate of goods which come from different dioceses is administered according to the norms appropriately agreed upon by the bishops concerned.

**Can. 1276** - § 1. It is for the ordinary to exercise careful vigilance over the administration of all the goods which belong to public juridic persons subject to him, without prejudice to legitimate titles which attribute more significant rights to him.

§ 2. With due regard for rights, legitimate customs, and circumstances, ordinaries are to

editis peculiaribus instructionibus intra fines iuris universalis et particularis, universum administrationis bonorum ecclesiasticorum negotium ordinandum curent.

**Can. 1277** - Episcopus dioecesanus quod attinet ad actus administrationis ponendos, qui, attento statu oeconomico dioecesis, sunt maioris momenti, consilium a rebus oeconomicis et collegium consultorum audire debet; eiusdem tamen consilii atque etiam collegii consultorum consensu eget, praeterquam in casibus iure universali vel tabulis foundationis specialiter expressis, ad ponendos actus extraordinariae administrationis. Conferentiae autem Episcoporum est definire quinam actus habendi sint extraordinariae administrationis.

**Can. 1278** - Praeter munera de quibus in can. 494, §§ 3 et 4, oeconomus committi possunt ab Episcopo dioecesano munera de quibus in cann. 1276, § 1 et 1279, § 2.

**Can. 1279** - § 1. Administratio bonorum ecclesiasticorum ei competit, qui immediate regit personam ad quam eadem bona pertinent, nisi aliud ferant ius particulare, statuta aut legitima consuetudo, et salvo iure Ordinarii interveniendi in casu neglegentiae administratoris.

§ 2. In administratione bonorum personae iuridicae publicae, quae ex iure vel tabulis foundationis aut propriis statutis suos non habeat administratores, Ordinarius, cui eadem subiecta est, personas idoneas ad triennium assumat; eaedem ab Ordinario iterum nominari possunt.

**Can. 1280** - Quaevis persona iuridica suum habeat consilium a rebus oeconomicis vel saltem duos consiliarios, qui administratorem, ad normam statutorum, in munere adimplendo adiuvent.

**Can. 1281** - § 1. Firmis statutorum praescriptis, administratores invalide ponunt actus qui fines modumque ordinariae administrationis excedunt, nisi prius ab Ordinario facultatem scripto datam obtinuerint.

§ 2. In statutis definiuntur actus qui finem et modum ordinariae administrationis excedunt; si

take care of the ordering of the entire matter of the administration of ecclesiastical goods by issuing special instructions within the limits of universal and particular law.

**Can. 1277** - The diocesan bishop must hear the finance council and college of consultors to place acts of administration which are more important in light of the economic condition of the diocese. In addition to the cases specially expressed in universal law or the charter of a foundation, however, he needs the consent of the finance council and of the college of consultors to place acts of extraordinary administration. It is for the conference of bishops to define which acts are to be considered of extraordinary administration.

**Can. 1278** - In addition to the functions mentioned in can. 494, §§ 3 and 4, the diocesan bishop can entrust to the finance officer the functions mentioned in cann. 1276, § 1 and 1279, § 2.

**Can. 1279** - § 1. The administration of ecclesiastical goods pertains to the one who immediately governs the person to which the goods belong unless particular law, statutes, or legitimate custom determine otherwise and without prejudice to the right of the ordinary to intervene in case of negligence by an administrator.

§ 2. In the administration of the goods of a public juridic person which does not have its own administrators by law, the charter of the foundation, or its own statutes, the ordinary to whom it is subject is to appoint suitable persons for three years; the same persons can be reappointed by the ordinary.

**Can. 1280** - Each juridic person is to have its own finance council or at least two counselors who, according to the norm of the statutes, are to assist the administrator in fulfilling his or her function.

**Can. 1281** - § 1. Without prejudice to the prescripts of the statutes, administrators invalidly place acts which exceed the limits and manner of ordinary administration unless they have first obtained a written faculty from the ordinary.

§ 2. The statutes are to define the acts which exceed the limit and manner of ordinary

vero de hac re sileant statuta, competit Episcopo dioecesano, audito consilio a rebus oeconomicis, huiusmodi actus pro personis sibi subiectis determinare.

§ 3. Nisi quando et quatenus in rem suam versum sit, persona iuridica non tenetur respondere de actibus ab administratoribus invalide positis; de actibus autem ab administratoribus illegitime sed valide positis respondebit ipsa persona iuridica, salva eius actione seu recursu adversus administratores qui damna eidem intulerint.

**Can. 1282** - Omnes, sive clerici sive laici, qui legitimo titulo partes habent in administratione bonorum ecclesiasticorum, munera sua adimplere tenentur nomine Ecclesiae, ad normam iuris.

**Can. 1283** - Antequam administratores suum munus ineant:

1° debent se bene et fideliter administraturos coram Ordinario vel eius delegato iureiurando spondere;

2° accuratum ac distinctum inventarium, ab ipsis subscribendum, rerum immobilium, rerum mobilium sive pretiosarum sive utcumque ad bona culturalia pertinentium aliarumve cum descriptione atque aestimatione earundem redigatur, redactumque recognoscatur;

3° huius inventarii alterum exemplar conservetur in tabulario administrationis, alterum in archivio curiae; et in utroque quaelibet immutatio adnotetur, quam patrimonium subire contingat.

**Can. 1284** - § 1. Omnes administratores diligentia boni patrisfamilias suum munus implere tenentur.

§ 2. Exinde debent:

1° vigilare ne bona suae curae concredita quoquo modo pereant aut detrimentum capiant, initis in hunc finem, quatenus opus sit, contractibus assecurationis;

2° curare ut proprietates bonorum ecclesiasticorum modis civiliter validis in tuto ponatur;

3° praescripta servare iuris tam canonici quam civilis, aut quae a fundatore vel donatore vel legitima auctoritate imposita sint, ac praesertim cavere ne ex legum civilium

administratione; si statuta sunt in hac parte, tamen, si in his non sit expressa mentio, episcopus dioecesis est competens ad determinandum tales actus pro personis sibi subiectis, postquam audierit concilio finantiarum.

§ 3. Unless and to the extent that it is to its own advantage, a juridic person is not bound to answer for acts invalidly placed by its administrators. A juridic person itself, however, will answer for acts illegitimately but validly placed by its administrators, without prejudice to its right of action or recourse against the administrators who have damaged it.

**Can. 1282** - All clerics or lay persons who take part in the administration of ecclesiastical goods by a legitimate title are bound to fulfill their functions in the name of the Church according to the norm of law.

**Can. 1283** - Before administrators begin their function:

1° they must take an oath before the ordinary or his delegate that they will administer well and faithfully;

2° they are to prepare and sign an accurate and clear inventory of immovable property, movable objects, whether precious or of some cultural value, or other goods, with their description and appraisal; any inventory already done is to be reviewed;

3° one copy of this inventory is to be preserved in the archive of the administration and another in the archive of the curia; any change which the patrimony happens to undergo is to be noted in each copy.

**Can. 1284** - § 1. All administrators are bound to fulfill their function with the diligence of a good householder.

§ 2. Consequently they must:

1° exercise vigilance so that the goods entrusted to their care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary;

2° take care that the ownership of ecclesiastical goods is protected by civilly valid methods;

3° observe the prescripts of both canon and civil law or those imposed by a founder, a donor, or legitimate authority, and especially be on guard so that no damage comes to the

inobservantia damnum Ecclesiae obveniat;

4° redditus bonorum ac proventus accurate et iusto tempore exigere exactosque tuto servare et secundum fundatoris mentem aut legitimas normas impendere;

5° foenus vel mutui vel hypothecae causa solvendum, statuto tempore solvere, ipsamque debiti summam capitalem opportune reddendam curare;

6° pecuniam, quae de expensis supersit et utiliter collocari possit, de consensu Ordinarii in fines personae iuridicae occupare;

7° accepti et expensi libros bene ordinatos habere;

8° rationem administrationis singulis exeuntibus annis componere;

9° documenta et instrumenta, quibus Ecclesiae aut instituti iura in bona nituntur, rite ordinare et in archivo convenienti et apto custodire; authentica vero eorum exemplaria, ubi commode fieri potest, in archivo curiae deponere.

§ 3. Provisiones accepti et expensi, ut ab administratoribus quotannis componantur, enixe commendantur; iuri autem particulari relinquuntur eas praecipere et pressius determinare modos quibus exhibendae sint.

**Can. 1285** - Intra limites dumtaxat ordinariae administrationis fas est administratoribus de bonis mobilibus, quae ad patrimonium stabile non pertinent, donationes ad fines pietatis aut christianae caritatis facere.

**Can. 1286** - Administratores bonorum:

1° in operarum locatione leges etiam civiles, quae ad laborem et vitam socialem attinent, adamussim servent, iuxta principia ab Ecclesia tradita;

2° iis, qui operam ex condicto praestant, iustam et honestam mercedem tribuant, ita ut iidem suis et suorum necessitatibus convenienter providere valeant.

**Can. 1287** - § 1. Reprobata contraria consuetudine, administratores tam clerici quam laici quorumvis bonorum ecclesiasticorum, quae ab Episcopi dioecesanii potestate regiminis non sint legitime subducta, singulis

Church from the non-observance of civil laws;

4° collect the return of goods and the income accurately and on time, protect what is collected, and use them according to the intention of the founder or legitimate norms;

5° pay at the stated time the interest due on a loan or mortgage and take care that the capital debt itself is repaid in a timely manner;

6° with the consent of the ordinary, invest the money which is left over after expenses and can be usefully set aside for the purposes of the juridic person;

7° keep well organized books of receipts and expenditures;

8° draw up a report of the administration at the end of each year;

9° organize correctly and protect in a suitable and proper archive the documents and records on which the property rights of the Church or the institute are based, and deposit authentic copies of them in the archive of the curia when it can be done conveniently.

§ 3. It is strongly recommended that administrators prepare budgets of incomes and expenditures each year; it is left to particular law, however, to require them and to determine more precisely the ways in which they are to be presented.

**Can. 1285** - Within the limits of ordinary administration only, administrators are permitted to make donations for purposes of piety or Christian charity from movable goods which do not belong to the stable patrimony.

**Can. 1286** - Administrators of goods:

1° in the employment of workers are to observe meticulously also the civil laws concerning labor and social policy, according to the principles handed on by the Church;

2° are to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependents.

**Can. 1287** - § 1. Both clerical and lay administrators of any ecclesiastical goods whatever which have not been legitimately exempted from the power of governance of the diocesan bishop are bound by their office to

annis officio tenentur rationes Ordinario loci exhibendi, qui eas consilio a rebus oeconomicis examinandas committat.

§ 2. De bonis, quae a fidelibus Ecclesiae offeruntur, administratores rationes fidelibus reddant iuxta normas iure particulari statuendas.

**Can. 1288** - Administratores litem nomine personae iuridicae publicae ne inchoent neve contestentur in foro civili, nisi licentiam scripto datam Ordinarii proprii obtinuerint.

**Can. 1289** - Quamvis ad administrationem non teneantur titulo officii ecclesiastici, administratores munus susceptum arbitrato suo dimittere nequeunt; quod si ex arbitraria dimissione damnum Ecclesiae obveniat, ad restitutionem tenentur.

### TITULUS III. DE CONTRACTIBUS AC PRAESERTIM DE ALIENATIONE

**Can. 1290** - Quae ius civile in territorio statuit de contractibus tam in genere, quam in specie et de solutionibus, eadem iure canonico quoad res potestati regiminis Ecclesiae subiectas iisdem cum effectibus servantur, nisi iuri divino contraria sint aut aliud iure canonico caveatur, et firmo praescripto can. 1547.

**Can. 1291** - Ad valide alienanda bona, quae personae iuridicae publicae ex legitima assignatione patrimonium stabile constituunt et quorum valor summam iure definitam excedit, requiritur licentia auctoritatis ad normam iuris competentis.

**Can. 1292** - § 1. Salvo praescripto can. 638, § 3, cum valor bonorum, quorum alienatio proponitur, continetur intra summam minimam et summam maximam ab Episcoporum conferentia pro sua cuiusque regione definiendas, auctoritas competens, si agatur de personis iuridicis Episcopo dioecesano non subiectis, propriis determinatur statutis; secus, auctoritas competens est Episcopus dioecesanus cum consensu consilii a rebus oeconomicis et collegii consultorum necnon eorum quorum interest. Eorundem quoque consensu eget ipse Episcopus dioecesanus ad bona dioecesis alienanda.

present an annual report to the local ordinary who is to present it for examination by the finance council; any contrary custom is reprobated.

§ 2. According to norms to be determined by particular law, administrators are to render an account to the faithful concerning the goods offered by the faithful to the Church.

**Can. 1288** - Administrators are neither to initiate nor to contest litigation in a civil forum in the name of a public juridic person unless they have obtained the written permission of their own ordinary.

**Can. 1289** - Even if not bound to administration by the title of an ecclesiastical office, administrators cannot relinquish their function on their own initiative; if the Church is harmed from an arbitrary withdrawal, moreover, they are bound to restitution.

### Title III. Contracts and Especially Alienation

**Can. 1290** - The general and particular provisions which the civil law in a territory has established for contracts and their disposition are to be observed with the same effects in canon law insofar as the matters are subject to the power of governance of the Church unless the provisions are contrary to divine law or canon law provides otherwise, and without prejudice to the prescript of can. 1547.

**Can. 1291** - The permission of the authority competent according to the norm of law is required for the valid alienation of goods which constitute by legitimate designation the stable patrimony of a public juridic person and whose value exceeds the sum defined by law.

**Can. 1292** - § 1. Without prejudice to the prescript of can. 638, § 3, when the value of the goods whose alienation is proposed falls within the minimum and maximum amounts to be defined by the conference of bishops for its own region, the competent authority is determined by the statutes of juridic persons if they are not subject to the diocesan bishop; otherwise, the competent authority is the diocesan bishop with the consent of the finance council, the college of consultors, and those concerned. The diocesan bishop himself also needs their consent to alienate the goods of the diocese.

§ 2. Si tamen agatur de rebus quarum valor summam maximam excedit, vel de rebus ex voto Ecclesiae donatis, vel de rebus pretiosis artis vel historiae causa, ad validitatem alienationis requiritur insuper licentia Sanctae Sedis.

§ 3. Si res alienanda sit divisibilis, in petenda licentia pro alienatione exprimi debent partes antea alienatae; secus licentia irrita est.

§ 4. Ii, qui in alienandis bonis consilio vel consensu partem habere debent, ne praebeant consilium vel consensum nisi prius exacte fuerint edocti tam de statu oeconomico personae iuridicae cuius bona alienanda proponuntur, quam de alienationibus iam peractis.

**Can. 1293** - § 1. Ad alienanda bona, quorum valor summam minimam definitam excedit, requiritur insuper:

1° iusta causa, veluti urgens necessitas, evidens utilitas, pietas, caritas vel gravis alia ratio pastoralis;

2° aestimatio rei alienandae a peritis scripto facta.

§ 2. Aliae quoque cautelae a legitima auctoritate praescriptae servantur, ut Ecclesiae damnum vitetur.

**Can. 1294** - § 1. Res alienari minore pretio ordinarie non debet, quam quod in aestimatione indicatur.

§ 2. Pecunia ex alienatione percepta vel in commodum Ecclesiae caute collocetur vel, iuxta alienationis fines, prudenter erogetur.

**Can. 1295** - Requisita ad normam cann. 1291-1294, quibus etiam statuta personarum iuridicarum conformanda sunt, servari debent non solum in alienatione, sed etiam in quolibet negotio, quo condicio patrimonialis personae iuridicae peior fieri possit.

**Can. 1296** - Si quando bona ecclesiastica sine debitis quidem sollemnitatibus canonicis alienata fuerint, sed alienatio sit civiliter valida, auctoritatis competentis est discernere, omnibus mature perpensis, an et qualis actio, personalis scilicet vel realis, a quonam et contra quemnam instituenda sit ad Ecclesiae iura vindicanda.

§ 2. The permission of the Holy See is also required for the valid alienation of goods whose value exceeds the maximum amount, goods given to the Church by vow, or goods precious for artistic or historical reasons.

§ 3. If the asset to be alienated is divisible, the parts already alienated must be mentioned when seeking permission for the alienation; otherwise the permission is invalid.

§ 4. Those who by advice or consent must take part in alienating goods are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridic person whose goods are proposed for alienation and of previous alienations.

**Can. 1293** - § 1. The alienation of goods whose value exceeds the defined minimum amount also requires the following:

1° a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason;

2° a written appraisal by experts of the asset to be alienated.

§ 2. Other precautions prescribed by legitimate authority are also to be observed to avoid harm to the Church.

**Can. 1294** - § 1. An asset ordinarily must not be alienated for a price less than that indicated in the appraisal.

§ 2. The money received from the alienation is either to be invested carefully for the advantage of the Church or to be expended prudently according to the purposes of the alienation.

**Can. 1295** - The requirements of cann. 1291-1294, to which the statutes of juridic persons must also conform, must be observed not only in alienation but also in any transaction which can worsen the patrimonial condition of a juridic person.

**Can. 1296** - Whenever ecclesiastical goods have been alienated without the required canonical formalities but the alienation is valid civilly, it is for the competent authority, after having considered everything thoroughly, to decide whether and what type of action, namely, personal or real, is to be instituted by whom and against whom in order to vindicate

**Can. 1297** - Conferentiae Episcoporum est, attentis locorum adiunctis, normas statuere de bonis Ecclesiae locandis, praesertim de licentia a competenti auctoritate ecclesiastica obtinenda.

**Can. 1298** - Nisi res sit minimi momenti, bona ecclesiastica propriis administratoribus eorumve propinquis usque ad quartum consanguinitatis vel affinitatis gradum non sunt vendenda aut locanda sine speciali competentis auctoritatis licentia scripto data.

#### TITULUS IV. DE PIIS VOLUNTATIBUS IN GENERE ET DE PIIS FUNDATIONIBUS

**Can. 1299** - § 1. Qui ex iure naturae et canonico libere valet de suis bonis statuere, potest ad causas pias, sive per actum inter vivos sive per actum mortis causa, bona relinquere.

§ 2. In dispositionibus mortis causa in bonum Ecclesiae servantur, si fieri possit, sollemnitates iuris civilis; quae si omissae fuerint, heredes moneri debent de obligatione, qua tenentur, adimplendi testatoris voluntatem.

**Can. 1300** - Voluntates fidelium facultates suas in pias causas donantium vel relinquentium, sive per actum inter vivos sive per actum mortis causa, legitime acceptatae, diligentissime impleantur etiam circa modum administrationis et erogationis bonorum, firmo praescripto can. 1301, § 3.

**Can. 1301** - § 1. Ordinarius omnium piarum voluntatum tam mortis causa quam inter vivos exsecutor est.

§ 2. Hoc ex iure Ordinarius vigilare potest ac debet, etiam per visitationem, ut piae voluntates impleantur, eique ceteri exsecutores, perfuncti munere, reddere rationem tenentur.

§ 3. Clausulae huic Ordinarii iuri contrariae, ultimis voluntatibus adiectae, tamquam non appositae habeantur.

**Can. 1302** - § 1. Qui bona ad pias causas sive per actum inter vivos sive ex testamento fiduciarie accepit, debet de sua fiducia

the rights of the Church.

**Can. 1297** - Attentive to local circumstances, it is for the conference of bishops to establish norms for the leasing of Church goods, especially regarding the permission to be obtained from competent ecclesiastical authority.

**Can. 1298** - Unless an asset is of little value, ecclesiastical goods are not to be sold or leased to the administrators of these goods or to their relatives up to the fourth degree of consanguinity or affinity without the special written permission of competent authority.

#### Title IV. Pious Wills in General and Pious Foundations

**Can. 1299** - § 1. A person who by natural law and canon law is able freely to dispose of his or her goods can bestow goods for pious causes either through an act inter vivos or through an act mortis causa.

§ 2. In dispositions mortis causa for the good of the Church, the formalities of civil law are to be observed if possible; if they have been omitted, the heirs must be admonished regarding the obligation, to which they are bound, of fulfilling the intention of the testator.

**Can. 1300** - The legitimately accepted wills of the faithful who give or leave their resources for pious causes, whether through an act inter vivos or through an act mortis causa, are to be fulfilled most diligently even regarding the manner of administration and distribution of goods, without prejudice to the prescript of can. 1301, § 3.

**Can. 1301** - § 1. The ordinary is the executor of all pious wills whether mortis causa or inter vivos.

§ 2. By this right, the ordinary can and must exercise vigilance, even through visitation, so that pious wills are fulfilled, and other executors are bound to render him an account after they have performed their function.

§ 3. Stipulations contrary to this right of an ordinary attached to last wills and testaments are to be considered non-existent.

**Can. 1302** - § 1. A person who has accepted goods in trust for pious causes either through an act inter vivos or by a last will and testament

Ordinarium certiore reddere, eique omnia istiusmodi bona mobilia vel immobilia cum oneribus adiunctis indicare; quod si donator id expresse et omnino prohibuerit, fiduciam ne acceptet.

§ 2. Ordinarius debet exigere ut bona fiduciaria in tuto collocentur, itemque vigilare pro executione piaae voluntatis ad normam can. 1301.

§ 3. Bonis fiduciariis alicui sodali instituti religiosi aut societatis vitae apostolicae commissis, si quidem bona sint attributa loco seu dioecesi eorumve incolis aut piis causis iuvandis, Ordinarius, de quo in §§ 1 et 2, est loci Ordinarius; secus est Superior maior in instituto clericali iuris pontificii et in clericalibus societatibus vitae apostolicae iuris pontificii, aut Ordinarius eiusdem sodalis proprius in aliis institutis religiosis.

**Can. 1303** - § 1. Nomine piarum foundationum in iure veniunt:

1° *piae foundationes autonomae*, scilicet universitates rerum ad fines de quibus in can. 114, § 2 destinatae et a competenti auctoritate ecclesiastica in personam iuridicam erectae;

2° *piae foundationes non autonomae*, scilicet bona temporalia alicui personae iuridicae publicae quoquo modo data cum onere in diuturnum tempus, iure particulari determinandum, ex redditibus annuis Missas celebrandi aliasque praefinitas functiones ecclesiasticas peragendi, aut fines de quibus in can. 114, § 2 aliter persequendi.

§ 2. Bona piaae foundationis non autonomae, si concredita fuerint personae iuridicae Episcopo dioecesano subiectae, expleto tempore, ad institutum de quo in can. 1274, § 1 destinari debent, nisi alia fuerit fundatoris voluntas expresse manifestata; secus ipsi personae iuridicae cedunt.

**Can. 1304** - § 1. Ut fundatio a persona iuridica valide acceptari possit, requiritur licentia Ordinarii in scriptis data; qui eam ne praebeat, antequam legitime compererit personam iuridicam tum novo oneri suscipiendo, tum iam susceptis satisfacere posse; maximeque

must inform the ordinary of the trust and indicate to him all its movable and immovable goods with the obligations attached to them. If the donor has expressly and entirely prohibited this, however, the person is not to accept the trust.

§ 2. The ordinary must demand that goods held in trust are safeguarded and also exercise vigilance for the execution of the pious will according to the norm of can. 1301.

§ 3. When goods held in trust have been entrusted to a member of a religious institute or society of apostolic life and if the goods have also been designated for some place or diocese or for the assistance of their inhabitants or pious causes, the ordinary mentioned in §§ 1 and 2 is the local ordinary; otherwise, it is the major superior in a clerical institute of pontifical right and in clerical societies of apostolic life of pontifical right or the proper ordinary of the member in other religious institutes.

**Can. 1303** - § 1. In law, the term pious foundations includes:

1° autonomous pious foundations, that is, aggregates of things (universitates rerum) destined for the purposes mentioned in can. 114, § 2 and erected as a juridic person by competent ecclesiastical authority;

2° non-autonomous pious foundations, that is, temporal goods given in some way to a public juridic person with the obligation for a long time, to be determined by particular law, of celebrating Masses and performing other specified ecclesiastical functions or of otherwise pursuing the purposes mentioned in can. 114, § 2, from the annual revenues.

§ 2. If the goods of a non-autonomous pious foundation have been entrusted to a juridic person subject to a diocesan bishop, they must be remanded to the institute mentioned in can. 1274, § 1 when the time is completed unless some other intention of the founder had been expressly manifested; otherwise, they accrue to the juridic person itself.

**Can. 1304** - § 1. For a juridic person to be able to accept a foundation validly, the written permission of the ordinary is required. He is not to grant this permission before he has legitimately determined that the juridic person can satisfy both the new obligation to be



caveat ut reditus omnino respondeant oneribus adiunctis, secundum cuiusque loci vel regionis morem.

§ 2. Ulteriores condiciones ad constitutionem et acceptationem foundationum quod attinet, iure particulari definiantur.

**Can. 1305** - Pecunia et bona mobilia, dotationis nomine assignata, statim in loco tuto ab Ordinario approbando deponantur eum in finem, ut eadem pecunia vel bonorum mobilium pretium custodiantur et quam primum caute et utiliter secundum prudens eiusdem Ordinarii iudicium, auditis et iis quorum interest et proprio a rebus oeconomicis consilio, collocentur in commodum eiusdem foundationis cum expressa et individua mentione oneris.

**Can. 1306** - § 1. Foundationes, etiam viva voce factae, scripto consignentur.

§ 2. Alterum tabularum exemplar in curiae archivo, alterum in archivo personae iuridicae ad quam fundatio spectat, tuto asserventur.

**Can. 1307** - § 1. Servatis praescriptis cann. 1300-1302, et 1287, onerum ex piis foundationibus incumbentium tabella conficiatur, quae in loco patenti exponatur, ne obligationes adimplendae in oblivionem cadant.

§ 2. Praeter librum de quo in can. 958, § 1, alter liber retineatur et apud parochum vel rectorem servetur, in quo singula onera eorumque adimpletio et eleemosynae adnotentur.

**Can. 1308** - § 1. Reductio onerum Missarum, ex iusta tantum et necessaria causa facienda, reservatur Sedi Apostolicae, salvis praescriptis quae sequuntur.

§ 2. Si in tabulis foundationum id expresse caveatur, Ordinarius ob imminutos reditus onera Missarum reducere valet.

§ 3. Episcopo dioecetano competit potestas reducendi ob deminutionem reddituum, quamdiu causa perduret, ad rationem eleemosynae in

undertaken and those already undertaken; most especially he is to be on guard so that the revenues completely respond to the attached obligations, according to the practice of each place or region.

§ 2. Particular law is to define additional conditions for the establishment and acceptance of foundations.

**Can. 1305** - Money and movable goods assigned to an endowment are to be deposited immediately in a safe place approved by the ordinary so that the money or value of the movable goods is protected; as soon as possible, these are to be invested cautiously and usefully for the benefit of the foundation, with express and specific mention made of the obligation; this investment is to be made according to the prudent judgment of the ordinary, after he has heard those concerned and his own finance council.

**Can. 1306** - § 1. Foundations, even if made orally, are to be put in writing.

§ 2. One copy of the charter is to be preserved safely in the archive of the curia and another copy in the archive of the juridic person to which the foundation belongs.

**Can. 1307** - § 1. A list of the obligations incumbent upon pious foundations is to be composed and displayed in an accessible place so that the obligations to be fulfilled are not forgotten; the prescripts of cann. 1300-1302 and 1287 are to be observed.

§ 2. In addition to the book mentioned in can. 958, § 1, another book is to be maintained and kept by the pastor or rector in which the individual obligations, their fulfillment, and the offerings are noted.

**Can. 1308** - § 1. A reduction of the obligations of Masses, to be made only for a just and necessary cause, is reserved to the Apostolic See, without prejudice to the following prescripts.

§ 2. If it is expressly provided for in the charters of the foundations, the ordinary is able to reduce the Mass obligations because of diminished revenues.

§ 3. With regard to Masses independently founded in legacies or in any other way, the diocesan bishop has the power, because of

dioecesi legitime vigentis, Missas legatorum vel quoquo modo fundatas, quae sint per se stantia, dummodo nemo sit qui obligatione teneatur et utiliter cogi possit ad eleemosynae augmentum faciendum.

§ 4. Eidem competit potestas reducendi onera seu legata Missarum gravantia institutum ecclesiasticum, si redditus insufficientes evaserint ad finem proprium eiusdem instituti congruenter consequendum.

§ 5. Iisdem potestatibus, de quibus in §§ 3 et 4, gaudet supremus Moderator instituti religiosi clericalis iuris pontificii.

**Can. 1309** - Iisdem auctoritatibus, de quibus in can. 1308, potestas insuper competit transferendi, congrua de causa, onera Missarum in dies, ecclesias vel altaria diversa ab illis, quae in foundationibus sunt statuta.

**Can. 1310** - § 1. Fidelium voluntatum pro piis causis reductio, moderatio, commutatio, si fundator potestatem hanc Ordinario expresse concesserit, potest ab eodem fieri ex iusta tantum et necessaria causa.

§ 2. Si exsecutio onerum impositorum, ob imminutos redditus aliamve causam, nulla administratorum culpa, impossibilis evaserit, Ordinarius, auditis iis quorum interest et proprio consilio a rebus oeconomicis atque servata, meliore quo fieri potest modo, fundatoris voluntate, poterit eadem onera aequè imminuere, excepta Missarum reductione, quae praescriptis can. 1308 regitur.

§ 3. In ceteris casibus recurrendum est ad Sedem Apostolicam.

## LIBER VI. DE SANCTIONIBUS IN ECCLESIA PARS I. DE DELICTIS ET POENIS IN GENERE

### TITULUS I. DE DELICTORUM PUNITIOE GENERATIM

**Can. 1311** - Nativum et proprium Ecclesiae ius est christifideles delinquentes poenalibus sanctionibus coercere.

**Can. 1312** - § 1. Sanctiones poenales in Ecclesia sunt:

1° poenae medicinales seu censurae, quae

diminished revenues and for as long as the cause exists, to reduce the obligations to the level of offering legitimately established in the diocese, provided that there is no one obliged to increase the offering who can effectively be made to do so.

§ 4. The diocesan bishop also has the power to reduce the obligations or legacies of Masses binding an ecclesiastical institute if the revenue has become insufficient to pursue appropriately the proper purpose of the institute.

§ 5. The supreme moderator of a clerical religious institute of pontifical right possesses the same powers mentioned in §§ 3 and 4.

**Can. 1309** - The authorities mentioned in can. 1308 also have the power to transfer, for an appropriate cause, the obligations of Masses to days, churches, or altars different from those determined in the foundations.

**Can. 1310** - § 1. The ordinary, only for a just and necessary cause, can reduce, moderate, or commute the wills of the faithful for pious causes if the founder has expressly entrusted this power to him.

§ 2. If through no fault of the administrators the fulfillment of the imposed obligations has become impossible because of diminished revenues or some other cause, the ordinary can equitably lessen these obligations, after having heard those concerned and his own finance council and with the intention of the founder preserved as much as possible; this does not hold for the reduction of Masses, which is governed by the prescripts of can. 1308.

§ 3. In other cases, recourse is to be made to the Apostolic See.

## BOOK VI. SANCTIONS IN THE CHURCH Part I. DELICTS AND PENALTIES IN GENERAL

### Title I. The Punishment of Delicts in General

**Can. 1311** - The Church has the innate and proper right to coerce offending members of the Christian faithful with penal sanctions.

**Can. 1312** - § 1. The following are penal sanctions in the Church:

1° medicinal penalties, or censures, which

in cann. 1331-1333 recensentur;

2° poenae expiatoriae, de quibus in can. 1336.

§ 2. Lex alias poenas expiatorias constituere potest, quae christifidelem aliquo bono spirituali vel temporali privent et supernaturali Ecclesiae fini sint consentaneae.

§ 3. Praeterea remedia poenalia et paenitentiae adhibentur, illa quidem praesertim ad delicta praecavenda, hae potius ad poenam substituendam vel augendam.

## TITULUS II. DE LEGE POENALI AC DE PRAECEPTO POENALI

**Can. 1313** - § 1. Si post delictum commissum lex mutetur, applicanda est lex reo favorabilior.

§ 2. Quod si lex posterior tollat legem vel saltem poenam, haec statim cessat.

**Can. 1314** - Poena plerumque est ferendae sententiae, ita ut reum non teneat, nisi postquam irrogata sit; est autem latae sententiae, ita ut in eam incuratur ipso facto commissi delicti, si lex vel praeceptum id expresse statuatur.

**Can. 1315** - § 1. Qui legislativam habet potestatem, potest etiam poenales leges ferre; potest autem suis legibus etiam legem divinam vel legem ecclesiasticam, a superiore auctoritate latam, congrua poena munire, servatis suae competentiae limitibus ratione territorii vel personarum.

§ 2. Lex ipsa potest poenam determinare vel prudenti iudicis aestimatione determinandam relinquere.

§ 3. Lex particularis potest etiam poenis universali lege constitutis in aliquod delictum alias addere; id autem ne faciat, nisi ex gravissima necessitate. Quod si lex universalis indeterminatam vel facultativam poenam comminetur, lex particularis potest etiam in illius locum poenam determinatam vel obligatoriam constituere.

**Can. 1316** - Curent Episcopi dioecesani ut, quatenus fieri potest, in eadem civitate vel regione uniformes ferantur, si quae ferendae sint, poenales leges.

are listed in cann. 1331-1333;

2° expiatory penalties mentioned in can. 1336.

§ 2. The law can establish other expiatory penalties which deprive a member of the Christian faithful of some spiritual or temporal good and which are consistent with the supernatural purpose of the Church.

§ 3. Penal remedies and penances are also used; the former especially to prevent delicts, the latter to substitute for or to increase a penalty.

## Title II. Penal Law and Penal Precept

**Can. 1313** - § 1. If a law is changed after a delict has been committed, the law more favorable to the accused is to be applied.

§ 2. If a later law abolishes a law or at least the penalty, the penalty immediately ceases.

**Can. 1314** - Generally, a penalty is ferendae sententiae, so that it does not bind the guilty party until after it has been imposed; if the law or precept expressly establishes it, however, a penalty is latae sententiae, so that it is incurred ipso facto when the delict is committed.

**Can. 1315** - § 1. A person who has legislative power can also issue penal laws; within the limits of his competence by reason of territory or of persons, moreover, he can by his own laws also strengthen with an appropriate penalty a divine law or an ecclesiastical law issued by a higher authority.

§ 2. The law itself can determine a penalty, or its determination can be left to the prudent appraisal of a judge.

§ 3. Particular law also can add other penalties to those established by universal law for some delict; however, this is not to be done except for very grave necessity. If universal law threatens an indeterminate or facultative penalty, particular law can also establish a determinate or obligatory one in its place.

**Can. 1316** - Insofar as possible, diocesan bishops are to take care that if penal laws must be issued, they are uniform in the same city or region.

**Can. 1317** - Poenae eatenus constituentur, quatenus vere necessariae sint ad aptius providendum ecclesiasticae disciplinae. Dimissio autem e statu clericali lege particulari constitui nequit.

**Can. 1318** - Latae sententiae poenas ne comminetur legislator, nisi forte in singularia quaedam delicta dolosa, quae vel graviori esse possint scandalo vel efficaciter puniri poenis ferendae sententiae non possint; censuras autem, praesertim excommunicationem, ne constituat, nisi maxima cum moderatione et in sola delicta graviora.

**Can. 1319** - § 1. Quatenus quis potest vi potestatis regiminis in foro externo praecepta imponere, eatenus potest etiam poenas determinatas, exceptis expiatoriis perpetuis, per praeceptum comminari.

§ 2. Praeceptum poenale ne feratur, nisi re mature perpensa, et iis servatis, quae in cann. 1317 et 1318 de legibus particularibus statuuntur.

**Can. 1320** - In omnibus in quibus religiosi subsunt Ordinario loci, possunt ab eodem poenis coerceri.

### TITULUS III. DE SUBIECTO POENALIBUS SANCTIONIBUS OBNOXIO

**Can. 1321** - § 1. Nemo punitur, nisi externa legis vel praecepti violatio, ab eo commissa, sit graviter imputabilis ex dolo vel ex culpa.

§ 2. Poena lege vel praecepto statuta is tenetur, qui legem vel praeceptum deliberate violavit; qui vero id egit ex omissione debita diligentiae, non punitur, nisi lex vel praeceptum aliter caveat.

§ 3. Posita externa violatione, imputabilitas praesumitur, nisi aliud appareat.

**Can. 1322** - Qui habitualiter rationis usu carent, etsi legem vel praeceptum violaverint dum sani videbantur, delicti incapaces habentur.

**Can. 1323** - Nulli poenae est obnoxius qui, cum legem vel praeceptum violavit:

**Can. 1317** - Penalties are to be established only insofar as they are truly necessary to provide more suitably for ecclesiastical discipline. Particular law, however, cannot establish a penalty of dismissal from the clerical state.

**Can. 1318** - A legislator is not to threaten latae sententiae penalties except possibly for certain singularly malicious delicts which either can result in graver scandal or cannot be punished effectively by ferendae sententiae penalties; he is not, however, to establish censures, especially excommunication, except with the greatest moderation and only for graver delicts.

**Can. 1319** - § 1. Insofar as a person can impose precepts in the external forum in virtue of the power of governance, the person can also threaten determinate penalties by precept, except perpetual expiatory penalties.

§ 2. A penal precept is not to be issued unless the matter has been considered thoroughly and those things established in cann. 1317 and 1318 about particular laws have been observed.

**Can. 1320** - The local ordinary can coerce religious with penalties in all those matters in which they are subject to him.

### Title III. The Subject Liable to Penal Sanctions

**Can. 1321** - § 1. No one is punished unless the external violation of a law or precept, committed by the person, is gravely imputable by reason of malice or negligence.

§ 2. A penalty established by a law or precept binds the person who has deliberately violated the law or precept; however, a person who violated a law or precept by omitting necessary diligence is not punished unless the law or precept provides otherwise.

§ 3. When an external violation has occurred, imputability is presumed unless it is otherwise apparent.

**Can. 1322** - Those who habitually lack the use of reason are considered to be incapable of a delict, even if they violated a law or precept while seemingly sane.

**Can. 1323** - The following are not subject to a penalty when they have violated a law or

1° sextum decimum aetatis annum nondum explevit;

2° sine culpa ignoravit se legem vel praeceptum violare; ignorantiae autem inadvertentia et error aequiparantur;

3° egit ex vi physica vel ex casu fortuito, quem praevidere vel cui praeviso occurrere non potuit;

4° metu gravi, quamvis relative tantum, coactus egit, aut ex necessitate vel gravi incommodo, nisi tamen actus sit intrinsece malus aut vergat in animarum damnum;

5° legitimae tutelae causa contra iniustum sui vel alterius aggressorem egit, debitum servans moderamen;

6° rationis usu carebat, firmis praescriptis cann. 1324, § 1, n. 2 et 1325;

7° sine culpa putavit aliquam adesse ex circumstantiis, de quibus in nn. 4 vel 5.

**Can. 1324 - § 1.** Violationis auctor non eximitur a poena, sed poena lege vel praecepto statuta temperari debet vel in eius locum paenitentia adhiberi, si delictum patratum sit:

1° ab eo, qui rationis usum imperfectum tantum habuerit;

2° ab eo qui rationis usu carebat propter ebrietatem aliamve similem mentis perturbationem, quae culpabilis fuerit;

3° ex gravi passionis aestu, qui non omnem tamen mentis deliberationem et voluntatis consensum praecesserit et impedierit, et dummodo passio ipsa ne fuerit voluntarie excitata vel nutrita;

4° a minore, qui aetatem sedecim annorum explevit;

5° ab eo, qui metu gravi, quamvis relative tantum, coactus est, aut ex necessitate vel gravi incommodo, si delictum sit intrinsece malum vel in animarum damnum vergat;

6° ab eo, qui legitimae tutelae causa contra iniustum sui vel alterius aggressorem egit, nec tamen debitum servavit moderamen;

precept:

1° a person who has not yet completed the sixteenth year of age;

2° a person who without negligence was ignorant that he or she violated a law or precept; inadvertence and error are equivalent to ignorance;

3° a person who acted due to physical force or a chance occurrence which the person could not foresee or, if foreseen, avoid;

4° a person who acted coerced by grave fear, even if only relatively grave, or due to necessity or grave inconvenience unless the act is intrinsically evil or tends to the harm of souls;

5° a person who acted with due moderation against an unjust aggressor for the sake of legitimate self-defense or defense of another;

6° a person who lacked the use of reason, without prejudice to the prescripts of cann. 1324, § 1, n. 2 and 1325;

7° a person who without negligence thought that one of the circumstances mentioned in nn. 4 or 5 was present.

**Can. 1324 - § 1.** The perpetrator of a violation is not exempt from a penalty, but the penalty established by law or precept must be tempered or a penance employed in its place if the delict was committed:

1° by a person who had only the imperfect use of reason;

2° by a person who lacked the use of reason because of drunkenness or another similar culpable disturbance of mind;

3° from grave heat of passion which did not precede and hinder all deliberation of mind and consent of will and provided that the passion itself had not been stimulated or fostered voluntarily;

4° by a minor who has completed the age of sixteen years;

5° by a person who was coerced by grave fear, even if only relatively grave, or due to necessity or grave inconvenience if the delict is intrinsically evil or tends to the harm of souls;

6° by a person who acted without due moderation against an unjust aggressor for the sake of legitimate self-defense or defense of

7° adversus aliquem graviter et iniuste provocantem;

8° ab eo, qui per errorem, ex sua tamen culpa, putavit aliquam adesse ex circumstantiis, de quibus in can. 1323, nn. 4 vel 5;

9° ab eo, qui sine culpa ignoravit poenam legi vel praecepto esse adnexam;

10° ab eo, qui egit sine plena imputabilitate, dummodo haec gravis permanserit.

§ 2. Idem potest iudex facere, si qua alia adsit circumstantia, quae delicti gravitatem deminuat.

§ 3. In circumstantiis, de quibus in § 1, reus poena latae sententiae non tenetur.

**Can. 1325** - Ignorantia crassa vel supina vel affectata numquam considerari potest in applicandis praescriptis cann. 1323 et 1324; item ebrietas aliaeve mentis perturbationes, si sint de industria ad delictum patrandum vel excusandum quaesitae, et passio, quae voluntarie excitata vel nutrita sit.

**Can. 1326** - § 1. Iudex gravius punire potest quam lex vel praeceptum statuit:

1° eum, qui post condemnationem vel poenae declarationem ita delinquere pergat, ut ex adiunctis prudenter eius pertinacia in mala voluntate conici possit;

2° eum, qui in dignitate aliqua constitutus est, vel qui auctoritate aut officio abusus est ad delictum patrandum;

3° reum, qui, cum poena in delictum culposum constituta sit, eventum praevidit et nihilominus cautiones ad eum vitandum omisit, quas diligens quilibet adhibuisset.

§ 2. In casibus, de quibus in § 1, si poena constituta sit latae sententiae, alia poena addi potest vel paenitentia.

**Can. 1327** - Lex particularis potest alias circumstantias eximentes, attenuantes vel aggravantes, praeter casus in cann.

another;

7° against someone who gravely and unjustly provokes the person;

8° by a person who thought in culpable error that one of the circumstances mentioned in can. 1323, nn. 4 or 5 was present;

9° by a person who without negligence did not know that a penalty was attached to a law or precept;

10° by a person who acted without full imputability provided that the imputability was grave.

§ 2. A judge can act in the same manner if another circumstance is present which diminishes the gravity of a delict.

§ 3. In the circumstances mentioned in § 1, the accused is not bound by a latae sententiae penalty.

**Can. 1325** - Crass, supine, or affected ignorance can never be considered in applying the prescripts of cann. 1323 and 1324; likewise drunkenness or other disturbances of mind cannot be considered if they are sought deliberately in order to commit or excuse a delict, nor can passion which is voluntarily stimulated or fostered.

**Can. 1326** - § 1. A judge can punish the following more gravely than the law or precept has established:

1° a person who after a condemnation or after the declaration of a penalty continues so to offend that from the circumstances the obstinate ill will of the person can prudently be inferred;

2° a person who has been established in some dignity or who has abused a position of authority or office in order to commit the delict;

3° an accused person who, when a penalty has been established against a delict based on negligence, foresaw the event and nonetheless omitted precautions to avoid it, which any diligent person would have employed.

§ 2. If the penalty established in the cases mentioned in § 1 is latae sententiae, another penalty or a penance can be added.

**Can. 1327** - Particular law can establish other exempting, mitigating, or aggravating circumstances besides the cases in cann.

1323-1326, statuere, sive generali norma, sive pro singulis delictis. Item in praecepto possunt circumstantiae statui, quae a poena praecepto constituta eximant, vel eam attenuent vel aggravent.

**Can. 1328** - § 1. Qui aliquid ad delictum patrandum egit vel omisit, nec tamen, praeter suam voluntatem, delictum consummavit, non tenetur poena in delictum consummatum statuta, nisi lex vel praeceptum aliter caveat.

§ 2. Quod si actus vel omissiones natura sua ad delicti executionem conducant, auctor potest paenitentiae vel remedio poenali subici, nisi sponte ab incepta delicti executione destiterit. Si autem scandalum aliudve grave damnum vel periculum evenerit, auctor, etsi sponte destiterit, iusta potest poena puniri, levioere tamen quam quae in delictum consummatum constituta est.

**Can. 1329** - § 1. Qui communi delinquendi consilio in delictum concurrunt, neque in lege vel praecepto expresse nominantur, si poenae ferendae sententiae in auctorem principalem constitutae sint, iisdem poenis subiciuntur vel aliis eiusdem vel minoris gravitatis.

§ 2. In poenam latae sententiae delicto adnexam incurrunt complices, qui in lege vel praecepto non nominantur, si sine eorum opera delictum patratum non esset, et poena sit talis naturae, ut ipsos afficere possit; secus poenis ferendae sententiae puniri possunt.

**Can. 1330** - Delictum quod in declaratione consistat vel in alia voluntatis vel doctrinae vel scientiae manifestatione, tamquam non consummatum censendum est, si nemo eam declarationem vel manifestationem percipiat.

#### TITULUS IV. DE POENIS ALIISQUE PUNITIONIBUS

##### CAPUT I. DE CENSURIS

**Can. 1331** - § 1. Excommunicatus vetatur:

1° ullam habere participationem ministerialem in celebrandis Eucharistiae Sacrificio vel quibuslibet aliis cultus

1323-1326, either by general norm or for individual delicts. Likewise, circumstances can be established in a precept which exempt from, mitigate, or increase a penalty established by the precept.

**Can. 1328** - § 1. A person who has done or omitted something in order to commit a delict and yet, contrary to his or her intent, did not commit the delict is not bound by the penalty established for a completed delict unless the law or precept provides otherwise.

§ 2. If the acts or omissions are by their nature conducive to the execution of the delict, however, their perpetrator can be subjected to a penance or penal remedy unless the perpetrator voluntarily ceased from carrying out the delict which had been initiated. If scandal or some other grave damage or danger resulted, however, the perpetrator, even if he or she voluntarily desisted, can be punished with a just penalty, although one lesser than that established for a completed delict.

**Can. 1329** - § 1. If ferendae sententiae penalties are established for the principal perpetrator, those who conspire together to commit a delict and are not expressly named in a law or precept are subject to the same penalties or to others of the same or lesser gravity.

§ 2. Accomplices who are not named in a law or precept incur a latae sententiae penalty attached to a delict if without their assistance the delict would not have been committed, and the penalty is of such a nature that it can affect them; otherwise, they can be punished by ferendae sententiae penalties.

**Can. 1330** - A delict which consists in a declaration or in another manifestation of will, doctrine, or knowledge must not be considered completed if no one perceives the declaration or manifestation.

#### Title IV. Penalties and Other Punishments

##### Chapter I. Censures

**Can. 1331** - § 1. An excommunicated person is forbidden:

1° to have any ministerial participation in celebrating the sacrifice of the Eucharist or any other ceremonies of worship whatsoever;

caerimoniis;

2° sacramenta vel sacramentalia celebrare et sacramenta recipere;

3° ecclesiasticis officiis vel ministeriis vel muneribus quibuslibet fungi vel actus regiminis ponere.

§ 2. Quod si excommunicatio irrogata vel declarata sit, reus:

1° si agere velit contra praescriptum § 1, n. 1, est arcendus aut a liturgica actione est cessandum, nisi gravis obstet causa;

2° invalide ponit actus regiminis, qui ad normam § 1, n. 3, sunt illiciti;

3° vetatur frui privilegiis antea concessis;

4° nequit valide consequi dignitatem, officium aliudve munus in Ecclesia;

5° fructus dignitatis, officii, muneris cuiuslibet, pensionis, quam quidem habeat in Ecclesia, non facit suos.

**Can. 1332** - Interdictus tenetur vetitis, de quibus in can. 1331, § 1, nn. 1 et 2; quod si interdictum irrogatum vel declaratum sit, praescriptum can. 1331, § 2, n. 1 servandum est.

**Can. 1333** - § 1. Suspendio, quae clericos tantum afficere potest, vetat:

1° vel omnes vel aliquos actus potestatis ordinis;

2° vel omnes vel aliquos actus potestatis regiminis;

3° exercitium vel omnium vel aliquorum iurium vel munerum officio inhaerentium.

§ 2. In lege vel praecepto statui potest, ut post sententiam condemnatoriam vel declaratoriam actus regiminis suspensus valide ponere nequeat.

§ 3. Vetitum numquam afficit:

1° officia vel regiminis potestatem, quae non sint sub potestate Superioris poenam constituentis;

2° ius habitandi, si quod reus ratione officii habeat;

3° ius administrandi bona, quae ad ipsius suspensi officium forte pertineant, si poena sit

2° to celebrate the sacraments or sacramentals and to receive the sacraments;

3° to exercise any ecclesiastical offices, ministries, or functions whatsoever or to place acts of governance.

§ 2. If the excommunication has been imposed or declared, the offender:

1° who wishes to act against the prescript of § 1, n. 1 must be prevented from doing so, or the liturgical action must be stopped unless a grave cause precludes this;

2° invalidly places acts of governance which are illicit according to the norm of § 1, n. 3;

3° is forbidden to benefit from privileges previously granted;

4° cannot acquire validly a dignity, office, or other function in the Church;

5° does not appropriate the benefits of a dignity, office, any function, or pension, which the offender has in the Church.

**Can. 1332** - The prohibitions mentioned in can. 1331, § 1, nn. 1 and 2 bind an interdicted person. If the interdict has been imposed or declared, however, the prescript of can. 1331, § 2, n. 1 must be observed.

**Can. 1333** - § 1. Suspension, which can affect only clerics, prohibits:

1° either all or some acts of the power of orders;

2° either all or some acts of the power of governance;

3° the exercise of either all or some of the rights or functions attached to an office.

§ 2. A law or precept can establish that a suspended person cannot place acts of governance validly after a condemnatory or declaratory sentence.

§ 3. A prohibition never affects:

1° the offices or the power of governance which are not under the power of the superior who establishes the penalty;

2° the right of residence which the offender may have by reason of office;

3° the right to administer goods which may pertain to the office of the person suspended if



latae sententiae.

§ 4. Suspensio vetans fructus, stipendium, pensiones aliave eiusmodi percipere, obligationem secumfert restituendi quidquid illegitime, quamvis bona fide, perceptum sit.

**Can. 1334** - § 1. Suspensionis ambitus, intra limites canone praecedenti statutos, aut ipsa lege vel praecepto definitur, aut sententia vel decreto quo poena irrogatur.

§ 2. Lex, non autem praeceptum, potest latae sententiae suspensionem, nulla addita determinatione vel limitatione, constituere; eiusmodi autem poena omnes effectus habet, qui in can. 1333, § 1 recensentur.

**Can. 1335** - Si censura vetet celebrare sacramenta vel sacramentalia vel ponere actum regiminis, vetitum suspenditur, quoties id necessarium sit ad consulendum fidelibus in mortis periculo constitutis; quod si censura latae sententiae non sit declarata, vetitum praeterea suspenditur, quoties fidelis petit sacramentum vel sacramentale vel actum regiminis; id autem petere ex qualibet iusta causa licet.

## CAPUT II. DE POENIS EXPIATORIIS

**Can. 1336** - § 1. Poenae expiatoriae, quae delinquentem afficere possunt aut in perpetuum aut in tempus praefinitum aut in tempus indeterminatum, praeter alias, quas forte lex constituerit, hae sunt:

1° prohibitio vel praescriptio commorandi in certo loco vel territorio;

2° privatio potestatis, officii, muneris, iuris, privilegii, facultatis, gratiae, tituli, insignis, etiam mere honorifici;

3° prohibitio ea exercendi, quae sub n. 2 recensentur, vel prohibitio ea in certo loco vel extra certum locum exercendi; quae prohibitiones numquam sunt sub poena nullitatis;

4° translatio poenalis ad aliud officium;

5° dimissio e statu clericali.

§ 2. Latae sententiae eae tantum poenae expiatoriae esse possunt, quae in § 1, n. 3 recensentur.

the penalty is latae sententiae.

§ 4. A suspension prohibiting a person from receiving benefits, a stipend, pensions, or any other such thing entails the obligation of making restitution for whatever has been received illegitimately, even if in good faith.

**Can. 1334** - § 1. Within the limits established by the preceding canon, either the law or precept itself or the sentence or decree which imposes the penalty defines the extent of a suspension.

§ 2. A law, but not a precept, can establish a latae sententiae suspension without additional determination or limitation; such a penalty has all the effects listed in can. 1333, § 1.

**Can. 1335** - If a censure prohibits the celebration of sacraments or sacramentals or the placing of an act of governance, the prohibition is suspended whenever it is necessary to care for the faithful in danger of death. If a latae sententiae censure has not been declared, the prohibition is also suspended whenever a member of the faithful requests a sacrament or sacramental or an act of governance; a person is permitted to request this for any just cause.

## Chapter II. Expiatory Penalties

**Can. 1336** - § 1. In addition to other penalties which the law may have established, the following are expiatory penalties which can affect an offender either perpetually, for a prescribed time, or for an indeterminate time:

1° a prohibition or an order concerning residence in a certain place or territory;

2° privation of a power, office, function, right, privilege, faculty, favor, title, or insignia, even merely honorary;

3° a prohibition against exercising those things listed under n. 2, or a prohibition against exercising them in a certain place or outside a certain place; these prohibitions are never under pain of nullity;

4° a penal transfer to another office;

5° dismissal from the clerical state.

§ 2. Only those expiatory penalties listed in § 1, n. 3 can be latae sententiae.

**Can. 1337** - § 1. Prohibitio commorandi in certo loco vel territorio sive clericos sive religiosos afficere potest; praescriptio autem commorandi, clericos saeculares et, intra limites constitutionum, religiosos.

§ 2. Ut praescriptio commorandi in certo loco vel territorio irrogetur, accedat oportet consensus Ordinarii illius loci, nisi agatur de domo extradioecesanis quoque clericis paenitentibus vel emendandis destinata.

**Can. 1338** - § 1. Privationes et prohibitiones, quae in can. 1336, § 1, nn. 2 et 3 recensentur, numquam afficiunt potestates, officia, munera, iura, privilegia, facultates, gratias, titulos, insignia, quae non sint sub potestate Superioris poenam constituentis.

§ 2. Potestatis ordinis privatio dari nequit, sed tantum prohibitio eam vel aliquos eius actus exercendi; item dari nequit privatio graduum academicorum.

§ 3. De prohibitionibus, quae in can. 1336, § 1, n. 3 indicantur, norma servanda est, quae de censuris datur in can. 1335.

### CAPUT III. DE REMEDIIS POENALIBUS ET PAENITENTIIS

**Can. 1339** - § 1. Eum, qui versatur in proxima delinquendi occasione, vel in quem, ex investigatione peracta, gravis cadit suspicio delicti commissi, Ordinarius per se vel per alium monere potest.

§ 2. Eum vero, ex cuius conversatione scandalum vel gravis ordinis perturbatio oriatur, etiam corripere potest, modo peculiaribus personae et facti condicionibus accommodato.

§ 3. De monitione et correptione constare semper debet saltem ex aliquo documento, quod in secreto curiae archivo servetur.

**Can. 1340** - § 1. Paenitentia, quae imponi potest in foro externo, est aliquod religionis vel pietatis vel caritatis opus peragendum.

§ 2. Ob transgressionem occultam numquam publica imponatur paenitentia.

§ 3. Paenitentias Ordinarius pro sua prudentia addere potest poenali remedio monitionis vel correptionis.

**Can. 1337** - § 1. A prohibition against residing in a certain place or territory can affect both clerics and religious; however, the order to reside in a certain place or territory can affect secular clerics and, within the limits of the constitutions, religious.

§ 2. To impose an order to reside in a certain place or territory requires the consent of the ordinary of that place unless it is a question of a house designated for clerics doing penance or being rehabilitated even from outside the diocese.

**Can. 1338** - § 1. The privations and prohibitions listed in can. 1336, § 1, nn. 2 and 3, never affect powers, offices, functions, rights, privileges, faculties, favors, titles, or insignia which are not subject to the power of the superior who establishes the penalty.

§ 2. Privation of the power of orders is not possible but only a prohibition against exercising it or some of its acts; likewise, privation of academic degrees is not possible.

§ 3. The norm given in can. 1335 for censures must be observed for the prohibitions listed in can. 1336, § 1, n. 3.

### Chapter III. Penal Remedies and Penances

**Can. 1339** - § 1. An ordinary, personally or through another, can warn a person who is in the proximate occasion of committing a delict or upon whom, after investigation, grave suspicion of having committed a delict has fallen.

§ 2. He can also rebuke a person whose behavior causes scandal or a grave disturbance of order, in a manner accommodated to the special conditions of the person and the deed.

§ 3. The warning or rebuke must always be established at least by some document which is to be kept in the secret archive of the curia.

**Can. 1340** - § 1. A penance, which can be imposed in the external forum, is the performance of some work of religion, piety, or charity.

§ 2. A public penance is never to be imposed for an occult transgression.

§ 3. According to his own prudent judgment, an ordinary can add penances to the penal remedy of warning or rebuke.

## TITULUS V. DE POENIS APPLICANDIS

**Can. 1341** - Ordinarius proceduram iudicalem vel administrativam ad poenas irrogandas vel declarandas tunc tantum promovendam curet, cum perspexerit neque fraterna correptione neque correptione neque aliis pastoralis sollicitudinis viis satis posse scandalum reparari, iustitiam restitui, reum emendari.

**Can. 1342** - § 1. Quoties iustae obstant causae ne iudicialis processus fiat, poena irrogari vel declarari potest per decretum extra iudicium; remedia poenalia autem et paenitentiae applicari possunt per decretum in quolibet casu.

§ 2. Per decretum irrogari vel declarari non possunt poenae perpetuae, neque poenae quas lex vel praeceptum eas constituens vetet per decretum applicare.

§ 3. Quae in lege vel praecepto dicuntur de iudice, quod attinet ad poenam irrogandam vel declarandam in iudicio, applicanda sunt ad Superiorem, qui per decretum extra iudicium poenam irroget vel declaret, nisi aliter constet neque agatur de praescriptis quae ad procedendi tantum rationem attineant.

**Can. 1343** - Si lex vel praeceptum iudici det potestatem applicandi vel non applicandi poenam, iudex potest etiam, pro sua conscientia et prudentia, poenam temperare vel in eius locum paenitentiam imponere.

**Can. 1344** - Etiam si lex utatur verbis praeceptivis, iudex pro sua conscientia et prudentia potest:

1° poenae irrogationem in tempus magis opportunum differre, si ex praepropera rei punitione maiora mala eventura praevideantur;

2° a poena irroganda abstinere vel poenam mitiorem irrogare aut paenitentiam adhibere, si reus emendatus sit et scandalum reparaverit, aut si ipse satis a civili auctoritate punitus sit vel punitum iri praevideatur;

3° si reus primum post vitam laudabiliter peractam deliquerit neque necessitas urgeat reparandi scandalum, obligationem servandi poenam expiatoriam suspendere, ita tamen ut, si reus intra tempus ab ipso iudice determinatum rursus deliquerit, poenam utriusque delicti debitam luat, nisi interim tempus decurrerit ad actionis poenalis pro priore delicto

## Title V. The Application of Penalties

**Can. 1341** - An ordinary is to take care to initiate a judicial or administrative process to impose or declare penalties only after he has ascertained that fraternal correction or rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, reform the offender.

**Can. 1342** - § 1. Whenever just causes preclude a judicial process, a penalty can be imposed or declared by extrajudicial decree; penal remedies and penances, however, can be applied by decree in any case whatsoever.

§ 2. Perpetual penalties cannot be imposed or declared by decree, nor can penalties be so applied when the law or precept establishing them prohibits their application by decree.

§ 3. What a law or precept states about the imposition or declaration of a penalty by a judge in a trial must be applied to a superior who imposes or declares a penalty by extrajudicial decree unless it is otherwise evident or unless it concerns precepts which pertain only to procedural matters.

**Can. 1343** - If the law or precept gives the judge the power to apply or not apply a penalty, the judge can also temper the penalty or impose a penance in its place, according to his own conscience and prudence.

**Can. 1344** - Even if the law uses preceptive words, the judge can, according to his own conscience and prudence:

1° defer the imposition of the penalty to a more opportune time if it is foreseen that greater evils will result from an overly hasty punishment of the offender;

2° abstain from imposing a penalty, impose a lighter penalty, or employ a penance if the offender has reformed and repaired the scandal or if the offender has been or, it is foreseen, will be punished sufficiently by civil authority;

3° suspend the obligation of observing an expiatory penalty if it is the first offense of an offender who has lived a praiseworthy life and if the need to repair scandal is not pressing, but in such a way that if the offender commits an offense again within the time determined by the judge, the person is to pay the penalty due for each delict unless in the interim the time for the

praescriptionem.

**Can. 1345** - Quoties delinquens vel usum rationis imperfectum tantum habuerit, vel delictum ex metu vel necessitate vel passionis aestu vel in ebrietate aliave simili mentis perturbatione pataverit, iudex potest etiam a qualibet punitione irroganda abstinere, si censeat aliter posse melius consuli eius emendationi.

**Can. 1346** - Quoties reus plura delicta pataverit, si nimius videatur poenarum ferendae sententiae cumulus, prudenti iudicis arbitrio relinquitur poenas intra aequos terminos moderari.

**Can. 1347** - § 1. Censura irrogari valide nequit, nisi antea reus semel saltem monitus sit ut a contumacia recedat, dato congruo ad resipiscentiam tempore.

§ 2. A contumacia recessisse dicendus est reus, quem delicti vere paenituerit, quique praeterea congruam damnorum et scandali reparationem dederit vel saltem serio promiserit.

**Can. 1348** - Cum reus ab accusatione absolvitur vel nulla poena ei irrogatur, Ordinarius potest opportunis monitis aliisque pastoralis sollicitudinis viis, vel etiam, si res ferat, poenalibus remediis eius utilitati et publico bono consulere.

**Can. 1349** - Si poena sit indeterminata neque aliud lex caveat, iudex poenas gravioras, praesertim censuras, ne irroget, nisi casus gravitas id omnino postulet; perpetuas autem poenas irrogare non potest.

**Can. 1350** - § 1. In poenis clerico irrogandis semper cavendum est, ne iis quae ad honestam sustentationem sunt necessaria ipse careat, nisi agatur de dimissione e statu clericali.

§ 2. Dimisso autem e statu clericali, qui propter poenam vere indigeat, Ordinarius meliore quo fieri potest modo providere curet.

prescription of a penal action has elapsed for the first delict.

**Can. 1345** - Whenever the offender had only the imperfect use of reason or committed the delict from fear, necessity, the heat of passion, or mental disturbance from drunkenness or something similar, the judge can also abstain from imposing any penalty if he thinks that reform of the person can be better accomplished in another way.

**Can. 1346** - Whenever the offender has committed several delicts, it is left to the prudent decision of the judge to moderate the penalties within equitable limits if the sum of the ferendae sententiae penalties appears excessive.

**Can. 1347** - § 1. A censure cannot be imposed validly unless the offender has been warned at least once beforehand to withdraw from contumacy and has been given a suitable time for repentance.

§ 2. An offender who has truly repented of the delict and has also made suitable reparation for damages and scandal or at least has seriously promised to do so must be considered to have withdrawn from contumacy.

**Can. 1348** - When an accused is acquitted of an accusation or when no penalty is imposed, the ordinary can provide for the welfare of the person and for the public good through appropriate warnings and other means of pastoral solicitude or even through penal remedies if the matter warrants it.

**Can. 1349** - If a penalty is indeterminate and the law does not provide otherwise, the judge is not to impose graver penalties, especially censures, unless the seriousness of the case clearly demands it; he cannot, however, impose perpetual penalties.

**Can. 1350** - § 1. Unless it concerns dismissal from the clerical state, when penalties are imposed on a cleric, provision must always be made so that he does not lack those things necessary for his decent support.

§ 2. In the best manner possible, however, the ordinary is to take care to provide for a person dismissed from the clerical state who is truly in need because of the penalty.

**Can. 1351** - Poena reum ubique tenet, etiam resoluta iure eius qui poenam constituit vel irrogavit, nisi aliud expresse caveatur.

**Can. 1352** - § 1. Si poena vetet recipere sacramenta vel sacramentalia, vetitum suspenditur, quamdiu reus in mortis periculo versatur.

§ 2. Obligatio servandi poenam latae sententiae, quae neque declarata sit neque sit notoria in loco ubi delinquens versatur, eatenus ex toto vel ex parte suspenditur, quatenus reus eam servare nequeat sine periculo gravis scandali vel infamiae.

**Can. 1353** - Appellatio vel recursus a sententiis iudicialibus vel a decretis, quae poenam quamlibet irrogent vel declarent, habent effectum suspensivum.

#### TITULUS VI. DE POENARUM CESSATIONE

**Can. 1354** - § 1. Praeter eos, qui in cann. 1355-1356 recensentur, omnes, qui a lege, quae poena munita est, dispensare possunt vel a praecepto poenam comminanti eximere, possunt etiam eam poenam remittere.

§ 2. Potest praeterea lex vel praeceptum, poenam constituens, aliis quoque potestatem facere remittendi.

§ 3. Si Apostolica Sedes poenae remissionem sibi vel aliis reservaverit, reservatio stricte est interpretanda.

**Can. 1355** - § 1. Poenam lege constitutam, si sit irrogata vel declarata, remittere possunt, dummodo non sit Apostolicae Sedi reservata:

1° Ordinarius, qui iudicium ad poenam irrogandam vel declarandam promovit vel decreto eam per se vel per alium irrogavit vel declaravit;

2° Ordinarius loci in quo delinquens versatur, consulto tamen, nisi propter extraordinarias circumstantias impossibile sit, Ordinario, de quo sub n. 1.

§ 2. Poenam latae sententiae nondum declaratam lege constitutam, si Sedi Apostolicae non sit reservata, potest Ordinarius remittere suis subditis et iis qui in ipsius territorio versantur vel ibi deliquerint, et etiam

**Can. 1351** - Unless other provision is expressly made, a penalty binds the offender everywhere, even when the authority of the one who established or imposed the penalty has lapsed.

**Can. 1352** - § 1. If a penalty prohibits the reception of the sacraments or sacramentals, the prohibition is suspended as long as the offender is in danger of death.

§ 2. The obligation to observe an undeclared latae sententiae penalty which is not notorious in the place where the offender is present, is suspended totally or partially whenever the offender cannot observe it without danger of grave scandal or infamy.

**Can. 1353** - An appeal or recourse from judicial sentences or from decrees, which impose or declare a penalty, has a suspensive effect.

#### Title VI. The Cessation of Penalties

**Can. 1354** - § 1. In addition to the persons listed in cann. 1355-1356, all who can dispense from a law which includes a penalty or who can exempt from a precept which threatens a penalty can also remit that penalty.

§ 2. Moreover, a law or precept which establishes a penalty can also give the power of remission to others.

§ 3. If the Apostolic See has reserved the remission of a penalty to itself or to others, the reservation must be interpreted strictly.

**Can. 1355** - § 1. Provided that the penalty has not been reserved to the Apostolic See, the following can remit an imposed or declared penalty established by law:

1° the ordinary who initiated the trial to impose or declare a penalty or who personally or through another imposed or declared it by decree;

2° the ordinary of the place where the offender is present, after the ordinary mentioned under n. 1 has been consulted unless this is impossible because of extraordinary circumstances.

§ 2. If the penalty has not been reserved to the Apostolic See, an ordinary can remit a latae sententiae penalty established by law but not yet declared for his subjects and those who are present in his territory or who committed the

quilibet Episcopus in actu tamen sacramentalis confessionis.

**Can. 1356** - § 1. Poenam ferendae vel latae sententiae constitutam praecepto quod non sit ab Apostolica Sede latum, remittere possunt:

1° Ordinarius loci, in quo delinquens versatur;

2° si poena sit irrogata vel declarata, etiam Ordinarius qui iudicium ad poenam irrogandam vel declarandam promovit vel decreto eam per se vel per alium irrogavit vel declaravit.

§ 2. Antequam remissio fiat, consulendus est, nisi propter extraordinarias circumstantias impossibile sit, praecepti auctor.

**Can. 1357** - § 1. Firmis praescriptis cann. 508 et 976, censuram latae sententiae excommunicationis vel interdicti non declaratam confessarius remittere potest in foro interno sacramentali, si paenitenti durum sit in statu gravis peccati permanere per tempus necessarium ut Superior competens provideat.

§ 2. In remissione concedenda confessarius paenitenti onus iniungat recurrendi intra mensem sub poena reincidentiae ad Superiorem competentem vel ad sacerdotem facultate praeditum, et standi huius mandatis; interim imponat congruam paenitentiam et, quatenus urgeat, scandalum et damni reparationem; recursus autem fieri potest etiam per confessarium, sine nominis mentione.

§ 3. Eodem onere recurrendi tenentur, postquam convaluerint, ii quibus ad normam can. 976 remissa est censura irrogata vel declarata vel Sedi Apostolicae reservata.

**Can. 1358** - § 1. Remissio censurae dari non potest nisi delinquenti qui a contumacia, ad normam can. 1347, § 2, recesserit; recedenti autem denegari nequit.

§ 2. Qui censuram remittit, potest ad normam can. 1348 providere vel etiam paenitentiam imponere.

offense there; any bishop can also do this in the act of sacramental confession.

**Can. 1356** - § 1. The following can remit a ferendae sententiae or latae sententiae penalty established by a precept not issued by the Apostolic See:

1° the ordinary of the place where the offender is present;

2° if the penalty has been imposed or declared, the ordinary who initiated the trial to impose or declare the penalty or who personally or through another imposed or declared it by decree.

§ 2. The author of the precept must be consulted before remission is made unless this is impossible because of extraordinary circumstances.

**Can. 1357** - § 1. Without prejudice to the prescripts of cann. 508 and 976, a confessor can remit in the internal sacramental forum an undeclared latae sententiae censure of excommunication or interdict if it is burdensome for the penitent to remain in the state of grave sin during the time necessary for the competent superior to make provision.

§ 2. In granting the remission, the confessor is to impose on the penitent, under the penalty of reincidence, the obligation of making recourse within a month to the competent superior or to a priest endowed with the faculty and the obligation of obeying his mandates; in the meantime he is to impose a suitable penance and, insofar as it is demanded, reparation of any scandal and damage; however, recourse can also be made through the confessor, without mention of the name.

§ 3. After they have recovered, those for whom an imposed or declared censure or one reserved to the Apostolic See has been remitted according to the norm of can. 976 are also obliged to make recourse.

**Can. 1358** - § 1. Remission of a censure cannot be granted unless the offender has withdrawn from contumacy according to the norm of can. 1347, § 2; it cannot be denied, however, to a person who withdraws from contumacy.

§ 2. The person who remits a censure can make provision according to the norm of can. 1348 or can even impose a penance.

**Can. 1359** - Si quis pluribus poenis detineatur, remissio valet tantummodo pro poenis in ipsa expressis; generalis autem remissio omnes aufert poenas, iis exceptis quas in petitione reus mala fide reticuerit.

**Can. 1360** - Poenae remissio metu gravi extorta irrita est.

**Can. 1361** - § 1. Remissio dari potest etiam absentem vel sub conditione.

§ 2. Remissio in foro externo detur scripto, nisi gravis causa aliud suadeat.

§ 3. Caveatur ne remissionis petitio vel ipsa remissio divulgetur, nisi quatenus id vel utile sit ad rei famam tuendam vel necessarium ad scandalum reparandum.

**Can. 1362** - § 1. Actio criminalis praescriptione extinguitur triennio, nisi agatur:

1° de delictis Congregationi pro Doctrina Fidei reservatis;

2° de actione ob delicta de quibus in cann. 1394, 1395, 1397, 1398, quae quinquennio praescribitur;

3° de delictis quae non sunt iure communi punita, si lex particularis alium praescriptionis terminum statuerit.

§ 2. Praescriptio decurrit ex die quo delictum patratum est, vel, si delictum sit permanens vel habituale, ex die quo cessavit.

**Can. 1363** - § 1. Si intra terminos de quibus in can. 1362, ex die quo sententia condemnatoria in rem iudicatam transierit computandos, non sit reo notificatum exsecutorium iudicis decretum de quo in can. 1651, actio ad poenam exsequendam praescriptione extinguitur.

§ 2. Idem valet, servatis servandis, si poena per decretum extra iudicium irrogata sit.

## PARS II. DE POENIS IN SINGULA DELICTA

### TITULUS I. DE DELICTIS CONTRA RELIGIONEM ET ECCLESIAE UNITATEM

**Can. 1364** - § 1. Apostata a fide, haereticus vel

**Can. 1359** - If several penalties bind a person, a remission is valid only for the penalties expressed in it; a general remission, however, takes away all penalties except those which the offender in bad faith omitted in the petition.

**Can. 1360** - The remission of a penalty extorted by grave fear is invalid.

**Can. 1361** - § 1. A remission can also be given conditionally or to a person who is absent.

§ 2. A remission in the external forum is to be given in writing unless a grave cause suggests otherwise.

§ 3. Care is to be taken that the petition of remission or the remission itself is not divulged except insofar as it is either useful to protect the reputation of the offender or necessary to repair scandal.

**Can. 1362** - § 1. Prescription extinguishes a criminal action after three years unless it concerns:

1° delicts reserved to the Congregation for the Doctrine of the Faith;

2° an action arising from the delicts mentioned in cann. 1394, 1395, 1397, and 1398, which have a prescription of five years;

3° delicts which are not punished in the common law if particular law has established another period for prescription.

§ 2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

**Can. 1363** - § 1. Prescription extinguishes an action to execute a penalty if the offender is not notified of the executive decree of the judge mentioned in can. 1651 within the time limits mentioned in can. 1362; these limits are to be computed from the day on which the condemnatory sentence became a res iudicata.

§ 2. Having observed what is required, the same is valid if the penalty was imposed by extrajudicial decree.

## Part II. PENALTIES FOR INDIVIDUAL DELICTS

### Title I. Delicts Against Religion and the Unity of the Church

**Can. 1364** - § 1. Without prejudice to the

schismaticus in excommunicationem latae sententiae incurrit, firmo praescripto can. 194, § 1, n. 2; clericus praeterea potest poenis, de quibus in can. 1336, § 1, nn. 1, 2 et 3, puniri.

§ 2. Si diuturna contumacia vel scandali gravitas postulet, aliae poenae addi possunt, non excepta dimissione e statu clericali.

**Can. 1365** - Reus vetitae communicationis in sacris iusta poena puniatur.

**Can. 1366** - Parentes vel parentum locum tenentes, qui liberos in religione acatholica baptizandos vel educandos tradunt, censura aliave iusta poena puniantur.

**Can. 1367** - Qui species consecratas abicit aut in sacrilegum finem abducit vel retinet, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit; clericus praeterea alia poena, non exclusa dimissione e statu clericali, puniri potest.

**Can. 1368** - Si quis, asserens vel promittens aliquid coram ecclesiastica auctoritate, periurium committit, iusta poena puniatur.

**Can. 1369** - Qui in publico spectaculo vel concione, vel in scripto publice evulgato, vel aliter instrumentis communicationis socialis utens, blasphemiam profert, aut bonos mores graviter laedit, aut in religionem vel Ecclesiam iniurias exprimit vel odium contemptumve excitat, iusta poena puniatur.

## TITULUS II. DE DELICTIS CONTRA ECCLESIASTICAM AUCTORITATEM ET ECCLESIAE LIBERTATEM

**Can. 1370** - § 1. Qui vim physicam in Romanum Pontificem adhibet, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit, cui, si clericus sit, alia poena, non exclusa dimissione e statu clericali, pro delicti gravitate addi potest.

§ 2. Qui id agit in eum qui episcopali caractere pollet, in interdictum latae sententiae et, si sit

prescripto of can. 194, § 1, n. 2, an apostate from the faith, a heretic, or a schismatic incurs a latae sententiae excommunication; in addition, a cleric can be punished with the penalties mentioned in can. 1336, § 1, nn. 1, 2, and 3.

§ 2. If contumacy of long duration or the gravity of scandal demands it, other penalties can be added, including dismissal from the clerical state.

**Can. 1365** - A person guilty of prohibited participation in sacred rites (communicatio in sacris) is to be punished with a just penalty.

**Can. 1366** - Parents or those who take the place of parents who hand over their children to be baptized or educated in a non-Catholic religion are to be punished with a censure or other just penalty.

**Can. 1367** - A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a latae sententiae excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

**Can. 1368** - A person who commits perjury while asserting or promising something before ecclesiastical authority is to be punished with a just penalty.

**Can. 1369** - A person who in a public show or speech, in published writing, or in other uses of the instruments of social communication utters blasphemy, gravely injures good morals, expresses insults, or excites hatred or contempt against religion or the Church is to be punished with a just penalty.

## Title II. Delicts Against Ecclesiastical Authorities and the Freedom of the Church

**Can. 1370** - § 1. A person who uses physical force against the Roman Pontiff incurs a latae sententiae excommunication reserved to the Apostolic See; if he is a cleric, another penalty, not excluding dismissal from the clerical state, can be added according to the gravity of the delict.

§ 2. A person who does this against a bishop incurs a latae sententiae interdict and, if he is a



clericus, etiam in suspensionem latae sententiae incurrit.

§ 3. Qui vim physicam in clericum vel religiosum adhibet in fidei vel Ecclesiae vel ecclesiasticae potestatis vel ministerii contemptum, iusta poena puniatur.

**Can. 1371** - Iusta poena puniatur:

1° qui, praeter casum de quo in can. 1364 § 1, doctrinam a Romano Pontifice vel a Concilio Oecumenico damnatam docet vel doctrinam, de qua in can. 750 § 2 vel in can. 752, pertinaciter respuit, et ab Apostolica Sede vel ab Ordinario admonitus non retractat;

2° qui aliter Sedi Apostolicae, Ordinario, vel Superiori legitime praecipienti vel prohibenti non obtemperat, et post monitum in inoboedientia persistit.

**Can. 1372** - Qui contra Romani Pontificis actum ad Concilium Oecumenicum vel ad Episcoporum collegium recurrit censura puniatur.

**Can. 1373** - Qui publice aut subditorum simulates vel odia adversus Sedem Apostolicam vel Ordinarium excitat propter aliquem potestatis vel ministerii ecclesiastici actum, aut subditos ad inoboedientiam in eos provocat, interdicto vel aliis iustis poenis puniatur.

**Can. 1374** - Qui nomen dat consociationi, quae contra Ecclesiam machinatur, iusta poena puniatur; qui autem eiusmodi consociationem promovet vel moderatur, interdicto puniatur.

**Can. 1375** - Qui impediunt libertatem ministerii vel electionis vel potestatis ecclesiasticae aut legitimum bonorum sacrorum aliorumve ecclesiasticorum bonorum usum, aut perterrent electorem vel electum vel eum qui potestatem vel ministerium ecclesiasticum exercuit, iusta poena puniri possunt.

**Can. 1376** - Qui rem sacram, mobilem vel immobilem, profanat, iusta poena puniatur.

**Can. 1377** - Qui sine praescripta licentia bona

cleric, also a latae sententiae suspension.

§ 3. A person who uses physical force against a cleric or religious out of contempt for the faith, the Church, ecclesiastical power, or the ministry is to be punished with a just penalty.

**Can. 1371** - The following are to be punished with a just penalty:

1° in addition to the case mentioned in can. 1364, § 1, a person who teaches a doctrine condemned by the Roman Pontiff or an ecumenical council or who obstinately rejects the doctrine mentioned in can. 750, § 2 or in can. 752 and who does not retract after having been admonished by the Apostolic See or an ordinary;

2° a person who otherwise does not obey a legitimate precept or prohibition of the Apostolic See, an ordinary, or a superior and who persists in disobedience after a warning.

**Can. 1372** - A person who makes recourse against an act of the Roman Pontiff to an ecumenical council or the college of bishops is to be punished with a censure.

**Can. 1373** - A person who publicly incites among subjects animosities or hatred against the Apostolic See or an ordinary because of some act of power or ecclesiastical ministry or provokes subjects to disobey them is to be punished by an interdict or other just penalties.

**Can. 1374** - A person who joins an association which plots against the Church is to be punished with a just penalty; however, a person who promotes or directs an association of this kind is to be punished with an interdict.

**Can. 1375** - Those who impede the freedom of ministry, of election, or of ecclesiastical power or the legitimate use of sacred goods or other ecclesiastical goods or who greatly intimidate an elector, one elected, or one who exercises ecclesiastical power or ministry can be punished with a just penalty.

**Can. 1376** - A person who profanes a movable or immovable sacred object is to be punished with a just penalty.

**Can. 1377** - A person who alienates

ecclesiastica alienat, iusta poena puniatur.

### TITULUS III. DE MUNERUM ECCLESIASTICORUM USURPATIONE DEQUE DELICTIS IN IIS EXERCENDIS

**Can. 1378** - § 1. Sacerdos qui contra praescriptum can. 977 agit, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit.

§ 2. In poenam latae sententiae interdicti vel, si sit clericus, suspensionis incurrit:

1° qui ad ordinem sacerdotalem non promotus liturgicam eucharistici Sacrificii actionem attentat;

2° qui, praeter casum de quo in § 1, cum sacramentalem absolutionem dare valide nequeat, eam impertire attentat, vel sacramentalem confessionem audit.

§ 3. In casibus de quibus in § 2, pro delicti gravitate, aliae poenae, non exclusa excommunicatione, addi possunt.

**Can. 1379** - Qui, praeter casus de quibus in can. 1378, sacramentum se administrare simulat, iusta poena puniatur.

**Can. 1380** - Qui per simoniam sacramentum celebrat vel recipit, interdicto vel suspensione puniatur.

**Can. 1381** - § 1. Quicumque officium ecclesiasticum usurpat, iusta poena puniatur.

§ 2. Usurpationi aequiparatur illegitima, post privationem vel cessationem a munere, eiusdem retentio.

**Can. 1382** - Episcopus qui sine pontificio mandato aliquem consecrat in Episcopum, itemque qui ab eo consecrationem recipit, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrunt.

**Can. 1383** - Episcopus qui, contra praescriptum can. 1015, alienum subditum sine legitimis litteris dimissoriis ordinavit, prohibetur per annum ordinem conferre. Qui vero ordinationem recepit, est ipso facto a recepto

ecclesiastical goods without the prescribed permission is to be punished with a just penalty.

### Title III. Usurpation of Ecclesiastical Functions and Delicts in Their Exercise

**Can. 1378** - § 1. A priest who acts against the prescript of can. 977 incurs a latae sententiae excommunication reserved to the Apostolic See.

§ 2. The following incur a latae sententiae penalty of interdict or, if a cleric, a latae sententiae penalty of suspension:

1° a person who attempts the liturgical action of the Eucharistic sacrifice though not promoted to the sacerdotal order;

2° apart from the case mentioned in § 1, a person who, though unable to give sacramental absolution validly, attempts to impart it or who hears sacramental confession.

§ 3. In the cases mentioned in § 2, other penalties, not excluding excommunication, can be added according to the gravity of the delict.

**Can. 1379** - In addition to the cases mentioned in can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.

**Can. 1380** - A person who celebrates or receives a sacrament through simony is to be punished with an interdict or suspension.

**Can. 1381** - § 1. Whoever usurps an ecclesiastical office is to be punished with a just penalty.

§ 2. Illegitimate retention of a function after its privation or cessation is equivalent to usurpation.

**Can. 1382** - A bishop who consecrates someone a bishop without a pontifical mandate and the person who receives the consecration from him incur a latae sententiae excommunication reserved to the Apostolic See.

**Can. 1383** - A bishop who, contrary to the prescript of can. 1015, ordains without legitimate dimissorial letters someone who is not his subject is prohibited for a year from conferring the order. The person who has

ordine suspensus.

**Can. 1384** - Qui, praeter casus, de quibus in cann. 1378-1383, sacerdotale munus vel aliud sacrum ministerium illegitime exsequitur, iusta poena puniri potest.

**Can. 1385** - Qui quaestum illegitime facit ex Missae stipe, censura vel alia iusta poena puniatur.

**Can. 1386** - Qui quidvis donat vel pollicetur ut quis, munus in Ecclesia exercens, illegitime quid agat vel omittat, iusta poena puniatur; item qui ea dona vel pollicitationes acceptat.

**Can. 1387** - Sacerdos, qui in actu vel occasione vel praetextu confessionis paenitentem ad peccatum contra sextum Decalogi praeceptum sollicitat, pro delicti gravitate, suspensione, prohibitionibus, privationibus puniatur, et in casibus gravioribus dimittatur e statu clericali.

**Can. 1388** - § 1. Confessarius, qui sacramentale sigillum directe violat, in excommunicationem latae sententiae Sedi Apostolicae reservatam incurrit; qui vero indirecte tantum, pro delicti gravitate puniatur.

§ 2. Interpretes alique, de quibus in can. 983, § 2, qui secretum violant, iusta poena puniantur, non exclusa excommunicatione.

**Can. 1389** - § 1. Ecclesiastica potestate vel munere abutens pro actus vel omissionis gravitate puniatur, non exclusa officii privatione, nisi in eum abusum iam poena sit lege vel praecepto constituta.

§ 2. Qui vero, ex culpabili negligentia, ecclesiasticae potestatis vel ministerii vel muneris actum illegitime cum damno alieno ponit vel omittit, iusta poena puniatur.

#### TITULUS IV. DE CRIMINE FALSI

**Can. 1390** - § 1. Qui confessarium de delicto, de quo in can. 1387, apud ecclesiasticum

received the ordination, however, is ipso facto suspended from the order received.

**Can. 1384** - In addition to the cases mentioned in cann. 1378-1383, a person who illegitimately performs a priestly function or another sacred ministry can be punished with a just penalty.

**Can. 1385** - A person who illegitimately makes a profit from a Mass offering is to be punished with a censure or another just penalty.

**Can. 1386** - A person who gives or promises something so that someone who exercises a function in the Church will do or omit something illegitimately is to be punished with a just penalty; likewise, the one who accepts such gifts or promises.

**Can. 1387** - A priest who in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the sixth commandment of the Decalogue is to be punished, according to the gravity of the delict, by suspension, prohibitions, and privations; in graver cases he is to be dismissed from the clerical state.

**Can. 1388** - § 1. A confessor who directly violates the sacramental seal incurs a latae sententiae excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the gravity of the delict.

§ 2. An interpreter and the others mentioned in can. 983, § 2 who violate the secret are to be punished with a just penalty, not excluding excommunication.

**Can. 1389** - § 1. A person who abuses an ecclesiastical power or function is to be punished according to the gravity of the act or omission, not excluding privation of office, unless a law or precept has already established the penalty for this abuse.

§ 2. A person who through culpable negligence illegitimately places or omits an act of ecclesiastical power, ministry, or function with harm to another is to be punished with a just penalty.

#### Title IV. The Crime of Falsehood

**Can. 1390** - § 1. A person who falsely denounces before an ecclesiastical superior a

Superiorem falso denuntiat, in interdictum latae sententiae incurrit et, si sit clericus, etiam in suspensionem.

§ 2. Qui aliam ecclesiastico Superiori calumniosam praebet delicti denuntiationem, vel aliter alterius bonam famam laedit, iusta poena, non exclusa censura, puniri potest.

§ 3. Calumniator potest cogi etiam ad congruam satisfactionem praestandam.

**Can. 1391** - Iusta poena pro delicti gravitate puniri potest:

1° qui ecclesiasticum documentum publicum falsum conficit, vel verum mutat, destruit, occultat, vel falso vel mutato utitur;

2° qui alio falso vel mutato documento utitur in re ecclesiastica;

3° qui in publico ecclesiastico documento falsum asserit.

#### TITULUS V. DE DELICTIS CONTRA SPECIALES OBLIGATIONES

**Can. 1392** - Clerici vel religiosi mercaturam vel negotiationem contra canonum praescripta exercentes pro delicti gravitate puniantur.

**Can. 1393** - Qui obligationes sibi ex poena impositas violat, iusta poena puniri potest.

**Can. 1394** - § 1. Firmo praescripto can. 194, § 1, n. 3, clericus matrimonium, etiam civiliter tantum, attentans, in suspensionem latae sententiae incurrit; quod si monitus non resipuerit et scandalum dare perrexerit, gradatim privationibus ac vel etiam dimissione e statu clericali puniri potest.

§ 2. Religiosus a votis perpetuis, qui non sit clericus, matrimonium etiam civiliter tantum attentans, in interdictum latae sententiae incurrit, firmo praescripto can. 694.

**Can. 1395** - § 1. Clericus concubinarius, praeter casum de quo in can. 1394, et clericus in alio peccato externo contra sextum Decalogi praeceptum cum scandalo permanens, suspensione puniantur, cui, persistente post

confessor for the delict mentioned in can. 1387 incurs a latae sententiae interdict and, if he is a cleric, also a suspension.

§ 2. A person who offers an ecclesiastical superior any other calumnious denunciation of a delict or who otherwise injures the good reputation of another can be punished with a just penalty, not excluding a censure.

§ 3. A calumniator can also be forced to make suitable reparation.

**Can. 1391** - The following can be punished with a just penalty according to the gravity of the delict:

1° a person who produces a false public ecclesiastical document, who changes, destroys, or conceals an authentic one, or who uses a false or altered one;

2° a person who uses another false or altered document in an ecclesiastical matter;

3° a person who asserts a falsehood in a public ecclesiastical document.

#### Title V. Delicts Against Special Obligations

**Can. 1392** - Clerics or religious who exercise a trade or business contrary to the prescripts of the canons are to be punished according to the gravity of the delict.

**Can. 1393** - A person who violates obligations imposed by a penalty can be punished with a just penalty.

**Can. 1394** - § 1. Without prejudice to the prescript of can. 194, § 1, n. 3, a cleric who attempts marriage, even if only civilly, incurs a latae sententiae suspension. If he does not repent after being warned and continues to give scandal, he can be punished gradually by privations or even by dismissal from the clerical state.

§ 2. A perpetually professed religious who is not a cleric and who attempts marriage, even if only civilly, incurs a latae sententiae interdict, without prejudice to the prescript of can. 694.

**Can. 1395** - § 1. A cleric who lives in concubinage, other than the case mentioned in can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be

monitionem delicto, aliae poenae gradatim addi possunt usque ad dimissionem e statu clericali.

§ 2. Clericus qui aliter contra sextum Decalogi praeceptum deliquerit, si quidem delictum vi vel minis vel publice vel cum minore infra aetatem sedecim annorum patratum sit, iustis poenis puniatur, non exclusa, si casus ferat, dimissione e statu clericali.

**Can. 1396** - Qui graviter violat residentiae obligationem cui ratione ecclesiastici officii tenetur, iusta poena puniatur, non exclusa, post monitionem, officii privatione.

## TITULUS VI DE DELICTIS CONTRA HOMINIS VITAM ET LIBERTATEM

**Can. 1397** - Qui homicidium patrat, vel hominem vi aut fraude rapit vel detinet vel mutilat vel graviter vulnerat, privationibus et prohibitionibus, de quibus in can. 1336, pro delicti gravitate puniatur; homicidium autem in personas de quibus in can. 1370, poenis ibi statutis punitur.

**Can. 1398** - Qui abortum procurat, effectu secuto, in excommunicationem latae sententiae incurrit.

## TITULUS VII NORMA GENERALIS

**Can. 1399** - Praeter casus hac vel aliis legibus statutos, divinae vel canonicae legis externa violatio tunc tantum potest iusta quidem poena puniri, cum specialis violationis gravitas punitionem postulat, et necessitas urget scandala praeveniendi vel reparandi.

## LIBER VII. DE PROCESSIBUS

### PARS I. DE IUDICIIS IN GENERE

**Can. 1400** - § 1. Obiectum iudicii sunt:

1° personarum physicarum vel iuridicarum iura perseguenda aut vindicanda, vel facta iuridica declaranda;

2° delicta, quod spectat ad poenam irrogandam vel declarandam.

§ 2. Attamen controversiae ortae ex actu

punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.

§ 2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

**Can. 1396** - A person who gravely violates the obligation of residence which binds by reason of ecclesiastical office is to be punished by a just penalty, not excluding, after a warning, even privation from office.

## Title VI. Delicts Against Human Life and Freedom

**Can. 1397** - A person who commits a homicide or who kidnaps, detains, mutilates, or gravely wounds a person by force or fraud is to be punished with the privations and prohibitions mentioned in can. 1336 according to the gravity of the delict. Homicide against the persons mentioned in can. 1370, however, is to be punished by the penalties established there.

**Can. 1398** - A person who procures a completed abortion incurs a latae sententiae excommunication.

## Title VII. General Norm

**Can. 1399** - In addition to the cases established here or in other laws, the external violation of a divine or canonical law can be punished by a just penalty only when the special gravity of the violation demands punishment and there is an urgent need to prevent or repair scandals.

## BOOK VII. PROCESSES

### Part I. TRIALS IN GENERAL

**Can. 1400** - § 1. The object of a trial is:

1° the pursuit or vindication of the rights of physical or juridic persons, or the declaration of juridic facts;

2° the imposition or declaration of a penalty for delicts.

§ 2. Nevertheless, controversies arising from

potestatis administrativae deferri possunt solummodo ad Superiorem vel ad tribunal administrativum.

**Can. 1401** - Ecclesia iure proprio et exclusivo cognoscit:

1° de causis quae respiciunt res spirituales et spiritualibus adnexas;

2° de violatione legum ecclesiasticarum deque omnibus in quibus inest ratio peccati, quod attinet ad culpae definitionem et poenarum ecclesiasticarum irrogationem.

**Can. 1402** - Omnia Ecclesiae tribunalia reguntur canonibus qui sequuntur, salvo normis tribunalium Apostolicae Sedis.

**Can. 1403** - § 1. Causae canonizationis Servorum Dei reguntur peculiari lege pontificia.

§ 2. Iisdem causis applicantur praeterea praescripta huius Codicis, quoties in eadem lege ad ius universale remissio fit vel de normis agitur quae, ex ipsa rei natura, easdem quoque causas afficiunt.

#### TITULUS I. DE FORO COMPETENTI

**Can. 1404** - Prima Sedes a nemine iudicatur.

**Can. 1405** - § 1. Ipsius Romani Pontificis dumtaxat ius est iudicandi in causis de quibus in can. 1401:

1° eos qui supremum tenent civitatis magistratum;

2° Patres Cardinales;

3° Legatos Sedis Apostolicae, et in causis poenalibus Episcopos;

4° alias causas quas ipse ad suum advocaverit iudicium.

§ 2. Iudex de actu vel instrumento a Romano Pontifice in forma specifica confirmato videre non potest, nisi ipsius praecesserit mandatum.

§ 3. Rotae Romanae reservatur iudicare:

1° Episcopos in contentiosis, firmo praescripto can. 1419, § 2;

2° Abbatem primatem, vel Abbatem superiorem congregationis monasticae, et supremum Moderatorem institutorum

an act of administrative power can be brought only before the superior or an administrative tribunal.

**Can. 1401** - By proper and exclusive right the Church adjudicates:

1° cases which regard spiritual matters or those connected to spiritual matters;

2° the violation of ecclesiastical laws and all those matters in which there is a question of sin, in what pertains to the determination of culpability and the imposition of ecclesiastical penalties.

**Can. 1402** - The following canons govern all tribunals of the Church, without prejudice to the norms of the tribunals of the Apostolic See.

**Can. 1403** - § 1. Special pontifical law governs the causes of canonization of the servants of God.

§ 2. The prescripts of this Code, however, apply to these causes whenever the special pontifical law refers to the universal law, or norms are involved which also affect these causes by the very nature of the matter.

#### Title I. The Competent Forum

**Can. 1404** - The First See is judged by no one.

**Can. 1405** - § 1. It is solely the right of the Roman Pontiff himself to judge in the cases mentioned in can. 1401:

1° those who hold the highest civil office of a state;

2° cardinals;

3° legates of the Apostolic See and, in penal cases, bishops;

4° other cases which he has called to his own judgment.

§ 2. A judge cannot review an act or instrument confirmed specifically (in forma specifica) by the Roman Pontiff without his prior mandate.

§ 3. Judgment of the following is reserved to the Roman Rota:

1° bishops in contentious matters, without prejudice to the prescript of can. 1419, § 2;

2° an abbot primate or abbot superior of a monastic congregation and a supreme moderator of religious institutes of pontifical

religiosorum iuris pontificii;

3° dioeceses aliasve personas ecclesiasticas, sive physicas sive iuridicas, quae Superiorem infra Romanum Pontificem non habent.

**Can. 1406** - § 1. Violato praescripto can. 1404, acta et decisiones pro infectis habentur.

§ 2. In causis, de quibus in can. 1405, aliorum iudicum incompetencia est absoluta.

**Can. 1407** - § 1. Nemo in prima instantia conveniri potest, nisi coram iudice ecclesiastico qui competens sit ob unum ex titulis qui in cann. 1408-1414 determinantur.

§ 2. Incompetencia iudicis, cui nullus ex his titulis suffragatur, dicitur relativa.

§ 3. Actor sequitur forum partis conventae; quod si pars conventa multiplex forum habet, optio fori actori conceditur.

**Can. 1408** - Quilibet conveniri potest coram tribunali domicilii vel quasi-domicilii.

**Can. 1409** - § 1. Vagus forum habet in loco ubi actu commoratur.

§ 2. Is, cuius neque domicilium aut quasi-domicilium neque locus commorationis nota sint, conveniri potest in foro actoris, dummodo aliud forum legitimum non suppetat.

**Can. 1410** - Ratione rei sitae, pars conveniri potest coram tribunali loci, ubi res litigiosa sita est, quoties actio in rem directa sit, aut de spolio agatur.

**Can. 1411** - § 1. Ratione contractus pars conveniri potest coram tribunali loci in quo contractus initus est vel adimpleri debet, nisi partes concorditer aliud tribunal elegerint.

§ 2. Si causa versetur circa obligationes quae ex alio titulo proveniant, pars conveniri potest coram tribunali loci, in quo obligatio vel orta est vel est adimplenda.

**Can. 1412** - In causis poenalibus accusatus,

right;

3° dioceses or other physical or juridic ecclesiastical persons which do not have a superior below the Roman Pontiff.

**Can. 1406** - § 1. If the prescript of can. 1404 is violated, the acts and decisions are considered as not to have been placed.

§ 2. In the cases mentioned in can. 1405, the incompetence of other judges is absolute.

**Can. 1407** - § 1. No one can be brought to trial in first instance except before an ecclesiastical judge who is competent by reason of one of the titles determined in cann. 1408-1414.

§ 2. The incompetence of a judge supported by none of these titles is called relative.

§ 3. The petitioner follows the forum of the respondent. If the respondent has more than one forum, the choice of forum is granted to the petitioner.

**Can. 1408** - Anyone can be brought to trial before the tribunal of domicile or quasi-domicile.

**Can. 1409** - § 1. A transient has a forum in the place of his or her actual residence.

§ 2. A person whose domicile, quasi-domicile, and place of residence are unknown can be brought to trial in the forum of the petitioner provided that no other legitimate forum is available.

**Can. 1410** - By reason of the location of an object, a party can be brought to trial before the tribunal of the place where the object in dispute is located whenever the action is directed against the object or concerns damages.

**Can. 1411** - § 1. By reason of a contract, a party can be brought to trial before the tribunal of the place where the contract was entered into or must be fulfilled unless the parties agree to choose some other tribunal.

§ 2. If the case concerns obligations which originate from another title, a party can be brought to trial before the tribunal of the place where the obligation either originated or must be fulfilled.

**Can. 1412** - In penal cases the accused, even

licet absens, conveniri potest coram tribunali loci, in quo delictum patratum est.

**Can. 1413** - Pars conveniri potest:

1° in causis quae circa administrationem versantur, coram tribunali loci ubi administratio gesta est;

2° in causis quae respiciunt hereditates vel legata pia, coram tribunali ultimi domicilii vel quasi-domicilii vel commorationis, ad normam cann. 1408-1409, illius de cuius hereditate vel legato pio agitur, nisi agatur de mera executione legati, quae videnda est secundum ordinarias competentiae normas.

**Can. 1414** - Ratione connexionis, ab uno eodemque tribunali et in eodem processu cognoscendae sunt causae inter se conexas, nisi legis praescriptum obstet.

**Can. 1415** - Ratione praeventionis, si duo vel plura tribunaalia aequae competentia sunt, ei ius est causam cognoscendi, quod prius partem conventam legitime citaverit.

**Can. 1416** - Conflictus competentiae inter tribunaalia eidem tribunali appellationis subiecta, ab hoc tribunali solvuntur; a Signatura Apostolica, si eidem tribunali appellationis non subsunt.

## TITULUS II. DE VARIIS TRIBUNALIUM GRADIBUS ET SPECIEBUS

**Can. 1417** - § 1. Ob primatum Romani Pontificis integrum est cuilibet fidei causam suam sive contentiosam sive poenalem, in quovis iudicii gradu et in quovis litis statu, cognoscendam ad Sanctam Sedem deferre vel apud eandem introducere.

§ 2. Provocatio tamen ad Sedem Apostolicam interposita non suspendit, praeter casum appellationis, exercitium iurisdictionis in iudice qui causam iam cognoscere coepit; quique idcirco poterit iudicium prosecui usque ad definitivam sententiam, nisi Sedes Apostolica iudici significaverit se causam advocasse.

**Can. 1418** - Quodlibet tribunal ius habet in auxilium vocandi aliud tribunal ad causam instruendam vel ad actus intimandos.

if absent, can be brought to trial before the tribunal of the place where the delict was committed.

**Can. 1413** - A party can be brought to trial:

1° in cases which concern administration, before the tribunal of the place where the administration was conducted;

2° in cases which regard inheritances or pious legacies, before the tribunal of the last domicile, quasi-domicile, or place of residence, according to the norm of cann. 1408-1409, of the one whose inheritance or pious legacy is at issue unless it concerns the mere execution of the legacy, which must be examined according to the ordinary norms of competence.

**Can. 1414** - By reason of connection, interconnected cases must be adjudicated by one and the same tribunal in the same process unless a prescript of law prevents this.

**Can. 1415** - By reason of prevention, if two or more tribunals are equally competent, the right of adjudicating the case belongs to the one which legitimately cited the respondent first.

**Can. 1416** - The appellate tribunal resolves conflicts of competence between tribunals subject to it; if the tribunals are not subject to the same appellate tribunal, the Apostolic Signatura resolves conflicts of competence.

## Title II. Different Grades and Kinds of Tribunals

**Can. 1417** - § 1. By reason of the primacy of the Roman Pontiff, any member of the faithful is free to bring or introduce his or her own contentious or penal case to the Holy See for adjudication in any grade of a trial and at any stage of the litigation.

§ 2. Recourse brought to the Apostolic See, however, does not suspend the exercise of jurisdiction by a judge who has already begun to adjudicate a case except in the case of an appeal. For this reason, the judge can prosecute a trial even to the definitive sentence unless the Apostolic See has informed the judge that it has called the case to itself.

**Can. 1418** - Any tribunal has the right to call upon the assistance of another tribunal to instruct a case or to communicate acts.



## CAPUT I. DE TRIBUNALI PRIMAE INSTANTIAE

### Art. 1. DE IUDICE

**Can. 1419** - § 1. In unaquaque dioecesi et pro omnibus causis iure expresse non exceptis, iudex primae instantiae est Episcopus dioecesanus, qui iudicalem potestatem exercere potest per se ipse vel per alios, secundum canones qui sequuntur.

§ 2. Si vero agatur de iuribus aut bonis temporalibus personae iuridicae ab Episcopo repraesentatae, iudicat in primo gradu tribunal appellationis.

**Can. 1420** - § 1. Quilibet Episcopus dioecesanus tenetur Vicarium iudicalem seu Officium constituere cum potestate ordinaria iudicandi, a Vicario generali distinctum, nisi parvitas dioecesis aut paucitas causarum aliud suadeat.

§ 2. Vicarius iudicialis unum constituit tribunal cum Episcopo, sed nequit iudicare causas quas Episcopus sibi reservat.

§ 3. Vicario iudiciali dari possunt adiutores, quibus nomen est Vicariorum iudicialium adiunctorum seu Vice-officialium.

§ 4. Tum Vicarius iudicialis tum Vicarii iudiciales adiuncti esse debent sacerdotes, integrae famae, in iure canonico doctores vel saltem licentiatii, annos nati non minus triginta.

§ 5. Ipsi, sede vacante, a munere non cessant nec ab Administratore dioecesano amoveri possunt; adveniente autem novo Episcopo, indigent confirmatione.

**Can. 1421** - § 1. In dioecesi constituentur ab Episcopo iudices dioecesani, qui sint clerici.

§ 2. Episcoporum conferentia permittere potest ut etiam laici iudices constituentur, e quibus, suadente necessitate, unus assumi potest ad collegium efformandum.

§ 3. Iudices sint integrae famae et in iure canonico doctores vel saltem licentiatii.

**Can. 1422** - Vicarius iudicialis, Vicarii iudiciales adiuncti et ceteri iudices nominantur ad definitum tempus, firmo praescripto can. 1420, § 5, nec removeri possunt nisi ex legitima gravique causa.

## Chapter I. The Tribunal of First Instance

### Art. 1. The Judge

**Can. 1419** - § 1. In each diocese and for all cases not expressly excepted by law, the judge of first instance is the diocesan bishop, who can exercise judicial power personally or through others according to the following canons.

§ 2. If a case concerns the rights or temporal goods of a juridic person represented by the bishop, the appellate tribunal judges in first instance.

**Can. 1420** - § 1. Each diocesan bishop is bound to appoint a judicial vicar, or officialis, with ordinary power to judge, distinct from the vicar general unless the small size of the diocese or the small number of cases suggests otherwise.

§ 2. The judicial vicar constitutes one tribunal with the bishop but cannot judge cases which the bishop reserves to himself.

§ 3. The judicial vicar can be given assistants who are called adjutant judicial vicars, or vice-officiales.

§ 4. Both the judicial vicar and adjutant judicial vicars must be priests, of unimpaired reputation, doctors or at least licensed in canon law, and not less than thirty years of age.

§ 5. When the see is vacant, they do not cease from their function and cannot be removed by the diocesan administrator; when the new bishop arrives, however, they need confirmation.

**Can. 1421** - § 1. In a diocese, the bishop is to appoint diocesan judges, who are to be clerics.

§ 2. The conference of bishops can also permit the appointment of lay persons as judges; when it is necessary, one of them can be selected to form a college.

§ 3. Judges are to be of unimpaired reputation and doctors or at least licensed in canon law.

**Can. 1422** - The judicial vicar, adjutant judicial vicars, and other judges are appointed for a definite time, without prejudice to the prescript of can. 1420, § 5 and cannot be removed except for a legitimate and grave cause.

**Can. 1423** - § 1. Plures dioecesani Episcopi, probante Sede Apostolica, possunt concordare, in locum tribunalium dioecesanorum de quibus in cann. 1419-1421, unicum constituere in suis dioecesibus tribunal primae instantiae; quo in casu ipsorum Episcoporum coetui vel Episcopo ab eisdem designato omnes competunt potestates, quas Episcopus dioecesanus habet circa suum tribunal.

§ 2. Tribunalia, de quibus in § 1, constitui possunt vel ad causas quaslibet vel ad aliqua tantum causarum genera.

**Can. 1424** - Unicus iudex in quolibet iudicio duos assessores, clericos vel laicos probatae vitae, sibi consulentes asciscere potest.

**Can. 1425** - § 1. Reprobata contraria consuetudine, tribunali collegiali trium iudicum reservantur:

1<sup>o</sup> causae contentiosae: a) de vinculo sacrae ordinationis; b) de vinculo matrimonii, firmis praescriptis cann. 1686 [1688] et 1688 [1690];

2<sup>o</sup> causae poenales: a) de delictis quae poenam dimissionis e statu clericali secumferre possunt; b) de irroganda vel declaranda excommunicatione.

§ 2. Episcopus causas difficiliore vel maioris momenti committere potest iudicio trium vel quinque iudicum.

§ 3. Vicarius iudicialis ad singulas causas cognoscendas iudices ex ordine per turnum advocet, nisi Episcopus in singulis casibus aliter statuerit.

§ 4. In primo iudicii gradu, si forte collegium constitui nequeat, Episcoporum conferentia, quamdiu huiusmodi impossibilitas perduret, permittere potest ut Episcopus causas unico iudici clerico committat, qui, ubi fieri possit, assessorem et auditorem sibi asciscat.

§ 5. Iudices semel designatos ne subroget Vicarius iudicialis, nisi ex gravissima causa in decreto exprimenda.

**Can. 1426** - § 1. Tribunal collegiale collegialiter procedere debet, et per maiorem suffragiorum partem sententias ferre.

§ 2. Eidem praeesse debet, quatenus fieri

**Can. 1423** - § 1. With the approval of the Apostolic See, several diocesan bishops can agree to establish a single tribunal of first instance for their dioceses in place of the diocesan tribunals mentioned in cann. 1419-1421. In this case, the group of bishops or a bishop they designate has all the powers which a diocesan bishop has over his own tribunal.

§ 2. The tribunals mentioned in § 1 can be established either for any cases whatsoever or only for certain types of cases.

**Can. 1424** - In any trial, a single judge can employ two assessors who consult with him; they are to be clerics or lay persons of upright life.

**Can. 1425** - § 1. With every contrary custom reprobated, the following cases are reserved to a collegiate tribunal of three judges:

1<sup>o</sup> contentious cases: a) concerning the bond of sacred ordination; b) concerning the bond of marriage, without prejudice to the prescripts of cann. 1686 [1688] and 1688 [1690];

2<sup>o</sup> penal cases: a) concerning delicts which can entail the penalty of dismissal from the clerical state; b) concerning the imposition or declaration of an excommunication.

§ 2. The bishop can entrust more difficult cases or those of greater importance to the judgment of three or five judges.

§ 3. Unless the bishop establishes otherwise in individual cases, the judicial vicar is to assign the judges in order by turn to adjudicate individual cases.

§ 4. If it happens that a collegiate tribunal cannot be established in the first instance of a trial, the conference of bishops can permit the bishop, for as long as the impossibility continues, to entrust cases to a single clerical judge who is to employ an assessor and auditor where possible.

§ 5. The judicial vicar is not to substitute judges once they have been assigned except for a most grave cause expressed in a decree.

**Can. 1426** - § 1. A collegiate tribunal must proceed collegially and render its sentences by majority vote.

§ 2. The judicial vicar or an adjutant judicial

potest, Vicarius iudicialis vel Vicarius iudicialis adiunctus.

**Can. 1427** - § 1. Si controversia sit inter religiosos vel domos eiusdem instituti religiosi clericalis iuris pontificii, iudex primae instantiae, nisi aliud in constitutionibus caveatur, est Superior provincialis, aut, si monasterium sit sui iuris, Abbas localis.

§ 2. Salvo diverso constitutionum praescripto, si res contentiosa agatur inter duas provincias, in prima instantia iudicabit per se ipse vel per delegatum supremus Moderator; si inter duo monasteria, Abbas superior congregationis monasticae.

§ 3. Si demum controversia enascatur inter religiosas personas physicas vel iuridicas diversorum institutorum religiosorum, aut etiam eiusdem instituti clericalis iuris dioecesanii vel laicalis, aut inter personam religiosam et clericum saecularem vel laicum vel personam iuridicam non religiosam, iudicat in prima instantia tribunal dioecesanum.

#### Art. 2. DE AUDITORIBUS ET RELATORIBUS

**Can. 1428** - § 1. Iudex vel tribunalis collegialis praeses possunt auditorem designare ad causae instructionem peragendam, eum seligentes aut ex tribunalis iudicibus aut ex personis ab Episcopo ad hoc munus approbatis.

§ 2. Episcopus potest ad auditoris munus approbare clericos vel laicos, qui bonis moribus, prudentia et doctrina fulgeant.

§ 3. Auditoris est, secundum iudicis mandatum, probationes tantum colligere easque collectas iudici tradere; potest autem, nisi iudicis mandatum obstet, interim decidere quae et quomodo probationes colligendae sint, si forte de hac re quaestio oriatur, dum ipse munus suum exercet.

**Can. 1429** - Tribunalis collegialis praeses debet unum ex iudicibus collegii ponentem seu relatorem designare, qui in coetu iudicum de causa referat et sententias in scriptis redigat; in ipsius locum idem praeses alium ex iusta causa substituere potest.

vicar must preside over a collegiate tribunal insofar as possible.

**Can. 1427** - § 1. If there is a controversy between religious or houses of the same clerical religious institute of pontifical right, the judge of first instance is the provincial superior unless the constitutions provide otherwise; if it is an autonomous monastery, the local abbot judges in first instance.

§ 2. Without prejudice to a different prescript of the constitutions, if a contentious matter arises between two provinces, the supreme moderator will judge in first instance either personally or through a delegate; if the controversy is between two monasteries, the abbot superior of the monastic congregation will judge in first instance.

§ 3. Finally, if the controversy arises between physical or juridic religious persons of different religious institutes or of the same clerical institute of diocesan right or of the same lay institute, or between a religious and a secular cleric or lay person or a non-religious juridic person, the diocesan tribunal judges in first instance.

#### Art. 2. Auditors and Relators

**Can. 1428** - § 1. The judge or the president of a collegiate tribunal can designate an auditor, selected either from the judges of the tribunal or from persons the bishop approves for this function, to instruct the case.

§ 2. The bishop can approve for the function of auditor clerics or lay persons outstanding for their good character, prudence, and doctrine.

§ 3. It is for the auditor, according to the mandate of the judge, only to collect the proofs and hand those collected over to the judge. Unless the mandate of the judge prevents it, however, the auditor can in the meantime decide what proofs are to be collected and in what manner if a question may arise about this while the auditor exercises his or her function.

**Can. 1429** - The president of a collegiate tribunal must designate one of the judges of the college as the ponens or relator who is to report about the case at the meeting of the judges and put the sentence into writing. For a just cause the president can substitute another in place of the original relator.

Art. 3. DE PROMOTORE IUSTITIAE, VINCULI DEFENSORE ET NOTARIO

**Can. 1430** - Ad causas contentiosas, in quibus bonum publicum in discrimen vocari potest, et ad causas poenales constituatur in dioecesi promotor iustitiae, qui officio tenetur providendi bono publico.

**Can. 1431** - § 1. In causis contentiosis, Episcopi dioecesani est iudicare utrum bonum publicum in discrimen vocari possit necne, nisi interventus promotoris iustitiae lege praecipiat vel ex natura rei evidenter necessarius sit.

§ 2. Si in praecedenti instantia intervenerit promotor iustitiae, in ulteriore gradu huius interventus praesumitur necessarius.

**Can. 1432** - Ad causas, in quibus agitur de nullitate sacrae ordinationis aut de nullitate vel solutione matrimonii, constituatur in dioecesi defensor vinculi, qui officio tenetur proponendi et exponendi omnia quae rationabiliter adduci possint adversus nullitatem vel solutionem.

**Can. 1433** - In causis in quibus promotoris iustitiae aut defensoris vinculi praesentia requiritur, iis non citatis, acta irrita sunt, nisi ipsi, etsi non citati, revera interfuerint, aut saltem ante sententiam, actis inspectis, munere suo fungi potuerint.

**Can. 1434** - Nisi aliud expresse caveatur:

1° quoties lex praecipit ut iudex partes earumve alteram audiat, etiam promotor iustitiae et vinculi defensor, si iudicio intersint, audiendi sunt;

2° quoties instantia partis requiritur ut iudex aliquid decernere possit, instantia promotoris iustitiae vel vinculi defensoris, qui iudicio intersint, eandem vim habet.

**Can. 1435** - Episcopi est promotorem iustitiae et vinculi defensorem nominare, qui sint clerici vel laici, integrae fama, in iure canonico doctores vel licentiati, ac prudentia et iustitiae zelo probati.

Art. 3. The Promoter of Justice, The Defender of the Bond, and The Notary

**Can. 1430** - A promoter of justice is to be appointed in a diocese for contentious cases which can endanger the public good and for penal cases; the promoter of justice is bound by office to provide for the public good.

**Can. 1431** - § 1. In contentious cases, it is for the diocesan bishop to judge whether or not the public good can be endangered unless the intervention of the promoter of justice is prescribed by law or is clearly necessary from the nature of the matter.

§ 2. If the promoter of justice has intervened in a previous instance, such intervention is presumed necessary in a further instance.

**Can. 1432** - A defender of the bond is to be appointed in a diocese for cases concerning the nullity of sacred ordination or the nullity or dissolution of a marriage; the defender of the bond is bound by office to propose and explain everything which reasonably can be brought forth against nullity or dissolution.

**Can. 1433** - If the promoter of justice or defender of the bond was not cited in cases which require their presence, the acts are invalid unless they actually took part even if not cited or, after they have inspected the acts, at least were able to fulfill their function before the sentence.

**Can. 1434** - Unless other provision is expressly made:

1° whenever the law requires the judge to hear either both or one of the parties, the promoter of justice and the defender of the bond must also be heard if they take part in the trial;

2° whenever the request of a party is required in order for the judge to be able to decide something, the request of the promoter of justice or defender of the bond who takes part in the trial has the same force.

**Can. 1435** - It is for the bishop to appoint the promoter of justice and defender of the bond; they are to be clerics or lay persons, of unimpaired reputation, doctors or licensed in canon law, and proven in prudence and zeal for justice.

**Can. 1436** - § 1. Eadem persona, non autem in eadem causa, officium promotoris iustitiae et defensoris vinculi gerere potest.

§ 2. Promotor et defensor constitui possunt tum ad universitatem causarum tum ad singulas causas; possunt autem ab Episcopo, iusta de causa, removeri.

**Can. 1437** - § 1. Cuilibet processui intersit notarius, adeo ut nulla habeantur acta, si non fuerint ab eo subscripta.

§ 2. Acta, quae notarii conficiunt, publicam fidem faciunt.

## CAPUT II. DE TRIBUNALI SECUNDAE INSTANTIAE

**Can. 1438** - Firmo praescripto can. 1444, § 1, n. 1:

1° a tribunali Episcopi suffraganei appellatur ad tribunal Metropolitae, salvo praescripto can. 1439;

2° in causis in prima instantia pertractatis coram Metropolita fit appellatio ad tribunal quod ipse, probante Sede Apostolica, stabiliter designaverit;

3° pro causis coram Superiore provinciali actis tribunal secundae instantiae est penes supremum Moderatorem; pro causis actis coram Abbate locali, penes Abbatem superiorem congregationis monasticae.

**Can. 1439** - § 1. Si quod tribunal primae instantiae unicum pro pluribus dioecibus, ad normam can. 1423, constitutum sit, Episcoporum conferentia debet tribunal secundae instantiae, probante Sede Apostolica, constituere, nisi dioeceses sint omnes eiusdem archidioecesis suffraganeae.

§ 2. Episcoporum conferentia potest, probante Sede Apostolica, unum vel plura tribunalia secundae instantiae constituere, etiam praeter casus de quibus in § 1.

§ 3. Quod attinet ad tribunalia secundae instantiae, de quibus in §§ 1-2, Episcoporum conferentia vel Episcopus ab ea designatus omnes habent potestates, quae Episcopo dioecesano competunt circa suum tribunal.

**Can. 1440** - Si competentia ratione gradus, ad

**Can. 1436** - § 1. The same person can hold the office of promoter of justice and defender of the bond but not in the same case.

§ 2. The promoter and the defender can be appointed for all cases or for individual cases; however, the bishop can remove them for a just cause.

**Can. 1437** - § 1. A notary is to take part in any process, so much so that the acts are null if the notary has not signed them.

§ 2. Acts which notaries prepare warrant public trust.

## Chapter II. The Tribunal of Second Instance

**Can. 1438** - Without prejudice to the prescript of can. 1444, § 1, n. 1:

1° from the tribunal of a suffragan bishop, appeal is made to the metropolitan tribunal, without prejudice to the prescript of can. 1439;

2° in cases tried in first instance before the metropolitan, appeal is made to the tribunal which the metropolitan has designated in a stable manner with the approval of the Apostolic See;

3° for cases tried before a provincial superior, the tribunal of second instance is under the authority of the supreme moderator; for cases tried before the local abbot, the tribunal of second instance is under the authority of the abbot superior of the monastic congregation.

**Can. 1439** - § 1. If a single tribunal of first instance has been established for several dioceses according to the norm of can. 1423, the conference of bishops must establish a tribunal of second instance with the approval of the Apostolic See unless the dioceses are all suffragans of the same archdiocese.

§ 2. With the approval of the Apostolic See, a conference of bishops can establish one or more tribunals of second instance in addition to the cases mentioned in § 1.

§ 3. Over the tribunals of second instance mentioned in §§ 1-2, the conference of bishops or the bishop it designates has all the powers which a diocesan bishop has over his own tribunal.

**Can. 1440** - If competence by reason of grade

normam cann. 1438 et 1439 non servetur, incompetencia iudicis est absoluta.

**Can. 1441** - Tribunal secundae instantiae eodem modo quo tribunal primae instantiae constitui debet. Si tamen in primo iudicii gradu, secundum can. 1425, § 4, iudex unicus sententiam tulit, tribunal secundae instantiae collegialiter procedat.

### CAPUT III. DE APOSTOLICAE SEDIS TRIBUNALIBUS

**Can. 1442** - Romanus Pontifex pro toto orbe catholico iudex est supremus, qui vel per se ipse ius dicit, vel per ordinaria Sedis Apostolicae tribunalia, vel per iudices a se delegatos.

**Can. 1443** - Tribunal ordinarium a Romano Pontifice constitutum appellationibus recipiendis est Rota Romana.

**Can. 1444** - § 1. Rota Romana iudicat:

1° in secunda instantia, causas quae ab ordinariis tribunalibus primae instantiae diiudicatae fuerint et ad Sanctam Sedem per appellationem legitimam deferantur;

2° in tertia vel ulteriore instantia, causas ab ipsa Rota Romana et ab aliis quibusvis tribunalibus iam cognitae, nisi res iudicata habeatur.

§ 2. Hoc tribunal iudicat etiam in prima instantia causas de quibus in can. 1405, § 3, aliasve quas Romanus Pontifex sive motu proprio, sive ad instantiam partium ad suum tribunal advocaverit et Rotae Romanae commiserit; easque, nisi aliud cautum sit in commissi muneris rescripto, ipsa Rota iudicat etiam in secunda et ulteriore instantia.

**Can. 1445** - § 1. Supremum Signaturae Apostolicae Tribunal cognoscit:

1° querelas nullitatis et petitiones restitutionis in integrum et alios recursus contra sententias rotales;

2° recursus in causis de statu personarum, quas ad novum examen Rota Romana admittere renuit;

3° exceptiones suspicionis aliasque causas

according to the norm of cann. 1438 and 1439 is not observed, the incompetence of the judge is absolute.

**Can. 1441** - The tribunal of second instance must be established in the same way as the tribunal of first instance. Nevertheless, if a single judge rendered a sentence in the first instance of the trial according to can. 1425, § 4, the tribunal of second instance is to proceed collegially.

### Chapter III. The Tribunals of the Apostolic See

**Can. 1442** - The Roman Pontiff is the supreme judge for the entire Catholic world; he renders judicial decisions personally, through the ordinary tribunals of the Apostolic See, or through judges he has delegated.

**Can. 1443** - The Roman Rota is the ordinary tribunal established by the Roman Pontiff to receive appeals.

**Can. 1444** - § 1. The Roman Rota judges:

1° in second instance, cases which have been adjudicated by the ordinary tribunals of first instance and brought before the Holy See through legitimate appeal;

2° in third or further instance, cases which the Roman Rota or any other tribunals have already adjudicated unless the matter is a res iudicata.

§ 2. This tribunal also judges in first instance the cases mentioned in can. 1405, § 3 and others which the Roman Pontiff, either motu proprio or at the request of the parties, has called to his own tribunal and entrusted to the Roman Rota; unless the rescript entrusting the function provides otherwise, the Rota also judges these cases in second and further instance.

**Can. 1445** - § 1. The supreme tribunal of the Apostolic Signatura adjudicates:

1° complaints of nullity, petitions for restitution in integrum and other recurses against rotal sentences;

2° recurses in cases concerning the status of persons which the Roman Rota refused to admit to a new examination;

3° exceptions of suspicion and other cases

contra Auditores Rotae Romanae propter acta in exercitio ipsorum muneris;

4° conflictus competentiae de quibus in can. 1416.

§ 2. Ipsum Tribunal videt de contentionibus ortis ex actu potestatis administrativae ecclesiasticae ad eam legitime delatis, de aliis controversiis administrativis quae a Romano Pontifice vel a Romanae Curiae dicasteriis ipsi deferantur, et de conflictu competentiae inter eadem dicasteria.

§ 3. Supremi huius Tribunalis praeterea est:

1° rectae administrationi iustitiae invigilare et in advocatos vel procuratores, si opus sit, animadvertere;

2° tribunalium competentiam prorogare;

3° promovere et approbare erectionem tribunalium, de quibus in cann. 1423 et 1439.

### TITULUS III. DE DISCIPLINA IN TRIBUNALIBUS SERVANDA

#### CAPUT I. DE DISCIPLINA IUDICUM ET TRIBUNALIUM MINISTRORUM

**Can. 1446** - § 1. Christifideles omnes, in primis autem Episcopi, sedulo annitantur ut, salva iustitia, lites in populo Dei, quantum fieri possit, vitentur et pacifice quam primum componantur.

§ 2. Iudex in limine litis, et etiam quolibet alio momento, quotiescumque spem aliquam boni exitus perspicit, partes hortari et adiuvare ne omittat, ut de aequa controversiae solutione quaerenda communi consilio curent, viasque ad hoc propositum idoneas ipsis indicet, gravibus quoque hominibus ad mediationem adhibitis.

§ 3. Quod si circa privatum partium bonum lis versetur, dispiciat iudex num transactione vel arbitratorum iudicio, ad normam cann. 1713-1716, controversia finem habere utiliter possit.

**Can. 1447** - Qui causae interfuit tamquam iudex, promotor iustitiae, defensor vinculi, procurator, advocatus, testis aut peritus, nequit postea valide eandem causam in alia instantia tamquam iudex definire aut in eadem munus assessoris sustinere.

against the auditors of the Roman Rota for acts done in the exercise of their function;

4° conflicts of competence mentioned in can. 1416.

§ 2. This tribunal deals with conflicts which have arisen from an act of ecclesiastical administrative power and are brought before it legitimately, with other administrative controversies which the Roman Pontiff or the dicasteries of the Roman Curia bring before it, and with a conflict of competence among these dicasteries.

§ 3. Furthermore it is for this supreme tribunal:

1° to watch over the correct administration of justice and discipline advocates or procurators if necessary;

2° to extend the competence of tribunals;

3° to promote and approve the erection of the tribunals mentioned in cann. 1423 and 1439.

### Title III. The Discipline To Be Observed in Tribunals

#### Chapter I. The Duty of Judges and Ministers of the Tribunal

**Can. 1446** - § 1. All the Christian faithful, and especially bishops, are to strive diligently to avoid litigation among the people of God as much as possible, without prejudice to justice, and to resolve litigation peacefully as soon as possible.

§ 2. Whenever the judge perceives some hope of a favorable outcome at the start of litigation or even at any other time, the judge is not to neglect to encourage and assist the parties to collaborate in seeking an equitable solution to the controversy and to indicate to them suitable means to this end, even by using reputable persons for mediation.

§ 3. If the litigation concerns the private good of the parties, the judge is to discern whether the controversy can be concluded advantageously by an agreement or the judgment of arbitrators according to the norm of cann. 1713-1716.

**Can. 1447** - A person who has taken part in a case as a judge, promoter of justice, defender of the bond, procurator, advocate, witness, or expert cannot later in another instance validly decide the same case as judge or perform the function of assessor.

**Can. 1448** - § 1. Iudex cognoscendam ne suscipiat causam, in qua ratione consanguinitatis vel affinitatis in quolibet gradu lineae rectae et usque ad quartum gradum lineae collateralis, vel ratione tutelae et curatellae, intimae vitae consuetudinis, magnae simultatis, vel lucri faciendi aut damni vitandi, aliquid ipsius intersit.

§ 2. In iisdem adiunctis ab officio suo abstinere debent iustitiae promotor, defensor vinculi, assessor et auditor.

**Can. 1449** - § 1. In casibus, de quibus in can. 1448, nisi iudex ipse absteat, pars potest eum recusare.

§ 2. De recusatione videt Vicarius iudicialis; si ipse recusetur, videt Episcopus qui tribunali praees.

§ 3. Si Episcopus sit iudex et contra eum recusatio opponatur, ipse absteat a iudicando.

§ 4. Si recusatio opponatur contra promotorem iustitiae, defensorem vinculi aut alios tribunalis administratos, de hac exceptione videt praeses in tribunali collegiali vel ipse iudex, si unicus sit.

**Can. 1450** - Recusatione admissa, personae mutari debent, non vero iudicii gradus.

**Can. 1451** - § 1. Quaestio de recusatione expeditissime definienda est, auditis partibus, promotore iustitiae vel vinculi defensore, si intersint, neque ipsi recusati sint.

§ 2. Actus positi a iudice antequam recusetur, validi sunt; qui autem positi sunt post propositam recusationem, rescindi debent, si pars petat intra decem dies ab admissa recusatione.

**Can. 1452** - § 1. In negotio quod privatorum solummodo interest, iudex procedere potest dumtaxat ad instantiam partis. Causa autem legitime introducta, iudex procedere potest et debet etiam ex officio in causis poenalibus aliisque, quae publicum Ecclesiae bonum aut animarum salutem respiciunt.

§ 2. Potest autem praeterea iudex partium

**Can. 1448** - § 1. A judge is not to undertake the adjudication of a case in which the judge is involved by reason of consanguinity or affinity in any degree of the direct line and up to the fourth degree of the collateral line or by reason of trusteeship, guardianship, close acquaintance, great animosity, the making of a profit, or the avoidance of a loss.

§ 2. In these circumstances the promoter of justice, the defender of the bond, the assessor, and the auditor must abstain from their office.

**Can. 1449** - § 1. If in the cases mentioned in can. 1448 the judge does not withdraw, a party can lodge an objection against the judge.

§ 2. The judicial vicar deals with the objection; if the objection is lodged against him, the bishop who presides over the tribunal deals with it.

§ 3. If the bishop is the judge and the objection is lodged against him, he is to abstain from judging.

§ 4. If the objection is lodged against the promoter of justice, the defender of the bond, or other officials of the tribunal, the president in a collegiate tribunal or the single judge deals with this exception.

**Can. 1450** - If the objection is accepted, the persons must be changed but not the grade of the trial.

**Can. 1451** - § 1. The question of an objection must be decided as promptly as possible (expeditissime) after the parties have been heard as well as the promoter of justice or defender of the bond, if they take part in the trial and are not the ones against whom the objection has been lodged.

§ 2. Acts placed by a judge before an objection is lodged are valid; nevertheless, those acts placed after the objection has been lodged must be rescinded if a party requests it within ten days from the acceptance of the objection.

**Can. 1452** - § 1. In a matter which concerns private persons alone, a judge can proceed only at the request of a party. Once a case has been legitimately introduced, however, the judge can and must proceed even ex officio in penal cases and other cases which regard the public good of the Church or the salvation of souls.

§ 2. Furthermore, the judge can supply for the



neglegentiam in probationibus afferendis vel in exceptionibus opponendis supplere, quoties id necessarium censeat ad vitandam graviter iniustam sententiam, firmis praescriptis can. 1600.

**Can. 1453** - Iudices et tribunalia curent ut quam primum, salva iustitia, causae omnes terminentur, utque in tribunali primae instantiae ultra annum ne protrahantur, in tribunali vero secundae instantiae, ultra sex menses.

**Can. 1454** - Omnes qui tribunal constituunt aut eidem opem ferunt, iusiurandum de munere rite et fideliter implendo praestare debent.

**Can. 1455** - § 1. In iudicio poenali semper, in contentioso autem si ex revelatione alicuius actus processualis praeiudicium partibus obvenire possit, iudices et tribunalis adiutores tenentur ad secretum officii servandum.

§ 2. Tenentur etiam semper ad secretum servandum de discussione quae inter iudices in tribunali collegiali ante ferendam sententiam habetur, tum etiam de variis suffragiis et opinionibus ibidem prolatis, firmo praescripto can. 1609, § 4.

§ 3. Immo, quoties natura causae vel probationum talis sit ut ex actorum vel probationum divulgatione aliorum fama periclitetur, vel praebeatur ansa dissidiis, aut scandalum aliudve id genus incommodum oriatur, iudex poterit testes, peritos, partes earumque advocatos vel procuratores iureiurando astringere ad secretum servandum.

**Can. 1456** - Iudex et omnes tribunalis administri, occasione agendi iudicii, dona quaevis acceptare prohibentur.

**Can. 1457** - § 1. Iudices qui, cum certe et evidenter competentes sint, ius reddere recusent, vel nullo suffragante iuris praescripto se competentes declarent atque causas cognoscant ac definiant, vel secreti legem violent, vel ex dolo aut gravi neglegentia aliud litigantibus damnum inferant, congruis poenis a competenti auctoritate puniri possunt, non exclusa officii privatione.

§ 2. Iisdem sanctionibus subsunt tribunalis ministri et adiutores, si officio suo, ut supra, defuerint; quos omnes etiam iudex punire

negligence of the parties in furnishing proofs or in lodging exceptions whenever the judge considers it necessary in order to avoid a gravely unjust judgment, without prejudice to the prescripts of can. 1600.

**Can. 1453** - Without prejudice to justice, judges and tribunals are to take care that all cases are completed as soon as possible and that in a tribunal of first instance they are not prolonged beyond a year and in a tribunal of second instance beyond six months.

**Can. 1454** - All who constitute a tribunal or assist it must take an oath to carry out their function correctly and faithfully.

**Can. 1455** - § 1. Judges and tribunal personnel are always bound to observe secrecy of office in a penal trial, as well as in a contentious trial if the revelation of some procedural act could bring disadvantage to the parties.

§ 2. They are also always bound to observe secrecy concerning the discussion among the judges in a collegiate tribunal before the sentence is passed and concerning the various votes and opinions expressed there, without prejudice to the prescript of can. 1609, § 4.

§ 3. Whenever the nature of the case or the proofs is such that disclosure of the acts or proofs will endanger the reputation of others, provide opportunity for discord, or give rise to scandal or some other disadvantage, the judge can bind the witnesses, the experts, the parties, and their advocates or procurators by oath to observe secrecy.

**Can. 1456** - The judge and all officials of the tribunal are prohibited from accepting any gifts on the occasion of their acting in a trial.

**Can. 1457** - § 1. The competent authority can punish with fitting penalties, not excluding privation from office, judges who refuse to render a judgment when they are certainly and manifestly competent, who declare themselves competent with no supporting prescript of law and adjudicate and decide cases, who violate the law of secrecy, or who inflict some other damage on the litigants out of malice or grave negligence.

§ 2. The ministers and personnel of a tribunal are subject to these same sanctions if they fail in their office as described above; the judge

potest.

## CAPUT II. DE ORDINE COGNITIONUM

**Can. 1458** - Causae cognoscendae sunt eo ordine quo fuerunt propositae et in albo inscriptae, nisi ex iis aliqua celerem prae ceteris expeditionem exigat, quod quidem peculiari decreto, rationibus suffulto, statuendum est.

**Can. 1459** - § 1. Vitia, quibus sententiae nullitas haberi potest, in quolibet iudicii statu vel gradu excipi possunt itemque a iudice ex officio declarari.

§ 2. Praeter casus de quibus in § 1, exceptiones dilatoriae, eae praesertim quae respiciunt personas et modum iudicii, proponendae sunt ante contestationem litis, nisi contestata iam lite emergerint, et quam primum definiendae.

**Can. 1460** - § 1. Si exceptio proponatur contra iudicis competentiam, hac de re ipse iudex videre debet.

§ 2. In casu exceptionis de incompetencia relativa, si iudex se competentem pronuntiet, eius decisio non admittit appellationem, at non prohibentur querela nullitatis et restitutio in integrum.

§ 3. Quod si iudex se incompetentem declaret, pars quae se gravatam reputat, potest intra quindecim dies utiles provocare ad tribunal appellationis.

**Can. 1461** - Iudex in quovis stadio causae se absolute incompetentem agnoscens, suam incompetentiam declarare debet.

**Can. 1462** - § 1. Exceptiones rei iudicatae, transactionis et aliae peremptoriae quae dicuntur *litis finitae*, proponi et cognosci debent ante contestationem litis; qui serius eas opposuerit, non est reiciendus, sed condemnetur ad expensas, nisi probet se oppositionem malitiose non distulisse.

§ 2. Aliae exceptiones peremptoriae proponantur in contestatione litis, et suo tempore tractandae sunt secundum regulas circa quaestiones incidentes.

**Can. 1463** - § 1. Actiones reconventionales

can also punish all of them.

## Chapter II. The Order of Adjudication

**Can. 1458** - Cases are to be adjudicated in the order in which they were presented and inscribed in the register unless one of them requires speedier treatment than the others; this fact must be established through a special decree which gives the substantiating reasons.

**Can. 1459** - § 1. Defects which can render the sentence null can be introduced as exceptions at any stage or grade of the trial; the judge can likewise declare them ex officio.

§ 2. In addition to the cases mentioned in § 1, dilatory exceptions, especially those which regard the persons and the manner of the trial, must be proposed before the joinder of the issue unless they emerged after the issue was already joined; they must be decided as soon as possible.

**Can. 1460** - § 1. If an exception is proposed against the competence of the judge, that judge must deal with the matter.

§ 2. In the case of an exception of relative incompetence, if the judge finds for competence, the decision does not admit of appeal; a complaint of nullity and restitutio in integrum, however, are not prohibited.

§ 3. If the judge finds for incompetence, however, the party who feels injured can appeal to the appellate tribunal within fifteen useful days.

**Can. 1461** - A judge who becomes aware of being absolutely incompetent at any stage of the case must declare the incompetence.

**Can. 1462** - § 1. Exceptions of res iudicata, of agreement, and other peremptory exceptions which are called *litis finitae* must be proposed and adjudicated before the joinder of the issue. A person who proposes them later must not be rejected but is liable for expenses unless the person proves that the presentation was not delayed maliciously.

§ 2. Other peremptory exceptions are to be proposed during the joinder of the issue and must be treated at the proper time according to the rules for incidental questions.

**Can. 1463** - § 1. Counterclaims cannot be

proponi valide nequeunt, nisi intra triginta dies a lite contestata.

§ 2. Eaedem autem cognoscantur simul cum conventionali actione, hoc est pari gradu cum ea, nisi eas separatim cognoscere necessarium sit aut iudex id opportunius existimaverit.

**Can. 1464** - Quaestiones de cautione pro expensis iudicialibus praestanda aut de concessione gratuiti patrocinii, quod statim ab initio postulatum fuerit, et aliae huiusmodi regulariter videndae sunt ante litem contestationem.

### CAPUT III. DE TERMINIS ET DILATIONIBUS

**Can. 1465** - § 1. Fatalia legis quae dicuntur, id est termini perimendis iuribus lege constituti, prorogari non possunt, neque valide, nisi petentibus partibus, coarctari.

§ 2. Termini autem iudiciales et conventionales, ante eorum lapsum, poterunt, iusta intercedente causa, a iudice, auditis vel petentibus partibus, prorogari, numquam autem, nisi partibus consentientibus, valide coarctari.

§ 3. Caveat tamen iudex ne nimis diuturna lis fiat ex prorogatione.

**Can. 1466** - Ubi lex terminos haud statuat ad actus processuales peragendos, iudex illos praefinire debet, habita ratione naturae uniuscuiusque actus.

**Can. 1467** - Si die ad actum iudiciale indicto vacaverit tribunal, terminus intellegitur prorogatus ad primum sequentem diem non feriatum.

### CAPUT IV. DE LOCO IUDICII

**Can. 1468** - Uniuscuiusque tribunalis sedes sit, quantum fieri potest, stabilis, quae statutis horis pateat.

**Can. 1469** - § 1. Iudex e territorio suo vi expulsus vel a iurisdictione ibi exercenda impeditus, potest extra territorium iurisdictionem suam exercere et sententiam ferre, certiore tamen hac de re facto Episcopo dioecesano.

§ 2. Praeter casum de quo in § 1, iudex, ex

proposed validly except within thirty days from the joinder of the issue.

§ 2. They are to be adjudicated, however, along with the original action, that is, in the same grade with it unless it is necessary to adjudicate them separately or the judge considers it more opportune to do so.

**Can. 1464** - Questions concerning the provision for judicial expenses or a grant of gratuitous legal assistance which had been requested from the very beginning and other such questions as a rule must be dealt with before the joinder of the issue.

### Chapter III. Time Limits and Delays

**Can. 1465** - § 1. Fatalia legis, that is, the time limits established by law for extinguishing rights, cannot be extended nor validly shortened unless the parties request it.

§ 2. Before the judicial or conventional time limits lapse, however, the judge can extend them for a just cause after the parties have been heard or if they request it; the judge, however, can never shorten those limits validly unless the parties agree.

§ 3. Nevertheless, the judge is to take care that such an extension does not overly prolong the litigation.

**Can. 1466** - When the law in no way establishes time limits for completing procedural acts, the judge must define them after having taken into consideration the nature of each act.

**Can. 1467** - If the tribunal is closed on the day scheduled for a judicial act, the time limit is extended to the first day following which is not a holiday.

### Chapter IV. The Place of the Trial

**Can. 1468** - Insofar as possible, every tribunal is to be in an established location open during stated hours.

**Can. 1469** - § 1. A judge expelled by force from his territory or impeded from the exercise of jurisdiction there can exercise jurisdiction and render a sentence outside that territory; the diocesan bishop, however, is to be informed of this.

§ 2. In addition to the case mentioned in § 1, for

iusta causa et auditis partibus, potest ad probationes acquirendas etiam extra proprium territorium se conferre, de licentia tamen Episcopi dioecesanii loci adeundi et in sede ab eodem designata.

#### CAPUT V. DE PERSONIS IN AULAM ADMITTENDIS ET DE MODO CONFICIENDI ET CONSERVANDI ACTA

**Can. 1470** - § 1. Nisi aliter lex particularis caveat, dum causae coram tribunali aguntur, ii tantummodo adsint in aula quos lex aut iudex ad processum expediendum necessarios esse statuerit.

§ 2. Omnes iudicio assistentes, qui reverentiae et oboedientiae tribunali debitae graviter defuerint, iudex potest congruis poenis ad officium reducere, advocatos praeterea et procuratores etiam a munere apud tribunalia ecclesiastica exercendo suspendere.

**Can. 1471** - Si qua persona interroganda utatur lingua iudici vel partibus ignota, adhibeatur interpretes iuratus a iudice designatus. Declarationes tamen scripto redigantur lingua originaria et translatio addatur. Interpretes etiam adhibeatur si surdus vel mutus interrogari debet, nisi forte malit iudex quaestionibus a se datis scripto respondeatur.

**Can. 1472** - § 1. Acta iudicialia, tum quae meritum quaestionis respiciunt, seu acta causae, tum quae ad formam procedendi pertinent, seu acta processus, scripto redacta esse debent.

§ 2. Singula folia actorum numerentur et authenticitatis signo muniantur.

**Can. 1473** - Quoties in actis iudicialibus partium aut testium subscriptio requiritur, si pars aut testis subscribere nequeat vel nolit, id in ipsis actis adnotetur, simulque iudex et notarius fidem faciant actum ipsum de verbo ad verbum parti aut testi perlectum fuisse, et partem aut testem vel non potuisse vel noluisse subscribere.

**Can. 1474** - § 1. In casu appellationis, actorum exemplar, fide facta a notario de eius

a just cause and after having heard the parties, the judge can also go outside the territory to acquire proofs. This is to be done, however, with the permission of the diocesan bishop of the place where the judge goes and in the location designated by that bishop.

#### Chapter V. Persons to be Admitted to the Court and the Manner of Preparing and Keeping the Acts

**Can. 1470** - § 1. Unless particular law provides otherwise, while cases are being heard before the tribunal, only those persons are to be present in court whom the law or the judge has established as necessary to expedite the process.

§ 2. With appropriate penalties, the judge can call to task all those present at a trial who are gravely lacking in the respect and obedience due the tribunal; furthermore, the judge can also suspend advocates and procurators from the exercise of their function in ecclesiastical tribunals.

**Can. 1471** - If a person to be questioned speaks a language unknown to the judge or the parties, an interpreter designated by the judge and under oath is to be used. The statements, however, are to be put into writing in the original language and a translation added. An interpreter is also to be used if a speech or hearing impaired person must be questioned unless the judge may prefer the person to answer the questions in writing.

**Can. 1472** - § 1. The judicial acts, both the acts of the case, that is, those regarding the merit of the question, and the acts of the process, that is, those pertaining to the procedure, must be put in writing.

§ 2. The individual pages of the acts are to be numbered and authenticated.

**Can. 1473** - Whenever judicial acts require the signature of the parties or witnesses and the party or witness is unable or unwilling to sign, this is to be noted in the acts; the judge and the notary are also to attest that the act was read to the party or the witness verbatim and that the party or the witness was either not able or unwilling to sign.

**Can. 1474** - § 1. In the case of an appeal, a copy of the acts authenticated by the

authenticitate, ad tribunal superius mittatur.

§ 2. Si acta exarata fuerint lingua tribunali superiori ignota, transferantur in aliam eidem tribunali cognitam, cautelis adhibitis, ut de fideli translatione constet.

**Can. 1475** - § 1. Iudicio expleto, documenta quae in privatorum dominio sunt, restitui debent, retento tamen eorum exemplari.

§ 2. Notarii et cancellarius sine iudicis mandato tradere prohibentur exemplar actorum iudicialium et documentorum, quae sunt processui acquisita.

#### TITULUS IV. DE PARTIBUS IN CAUSA CAPUT I. DE ACTORE ET DE PARTE CONVENTA

**Can. 1476** - Quilibet, sive baptizatus sive non baptizatus, potest in iudicio agere; pars autem legitime conventa respondere debet.

**Can. 1477** - Licet actor vel pars conventa procuratorem vel advocatum constituerit, semper tamen tenetur in iudicio ipsemet adesse ad praescriptum iuris vel iudicis.

**Can. 1478** - § 1. Minores et ii, qui rationis usu destituti sunt, stare in iudicio tantummodo possunt per eorum parentes aut tutores vel curatores, salvo praescripto § 3.

§ 2. Si iudex existimet minorum iura esse in conflictu cum iuribus parentum vel tutorum vel curatorum, aut hos non satis tueri posse ipsorum iura, tunc stent in iudicio per tutorem vel curatorem a iudice datum.

§ 3. Sed in causis spiritualibus et cum spiritualibus conexas, si minores usum rationis assecuti sint, agere et respondere queunt sine parentum vel tutoris consensu, et quidem per se ipsi, si aetatem quattuordecim annorum expleverint; secus per curatorem a iudice constitutum.

§ 4. Bonis interdicti, et ii qui minus firmae mentis sunt, stare in iudicio per se ipsi possunt tantummodo ut de propriis delictis respondeant, aut ad praescriptum iudicis; in ceteris agere et

attestation of a notary is to be sent to the higher tribunal.

§ 2. If the acts were written in a language unknown to the higher tribunal, they are to be translated into one known to that tribunal, with due precautions taken that the translation is a faithful one.

**Can. 1475** - § 1. When the trial has been completed, documents which belong to private persons must be returned; a copy of them, however, is to be retained.

§ 2. Without a mandate of the judge, notaries and the chancellor are forbidden to furnish a copy of the judicial acts and documents acquired in the process.

#### Title IV. The Parties in a Case

##### Chapter I. The Petitioner and the Respondent

**Can. 1476** - Anyone, whether baptized or not, can bring action in a trial; however, a party legitimately summoned must respond.

**Can. 1477** - Even if the petitioner or respondent has appointed a procurator or advocate, they themselves are nevertheless always bound to be present at the trial according to the prescript of the law or of the judge.

**Can. 1478** - § 1. Minors and those who lack the use of reason can stand trial only through their parents, guardians, or curators, without prejudice to the prescript of § 3.

§ 2. If the judge thinks that the rights of minors are in conflict with the rights of the parents, guardians, or curators or that the latter cannot adequately protect the rights of the former, then the minors are to stand trial through a guardian or curator appointed by the judge.

§ 3. Nevertheless, in spiritual cases and those connected with spiritual matters, if the minors have attained the use of reason, they can petition and respond without the consent of their parents or guardian. They can do so personally if they have completed their fourteenth year of age; otherwise, they do so through the curator appointed by the judge.

§ 4. Those deprived of the administration of goods and those of diminished mental capacity can stand trial personally only to answer for their own delicts or at the order of the judge;

respondere debent per suos curatores.

**Can. 1479** - Quoties adest tutor aut curator ab auctoritate civili constitutus, idem potest a iudice ecclesiastico admitti, audito, si fieri potest, Episcopo dioecesano eius cui datus est; quod si non adsit aut non videatur admittendus, ipse iudex tutorem aut curatorem pro causa designabit.

**Can. 1480** - § 1. Personae iuridicae in iudicio stant per suos legitimos repraesentantes.

§ 2. In casu vero defectus vel negligentiae repraesentantis, potest ipse Ordinarius per se vel per alium stare in iudicio nomine personarum iuridicarum, quae sub eius potestate sunt.

## CAPUT II. DE PROCURATORIBUS AD LITES ET ADVOCATIS

**Can. 1481** - § 1. Pars libere potest advocatum et procuratorem sibi constituere; sed praeter casus in §§ 2 et 3 statutos, potest etiam per se ipsa agere et respondere, nisi iudex procuratoris vel advocati ministerium necessarium existimaverit.

§ 2. In iudicio poenali accusatus aut a se constitutum aut a iudice datum semper habere debet advocatum.

§ 3. In iudicio contentioso, si agatur de minoribus aut de iudicio in quo bonum publicum vertitur, exceptis causis matrimonialibus, iudex parti carenti defensorem ex officio constituat.

**Can. 1482** - § 1. Unicum sibi quisque potest constituere procuratorem, qui nequit alium sibimet substituere, nisi expressa facultas eidem facta fuerit.

§ 2. Quod si tamen, iusta causa suadente, plures ab eodem constituentur, hi ita designentur, ut detur inter ipsos locus praeventioni.

§ 3. Advocati autem plures simul constitui queunt.

**Can. 1483** - Procurator et advocatus esse debent aetate maiores et bonae famae; advocatus debet praeterea esse catholicus, nisi Episcopus dioecesanus aliter permittat, et

otherwise, they must petition and respond through their curators.

**Can. 1479** - Whenever a guardian or curator appointed by civil authority is present, the ecclesiastical judge can admit the guardian or curator after having heard, if possible, the diocesan bishop of the person to whom the guardian or curator was given; if the guardian or curator is not present or does not seem admissible, the judge will appoint a guardian or curator for the case.

**Can. 1480** - § 1. Juridic persons stand trial through their legitimate representatives.

§ 2. In a case of the lack of or negligence of the representative, however, the ordinary himself can stand trial personally or through another in the name of juridic persons subject to his authority.

## Chapter II. Procurators for Litigation and Advocates

**Can. 1481** - § 1. A party can freely appoint an advocate and procurator; except for the cases established in §§ 2 and 3, however, the party can also petition and respond personally unless the judge has decided that the services of a procurator or advocate are necessary.

§ 2. In a penal trial, the accused must always have an advocate either appointed personally or assigned by the judge.

§ 3. In a contentious trial which involves minors or in a trial which affects the public good, with the exception of marriage cases, the judge is to appoint ex officio a defender for a party who does not have one.

**Can. 1482** - § 1. A person can appoint only one procurator who cannot substitute another unless the procurator has been given the expressed faculty to do so.

§ 2. If a person appoints several procurators for a just cause, however, they are to be designated in such a way that prevention is operative among them.

§ 3. Nevertheless, several advocates can be appointed together.

**Can. 1483** - The procurator and advocate must have attained the age of majority and be of good reputation; moreover, the advocate must be a Catholic unless the diocesan bishop

doctor in iure canonico, vel alioquin vere peritus et ab eodem Episcopo approbatus.

**Can. 1484** - § 1. Procurator et advocatus antequam munus suscipiant, mandatum authenticum apud tribunal deponere debent.

§ 2. Ad iuris tamen extinctionem impediendam iudex potest procuratorem admittere etiam non exhibito mandato, praestita, si res ferat, idonea cautione; actus autem qualibet vi caret, si intra terminum peremptorium a iudice statuendum, procurator mandatum rite non exhibeat.

**Can. 1485** - Nisi speciale mandatum habuerit, procurator non potest valide renuntiare actioni, instantiae vel actis iudicialibus, nec transigere, pacisci, compromittere in arbitros et generatim ea agere pro quibus ius requirit mandatum speciale.

**Can. 1486** - § 1. Ut procuratoris vel advocati remotio effectum sortiatur, necesse est ipsis intimetur, et, si lis iam contestata fuerit, iudex et adversa pars certiores facti sint de remotione.

§ 2. Lata definitiva sententia, ius et officium appellandi, si mandans non renuat, procuratori manet.

**Can. 1487** - Tum procurator tum advocatus possunt a iudice, dato decreto, repelli sive ex officio sive ad instantiam partis, gravi tamen de causa.

**Can. 1488** - § 1. Vetatur uterque emere litem, aut sibi de immodico emolumento vel rei litigiosae parte vindicata pacisci. Quae si fecerint, nulla est pactio, et a iudice poterunt poena pecuniaria mulctari. Advocatus praeterea tum ab officio suspendi, tum etiam, si recidivus sit, ab Episcopo, qui tribunali praeest, ex albo advocatorum expungi potest.

§ 2. Eodem modo puniri possunt advocati et procuratores qui a competentibus tribunalibus causas, in fraudem legis, subtrahunt ut ab aliis favorabilius definiantur.

permits otherwise, a doctor in canon law or otherwise truly expert, and approved by the same bishop.

**Can. 1484** - § 1. Before the procurator and advocate undertake their function, they must present an authentic mandate to the tribunal.

§ 2. To prevent the extinction of a right, however, the judge can admit a procurator even if the mandate has not been presented, once a suitable guarantee has been furnished if the case warrants it; the act, however, lacks any force if the procurator does not correctly present the mandate within the peremptory time established by the judge.

**Can. 1485** - Without a special mandate, a procurator cannot validly renounce an action, an instance, or judicial acts nor come to an agreement, make a bargain, enter into arbitration, or in general do those things for which the law requires a special mandate.

**Can. 1486** - § 1. For the removal of a procurator or advocate to take effect, they must be informed; if the issue has already been joined, the judge and the opposing party must also be informed about the removal.

§ 2. After the definitive sentence has been issued, the right and duty to appeal, if the mandating person does not refuse, remains with the procurator.

**Can. 1487** - For a grave cause, the judge either ex officio or at the request of the party can remove the procurator and the advocate by decree.

**Can. 1488** - § 1. Both the procurator and the advocate are forbidden to resolve the litigation by bribery or to make an agreement for an excessive profit or for a share in the object in dispute. If they do so, the agreement is null, and the judge can fine them. Moreover, the bishop who presides over the tribunal can suspend the advocate from office and even remove him or her from the list of advocates if it happens again.

§ 2. Advocates and procurators can be punished in the same way if in deceit of the law they withdraw cases from competent tribunals so that the cases will be decided more favorably by other tribunals.

**Can. 1489** - Advocati ac procuratores qui ob dona aut pollicitationes aut quamlibet aliam rationem suum officium prodiderint, a patrocinio exercendo suspendantur, et mulcta pecuniaria aliisque congruis poenis plectantur.

**Can. 1490** - In unoquoque tribunali, quatenus fieri possit, stabiles patroni constituentur, ab ipso tribunali stipendium recipientes, qui munus advocati vel procuratoris in causis praesertim matrimonialibus pro partibus quae eos seligere malint, exercent.

## TITULUS V. DE ACTIONIBUS ET EXCEPTIONIBUS

### CAPUT I. DE ACTIONIBUS ET EXCEPTIONIBUS IN GENERE

**Can. 1491** - Quodlibet ius non solum actione munitur, nisi aliud expresse cautum sit, sed etiam exceptione.

**Can. 1492** - § 1. Quaevis actio extinguitur praescriptione ad normam iuris aliove legitimo modo, exceptis actionibus de statu personarum, quae numquam extinguuntur.

§ 2. Exceptio, salvo praescripto can. 1462, semper competit et est suapte natura perpetua.

**Can. 1493** - Actor pluribus simul actionibus, quae tamen inter se non confligant, sive de eadem re sive de diversis, aliquem convenire potest, si aditi tribunalis competentiam non egrediantur.

**Can. 1494** - § 1. Pars conventa potest coram eodem iudice in eodem iudicio contra actorem vel propter causae nexum cum actione principali vel ad submovendam vel ad minuendam actoris petitionem, actionem reconventionalem instituere.

§ 2. Reconventio reconventionis non admittitur.

**Can. 1495** - Actio reconventionalis proponenda est iudici coram quo actio prior instituta est, licet ad unam causam dumtaxat delegato vel alioquin relative incompetenti.

### CAPUT II. DE ACTIONIBUS ET

**Can. 1489** - Advocates and procurators who betray their office for gifts, promises, or any other reason are to be suspended from the exercise of legal assistance and punished with a fine or other suitable penalties.

**Can. 1490** - As far as possible, legal representatives are to be appointed in a stable manner in each tribunal, who receive a stipend from the tribunal and are to exercise, especially in marriage cases, the function of advocate or procurator on behalf of parties who wish to select them.

## Title V. Actions and Exceptions

### Chapter I. Actions and Exceptions in General

**Can. 1491** - Every right is protected not only by an action but also by an exception unless other provision is expressly made.

**Can. 1492** - § 1. Every action is extinguished by prescription according to the norm of law or by some other legitimate means, with the exception of actions concerning the status of persons, which are never extinguished.

§ 2. Without prejudice to the prescript of can. 1462, an exception is always available and is perpetual by its very nature.

**Can. 1493** - A petitioner can bring a person to trial with several actions at once, either concerning the same or different matters, so long as the actions do not conflict among themselves and do not exceed the competence of the tribunal approached.

**Can. 1494** - § 1. The respondent can file a counterclaim against the petitioner before the same judge in the same trial either because of the connection of the case with the principal action or to remove or diminish the claim of the petitioner.

§ 2. A counterclaim to a counterclaim is not allowed.

**Can. 1495** - The counterclaim must be presented to the judge before whom the first action was filed even if the judge was delegated for only one case or is otherwise relatively incompetent.

### Chapter II. Specific Actions and Exceptions



## EXCEPTIONIBUS IN SPECIE

**Can. 1496** - § 1. Qui probabilibus saltem argumentis ostenderit super aliqua re ab alio detenta ius se habere, sibi que damnum imminere nisi res ipsa custodienda tradatur, ius habet obtinendi a iudice eiusdem rei sequestrationem.

§ 2. In similibus rerum adiunctis obtinere potest, ut iuris exercitium alicui inhibeat.

**Can. 1497** - § 1. Ad crediti quoque securitatem sequestratio rei admittitur, dummodo de creditoris iure satis constet.

§ 2. Sequestratio extendi potest etiam ad res debitoris quae quolibet titulo apud alias personas reperiantur, et ad debitoris credita.

**Can. 1498** - Sequestratio rei et inhibitio exercitii iuris decerni nullatenus possunt, si damnum quod timetur possit aliter reparari et idonea cautio de eo reparando offeratur.

**Can. 1499** - Iudex potest ei, cui sequestrationem rei vel inhibitionem exercitii iuris concedit, praevidiam imponere cautionem de damnis, si ius suum non probaverit, resarciendis.

**Can. 1500** - Ad naturam et vim actionis possessoriae quod attinet, servantur praescripta iuris civilis loci ubi sita est res de cuius possessione agitur.

## PARS II. DE IUDICIO CONTENTIOSO

### SECTIO I. DE IUDICIO CONTENTIOSO ORDINARIO

#### TITULUS I. DE CAUSAE INTRODUCTIONE

##### CAPUT I. DE LIBELLO LITIS INTRODUCTORIO

**Can. 1501** - Iudex nullam causam cognoscere potest, nisi petitio, ad normam canonum, proposita sit ab eo cuius interest, vel a promotore iustitiae.

**Can. 1502** - Qui aliquem convenire vult, debet libellum competenti iudici exhibere, in quo controversiae obiectum proponatur, et ministerium iudicis expostuletur.

**Can. 1496** - § 1. A person, who through at least probable arguments has shown a right over something held by another and the threat of damage unless the thing is placed in safekeeping, has the right to obtain its sequestration from the judge.

§ 2. In similar circumstances, a person can obtain an order to restrain another from the exercise of a right.

**Can. 1497** - § 1. Sequestration of a thing is also allowed as security for a loan provided that the right of the creditor is sufficiently evident.

§ 2. Sequestration can also be extended to the goods of the debtor which are discovered in the possession of others under any title and to the loans of the debtor.

**Can. 1498** - Sequestration of a thing and restraint upon the exercise of a right can in no way be decreed if the harm which is feared can be repaired in another way and suitable security for its repair is offered.

**Can. 1499** - A judge who grants the sequestration of a thing or a restraint upon the exercise of a right can first impose an obligation upon the person to compensate for damages if that person's right is not proven.

**Can. 1500** - The prescripts of the civil law of the place where the object whose possession is in question is located are to be observed regarding the nature and force of a possessory action.

## Part II. THE CONTENTIOUS TRIAL

### Section I. The Ordinary Contentious Trial

#### Title I. The Introduction of the Case

##### Chapter I. The Introductory Libellus of Litigation

**Can. 1501** - A judge cannot adjudicate a case unless the party concerned or the promoter of justice has presented a petition according to the norm of the canons.

**Can. 1502** - A person who wishes to bring another to trial must present to a competent judge a libellus which sets forth the object of the controversy and requests the services of the judge.

**Can. 1503** - § 1. Petitionem oralem iudex admittere potest, quoties vel actor libellum exhibere impediatur vel causa sit facilis investigationis et minoris momenti.

§ 2. In utroque tamen casu iudex notarium iubeat scriptis actum redigere qui actori legendus est et ab eo probandus, quique locum tenet libelli ab actore scripti ad omnes iuris effectus.

**Can. 1504** - Libellus, quo lis introducitur, debet:

1° exprimere coram quo iudice causa introducatur, quid petatur et a quo petatur;

2° indicare quo iure innitatur actor et generatim saltem quibus factis et probationibus ad evincenda ea quae asseruntur;

3° subscribi ab actore vel eius procuratore, appositis die, mense et anno, necnon loco in quo actor vel eius procurator habitant, aut residere se dixerint actorum recipiendorum gratia;

4° indicare domicilium vel quasi-domicilium partis conventae.

**Can. 1505** - § 1. Iudex unicus vel tribunalis collegialis praeses, postquam viderint et rem esse suae competentiae et actori legitimam personam standi in iudicio non deesse, debent suo decreto quam primum libellum aut admittere aut reicere.

§ 2. Libellus reici potest tantum:

1° si iudex vel tribunal incompetens sit;

2° si sine dubio constet actori legitimam deesse personam standi in iudicio;

3° si non servata sint praescripta can. 1504, nn. 1-3;

4° si certo pateat ex ipso libello petitionem quolibet carere fundamento, neque fieri posse, ut aliquod ex processu fundamentum appareat.

§ 3. Si libellus reiectus fuerit ob vitia quae emendari possunt, actor novum libellum rite confectum potest eidem iudici denuo exhibere.

§ 4. Adversus libelli reiectionem integrum

**Can. 1503** - § 1. The judge can accept an oral petition whenever the petitioner is impeded from presenting a libellus or the case is easily investigated and of lesser importance.

§ 2. In either case, however, the judge is to order the notary to put the act into writing; the written record must be read to and approved by the petitioner and has all the legal effects of a libellus written by the petitioner.

**Can. 1504** - The libellus, which introduces litigation, must:

1° express the judge before whom the case is introduced, what is being sought and by whom it is being sought;

2° indicate the right upon which the petitioner bases the case and, at least generally, the facts and proofs which will prove the allegations;

3° be signed by the petitioner or the petitioner's procurator, indicating the day, month, and year, and the address where the petitioner or procurator lives or where they say they reside for the purpose of receiving the acts;

4° indicate the domicile or quasi-domicile of the respondent.

**Can. 1505** - § 1. When a single judge or the president of a collegiate tribunal has seen that the matter is within his competence and the petitioner does not lack legitimate personal standing in the trial, he must accept or reject the libellus as soon as possible by decree.

§ 2. A libellus can be rejected only:

1° if the judge or tribunal is incompetent;

2° if without doubt it is evident that the petitioner lacks legitimate personal standing in the trial;

3° if the prescripts of can. 1504, nn. 1-3 have not been observed;

4° if it is certainly clear from the libellus itself that the petition lacks any basis and that there is no possibility that any such basis will appear through a process.

§ 3. If the libellus has been rejected because of defects which can be corrected, the petitioner can resubmit a new, correctly prepared libellus to the same judge.

§ 4. A party is always free within ten available

semper est parti intra tempus utile decem dierum recursum rationibus suffultum interponere vel ad tribunal appellationis vel ad collegium, si libellus reiectus fuerit a praeside; quaestio autem reiectionis expeditissime definienda est.

**Can. 1506** - Si iudex intra mensem ab exhibitio libello decretum non ediderit, quo libellum admittit vel reicit ad normam can. 1505, pars, cuius interest, instare potest ut iudex suo munere fungatur; quod si nihilominus iudex sileat, inutiliter lapsis decem diebus a facta instantia, libellus pro admissio habeatur.

## CAPUT II. DE CITATIONE ET DENUNTIATIONE ACTORUM IUDICIALIUM

**Can. 1507** - § 1. In decreto, quo actoris libellus admittitur, debet iudex vel praeses ceteras partes in iudicium vocare seu citare ad litem contestandam, statuens utrum eae scripto respondere debeant an coram ipso se sistere ad dubia concordanda. Quod si ex scriptis responsionibus perspiciat necessitatem partes convocandi, id potest novo decreto statuere.

§ 2. Si libellus pro admissio habetur ad normam can. 1506, decretum citationis in iudicium fieri debet intra viginti dies a facta instantia, de qua in eo canone.

§ 3. Quod si partes litigantes de facto coram iudice se sistant ad causam agendam, opus non est citatione, sed actuarius significet in actis partes iudicio adfuisse.

**Can. 1508** - § 1. Decretum citationis in iudicium debet statim parti conventae notificari, et simul ceteris, qui comparere debent, notum fieri.

§ 2. Citationi libellus litis introductorius adiungatur, nisi iudex propter graves causas censeat libellum significandum non esse parti, antequam haec deposuerit in iudicio.

§ 3. Si lis moveatur adversus eum qui non habet liberum exercitium suorum iurium, vel liberam administrationem rerum de quibus disceptatur, citatio denuncianda est, prout casus ferat, tutori, curatori, procuratori speciali,

days to make recourse with substantiating reasons against the rejection of a libellus either to the appellate tribunal or to the college if the libellus was rejected by the presiding judge; the question of the rejection is to be decided as promptly as possible (expeditissime).

**Can. 1506** - If within a month from the presentation of the libellus the judge has not issued a decree which accepts or rejects the libellus according to the norm of can. 1505, the interested party can insist that the judge fulfill his function. If the judge takes no action within ten days from the request, then the libellus is to be considered as accepted.

## Chapter II. The Citation and Notification of Judicial Acts

**Can. 1507** - § 1. In the decree which accepts the libellus of the petitioner, the judge or the presiding judge must call the other parties to trial, that is, cite them to the joinder of the issue, establishing whether they must respond in writing or present themselves before the judge to come to agreement about the doubts. If from the written responses the judge perceives it necessary to convene the parties, the judge can establish that by a new decree.

§ 2. If the libellus is considered as accepted according to the norm of can. 1506, the decree of citation to the trial must be issued within twenty days from the request mentioned in that canon.

§ 3. If the litigating parties de facto present themselves before the judge to pursue the case, however, there is no need for a citation, but the notary is to note in the acts that the parties were present for the trial.

**Can. 1508** - § 1. The decree of citation to the trial must be communicated immediately to the respondent and at the same time to others who must appear.

§ 2. The libellus which introduces litigation is to be attached to the citation unless for grave causes the judge determines that the libellus must not be made known to the party before that party makes a deposition in the trial.

§ 3. If litigation is introduced against someone who does not have the free exercise of his or her rights or the free administration of the things in dispute, the citation must be communicated, as the case may be, to the

seu ei qui ipsius nomine iudicium suscipere tenetur ad normam iuris.

**Can. 1509** - § 1. Citationum, decretorum, sententiarum aliorumque iudicialium actorum notificatio facienda est per publicos tabellarios vel alio modo qui tutissimus sit, servatis normis lege particulari statutis.

§ 2. De facto notificationis et de eius modo constare debet in actis.

**Can. 1510** - Conventus, qui citatoriam schedam recipere recuset, vel qui impedit quominus citatio ad se perveniat, legitime citatus habeatur.

**Can. 1511** - Si citatio non fuerit legitime notificata, nulla sunt acta processus, salvo praescripto can. 1507, § 3.

**Can. 1512** - Cum citatio legitime notificata fuerit aut partes coram iudice steterint ad causam agendam:

1° res desinit esse integra;

2° causa fit propria illius iudicis aut tribunalis ceteroquin competentis, coram quo actio instituta est;

3° in iudice delegato firma redditur iurisdictio, ita ut non expiret resolutio iure delegantis;

4° interruptitur praescriptio, nisi aliud cautum sit;

5° lis pendere incipit; et ideo statim locum habet principium «lite pendente, nihil innovetur».

## TITULUS II. DE LITIS CONTESTATIONE

**Can. 1513** - § 1. Contestatio litis habetur cum per iudicis decretum controversiae termini, ex partium petitionibus et responsionibus desumpti, definiuntur.

§ 2. Partium petitiones responsionesque, praeterquam in libello litis introductorio, possunt vel in responsione ad citationem exprimi vel in declarationibus ore coram iudice factis; in causis autem difficilioribus partes convocandae

guardian, curator, or special procurator, that is, the one who is bound to undertake the trial in the name of that person according to the norm of law.

**Can. 1509** - § 1. The notification of citations, decrees, sentences, and other judicial acts must be made through the public postal services or by some other very secure method according to the norms established in particular law.

§ 2. The fact of notification and its method must be evident in the acts.

**Can. 1510** - A respondent who refuses to accept the document of citation or who prevents its delivery is considered to be legitimately cited.

**Can. 1511** - If the citation was not communicated legitimately, the acts of the process are null, without prejudice to the prescript of can. 1507, § 3.

**Can. 1512** - When the citation has been communicated legitimately or the parties have appeared before the judge to pursue the case:

1° the matter ceases to be res integra;

2° the case becomes proper to the otherwise competent judge or tribunal before which the action was initiated;

3° the jurisdiction of a delegated judge is fixed in such a way that it does not cease when the authority of the one delegating expires;

4° prescription is interrupted unless other provision is made;

5° the litigation begins to be pending; therefore, the principle while litigation is pending, nothing is to be altered immediately takes effect.

## Title II. The Joinder of the Issue

**Can. 1513** - § 1. The joinder of the issue (contestatio litis) occurs when the terms of the controversy, derived from the petitions and responses of the parties, are defined through a decree of the judge.

§ 2. The petitions and responses of the parties, besides those in the libellus which introduces the litigation, can be expressed either in a response to the citation or in the oral declarations made before the judge; in more

sunt a iudice ad dubium vel dubia concordanda, quibus in sententia respondendum sit.

§ 3. Decretum iudicis partibus notificandum est; quae nisi iam consenserint, possunt intra decem dies ad ipsum iudicem recurrere, ut mutetur; quaestio autem expeditissime ipsius iudicis decreto dirimenda est.

**Can. 1514** - Controversiae termini semel statuti mutari valide nequeunt, nisi novo decreto, ex gravi causa, ad instantiam partis et auditis reliquis partibus earumque rationibus perpensis.

**Can. 1515** - Lite contestata, possessor rei alienae desinit esse bonae fidei; ideoque, si damnatur ut rem restituat, fructus quoque a contestationis die reddere debet et damna sarcire.

**Can. 1516** - Lite contestata, iudex congruum tempus partibus praestituat probationibus proponendis et explendis.

### TITULUS III. DE LITIS INSTANTIA

**Can. 1517** - Instantiae initium fit citatione; finis autem non solum pronuntiatione sententiae definitivae, sed etiam aliis modis iure praefinitis.

**Can. 1518** - Si pars litigans moriatur aut statum mutet aut cesset ab officio cuius ratione agit:

1° causa nondum conclusa, instantia suspenditur donec heres defuncti aut successor aut is, cuius intersit, litem resumat;

2° causa conclusa, iudex procedere debet ad ulteriora, citato procuratore, si adsit, secus defuncti herede vel successore.

**Can. 1519** - § 1. Si a munere cesset tutor vel curator vel procurator, qui sit ad normam can. 1481, §§ 1 et 3 necessarius, instantia interim suspenditur.

difficult cases, however, the judge must convene the parties to resolve the doubt or doubts which must be answered in the sentence.

§ 3. The decree of the judge must be communicated to the parties; unless they have already agreed to the terms, the parties can make recourse to the judge within ten days in order to change them; a decree of the judge, however, must resolve the question as promptly as possible (expeditissime).

**Can. 1514** - Once established, the terms of the controversy cannot be changed validly except by a new decree, for a grave cause, at the request of a party, and after the other parties have been heard and their arguments considered.

**Can. 1515** - After the issue has been joined, the possessor of the property of another ceases to be in good faith; therefore, if the possessor is sentenced to restore the property, the person must also return the profits made from the day of the joinder and repair any damages.

**Can. 1516** - After the issue has been joined, the judge is to prescribe a suitable time for the parties to present and complete the proofs.

### Title III. The Trial of the Litigation

**Can. 1517** - A trial begins with the citation; it ends not only by the pronouncement of a definitive sentence but also by other methods defined by law.

**Can. 1518** - If the litigating party dies, changes status, or ceases from the office in virtue of which action is taken:

1° if the case has not yet been concluded, the trial is suspended until the heir of the deceased, the successor, or an interested party resumes the litigation;

2° if the case has been concluded, the judge must proceed to the additional acts, after having cited the procurator, if there is one, or otherwise the heir of the deceased or the successor.

**Can. 1519** - § 1. If the guardian, curator, or procurator who is necessary according to the norm of can. 1481, §§ 1 and 3 ceases from that function, the trial is suspended in the

§ 2. Alium autem tutorem vel curatorem iudex quam primum constituat; procuratorem vero ad litem constituere potest, si pars neglexerit intra brevem terminum ab ipso iudice statutum.

**Can. 1520** - Si nullus actus processualis, nullo obstante impedimento, ponatur a partibus per sex menses, instantia perimitur. Lex particularis alios peremptionis terminos statuere potest.

**Can. 1521** - Peremptio obtinet ipso iure et adversus omnes, minores quoque aliosve minoribus aequiparatos, atque etiam ex officio declarari debet, salvo iure petendi indemnitate adversus tutores, curatores, administratores, procuratores, qui culpa se caruisse non probaverint.

**Can. 1522** - Peremptio extinguit acta processus, non vero acta causae; immo haec vim habere possunt etiam in alia instantia, dummodo causa inter easdem personas et super eadem re intercedat; sed ad extraneos quod attinet, non aliam vim obtinent nisi documentorum.

**Can. 1523** - Perempti iudicii expensas, quas quisque ex litigantibus fecerit, ipse ferat.

**Can. 1524** - § 1. In quolibet statu et gradu iudicii potest actor instantiae renuntiare; item tum actor tum pars conventa possunt processus actis renuntiare sive omnibus sive nonnullis tantum.

§ 2. Tutores et administratores personarum iuridicarum, ut renuntiare possint instantiae, egent consilio vel consensu eorum, quorum concursus requiritur ad ponendos actus, qui ordinariae administrationis fines excedunt.

§ 3. Renuntiatio, ut valeat, peragenda est scripto, eademque a parte vel ab eius procuratore, speciali tamen mandato munito, debet subscribi, cum altera parte communicari, ab eaque acceptari vel saltem non impugnari, et a iudice admitti.

**Can. 1525** - Renuntiatio a iudice admissa, pro actis quibus renuntiatum est, eosdem parit effectus ac peremptio instantiae, itemque obligat renuntiantem ad solvendas expensas actorum, quibus renuntiatum fuit.

meantime.

§ 2. The judge, however, is to appoint another guardian or curator as soon as possible; the judge can appoint a procurator for the litigation if the party has neglected to do so within the brief time period established by the judge.

**Can. 1520** - If the parties, without any impediment, propose no procedural act for six months, the trial is abated. Particular law can establish other terms of abatement.

**Can. 1521** - Abatement takes effect by the law itself against all persons, including minors or those equivalent to minors, and must be declared ex officio, without prejudice to the right of seeking indemnity against guardians, curators, administrators, or procurators, who have not proved that they were not negligent.

**Can. 1522** - Abatement extinguishes the acts of the process but not the acts of the case; indeed these acts can also have force in another trial provided that the case involves the same persons and the same issue; regarding those not party to the case, however, the acts have no force other than that of documents.

**Can. 1523** - Each litigant is to bear the expenses of the abated trial which that litigant has incurred.

**Can. 1524** - § 1. The petitioner can renounce the trial at any stage or grade of the trial; likewise both the petitioner and the respondent can renounce either all or only some of the acts of the process.

§ 2. To renounce a trial, guardians and administrators of juridic persons need the counsel or consent of those whose involvement is required to place acts which exceed the limits of ordinary administration.

§ 3. To be valid, a renunciation must be written and signed by the party or by a procurator of the party who has a special mandate to do so; it must be communicated to the other party, accepted or at least not challenged by that party, and accepted by the judge.

**Can. 1525** - A renunciation accepted by the judge has the same effects for the acts renounced as the abatement of the trial; it also obliges the renouncing party to pay the expenses for the acts renounced.

#### TITULUS IV. DE PROBATIONIBUS

**Can. 1526** - § 1. Onus probandi incumbit ei qui asserit.

§ 2. Non indigent probatione:

1° quae ab ipsa lege praesumuntur;

2° facta ab uno ex contendentibus asserta et ab altero admissa, nisi iure vel a iudice probatio nihilominus exigatur.

**Can. 1527** - § 1. Probationes cuiuslibet generis, quae ad causam cognoscendam utiles videantur et sint licitae, adduci possunt.

§ 2. Si pars instet ut probatio a iudice reiecta admittatur, ipse iudex rem expeditissime definiat.

**Can. 1528** - Si pars vel testis se sistere ad respondendum coram iudice renuat, licet eos audire etiam per laicum a iudice designatum aut requirere eorum declarationem coram publico notario vel quovis alio legitimo modo.

**Can. 1529** - Iudex ad probationes colligendas ne procedat ante litis contestationem nisi ob gravem causam.

#### CAPUT I. DE PARTIUM DECLARATIONIBUS

**Can. 1530** - Iudex ad veritatem aptius eruendam partes interrogare semper potest, immo debet, ad instantiam partis vel ad probandum factum quod publice interest extra dubium poni.

**Can. 1531** - § 1. Pars legitime interrogata respondere debet et veritatem integre fateri.

§ 2. Quod si respondere recusaverit, iudicis est aestimare quid ad factorum probationem exinde erui possit.

**Can. 1532** - In casibus, in quibus bonum publicum in causa est, iudex partibus iusiurandum de veritate dicenda aut saltem de veritate dictorum deferat, nisi gravis causa aliud suadeat; in aliis casibus, potest pro sua prudentia.

**Can. 1533** - Partes, promotor iustitiae et defensor vinculi possunt iudici exhibere articulos, super quibus pars interrogetur.

#### Title IV. Proofs

**Can. 1526** - § 1. The burden of proof rests upon the person who makes the allegation.

§ 2. The following do not need proof:

1° matters presumed by the law itself;

2° facts alleged by one of the contending parties and admitted by the other unless the law or the judge nevertheless requires proof.

**Can. 1527** - § 1. Proofs of any kind which seem useful for adjudicating the case and are licit can be brought forward.

§ 2. If a party insists that a proof rejected by a judge be accepted, the judge is to decide the matter as promptly as possible (expeditissime).

**Can. 1528** - If a party or a witness refuses to appear before the judge to testify, it is permissible to hear them through a lay person designated by the judge or to require of them a declaration either before a notary public or in any other legitimate manner.

**Can. 1529** - Except for a grave cause, the judge is not to proceed to collect the proofs before the joinder of the issue.

#### Chapter I. The Declarations of the Parties

**Can. 1530** - The judge can always question the parties to draw out the truth more effectively and indeed must do so at the request of a party or to prove a fact which the public interest requires to be placed beyond doubt.

**Can. 1531** - § 1. A party legitimately questioned must respond and must tell the whole truth.

§ 2. If a party refuses to respond, it is for the judge to decide what can be inferred from that refusal concerning the proof of the facts.

**Can. 1532** - In cases where the public good is at stake, the judge is to administer an oath to the parties to tell the truth or at least to confirm the truth of what they have said unless a grave cause suggests otherwise; the same can be done in other cases according to the judge's own prudence.

**Can. 1533** - The parties, the promoter of justice, and the defender of the bond can present the judge with items about which the party is to be questioned.

**Can. 1534** - Circa partium interrogationem cum proportione servantur, quae in cann. 1548, § 2, n. 1, 1552 et 1558-1565 de testibus statuuntur.

**Can. 1535** - Assertio de aliquo facto, scripto vel ore, coram iudice competenti, ab aliqua parte circa ipsam iudicii materiam, sive sponte sive iudice interrogante, contra se peracta, est confessio iudicialis.

**Can. 1536** - § 1. Confessio iudicialis unius partis, si agatur de negotio aliquo privato et in causa non sit bonum publicum, ceteras relevat ab onere probandi.

§ 2. In causis autem quae respiciunt bonum publicum, confessio iudicialis et partium declarationes, quae non sint confessiones, vim probandi habere possunt, a iudice aestimandam una cum ceteris causae adiunctis, at vis plenae probationis ipsis tribui nequit, nisi alia accedant elementa quae eas omnino corroborent.

**Can. 1537** - Quoad extraiudicialem confessionem in iudicium deductam, iudicis est, perpensis omnibus adiunctis, aestimare quanti ea sit facienda.

**Can. 1538** - Confessio vel alia quaevis partis declaratio qualibet vi caret, si constet eam ex errore facti esse prolatam, aut vi vel metu gravi extortam.

## CAPUT II. DE PROBATIONE PER DOCUMENTA

**Can. 1539** - In quolibet iudicii genere admittitur probatio per documenta tum publica tum privata.

### Art. 1. DE NATURA ET FIDE DOCUMENTORUM

**Can. 1540** - § 1. Documenta publica ecclesiastica ea sunt, quae persona publica in exercitio sui muneris in Ecclesia confecit, servatis sollemnitatibus iure praescriptis.

§ 2. Documenta publica civilia ea sunt, quae secundum uniuscuiusque loci leges talia iure censentur.

§ 3. Cetera documenta sunt privata.

**Can. 1534** - The provisions of cann. 1548, § 2, n. 1, 1552, and 1558-1565 concerning witnesses are to be observed to the extent possible when questioning the parties.

**Can. 1535** - A judicial confession is the written or oral assertion of some fact against oneself before a competent judge by any party concerning the matter of the trial, whether made spontaneously or while being questioned by the judge.

**Can. 1536** - § 1. The judicial confession of one party relieves the other parties from the burden of proof if it concerns some private matter and the public good is not at stake.

§ 2. In cases which regard the public good, however, a judicial confession and declarations of the parties which are not confessions can have a probative force which the judge must evaluate together with the other circumstances of the case; the force of full proof cannot be attributed to them, however, unless other elements are present which thoroughly corroborate them.

**Can. 1537** - After considering all the circumstances, it is for the judge to decide how much value must be accorded an extrajudicial confession introduced into the trial.

**Can. 1538** - A confession or any other declaration of a party lacks any force if it is shown that it was made due to an error of fact or extorted by force or grave fear.

## Chapter II. Proof Through Documents

**Can. 1539** - In any kind of trial, proof by means of both public and private documents is allowed.

### Art. 1. The Nature and Trustworthiness of Documents

**Can. 1540** - § 1. Public ecclesiastical documents are those which a public person has drawn up in the exercise of that person's function in the Church, after the solemnities prescribed by law have been observed.

§ 2. Public civil documents are those which the laws of each place consider to be such.

§ 3. Other documents are private.



**Can. 1541** - Nisi contrariis et evidentibus argumentis aliud evincatur, documenta publica fidem faciunt de omnibus quae directe et principaliter in iis affirmantur.

**Can. 1542** - Documentum privatum, sive agnitum a parte sive recognitum a iudice, eandem probandi vim habet adversus auctorem vel subscriptorem et causam ab iis habentes, ac confessio extra iudicium facta; adversus extraneos eandem vim habet ac partium declarationes quae non sint confessiones, ad normam can. 1536, § 2.

**Can. 1543** - Si abrasa, correcta, interpolata aliove vitio documenta infecta demonstrantur, iudicis est aestimare an et quanti huiusmodi documenta sint facienda.

#### Art. 2. DE PRODUCTIONE DOCUMENTORUM

**Can. 1544** - Documenta vim probandi in iudicio non habent, nisi originalia sint aut in exemplari authentico exhibita et penes tribunalis cancellariam deposita, ut a iudice et ab adversario examinari possint.

**Can. 1545** - Iudex praecipere potest ut documentum utrique parti commune exhibeatur in processu.

**Can. 1546** - § 1. Nemo exhibere tenetur documenta, etsi communia, quae communicari nequeunt sine periculo damni ad normam can. 1548, § 2, n. 2 aut sine periculo violationis secreti servandi.

§ 2. Attamen si qua saltem documenti particula describi possit et in exemplari exhiberi sine memoratis incommodis, iudex decernere potest ut eadem producat.

#### CAPUT III. DE TESTIBUS ET ATTESTATIONIBUS

**Can. 1547** - Probatio per testes in quibuslibet causis admittitur, sub iudicis moderatione.

**Can. 1548** - § 1. Testes iudici legitime interroganti veritatem fateri debent.

§ 2. Salvo praescripto can. 1550, § 2, n. 2, ab obligatione respondendi eximuntur:

**Can. 1541** - Unless contrary and evident arguments prove otherwise, public documents are to be trusted concerning everything which they directly and principally affirm.

**Can. 1542** - A private document, whether acknowledged by a party or approved by the judge, has the same force of proof against the author or signatory and those deriving a case from them as an extrajudicial confession. It has the same force against those who are not parties to the case as declarations of the parties which are not confessions, according to the norm of can. 1536, § 2.

**Can. 1543** - If the documents are shown to have been erased, emended, falsified, or otherwise defective, it is for the judge to decide what value, if any, must be afforded them.

#### Art. 2. The Presentation of Documents

**Can. 1544** - Documents do not have probative force in a trial unless they are originals or authentic copies and deposited at the tribunal chancery so that the judge and the opposing party can examine them.

**Can. 1545** - The judge can order a document common to both parties to be presented in the process.

**Can. 1546** - § 1. Even if documents are common, no one is bound to present those which cannot be communicated without danger of harm according to the norm of can. 1548, § 2, n. 2 or without danger of violating an obligation to observe secrecy.

§ 2. Nonetheless, if at least some small part of a document can be transcribed and presented in copy without the above-mentioned disadvantages, the judge can decree that it be produced.

#### Chapter III. Witnesses and Testimonies

**Can. 1547** - Proof by means of witnesses is allowed under the direction of the judge in cases of any kind.

**Can. 1548** - § 1. When the judge questions witnesses legitimately, they must tell the truth.

§ 2. Without prejudice to the prescript of can. 1550, § 2, n. 2, the following are exempted from the obligation to respond:

1° clerici, quod attinet ad ea quae ipsis manifestata sunt ratione sacri ministerii; civitatum magistratus, medici, obstetrices, advocati, notarii alique qui ad secretum officii etiam ratione praestiti consilii tenentur, quod attinet ad negotia huic secreto obnoxia;

2° qui ex testificatione sua sibi aut coniugi aut proximis consanguineis vel affinibus infamiam, periculosas vexationes, aliave mala gravia obventura timent.

#### Art. 1. QUI TESTES ESSE POSSUNT

**Can. 1549** - Omnes possunt esse testes, nisi expresse iure repellantur vel in totum vel ex parte.

**Can. 1550** - § 1. Ne admittantur ad testimonium ferendum minores infra decimum quartum aetatis annum et mente debiles; audiri tamen poterunt ex decreto iudicis, quo id expedire declaretur.

#### § 2. Incapaces habentur:

1° qui partes sunt in causa, aut partium nomine in iudicio consistunt, iudex eiusve assistentes, advocatus alique qui partibus in eadem causa assistunt vel astiterunt;

2° sacerdotes, quod attinet ad ea omnia quae ipsis ex confessione sacramentali innotuerunt, etsi poenitens eorum manifestationem petierit; immo audita a quovis et quoquo modo occasione confessionis, ne ut indicium quidem veritatis recipi possunt.

#### Art. 2. DE INDUCENDIS ET EXCLUDENDIS TESTIBUS

**Can. 1551** - Pars, quae testem induxit, potest eius examini renuntiare; sed adversa pars postulare potest ut nihilominus testis examinetur.

**Can. 1552** - § 1. Cum probatio per testes postulatur, eorum nomina et domicilium tribunali indicentur.

§ 2. Exhibeantur, intra terminum a iudice praestitutum, articuli argumentorum super quibus petitur testium interrogatio; alioquin petitio censeatur deserta.

1° clerics regarding what has been made known to them by reason of sacred ministry; civil officials, physicians, midwives, advocates, notaries, and others bound by professional secrecy even by reason of having given advice, regarding those matters subject to this secrecy;

2° those who fear that from their own testimony ill repute, dangerous hardships, or other grave evils will befall them, their spouses, or persons related to them by consanguinity or affinity.

#### Art. 1. Those Who Can Be Witnesses

**Can. 1549** - All persons can be witnesses unless the law expressly excludes them in whole or in part.

**Can. 1550** - § 1. Minors below the fourteenth year of age and those of limited mental capacity are not allowed to give testimony; they can, however, be heard by a decree of the judge which declares such a hearing expedient.

#### § 2. The following are considered incapable:

1° the parties in the case or those who stand for the parties at the trial, the judge and the judge's assistants, the advocate, and others who assist or have assisted the parties in the same case;

2° priests regarding all matters which they have come to know from sacramental confession even if the penitent seeks their disclosure; moreover, matters heard by anyone and in any way on the occasion of confession cannot be accepted even as an indication of the truth.

#### Art. 2. The Introduction and Exclusion of Witnesses

**Can. 1551** - The party who has introduced a witness can renounce the examination of that witness; the opposing party, however, can request that the witness be examined nevertheless.

**Can. 1552** - § 1. When proof through witnesses is requested, their names and domicile are to be communicated to the tribunal.

§ 2. The items of discussion about which questioning of the witnesses is sought are to be presented within the time period set by the judge; otherwise, the request is to be considered as abandoned.

**Can. 1553** - Iudicis est nimiam multitudinem testium refrenare.

**Can. 1554** - Antequam testes examinentur, eorum nomina cum partibus communicentur; quod si id, prudenti iudicis existimatione, fieri sine gravi difficultate nequeat, saltem ante testimoniorum publicationem fiat.

**Can. 1555** - Firmo praescripto can. 1550, pars petere potest ut testis excludatur, si iusta exclusionis causa demonstretur ante testis excussionem.

**Can. 1556** - Citatio testis fit decreto iudicis testi legitime notificato.

**Can. 1557** - Testis rite citatus pareat aut causam suae absentiae iudici notam faciat.

### Art. 3. DE TESTIUM EXAMINE

**Can. 1558** - § 1. Testes sunt examini subiciendi in ipsa tribunalis sede, nisi aliud iudici videatur.

§ 2. Cardinales, Patriarchae, Episcopi et ii qui, suae civitatis iure, simili favore gaudent, audiantur in loco ab ipsis selecto.

§ 3. Iudex decernat ubi audiendi sint ii, quibus propter distantiam, morbum aliudve impedimentum impossibile vel difficile sit tribunalis sedem adire, firmis praescriptis cann. 1418 et 1469, § 2.

**Can. 1559** - Examini testium partes assistere nequeunt, nisi iudex, praesertim cum res est de bono privato, eas admittendas censuerit. Assistere tamen possunt earum advocati vel procuratores, nisi iudex propter rerum et personarum adiuncta censuerit secreto esse procedendum.

**Can. 1560** - § 1. Testes seorsim singuli examinandi sunt.

§ 2. Si testes inter se aut cum parte in re gravi dissentiant, iudex discrepantes inter se conferre seu comparare potest, remotis, quantum fieri poterit, dissidiis et scandalo.

**Can. 1561** - Examen testis fit a iudice, vel ab

**Can. 1553** - It is for the judge to curb an excessive number of witnesses.

**Can. 1554** - Before the witnesses are examined, their names are to be communicated to the parties; if in the prudent judgment of the judge, however, that cannot be done without grave difficulty, it is to be done at least before the publication of the testimonies.

**Can. 1555** - Without prejudice to the prescript of can. 1550, a party can request the exclusion of a witness if a just cause for the exclusion is shown before the questioning of the witness.

**Can. 1556** - The citation of a witness occurs through a decree of the judge legitimately communicated to the witness.

**Can. 1557** - A witness who has been cited properly is to appear or to inform the judge of the reason for the absence.

### Art. 3. The Examination of Witnesses

**Can. 1558** - § 1. Witnesses must be examined at the tribunal unless the judge deems otherwise.

§ 2. Cardinals, patriarchs, bishops, and those who possess a similar favor by civil law are to be heard in the place they select.

§ 3. The judge is to decide where to hear those for whom it is impossible or difficult to come to the tribunal because of distance, sickness, or some impediment, without prejudice to the prescripts of cann. 1418 and 1469, § 2.

**Can. 1559** - The parties cannot be present at the examination of the witnesses unless the judge has decided to admit them, especially when the matter concerns a private good. Their advocates or procurators, however, can be present unless the judge has decided that the examination must proceed in secret due to the circumstances of the matters and persons.

**Can. 1560** - § 1. Each witness must be examined separately.

§ 2. If witnesses disagree among themselves or with a party in a grave matter, the judge, after having removed discord and scandal insofar as possible, can have those who disagree meet together or confront one another.

**Can. 1561** - The judge, the judge's delegate,

eius delegato aut auditore, cui assistat oportet notarius; quapropter partes, vel promotor iustitiae, vel defensor vinculi, vel advocati qui examini intersint, si alias interrogationes testi faciendas habeant, has non testi, sed iudici vel eius locum tenenti proponant, ut eas ipse deferat, nisi aliter lex particularis caveat.

**Can. 1562** - § 1. Iudex testi in mentem revocet gravem obligationem dicendi totam et solam veritatem.

§ 2. Iudex testi deferat iuramentum iuxta can. 1532; quod si testis renuat illud emittere, iniuratus audiatur.

**Can. 1563** - Iudex imprimis testis identitatem comprobet; exquirat quaenam sit ipsi cum partibus necessitudo et, cum ipsi interrogationes specificas circa causam defert, sciscitetur quoque fontes eius scientiae et quo definito tempore ea, quae asserit, cognoverit.

**Can. 1564** - Interrogationes breves sunt, interrogandi captui accommodatae, non plura simul complectentes, non captiosae, non subdolae, non suggerentes responsionem, remotae a cuiusvis offensione et pertinentes ad causam quae agitur.

**Can. 1565** - § 1. Interrogationes non sunt cum testibus antea communicandae.

§ 2. Attamen si ea quae testificanda sunt ita a memoria sint remota, ut nisi prius recolantur certo affirmari nequeant, poterit iudex nonnulla testem praemonere, si id sine periculo fieri posse censeat.

**Can. 1566** - Testes ore testimonium dicant, et scriptum ne legant, nisi de calculo et rationibus agatur; hoc enim in casu, adnotationes, quas secum attulerint, consulere poterunt.

**Can. 1567** - § 1. Responsio statim redigenda est scripto a notario et referre debet ipsa editi testimonii verba, saltem quod attinet ad ea

or an auditor examines the witness; the examiner must have the assistance of a notary. Consequently, if the parties, the promoter of justice, the defender of the bond, or the advocates present at the examination have any questions to be put to the witness, they are to propose them not to the witness but to the judge or the one who takes the place of the judge, who is to ask the questions, unless particular law provides otherwise.

**Can. 1562** - § 1. The judge is to call to the attention of the witness the grave obligation to speak the whole truth and only the truth.

§ 2. The judge is to administer an oath to the witness according to can. 1532; a witness who refuses to take it, however, is to be heard without the oath.

**Can. 1563** - The judge is first of all to establish the identity of the witness, then ask what relationship the witness has with the parties, and, when addressing specific questions to the witness concerning the case, also inquire about the sources of his or her knowledge and the precise time when the witness learned what he or she asserts.

**Can. 1564** - The questions are to be brief, accommodated to the mental capacity of the person being questioned, not comprised of several points at the same time, not deceitful or deceptive or suggestive of a response, free from any kind of offense, and pertinent to the case being tried.

**Can. 1565** - § 1. Questions must not be communicated to the witnesses beforehand.

§ 2. Nonetheless, if the matters about which testimony must be given are so remote to memory that they cannot be affirmed with certainty unless previously recalled, the judge can advise the witness beforehand on some matters if the judge thinks this can be done without danger.

**Can. 1566** - Witnesses are to give testimony orally and are not to read written materials unless they are computations and accounts; in this case, they can consult the notes which they brought with them.

**Can. 1567** - § 1. The notary is to write down the response immediately and must report the exact words of the testimony given, at least in

quae iudicii materiam directe attingunt.

§ 2. Admitti potest usus machinae magnetophonicae, dummodo dein responsiones scripto consignentur et subscribantur, si fieri potest, a deponentibus.

**Can. 1568** - Notarius in actis mentionem faciat de praestito, remisso aut recusato iureiurando, de partium aliorumque praesentia, de interrogationibus ex officio additis et generatim de omnibus memoria dignis quae forte acciderint, cum testes excutiebantur.

**Can. 1569** - § 1. In fine examinis, testi legi debent quae notarius de eius depositione scripto redegit, vel ipsi audita facere quae ope magnetophonii de eius depositione incisa sunt, data eidem testi facultate addendi, supprimendi, corrigendi, variandi.

§ 2. Denique actui subscribere debent testis, iudex et notarius.

**Can. 1570** - Testes, quamvis iam excussi, poterunt parte postulante aut ex officio, antequam acta seu testificationes publici iuris fiant, denuo ad examen vocari, si iudex id necessarium vel utile ducat, dummodo collusionis vel corruptelae quodvis absit periculum.

**Can. 1571** - Testibus, iuxta aequam iudicis taxationem, refundi debent tum expensae, quas fecerint, tum lucrum, quod amiserint, testificationis reddendae causa.

#### Art. 4. DE TESTIMONIORUM FIDE

**Can. 1572** - In aestimandis testimoniis iudex, requisitis, si opus sit, testimonialibus litteris, consideret:

1° quae condicio sit personae, quaeve honestas;

2° utrum de scientia propria, praesertim de visu et auditu proprio testificetur, an de sua opinione, de fama, aut de auditu ab aliis;

3° utrum testis constans sit et firmiter sibi cohaereat, an varius, incertus vel vacillans;

what pertains to those points which touch directly upon the material of the trial.

§ 2. The use of a tape recorder can be allowed, provided that the responses are afterwards transcribed and, if possible, signed by the deponents.

**Can. 1568** - The notary is to make mention in the acts of whether the oath was taken, excused, or refused, of the presence of the parties and other persons, of the questions added ex officio, and in general of everything worth remembering which may have occurred while the witnesses were being examined.

**Can. 1569** - § 1. At the end of the examination, what the notary has written down from the deposition must be read to the witness, or what has been recorded with the tape recorder during the deposition must be played, giving the witness the opportunity to add, suppress, correct, or change it.

§ 2. Finally, the witness, the judge, and the notary must sign the acts.

**Can. 1570** - Although already examined, witnesses can be recalled for examination before the acts or testimonies are published, either at the request of a party or ex officio, if the judge decides it is necessary or useful, provided that there is no danger of collusion or corruption.

**Can. 1571** - Both the expenses which the witnesses incurred and the income which they lost by giving testimony must be reimbursed to them according to the just assessment of the judge.

#### Art. 4. The Trustworthiness of Testimonies

**Can. 1572** - In evaluating testimony, the judge, after having requested testimonial letters if necessary, is to consider the following:

1° what the condition or reputation of the person is;

2° whether the testimony derives from personal knowledge, especially from what has been seen or heard personally, or whether from opinion, rumor, or hearsay;

3° whether the witness is reliable and firmly consistent or inconsistent, uncertain, or vacillating;

4° utrum testimonii contestes habeat, aliisve probationis elementis confirmetur necne.

**Can. 1573** - Unius testis depositio plenam fidem facere non potest, nisi agatur de teste qualificato qui deponat de rebus ex officio gestis, aut rerum et personarum adiuncta aliud suadeant.

#### CAPUT IV. DE PERITIS

**Can. 1574** - Peritorum opera utendum est quoties ex iuris vel iudicis praescripto eorum examen et votum, praeceptis artis vel scientiae innixum, requiruntur ad factum aliquod comprobandum vel ad veram alicuius rei naturam dignoscendam.

**Can. 1575** - Iudicis est peritos nominare, auditis vel proponentibus partibus, aut, si casus ferat, relationes ab aliis peritis iam factas assumere.

**Can. 1576** - Eisdem ob causas quibus testis, etiam periti excluduntur aut recusari possunt.

**Can. 1577** - § 1. Iudex, attentis iis quae a litigantibus forte deducantur, singula capita decreto suo definiat circa quae periti opera versari debeat.

§ 2. Perito remittenda sunt acta causae aliaque documenta et subsidia quibus egere potest ad suum munus rite et fideliter exsequendum.

§ 3. Iudex, ipso perito audito, tempus praefiniat intra quod examen perficiendum est et relatio proferenda.

**Can. 1578** - § 1. Periti suam quisque relationem a ceteris distinctam conficiant, nisi iudex unam a singulis subscribendam fieri iubeat: quod si fiat, sententiarum discrimina, si qua fuerint, diligenter adnotentur.

§ 2. Periti debent indicare perspicue quibus documentis vel aliis idoneis modis certiores facti sint de personarum vel rerum vel locorum identitate, qua via et ratione processerint in explendo munere sibi demandato et quibus potissimum argumentis suae conclusiones nitantur.

4° whether the witness has co-witnesses to the testimony or is supported or not by other elements of proof.

**Can. 1573** - The testimony of one witness cannot produce full proof unless it concerns a qualified witness making a deposition concerning matters done ex officio, or unless the circumstances of things and persons suggest otherwise.

#### Chapter IV. Experts

**Can. 1574** - The assistance of experts must be used whenever the prescript of a law or of the judge requires their examination and opinion based on the precepts of art or science in order to establish some fact or to discern the true nature of some matter.

**Can. 1575** - After having heard the parties and their suggestions, it is for the judge to appoint the experts or, if the case warrants, to accept reports already drawn up by other experts.

**Can. 1576** - Experts are excluded or can be objected to for the same reasons as a witness.

**Can. 1577** - § 1. Attentive to what the litigants may bring forward, the judge is to determine in a decree the individual items upon which the services of the expert must focus.

§ 2. The acts of the case and other documents and aids which the expert can need to fulfill his or her function correctly and faithfully must be turned over to the expert.

§ 3. After having heard the expert, the judge is to determine the time within which the expert must complete the examination and produce the report.

**Can. 1578** - § 1. Each of the experts is to prepare a report separate from the others unless the judge decrees that one report signed by the experts individually be drawn up; if this is done, differences of opinion, if there are any, are to be noted carefully.

§ 2. Experts must indicate clearly by what documents or other suitable means they gained certainty of the identity of the persons, things, or places, by what manner and method they proceeded in fulfilling the function entrusted to them, and above all on which arguments they based their conclusions.

§ 3. Peritus accersiri potest a iudice ut explicationes, quae ulterius necessariae videantur, suppeditet.

**Can. 1579** - § 1. Iudex non peritorum tantum conclusiones, etsi concordantes, sed cetera quoque causae adiuncta attente perpendat.

§ 2. Cum reddit rationes decidendi, exprimere debet quibus motus argumentis peritorum conclusiones aut admiserit aut reiecerit.

**Can. 1580** - Peritis solvenda sunt expensae et honoraria a iudice ex bono et aequo determinanda, servato iure particulari.

**Can. 1581** - § 1. Partes possunt peritos privatos, a iudice probandos, designare.

§ 2. Hi, si iudex admittat, possunt acta causae, quatenus opus sit, inspicere, peritiae executioni interesse; semper autem possunt suam relationem exhibere.

#### CAPUT V. DE ACCESSU ET DE RECOGNITIONE IUDICIALI

**Can. 1582** - Si ad definitionem causae iudex opportunum duxerit ad aliquem locum accedere vel aliquam rem inspicere, decreto id praestituat, quo ea quae in accessu praestanda sint, auditis partibus, summam describat.

**Can. 1583** - Peractae recognitionis instrumentum conficiatur.

#### CAPUT VI. DE PRAESUMPTIONIBUS

**Can. 1584** - Praesumptio est rei incertae probabilis coniectura; eaque alia est iuris, quae ab ipsa lege statuitur; alia hominis, quae a iudice conicitur.

**Can. 1585** - Qui habet pro se iuris praesumptionem, liberatur ab onere probandi, quod recidit in partem adversam.

**Can. 1586** - Praesumptiones, quae non statuuntur a iure, iudex ne coniciat, nisi ex facto certo et determinato, quod cum eo, de quo

§ 3. The judge can summon the expert to supply explanations which later seem necessary.

**Can. 1579** - § 1. The judge is to weigh carefully not only the conclusions of the experts, even if they are in agreement, but also the other circumstances of the case.

§ 2. When giving reasons for the decision, the judge must express what considerations prompted him or her to accept or reject the conclusions of the experts.

**Can. 1580** - The judge must justly and equitably determine the expenses and fees to be paid to the experts, with due regard for particular law.

**Can. 1581** - § 1. The parties can designate private experts whom the judge must approve.

§ 2. If the judge allows them, the private experts can inspect the acts of the case insofar as necessary and attend the presentation of the expert testimony; moreover, they can always present their own report.

#### Chapter V. Judicial Examination and Inspection

**Can. 1582** - If, in order to decide a case, the judge considers it opportune to visit some place or to inspect some thing, the judge, after having heard the parties, is to order it by a decree describing in summary fashion those things which must be exhibited during the visit or inspection.

**Can. 1583** - When the visit or inspection has been completed, a report about it is to be drafted.

#### Chapter VI. Presumptions

**Can. 1584** - A presumption is a probable conjecture about an uncertain matter; a presumption of law is one which the law itself establishes; a human presumption is one which a judge formulates.

**Can. 1585** - A person who has a favorable presumption of law is freed from the burden of proof, which then falls to the other party.

**Can. 1586** - The judge is not to formulate presumptions which are not established by law unless they are directly based on a certain and

controversia est, directe cohaereat.

## TITULUS V. DE CAUSIS INCIDENTIBUS

**Can. 1587** - Causa incidens habetur, quoties, incepto per citationem iudicio, quaestio proponitur quae, tametsi libello, quo lis introducitur, non contineatur expresse, nihilominus ita ad causam pertinet ut solvi plerumque debeat ante quaestionem principalem.

**Can. 1588** - Causa incidens proponitur scripto vel ore, indicato nexu qui intercedit inter ipsam et causam principalem, coram iudice competenti ad causam principalem definiendam.

**Can. 1589** - § 1. Iudex, recepta petitione et auditis partibus, expeditissime decernat utrum proposita incidens quaestio fundamentum habere videatur et nexum cum principali iudicio, an vero sit in limine reiicienda; et, si eam admittat, utrum talis sit gravitatis, ut solvi debeat per sententiam interlocutoriam vel per decretum.

§ 2. Si vero iudicet quaestionem incidentem non esse resolvendam ante sententiam definitivam, decernat ut eiusdem ratio habeatur, cum causa principalis definiatur.

**Can. 1590** - § 1. Si quaestio incidens solvi debeat per sententiam, serventur normae de processu contentioso orali, nisi, attenda rei gravitate, aliud iudici videatur.

§ 2. Si vero solvi debeat per decretum, tribunal potest rem committere auditori vel praesidi.

**Can. 1591** - Antequam finiatur causa principalis, iudex vel tribunal potest decretum vel sententiam interlocutoriam, iusta intercedente ratione, revocare aut reformare, sive ad partis instantiam, sive ex officio, auditis partibus.

## CAPUT I. DE PARTIBUS NON COMPARENTIBUS

**Can. 1592** - § 1. Si pars conventa citata non

determined fact connected with the matter in dispute.

## Title V. Incidental Cases

**Can. 1587** - An incidental case arises whenever, after the trial has begun through the citation, a question is proposed which nevertheless pertains to the case in such a way that it frequently must be resolved before the principal question, even if it was not expressly contained in the libellus which introduced the litigation.

**Can. 1588** - An incidental case is proposed in writing or orally before the judge competent to decide the principal case, indicating the connection between this and the principal case.

**Can. 1589** - § 1. After having received the petition and heard the parties, the judge is to decide as promptly as possible (expeditissime) whether the proposed incidental question seems to have a foundation and a connection with the principal trial or rather must be rejected at the outset. If the judge admits the incidental question, the judge is to decide whether it is of such gravity that it must be resolved by an interlocutory sentence or by a decree.

§ 2. If the judge decides not to resolve the incidental question before the definitive sentence, however, the judge is to decree that the question will be considered when the principal case is decided.

**Can. 1590** - § 1. If the incidental question must be resolved by sentence, the norms for the oral contentious process are to be observed unless the judge decides otherwise due to the gravity of the matter.

§ 2. If the matter must be resolved by decree, however, the tribunal can entrust the matter to an auditor or the presiding judge.

**Can. 1591** - Before the principal case is completed, the judge or the tribunal can revoke or reform the decree or interlocutory sentence for a just reason either at the request of a party or ex officio after the parties have been heard.

## Chapter I. Parties Who Do Not Appear

**Can. 1592** - § 1. If the cited respondent has



comparuerit nec idoneam absentiae excusationem attulerit aut non responderit ad normam can. 1507, § 1, iudex eam a iudicio absentem declaret et decernat ut causa, servatis servandis, usque ad sententiam definitivam eiusque executionem procedat.

§ 2. Antequam decretum, de quo in § 1, feratur, debet, etiam per novam citationem si opus fuerit, constare citationem, legitime factam, ad partem conventam tempore utili pervenisse.

**Can. 1593** - § 1. Si pars conventa dein in iudicio se sistat aut responsum dederit ante causae definitionem, conclusiones probationesque afferre potest, firmo praescripto can. 1600; caveat autem iudex, ne de industria in longiores et non necessarias moras iudicium protrahatur.

§ 2. Etsi non comparuerit aut responsum non dederit ante causae definitionem, impugnationibus uti potest adversus sententiam; quod si probet se legitimo impedimento fuisse detentam, quod sine sua culpa antea demonstrare non potuerit, querela nullitatis uti potest.

**Can. 1594** - Si die et hora ad litis contestationem praestitutis actor neque comparuerit neque idoneam excusationem attulerit:

1° iudex eum citet iterum;

2° si actor novae citationi non paruerit, praesumitur instantiae renuntiasset ad normam cann. 1524-1525;

3° quod si postea in processu intervenire velit, servetur can. 1593.

**Can. 1595** - § 1. Pars absens a iudicio, sive actor sive pars conventa, quae iustum impedimentum non comprobaverit, tenetur obligatione tum solvendi litis expensas, quae ob ipsius absentiam factae sunt, tum etiam, si opus sit, indemnitate alteri parti praestandi.

§ 2. Si tum actor tum pars conventa fuerint absentes a iudicio, ipsi obligatione expensas litis solvendi tenentur in solidum.

CAPUT II. DE INTERVENTU TERTII IN CAUSA

neither appeared nor given a suitable excuse for being absent or has not responded according to the norm of can. 1507, § 1, the judge, having observed what is required, is to declare the respondent absent from the trial and decree that the case is to proceed to the definitive sentence and its execution.

§ 2. Before issuing the decree mentioned in § 1, the judge must be certain that a legitimately executed citation has reached the respondent within the useful time, even by issuing a new citation if necessary.

**Can. 1593** - § 1. If the respondent appears at the trial later or responds before a decision in the case, the respondent can offer conclusions and proofs, without prejudice to the prescript of can. 1600; the judge, however, is to take care that the trial is not prolonged intentionally through longer and unnecessary delays.

§ 2. Even if the respondent did not appear or respond before a decision in the case, the respondent can use challenges against the sentence; if the respondent proves that there was a legitimate impediment for being detained and there was no personal fault in its not being made known beforehand, the respondent can use a complaint of nullity.

**Can. 1594** - If the petitioner has not appeared on the day and at the hour prescribed for the joinder of the issue and has not offered a suitable excuse:

1° the judge is to cite the petitioner again;

2° if the petitioner does not comply with the new citation, the petitioner is presumed to have renounced the trial according to the norm of cann. 1524-1525;

3° if the petitioner later wishes to intervene in the process, can. 1593 is to be observed.

**Can. 1595** - § 1. A petitioner or respondent who is absent from the trial and has not given proof of a just impediment is obliged both to pay the expenses of the litigation which have accrued because of the absence and to indemnify the other party if necessary.

§ 2. If both the petitioner and the respondent were absent from the trial, they are obliged in solidum to pay the expenses of the litigation.

Chapter II. The Intervention of a Third Person in a Case

**Can. 1596** - § 1. Is cuius interest admitti potest ad interveniendum in causa, in qualibet litis instantia, sive ut pars quae proprium ius defendit, sive accessorie ad aliquem litigantem adiuvandum.

§ 2. Sed ut admittatur, debet ante conclusionem in causa libellum iudici exhibere, in quo breviter suum ius interveniendi demonstret.

§ 3. Qui intervenit in causa, admittendus est in eo statu in quo causa reperitur, assignato eidem brevi ac peremptorio termino ad probationes suas exhibendas, si causa ad periodum probatoriam pervenerit.

**Can. 1597** - Tertium, cuius interventus videatur necessarius, iudex, auditis partibus, debet in iudicium vocare.

#### TITULUS VI. DE ACTORUM PUBLICATIONE, DE CONCLUSIONE IN CAUSA ET DE CAUSAE DISCUSSIONE

**Can. 1598** - § 1. Acquisitis probationibus, iudex decreto partibus et earum advocatis permittere debet, sub poena nullitatis, ut acta nondum eis nota apud tribunalis cancellariam inspiciant; quin etiam advocatis id petentibus dari potest actorum exemplar; in causis vero ad bonum publicum spectantibus iudex ad gravissima pericula evitanda aliquod actum nemini manifestandum esse decernere potest, cauto tamen ut ius defensionis semper integrum maneat.

§ 2. Ad probationes complendas partes possunt alias iudici proponere; quibus acquisitis, si iudex necessarium duxerit, iterum est locus decreto de quo in § 1.

**Can. 1599** - § 1. Expletis omnibus quae ad probationes producendas pertinent, ad conclusionem in causa devenitur.

§ 2. Haec conclusio habetur quoties aut partes declarent se nihil aliud adducendum habere, aut utile proponendis probationibus tempus a iudice praestitutum elapsum sit, aut iudex declaret se satis instructam causam habere.

§ 3. De peracta conclusione in causa, quocumque modo ea acciderit, iudex decretum ferat.

**Can. 1600** - § 1. Post conclusionem in causa iudex potest adhuc eosdem testes vel alios

**Can. 1596** - § 1. A person who has an interest can be admitted to intervene in a case at any instance of the litigation, either as a party defending a right or in an accessory manner to help a litigant.

§ 2. To be admitted, the person must present a libellus to the judge before the conclusion of the case; in the libellus the person briefly is to demonstrate his or her right to intervene.

§ 3. A person who intervenes in a case must be admitted at that stage which the case has reached, with a brief and peremptory period of time assigned to the person to present proofs if the case has reached the probatory period.

**Can. 1597** - After having heard the parties, the judge must summon to the trial a third person whose intervention seems necessary.

#### Title VI. The Publication of the Acts, the Conclusion of the Case, and the Discussion of the Case

**Can. 1598** - § 1. After the proofs have been collected, the judge by a decree must permit the parties and their advocates, under penalty of nullity, to inspect at the tribunal chancery the acts not yet known to them; furthermore, a copy of the acts can also be given to advocates who request one. In cases pertaining to the public good to avoid most grave dangers the judge can decree that a specific act must be shown to no one; the judge is to take care, however, that the right of defense always remains intact.

§ 2. To complete the proofs, the parties can propose additional proofs to the judge. When these proofs have been collected, it is again an occasion for the decree mentioned in § 1 if the judge thinks it necessary.

**Can. 1599** - § 1. When everything pertaining to the production of proofs has been completed, the conclusion of the case is reached.

§ 2. This conclusion occurs whenever the parties declare that they have nothing else to add, the useful time prescribed by the judge to propose proofs has elapsed, or the judge declares that the case is instructed sufficiently.

§ 3. The judge is to issue a decree that the case has reached its conclusion, in whatever manner it has occurred.

**Can. 1600** - § 1. After the conclusion of the case, the judge can still summon the same or

vocare aut alias probationes, quae antea non fuerint petitae, disponere tantummodo:

1° in causis, in quibus agitur de solo privato partium bono, si omnes partes consentiant;

2° in ceteris causis, auditis partibus et dummodo gravis exstet ratio itemque quodlibet fraudis vel subornationis periculum removeatur;

3° in omnibus causis, quoties verisimile est, nisi probatio nova admittatur, sententiam iniustam futuram esse propter rationes, de quibus in can. 1645, § 2, nn. 1-3.

§ 2. Potest autem iudex iubere vel admittere ut exhibeatur documentum, quod forte antea sine culpa eius cuius interest, exhiberi non potuit.

§ 3. Novae probationes publicentur, servato can. 1598, § 1.

**Can. 1601** - Facta conclusione in causa, iudex congruum temporis spatium praestituat ad defensiones vel animadversiones exhibendas.

**Can. 1602** - § 1. Defensiones et animadversiones scriptae sint, nisi disputationem pro tribunali sedente iudex, consentientibus partibus, satis esse censeat.

§ 2. Si defensiones cum praecipuis documentis typis imprimantur, praevia iudicis licentia requiritur, salva secreti obligatione, si qua sit.

§ 3. Quoad extensionem defensionum, numerum exemplarium, aliaque huiusmodi adiuncta, servetur ordinatio tribunalis.

**Can. 1603** - § 1. Communicatis vicissim defensionibus atque animadversionibus, utrique parti responsiones exhibere licet, intra breve tempus a iudice praestitutum.

§ 2. Hoc ius partibus semel tantum esto, nisi iudici gravi ex causa iterum videatur concedendum; tunc autem concessio, uni parti facta, alteri quoque data censeatur.

§ 3. Promotor iustitiae et defensor vinculi ius habent iterum replicandi partium responsionibus.

**Can. 1604**

other witnesses or arrange for other proofs which were not requested earlier, only:

1° in cases which concern the private good of the parties alone, if all the parties consent;

2° in other cases, after the parties have been heard and provided that there is a grave reason and any danger of fraud or subornation is eliminated;

3° in all cases whenever it is likely that the sentence will be unjust because of the reasons mentioned in can. 1645, § 2, nn. 1-3 unless the new proof is allowed.

§ 2. The judge, moreover, can order or allow a document to be shown, which may have been unable to be shown earlier through no negligence of the interested person.

§ 3. New proofs are to be published according to can. 1598, § 1.

**Can. 1601** - After the conclusion of the case, the judge is to determine a suitable period of time to present defense briefs or observations.

**Can. 1602** - § 1. The defense briefs and the observations are to be written unless the judge, with the consent of the parties, considers a debate before a session of the tribunal to be sufficient.

§ 2. To print the defense briefs along with the principal documents requires the previous permission of the judge, without prejudice to the obligation of secrecy, if such exists.

§ 3. The regulations of the tribunal are to be observed regarding the length of the defense briefs, the number of copies, and other matters of this kind.

**Can. 1603** - § 1. When the defense briefs and observations have been communicated to each party, either party is permitted to present responses within the brief time period established by the judge.

§ 2. The parties are given this right only once unless the judge decides that it must be granted a second time for a grave cause; then, however, the grant made to one party is considered as given to the other also.

§ 3. The promoter of justice and the defender of the bond have the right to reply a second time to the responses of the parties.

**Can. 1604**

- § 1. Omnino prohibentur partium vel advocatorum vel etiam aliorum informationes iudici datae, quae maneant extra acta causae.

§ 2. Si causae discussio scripto facta sit, iudex potest statuere ut moderata disputatio fiat ore pro tribunali sedente, ad quaestiones nonnullas illustrandas.

**Can. 1605** - Disputationi orali, de qua in cann. 1602, § 1 et 1604, § 2, assistat notarius ad hoc ut, si iudex praecipiat aut pars postulet et iudex consentiat, de disceptatis et conclusis scripto statim referre possit.

**Can. 1606** - Si partes parare sibi tempore utili defensionem neglexerint, aut se remittant iudicis scientiae et conscientiae, iudex, si ex actis et probatis rem habeat plane perspectam, poterit statim sententiam pronuntiare, requisitis tamen animadversionibus promotoris iustitiae et defensoris vinculi, si iudicio intersint.

## TITULUS VII. DE IUDICIS PRONUNTIATIONIBUS

**Can. 1607** - Causa iudiciali modo pertractata, si sit principalis, definitur a iudice per sententiam definitivam; si sit incidens, per sententiam interlocutoriam, firmo praescripto can. 1589, § 1.

**Can. 1608** - § 1. Ad pronuntiationem cuiuslibet sententiae requiritur in iudicis animo moralis certitudo circa rem sententia definiendam.

§ 2. Hanc certitudinem iudex haurire debet ex actis et probatis.

§ 3. Probationes autem aestimare iudex debet ex sua conscientia, firmis praescriptis legis de quarundam probationum efficacia.

§ 4. Iudex qui eam certitudinem adipisci non potuit, pronuntiet non constare de iure actoris et conventum absolutum dimittat, nisi agatur de causa iuris favore fruente, quo in casu pro ipsa pronuntiandum est.

- § 1. It is absolutely forbidden for information given to the judge by the parties, advocates, or even other persons to remain outside the acts of the case.

§ 2. If the discussion of the case has been done in writing, the judge can order a moderate oral debate to be held before a session of the tribunal in order to explain certain questions.

**Can. 1605** - A notary is to be present at the oral debate mentioned in cann. 1602, § 1 and 1604, § 2 so that, if the judge orders it or a party requests it and the judge consents, the notary can immediately report in writing about what was discussed and concluded.

**Can. 1606** - If the parties have neglected to prepare a defense brief within the time available to them or have entrusted themselves to the knowledge and conscience of the judge, and if from the acts and proofs the judge considers the matter fully examined, the judge can pronounce the sentence immediately, after having requested the observations of the promoter of justice and the defender of the bond if they are involved in the trial.

## Title VII. The Pronouncements of the Judge

**Can. 1607** - When a case has been handled in a judicial manner, if it is the principal case, the judge decides it through the definitive sentence; if an incidental case, through an interlocutory sentence, without prejudice to the prescript of can. 1589, § 1.

**Can. 1608** - § 1. For the pronouncement of any sentence, the judge must have moral certitude about the matter to be decided by the sentence.

§ 2. The judge must derive this certitude from the acts and the proofs.

§ 3. The judge, however, must appraise the proofs according to the judge's own conscience, without prejudice to the prescripts of law concerning the efficacy of certain proofs.

§ 4. A judge who was not able to arrive at this certitude is to pronounce that the right of the petitioner is not established and is to dismiss the respondent as absolved, unless it concerns a case which has the favor of law, in which case the judge must pronounce for that.

**Can. 1609** - § 1. In tribunali collegiali, qua die et hora iudices ad deliberandum convenient, collegii praeses statuatur, et nisi peculiaris causa aliud suadeat, in ipsa tribunalis sede conventus habeatur.

§ 2. Assignata conventui die, singuli iudices scriptas afferant conclusiones suas in merito causae, et rationes tam in iure quam in facto, quibus ad conclusionem suam venerint; quae conclusiones actis causae adiungantur, secreto servandae.

§ 3. Post divini Nominis invocationem, prolati ex ordine singulorum conclusionibus secundum praecedentiam, ita tamen ut semper a causae ponente seu relatore initium fiat, habeatur discussio sub tribunalis praesidis ductu, praesertim ut constabiliatur quid statuendum sit in parte dispositiva sententiae.

§ 4. In discussione autem fas unicuique est a pristina sua conclusione recedere. Iudex vero qui ad decisionem aliorum accedere noluit, exigere potest ut, si fiat appellatio, suae conclusiones ad tribunal superius transmittantur.

§ 5. Quod si iudices in prima discussione ad sententiam devenire aut nolint aut nequeant, differri poterit decisio ad novum conventum, non tamen ultra hebdomadam, nisi ad normam can. 1600 complenda sit causae instructio.

**Can. 1610** - § 1. Si iudex sit unicus, ipse sententiam exarabit.

§ 2. In tribunali collegiali, ponentis seu relatoris est exarare sententiam, desumendo motiva ex iis quae singuli iudices in discussione attulerunt, nisi a maiore numero iudicum praefinita fuerint motiva praeferenda; sententia dein singulorum iudicum subicienda est approbationi.

§ 3. Sententia edenda est non ultra mensem a die quo causa definita est, nisi, in tribunali collegiali, iudices gravi ex ratione longius tempus praestituerint.

**Can. 1611** - Sententia debet:

1° definire controversiam coram tribunali agitatam, data singulis dubiis congrua

**Can. 1609** - § 1. In a collegiate tribunal the president of the college is to establish the date and time when the judges are to convene for deliberation; unless a special reason suggests otherwise, the meeting is to be held at the tribunal office.

§ 2. On the date assigned for the meeting, the individual judges are to submit their written conclusions on the merit of the case with the reasons in law and in fact which led them to their conclusions; these conclusions are to be added to the acts of the case and must be kept secret.

§ 3. After the invocation of the Divine Name, the individual judges are to present their conclusions in order of precedence, always beginning, however, with the ponens or relator of the case. A discussion then follows under the leadership of the tribunal president, especially to determine what must be established in the dispositive part of the sentence.

§ 4. In the discussion each judge is permitted to withdraw from his or her original conclusion. The judge who is unwilling to assent to the decision of the others, however, can demand that his or her conclusions be transmitted to the higher tribunal if an appeal is made.

§ 5. If the judges are unwilling or unable to arrive at a sentence during the first discussion, the decision can be deferred to a new meeting, but not for more than a week, unless the instruction of the case must be completed according to the norm of can. 1600.

**Can. 1610** - § 1. If there is only one judge, he will write the sentence himself.

§ 2. In a collegiate tribunal, it is for the ponens or relator to write the sentence, selecting the reasons from those the individual judges brought forth during the discussion, unless a majority of the judges have already determined the reasons to be presented. The sentence must then be submitted for the approval of the individual judges.

§ 3. The sentence must be issued no more than a month from the day on which the case was decided unless in a collegiate tribunal the judges set a longer period for a grave reason.

**Can. 1611** - The sentence must:

1° decide the controversy deliberated before the tribunal with an appropriate response given

responsione;

2° determinare quae sint partium obligationes ex iudicio ortae et quomodo implendae sint;

3° exponere rationes seu motiva, tam in iure quam in facto, quibus dispositiva sententiae pars innititur;

4° statuere de litis expensis.

**Can. 1612** - § 1. Sententia, post divini Nominis invocationem, exprimat oportet ex ordine qui sit iudex aut tribunal; qui sit actor, pars conventa, procurator, nominibus et domiciliis rite designatis, promotor iustitiae, defensor vinculi, si partem in iudicio habuerint.

§ 2. Referre postea debet breviter facti speciem cum partium conclusionibus et formula dubiorum.

§ 3. Hisce subsequatur pars dispositiva sententiae, praemissis rationibus quibus innititur.

§ 4. Claudatur cum indicatione diei et loci in quibus prolata est et cum subscriptione iudicis vel, si de tribunali collegiali agatur, omnium iudicum et notarii.

**Can. 1613** - Regulae superius positae de sententia definitiva, sententiae quoque interlocutoriae aptandae sunt.

**Can. 1614** - Sententia quam primum publicetur, indicatis modis quibus impugnari potest; neque ante publicationem vim ullam habet, etiamsi dispositiva pars, iudice permittente, partibus significata sit.

**Can. 1615** - Publicatio seu intimatio sententiae fieri potest vel tradendo exemplar sententiae partibus aut earum procuratoribus, vel eisdem transmittendo idem exemplar ad normam can. 1509.

**Can. 1616** - § 1. Si in sententiae textu vel error irreperit in calculis, vel error materialis acciderit in transcribenda parte dispositiva aut in factis vel partium petitionibus referendis, vel omissa sint quae can. 1612, § 4 requirit, sententia ab ipso tribunali, quod eam tulit, corrigi vel compleri debet sive ad partis instantiam sive ex officio, semper tamen auditis partibus et decreto ad calcem sententiae

to the individual doubts;

2° determine what obligations have arisen for the parties from the trial and how they must be fulfilled;

3° set forth the reasons or motives in law and in fact on which the dispositive part of the sentence is based;

4° determine the expenses of the litigation.

**Can. 1612** - § 1. After the invocation of the Divine Name, the sentence must express in order the judge or the tribunal, the petitioner, the respondent, and the procurator, with their names and domiciles correctly designated, and the promoter of justice and defender of the bond if they took part in the trial.

§ 2. Next, it must briefly relate the facts together with the conclusions of the parties and the formula of the doubts.

§ 3. The dispositive part of the sentence follows the above, preceded by the reasons on which it is based.

§ 4. It is to conclude with the indication of the date and the place where it was rendered, with the signature of the judge or, if it is a collegiate tribunal, of all the judges, and the notary.

**Can. 1613** - The rules proposed above for a definitive sentence are to be adapted for an interlocutory sentence.

**Can. 1614** - The sentence is to be published as soon as possible, with an indication of the means by which it can be challenged. It has no force before publication even if the dispositive part was made known to the parties with the permission of the judge.

**Can. 1615** - Publication or communication of the sentence can be done either by giving a copy of the sentence to the parties or their procurators or by sending them a copy according to the norm of can. 1509.

**Can. 1616** - § 1. If in the text of the sentence an error in calculations turns up, a material error occurs in transcribing the dispositive section or in relating the facts or the petitions of the parties, or the requirements of can. 1612, § 4 are omitted, the tribunal which rendered the sentence must correct or complete it either at the request of a party or ex officio, but always after the parties have been heard and a decree

apposito.

§ 2. Si qua pars refragetur, quaestio incidens decreto definiatur.

**Can. 1617** - Ceterae iudicis pronuntiationes, praeter sententiam, sunt decreta, quae si mere ordinaria non sint, vim non habent, nisi saltem summarie motiva expriment, vel ad motiva in alio actu expressa remittant.

**Can. 1618** - Sententia interlocutoria vel decretum vim sententiae definitivae habent, si iudicium impediunt vel ipsi iudicio aut alicui ipsius gradui finem ponunt, quod attinet ad aliquam saltem partem in causa.

## TITULUS VIII. DE IMPUGNATIONE SENTENTIAE

### CAPUT I. DE QUERELA NULLITATIS CONTRA SENTENTIAM

**Can. 1619** - Firmis cann. 1622 et 1623, nullitates actuum, positivo iure statuta, quae, cum essent notae parti querelam proponenti, non sint ante sententiam iudici denunciatae, per ipsam sententiam sanantur, quoties agitur de causa ad privatorum bonum attinenti.

**Can. 1620** - Sententia vitio insanabilis nullitatis laborat, si:

1° lata est a iudice absolute incompetenti;

2° lata est ab eo, qui careat potestate iudicandi in tribunali in quo causa definita est;

3° iudex vi vel metu gravi coactus sententiam tulit;

4° iudicium factum est sine iudiciali petitione, de qua in can. 1501, vel non institutum fuit adversus aliquam partem conventam;

5° lata est inter partes, quarum altera saltem non habeat personam standi in iudicio;

6° nomine alterius quis egit sine legitimo mandato;

7° ius defensionis alterutri parti denegatum fuit;

8° controversia ne ex parte quidem definita est.

appended to the bottom of the sentence.

§ 2. If any party objects, the incidental question is to be decided by a decree.

**Can. 1617** - Other pronouncements of the judge besides the sentence are decrees, which have no force if they are not merely procedural unless they express the reasons at least in a summary fashion or refer to reasons expressed in another act.

**Can. 1618** - An interlocutory sentence or a decree has the force of a definitive sentence if it prevents a trial or puts an end to a trial or some grade of a trial with respect to at least some party in the case.

## Title VIII. Challenge of the Sentence

### Chapter I. Complaint of Nullity against the Sentence

**Can. 1619** - Without prejudice to cann. 1622 and 1623, whenever a case involves the good of private persons, the sentence itself sanates the nullities of acts established by positive law which were not declared to the judge before the sentence even though they were known to the party proposing the complaint.

**Can. 1620** - A sentence suffers from the defect of irremediable nullity if:

1° it was rendered by an absolutely incompetent judge;

2° it was rendered by a person who lacks the power of judging in the tribunal in which the case was decided;

3° a judge rendered a sentence coerced by force or grave fear;

4° the trial took place without the judicial petition mentioned in can. 1501 or was not instituted against some respondent;

5° it was rendered between parties, at least one of whom did not have standing in the trial;

6° someone acted in the name of another without a legitimate mandate;

7° the right of defense was denied to one or the other party;

8° it did not decide the controversy even partially.

**Can. 1621** - Querela nullitatis, de qua in can. 1620, proponi potest per modum exceptionis in perpetuum, per modum vero actionis coram iudice qui sententiam tulit intra decem annos a die publicationis sententiae.

**Can. 1622** - Sententia vitio sanabilis nullitatis dumtaxat laborat, si:

1° lata est a non legitimo numero iudicum, contra praescriptum can. 1425, § 1;

2° motiva seu rationes decidendi non continet;

3° subscriptionibus caret iure praescriptis;

4° non refert indicationem anni, mensis, diei et loci in quo prolata fuit;

5° actu iudiciali nullo innititur, cuius nullitas non sit ad normam can. 1619 sanata;

6° lata est contra partem legitime absentem, iuxta can. 1593, § 2.

**Can. 1623** - Querela nullitatis in casibus, de quibus in can. 1622, proponi potest intra tres menses a notitia publicationis sententiae.

**Can. 1624** - De querela nullitatis videt ipse iudex qui sententiam tulit; quod si pars vereatur ne iudex, qui sententiam querela nullitatis impugnatam tulit, praeoccupatum animum habeat ideoque eum suspectum existimet, exigere potest ut alius iudex in eius locum subrogetur ad normam can. 1450.

**Can. 1625** - Querela nullitatis proponi potest una cum appellatione, intra terminum ad appellationem statutum.

**Can. 1626** - § 1. Querelam nullitatis interponere possunt non solum partes, quae se gravatas putant, sed etiam promotor iustitiae aut defensor vinculi, quoties ipsis ius est interveniendi.

§ 2. Ipse iudex potest ex officio sententiam nullam a se latam retractare vel emendare intra terminum ad agendum can. 1623 statutum, nisi interea appellatio una cum querela nullitatis interposita fuerit, aut nullitas sanata sit per decursum termini de quo in can. 1623.

**Can. 1621** - The complaint of nullity mentioned in can. 1620 can be proposed by way of exception in perpetuity and also by way of action before the judge who rendered the sentence within ten years from the date of the publication of the sentence.

**Can. 1622** - A sentence suffers from the defect of remediable nullity only if:

1° it was rendered by an illegitimate number of judges contrary to the prescript of can. 1425, § 1;

2° it does not contain the motives or reasons for the decision;

3° it lacks the signatures prescribed by law;

4° it does not indicate the year, month, day, and place in which it was rendered;

5° it is based on a null judicial act whose nullity was not sanated according to the norm of can. 1619;

6° it was rendered against a party legitimately absent according to can. 1593, § 2.

**Can. 1623** - A complaint of nullity in the cases mentioned in can. 1622 can be proposed within three months from the notice of the publication of the sentence.

**Can. 1624** - The judge who rendered the sentence deals with the complaint of nullity. If the party fears that the judge who rendered the sentence challenged by the complaint of nullity is prejudiced and therefore considers the judge suspect, the party can demand that another judge be substituted according to the norm of can. 1450.

**Can. 1625** - A complaint of nullity can be proposed together with an appeal within the time established for an appeal.

**Can. 1626** - § 1. Not only the parties who consider themselves aggrieved can introduce a complaint of nullity but also the promoter of justice and the defender of the bond whenever they have the right to intervene.

§ 2. The judge can retract or emend ex officio a null sentence, which that judge has rendered, within the time limit for acting established by can. 1623 unless an appeal together with a complaint of nullity has been introduced in the meantime or the nullity has been sanated



**Can. 1627** - Causae de querela nullitatis secundum normas de processu contentioso orali tractari possunt.

## CAPUT II. DE APPELLATIONE

**Can. 1628** - Pars quae aliqua sententia se gravatam putat, itemque promotor iustitiae et defensor vinculi in causis in quibus eorum praesentia requiritur, ius habent a sententia appellandi ad iudicem superiorem, salvo praescripto can. 1629.

**Can. 1629** - Non est locus appellationi:

1° a sententia ipsius Summi Pontificis vel Signaturae Apostolicae;

2° a sententia vitio nullitatis infecta, nisi cumuletur cum querela nullitatis ad normam can. 1625;

3° a sententia quae in rem iudicatam transiit;

4° a iudicis decreto vel a sententia interlocutoria, quae non habeant vim sententiae definitivae, nisi cumuletur cum appellatione a sententia definitiva;

5° a sententia vel a decreto in causa de qua ius cavet expeditissime rem esse definiendam.

**Can. 1630** - § 1. Appellatio interponi debet coram iudice a quo sententia prolata sit, intra peremptorium terminum quindecim dierum utilium a notitia publicationis sententiae.

§ 2. Si ore fiat, notarius eam scripto coram ipso appellante redigat.

**Can. 1631** - Si quaestio oriatur de iure appellandi, de ea videat expeditissime tribunal appellationis iuxta normas processus contentiosi oralis.

**Can. 1632** - § 1. Si in appellatione non indicetur ad quod tribunal ipsa dirigatur, praesumitur facta tribunali de quo in cann. 1438 et 1439.

§ 2. Si alia pars ad aliud tribunal appellationis provocaverit, de causa videt tribunal quod

through the expiration of the time limit mentioned in can. 1623.

**Can. 1627** - Cases concerning a complaint of nullity can be treated according to the norms for the oral contentious process.

## Chapter II. Appeal

**Can. 1628** - A party who considers himself or herself aggrieved by any sentence as well as the promoter of justice and the defender of the bond in cases which require their presence have the right to appeal the sentence to a higher judge, without prejudice to the prescript of can. 1629.

**Can. 1629** - There is no appeal:

1° from a sentence of the Supreme Pontiff himself or the Apostolic Signatura;

2° from a sentence tainted by a defect of nullity, unless the appeal is joined with a complaint of nullity according to the norm of can. 1625;

3° from a sentence which has become a res iudicata;

4° from a decree of a judge or from an interlocutory sentence which does not have the force of a definitive sentence, unless it is joined with an appeal from a definitive sentence;

5° from a sentence or a decree in a case where the law requires the matter to be decided as promptly as possible (expeditissime).

**Can. 1630** - § 1. An appeal must be introduced before the judge who rendered the sentence within the peremptory period of fifteen useful days from the notice of the publication of the sentence.

§ 2. If an appeal is made orally, the notary is to put it in writing in the presence of the appellant.

**Can. 1631** - If a question arises about the right to appeal, the appellate tribunal deals with it as promptly as possible (expeditissime) according to the norms of the oral contentious process.

**Can. 1632** - § 1. If the appeal does not indicate the tribunal to which it is directed, it is presumed to be made to the tribunal mentioned in cann. 1438 and 1439.

§ 2. If the other party has appealed to another appellate tribunal, the tribunal of higher grade

superioris est gradus, salvo can. 1415.

**Can. 1633** - Appellatio prosequenda est coram iudice *ad quem* dirigitur intra mensem ab eius interpositione, nisi iudex *a quo* longius tempus ad eam prosequendam parti praestituerit.

**Can. 1634** - § 1. Ad prosequendam appellationem requiritur et sufficit ut pars ministerium invocet iudicis superioris ad impugnatae sententiae emendationem, adiuncto exemplari huius sententiae et indicatis appellationis rationibus.

§ 2. Quod si pars exemplar impugnatae sententiae intra utile tempus a tribunali *a quo* obtinere nequeat, interim termini non decurrunt, et impedimentum significandum est iudici appellationis, qui iudicem *a quo* praecepto obstringat officio suo quam primum satisfaciendi.

§ 3. Interea iudex *a quo* debet acta ad normam can. 1474 iudici appellationis transmittere.

**Can. 1635** - Inutiliter elapsis fatalibus appellatoriis sive coram iudice *a quo* sive coram iudice *ad quem*, deserta censetur appellatio.

**Can. 1636** - § 1. Appellans potest appellationi renuntiare cum effectibus, de quibus in can. 1525.

§ 2. Si appellatio proposita sit a vinculi defensore vel a promotore iustitiae, renuntiatio fieri potest, nisi lex aliter caveat, a vinculi defensore vel promotore iustitiae tribunalis appellationis.

**Can. 1637** - § 1. Appellatio facta ab actore prodest etiam convento, et vicissim.

§ 2. Si plures sunt conventi vel actores et ab uno vel contra unum tantum ex ipsis sententia impugnetur, impugnatio censetur ab omnibus et contra omnes facta, quoties res petita est individua aut obligatio solidalis.

§ 3. Si interponatur ab una parte super aliquo sententiae capite, pars adversa, etsi fatalia

deals with the case, without prejudice to can. 1415.

**Can. 1633** - An appeal must be pursued before the appellate judge within a month from its introduction unless the judge from whom appeal is made has established a longer period for a party to pursue it.

**Can. 1634** - § 1. To pursue an appeal it is required and suffices that a party calls upon the services of a higher judge for an emendation of the challenged sentence, attaches a copy of this sentence, and indicates the reasons for the appeal.

§ 2. If a party cannot obtain a copy of the challenged sentence from the tribunal from which appeal is made within the useful time, the time limits do not run in the meantime; the impediment must be made known to the appellate judge who is to bind the judge from whom appeal is made by a precept to fulfill that judge's duty as soon as possible.

§ 3. Meanwhile the judge from whom appeal is made must transmit the acts to the appellate judge according to the norm of can. 1474.

**Can. 1635** - Once the deadline for appeal has passed without action either before the judge from whom the appeal is made or before the appellate judge, the appeal is considered abandoned.

**Can. 1636** - § 1. The appellant can renounce the appeal with the effects mentioned in can. 1525.

§ 2. If the defender of the bond or the promoter of justice has introduced the appeal, the defender of the bond or the promoter of justice of the appellate tribunal can renounce it, unless the law provides otherwise.

**Can. 1637** - § 1. An appeal made by the petitioner also benefits the respondent and vice versa.

§ 2. If there are several respondents or petitioners and the sentence is challenged by only one or against only one of them, the challenge is considered to be made by all of them and against all of them whenever the matter sought is indivisible or a joint obligation.

§ 3. If one party introduces an appeal against one ground of the sentence, the other party can

appellationis fuerint transacta, potest super aliis capitibus incidenter appellare intra terminum peremptorium quindecim dierum a die, quo ipsi appellatio principalis notificata est.

§ 4. Nisi aliud constet, appellatio praesumitur facta contra omnia sententiae capita.

**Can. 1638** - Appellatio executionem sententiae suspendit.

**Can. 1639** - § 1. Salvo praescripto can. 1683 [1680 § 4], in gradu appellationis non potest admitti nova petendi causa, ne per modum quidem utilis cumulationis; ideoque litis contestatio in eo tantum versari potest, ut prior sententia vel confirmetur vel reformetur sive ex toto sive ex parte.

§ 2. Novae autem probationes admittuntur tantum ad normam can. 1600.

**Can. 1640** - In gradu appellationis eodem modo, quo in prima instantia, congrua congruis referendo, procedendum est; sed, nisi forte complendae sint probationes, statim post litem ad normam can. 1513, § 1 et can. 1639, § 1 contestatam, ad causae discussionem deveniatur et ad sententiam.

## TITULUS IX. DE RE IUDICATA ET DE RESTITUTIONE IN INTEGRUM

### CAPUT I. DE RE IUDICATA

**Can. 1641** - Firmo praescripto can. 1643, res iudicata habetur:

1° si duplex intercesserit inter easdem partes sententia conformis de eodem petito et ex eadem causa petendi;

2° si appellatio adversus sententiam non fuerit intra tempus utile proposita;

3° si, in gradu appellationis, instantia perempta sit vel eidem renuntiatum fuerit;

4° si lata sit sententia definitiva, a qua non datur appellatio ad normam can. 1629.

**Can. 1642** - § 1. Res iudicata firmitate iuris gaudet nec impugnari potest directe, nisi ad normam can. 1645, § 1.

appeal incidentally against other grounds within the peremptory period of fifteen days from the day on which the original appeal was made known to the latter, even if the deadline for an appeal has passed.

§ 4. Unless it is otherwise evident, an appeal is presumed to be made against all the grounds of a sentence.

**Can. 1638** - An appeal suspends the execution of the sentence.

**Can. 1639** - § 1. Without prejudice to the prescript of can. 1683 [1680 § 4], a new cause for petitioning cannot be admitted at the appellate grade, not even by way of useful accumulation; consequently, the joinder of the issue can only address whether the prior sentence is to be confirmed or revised either totally or partially.

§ 2. New proofs, however, are admitted only according to the norm of can. 1600.

**Can. 1640** - The appellate grade must proceed in the same manner as first instance with appropriate adjustments; immediately after the issue has been joined according to the norm of can. 1513, § 1 and can. 1639, § 1 and unless the proofs possibly must be completed, the discussion of the case is to take place and the sentence rendered.

## Title IX. Res Iudicata and Restitutio in Integrum

### Chapter I. Res iudicata

**Can. 1641** - Without prejudice to the prescript of can. 1643, a res iudicata occurs:

1° if a second concordant sentence is rendered between the same parties over the same issue and on the same cause for petitioning;

2° if an appeal against the sentence has not been introduced within the useful time;

3° if at the appellate grade, the trial has been abated or renounced;

4° if a definitive sentence has been rendered from which there is no appeal according to the norm of can. 1629.

**Can. 1642** - § 1. A res iudicata possesses the stability of law and cannot be challenged directly except according to the norm of

§ 2. Eadem facit ius inter partes et dat actionem iudicati atque exceptionem rei iudicatae, quam iudex ex officio quoque declarare potest ad impediendam novam eiusdem causae introductionem.

**Can. 1643** - Numquam transeunt in rem iudicatam causae de statu personarum, haud exceptis causis de coniugum separatione.

**Can. 1644** - § 1. Si duplex sententia conformis in causa de statu personarum prolata sit, potest quovis tempore ad tribunal appellationis provocari, novis iisque gravibus probationibus vel argumentis intra peremptorium terminum triginta dierum a proposita impugnatione allatis. Tribunal autem appellationis intra mensem ab exhibitis novis probationibus et argumentis debet decreto statuere utrum nova causae propositio admitti debeat necne.

§ 2. Provocatio ad superius tribunal ut nova causae propositio obtineatur, executionem sententiae non suspendit, nisi aut lex aliter caveat aut tribunal appellationis ad normam can. 1650, § 3 suspensionem iubeat.

## CAPUT II. DE RESTITUTIONE IN INTEGRUM

**Can. 1645** - § 1. Adversus sententiam quae transierit in rem iudicatam, dummodo de eius iniustitia manifesto constet, datur restitutio in integrum.

§ 2. De iniustitia autem manifesto constare non censetur, nisi:

1° sententia ita probationibus innitatur, quae postea falsae deprehensae sint, ut sine illis probationibus pars sententiae dispositiva non sustineatur;

2° postea detecta fuerint documenta, quae facta nova et contrariam decisionem exigentia indubitanter probent;

3° sententia ex dolo partis prolata fuerit in damnum alterius;

4° legis non mere processualis praescriptum evidentem neglectum fuerit;

5° sententia adversetur praecedenti

can. 1645, § 1.

§ 2. It establishes the rights between the parties and permits an action for execution and an exception of res iudicata which the judge can also declare ex officio in order to prevent a new introduction of the same case.

**Can. 1643** - Cases concerning the status of persons, including cases concerning the separation of spouses, never become res iudicata.

**Can. 1644** - § 1. If a second concordant sentence has been rendered in a case concerning the status of persons, recourse can be made at any time to the appellate tribunal if new and grave proofs or arguments are brought forward within the peremptory time limit of thirty days from the proposed challenge. Within a month from when the new proofs and arguments are brought forward, however, the appellate tribunal must establish by decree whether a new presentation of the case must be admitted or not.

§ 2. Recourse to a higher tribunal in order to obtain a new presentation of the case does not suspend the execution of the sentence unless either the law provides otherwise or the appellate tribunal orders its suspension according to the norm of can. 1650, § 3.

## Chapter II. Restitutio in integrum

**Can. 1645** - § 1. Restitutio in integrum is granted against a sentence which has become res iudicata provided that its injustice is clearly established.

§ 2. Injustice, however, is not considered to be established clearly unless:

1° the sentence is based on proofs which afterwards are discovered to be false in such a way that without those proofs the dispositive part of the sentence is not sustained;

2° documents have been revealed afterwards which undoubtedly prove new facts and demand a contrary decision;

3° the sentence was rendered due to the malice of one party resulting in harm to the other party;

4° a prescript of the law which is not merely procedural was clearly neglected;

5° the sentence is contrary to a previous

decisioni, quae in rem iudicatam transierit.

**Can. 1646** - § 1. Restitutio in integrum propter motiva, de quibus in can. 1645, § 2, nn. 1- 3, petenda est a iudice qui sententiam tulit intra tres menses a die cognitionis eorundem motivorum computandos.

§ 2. Restitutio in integrum propter motiva, de quibus in can. 1645, § 2, nn. 4 et 5, petenda est a tribunali appellationis, intra tres menses a notitia publicationis sententiae; quod si in casu, de quo in can. 1645, § 2, n. 5, notitia praecedentis decisionis serius habeatur, terminus ab hac notitia decurrit.

§ 3. Termini de quibus supra non decurrunt, quamdiu laesus minoris sit aetatis.

**Can. 1647** - § 1. Petitio restitutionis in integrum sententiae executionem nondum inceptam suspendit.

§ 2. Si tamen ex probabilibus indiciis suspicio sit petitionem factam esse ad moras executioni nectendas, iudex decernere potest ut sententia executioni demandetur, assignata tamen restitutionem petenti idonea cautione ut, si restituatur in integrum, indemnitas fiat.

**Can. 1648** - Concessa restitutione in integrum, iudex pronuntiare debet de merito causae.

#### TITULUS X. DE EXPENSIS IUDICIALIBUS ET DE GRATUITO PATROCINIO

**Can. 1649** - § 1. Episcopus, cuius est tribunal moderari, statuatur normas:

1° de partibus damnandis ad expensas iudiciales solvendas vel compensandas;

2° de procuratorum, advocatorum, peritorum et interpretum honorariis deque testium indemnitate;

3° de gratuito patrocinio vel expensarum deminutione concedendis;

4° de damnorum refectione quae debetur ab eo qui non solum in iudicio succubuit, sed temere litigavit;

5° de pecuniae deposito vel cautione praestanda circa expensas solvendas et damna reficienda.

decision which has become res iudicata.

**Can. 1646** - § 1. Restitutio in integrum for the reasons mentioned in can. 1645, § 2, nn. 1-3 must be sought from the judge who rendered the sentence within three months computed from the day the person became aware of these same reasons.

§ 2. Restitutio in integrum for the reasons mentioned in can. 1645 § 2, nn. 4 and 5 must be sought from the appellate tribunal within three months from the notice of the publication of the sentence; if in the case mentioned in can. 1645, § 2, n. 5 notice of the previous decision occurs later, however, the time limit runs from this notice.

§ 3. The time limits mentioned above do not run as long as the injured person is a minor.

**Can. 1647** - § 1. The petition for restitutio in integrum suspends the execution of a sentence if execution has not yet begun.

§ 2. If from probable indications there is a suspicion that a petition has been made in order to delay the execution, however, the judge can decree execution of the sentence, though with suitable guarantees to the one seeking the restitutio that there will be indemnity if the restitutio in integrum is granted.

**Can. 1648** - If restitutio in integrum is granted, the judge must pronounce on the merits of the case.

#### Title X. Judicial Expenses and Gratuitous Legal Assistance

**Can. 1649** - § 1. The bishop who directs the tribunal is to establish norms concerning:

1° the requirement of the parties to pay or compensate judicial expenses;

2° the fees for the procurators, advocates, experts, and interpreters and the indemnity for the witnesses;

3° the grant of gratuitous legal assistance or reduction of the expenses;

4° the recovery of damages owed by a person who not only lost the trial but also entered into the litigation rashly;

5° the deposit of money or the provision furnished for the payment of expenses and recovery of damages.

§ 2. A pronuntiatione circa expensas, honoraria et damna reficienda non datur distincta appellatio, sed pars recurrere potest intra quindecim dies ad eundem iudicem, qui poterit taxationem emendare.

## TITULUS XI. DE EXSECUTIONE SENTENTIAE

**Can. 1650** - § 1. Sententia quae transiit in rem iudicatam, exsecutioni mandari potest, salvo praescripto can. 1647.

§ 2. Iudex qui sententiam tulit et, si appellatio proposita sit, etiam iudex appellationis, sententiae, quae nondum transierit in rem iudicatam, provisionariam exsecutionem iubere possunt ex officio vel ad instantiam partis, idoneis, si casus ferat, praestitis cautionibus, si agatur de provisionibus seu praestationibus ad necessariam sustentationem ordinatis, vel alia iusta causa urgeat.

§ 3. Quod si sententia, de qua in § 2, impugnetur, iudex qui de impugnatione cognoscere debet, si videt hanc probabiliter fundatam esse et irreparabile damnum ex exsecutione oriri posse, potest vel exsecutionem ipsam suspendere vel eam cautioni subicere.

**Can. 1651** - Non antea exsecutioni locus esse poterit, quam exsecutorium iudicis decretum habeatur, quo edicatur sententiam ipsam exsecutioni mandari debere; quod decretum pro diversa causarum natura vel in ipso sententiae tenore includatur vel separatim edatur.

**Can. 1652** - Si sententiae exsecutio praevidiam rationum redditionem exigat, quaestio incidens habetur, ab illo ipso iudice decidenda, qui tulit sententiam exsecutioni mandandam.

**Can. 1653** - § 1. Nisi lex particularis aliud statuatur, sententiam exsecutioni mandare debet per se vel per alium Episcopus dioecesis, in qua sententia primi gradus lata est.

§ 2. Quod si hic renuat vel neglegat, parte cuius interest instante vel etiam ex officio, exsecutio spectat ad auctoritatem cui tribunal appellationis ad normam can. 1439, § 3 subicitur.

§ 2. There is no separate appeal from the determination of expenses, fees, and recovery of damages, but the party can make recourse within fifteen days to the same judge who can adjust the assessment.

## Title XI. The Execution of the Sentence

**Can. 1650** - § 1. A sentence that has become a res iudicata can be executed, without prejudice to the prescript of can. 1647.

§ 2. The judge who rendered the sentence and, if an appeal has been proposed, also the appellate judge can order ex officio or at the request of a party a provisional execution of a sentence which has not yet become res iudicata, after having set suitable guarantees, if the case warrants, for provisions or payments ordered for necessary support; they can also do so if some other just cause urges it.

§ 3. If the sentence mentioned in § 2 is challenged, the judge who must investigate the challenge can suspend the execution or subject it to a guarantee if the judge sees that the challenge is probably well founded and irreparable damage can arise from execution.

**Can. 1651** - Execution cannot occur prior to the executory decree of the judge which declares that the sentence must be executed. This decree is to be included in the text of the sentence or issued separately according to the particular nature of the cases.

**Can. 1652** - If the execution of a sentence requires a prior rendering of accounts, it is an incidental question which the same judge who rendered the sentence ordering the execution must decide.

**Can. 1653** - § 1. Unless particular law establishes otherwise, the bishop of the diocese in which the sentence was rendered in the first grade must execute the sentence personally or through another.

§ 2. If he refuses or neglects to do this, the execution of the sentence, either at the request of an interested party or even ex officio, pertains to the authority to whom the appellate tribunal is subject according to the norm of can. 1439, § 3.

§ 3. Inter religiosos exsecutio sententiae spectat ad Superiorem qui sententiam exsecutioni mandandam tulit aut iudicem delegavit.

**Can. 1654** - § 1. Exsecutor, nisi quid eius arbitrio in ipso sententiae tenore fuerit permissum, debet sententiam ipsam, secundum obvium verborum sensum, exsecutioni mandare.

§ 2. Licet ei videre de exceptionibus circa modum et vim exsecutionis, non autem de merito causae; quod si habeat aliunde compertum sententiam esse nullam vel manifeste iniustam ad normam cann. 1620, 1622, 1645, absteineat ab exsecutione, et rem ad tribunal a quo lata est sententia remittat, partibus certioribus factis.

**Can. 1655** - § 1. Quod attinet ad reales actiones, quoties adiudicata actori res aliqua est, haec actori tradenda est statim ac res iudicata habetur.

§ 2. Quod vero attinet ad actiones personales, cum reus damnatus est ad rem mobilem praestandam, vel ad solvendam pecuniam, vel ad aliud dandum aut faciendum, iudex in ipso tenore sententiae vel exsecutor pro suo arbitrio et prudentia terminum statuatur ad implendam obligationem, qui tamen neque infra quindecim dies coarctetur neque sex menses excedat.

## SECTIO II. DE PROCESSU CONTENTIOSO ORALI

**Can. 1656** - § 1. Processu contentioso orali, de quo in hac sectione, tractari possunt omnes causae a iure non exclusae, nisi pars processum contentiosum ordinarium petat.

§ 2. Si processus oralis adhibeatur extra casus iure permisos, actus iudiciales sunt nulli.

**Can. 1657** - Processus contentiosus oralis fit in primo gradu coram iudice unico, ad normam can. 1424.

**Can. 1658** - § 1. Libellus quo lis introducitur, praeter ea quae in can. 1504 recensentur, debet:

1° facta quibus actoris petitiones innitantur, breviter, integre et perspicue exponere;

§ 3. Among religious the execution of the sentence pertains to the superior who rendered the sentence to be executed or the superior who delegated the judge.

**Can. 1654** - § 1. Unless the text of the sentence leaves it to the judgment of the executor, the executor must execute the sentence according to the obvious sense of the words.

§ 2. The executor is permitted to deal with exceptions concerning the manner and force of the execution but not concerning the merit of the case. If it is discovered from another source that the sentence is null or manifestly unjust according to the norm of cann. 1620, 1622, and 1645, the executor is to refrain from executing it and, after having informed the parties, is to refer the matter to the tribunal which rendered the sentence.

**Can. 1655** - § 1. In real actions, whenever the petitioner is awarded something, it must be handed over to the petitioner as soon as there is a res iudicata.

§ 2. In personal actions, when the guilty party is condemned to furnish a movable thing, to pay money, or to give or do something else, the judge in the text of the sentence or the executor according to his or her judgment and prudence is to establish a time limit to fulfill the obligation; this time limit, however, is not to be less than fifteen days nor more than six months.

## Section II. The Oral Contentious Process

**Can. 1656** - § 1. All cases not excluded by law can be treated in the oral contentious process mentioned in this section unless a party requests the ordinary contentious process.

§ 2. If the oral process is used outside of the cases permitted in law, the judicial acts are null.

**Can. 1657** - The oral contentious process takes place in the first grade before a single judge according to the norm of can. 1424.

**Can. 1658** - § 1. In addition to the things enumerated in can. 1504, the libellus which introduces the litigation must:

1° set forth briefly, completely, and clearly the facts on which the requests of the petitioner are based;

2° probationes quibus actor facta demonstrare intendit, quasque simul afferre nequit, ita indicare ut statim colligi a iudice possint.

§ 2. Libello adnecti debent, saltem in exemplari authentico, documenta quibus petitio innitur.

**Can. 1659** - § 1. Si conamen conciliationis ad normam can. 1446, § 2 inutile cesserit, iudex, si aestimet libellum aliquo fundamento niti, intra tres dies, decreto ad calcem ipsius libelli apposito, praecipiat ut exemplar petitionis notificetur parti conventae, facta huic facultate mittendi, intra quindecim dies, ad cancellariam tribunalis scriptam responsionem.

§ 2. Haec notificatio effectus habet citationis iudicialis, de quibus in can. 1512.

**Can. 1660** - Si exceptiones partis conventae id exigant, iudex parti actrici praefiniat terminum ad respondendum, ita ut ex allatis utriusque partis elementis ipse controversiae obiectum perspectum habeat.

**Can. 1661** - § 1. Elapsis terminis, de quibus in cann. 1659 et 1660, iudex, perspectis actis, formulam dubii determinet; dein ad audientiam, non ultra triginta dies celebrandam, omnes citet qui in ea interesse debent, addita pro partibus dubii formula.

§ 2. In citatione partes certiores fiant se posse, tres saltem ante audientiam dies, aliquod breve scriptum tribunali exhibere ad sua asserta comprobanda.

**Can. 1662** - In audientia primum tractantur quaestiones de quibus in cann. 1459-1464.

**Can. 1663** - § 1. Probationes colliguntur in audientia, salvo praescripto can. 1418.

§ 2. Pars eiusque advocatus assistere possunt excussioni ceterarum partium, testium et peritorum.

**Can. 1664** - Responsiones partium, testium, peritorum, petitiones et exceptiones advocatorum, redigendae sunt scripto a

2° indicate the proofs by which the petitioner intends to demonstrate the facts but which cannot be presented at once, in such a way that the judge can collect them immediately.

§ 2. The documents on which the petition is based must be attached to the libellus, at least in an authentic copy.

**Can. 1659** - § 1. If the attempt at reconciliation according to the norm of can. 1446, § 2 proved useless and the judge thinks that the libellus has some foundation, the judge is to order within three days by a decree appended to the bottom of the libellus that a copy of the petition be communicated to the respondent, giving to the latter the opportunity to send a written response to the tribunal chancery within fifteen days.

§ 2. This notification has the effect of the judicial citation mentioned in can. 1512.

**Can. 1660** - If the exceptions of the respondent demand it, the judge is to establish a time limit for the petitioner to respond, in such a way that from the points brought forth by both of the parties the judge clarifies the object of the controversy.

**Can. 1661** - § 1. When the time limits mentioned in cann. 1659 and 1660 have elapsed, the judge, after an examination of the acts, is to determine the formula of the doubt. Next, the judge is to cite all those who must take part to a hearing which must be held within thirty days; the formula of the doubt is to be attached to the citation of the parties.

§ 2. In the citation the parties are to be informed that they can present a brief written statement to the tribunal to verify their claims at least three days before the hearing.

**Can. 1662** - At the hearing the questions mentioned in cann. 1459-1464 are treated first.

**Can. 1663** - § 1. The proofs are collected at the hearing without prejudice to the prescript of can. 1418.

§ 2. A party and his or her advocate can be present at the examination of the other parties, the witnesses, and the experts.

**Can. 1664** - The notary must put into writing the responses of the parties, the witnesses, and the experts and the petitions and



notario, sed summatim et in iis tantummodo quae pertinent ad substantiam rei controversae, et a deponentibus subsignandae.

**Can. 1665** - Probationes, quae non sint in petitione vel responsione allatae aut petitaе, potest iudex admittere tantum ad normam can. 1452; postquam autem vel unus testis auditus est, iudex potest tantummodo ad normam can. 1600 novas probationes discernere.

**Can. 1666** - Si in audientia probationes omnes colligi non potuerint, altera statuatur audientia.

**Can. 1667** - Probationibus collectis, fit in eadem audientia discussio oralis.

**Can. 1668** - § 1. Nisi ex discussione aliquid supplendum in causae instructione comperiat, vel aliud existat quod impediatur sententiam rite proferri, iudex illico, expleta audientia, causam seorsum decidat; dispositiva sententiae pars statim coram partibus praesentibus legatur.

§ 2. Potest autem tribunal propter rei difficultatem vel aliam iustam causam usque ad quintum utilem diem decisionem differre.

§ 3. Integer sententiae textus, motivis expressis, quam primum, ordinarie non ultra quindecim dies, partibus notificetur.

**Can. 1669** - Si tribunal appellationis perspiciat in inferiore iudicii gradu processum contentiosum oralem esse adhibitum in casibus a iure exclusis, nullitatem sententiae declaret et causam remittat tribunal quod sententiam tulit.

**Can. 1670** - In ceteris quae ad rationem procedendi attinent, serventur praescripta canonum de iudicio contentioso ordinario. Tribunal autem potest suo decreto, motivis praedito, normis processualibus, quae non sint ad validitatem statutae, derogare, ut celeritati, salva iustitia, consulat.

exceptions of the advocates, but in a summary fashion and only in those matters pertaining to the substance of the dispute; the deponents must sign these acts.

**Can. 1665** - The judge can admit proofs which are not brought forth or sought in the petition or response only according to the norm of can. 1452. After even one witness has been heard, however, the judge can only decide about new proofs according to the norm of can. 1600.

**Can. 1666** - If all the proofs were not able to be collected during the hearing, a second hearing is to be scheduled.

**Can. 1667** - When the proofs have been collected, the oral discussion takes place at the same hearing.

**Can. 1668** - § 1. Unless the discussion reveals that something must be supplied in the instruction of the case or something else turns up which prevents a proper pronouncement of the sentence, at the completion of the hearing the judge in private is to decide the case immediately; the dispositive part of the sentence is to be read at once before the parties who are present.

§ 2. The tribunal can defer the decision up to the fifth useful day because of the difficulty of the matter or for some other just cause.

§ 3. The complete text of the sentence with the reasons expressed is to be communicated to the parties as soon as possible, ordinarily in not more than fifteen days.

**Can. 1669** - If the appellate tribunal discovers that the oral contentious process was used at a lower grade of a trial in cases excluded by law, it is to declare the nullity of the sentence and remit the case to the tribunal which rendered the sentence.

**Can. 1670** - In other matters pertaining to the manner of proceeding, the prescripts of the canons for the ordinary contentious trial are to be observed. In order to expedite matters without prejudice to justice, however, the tribunal, by a decree expressing the reasons for its decision, can derogate from procedural norms which have not been established for validity.

## PARS III. DE QUIBUSDAM PROCESSIBUS SPECIALIBUS

### TITULUS I. DE PROCESSIBUS MATRIMONIALIBUS

#### CAPUT I. DE CAUSIS AD MATRIMONII NULLITATEM DECLARANDAM

Art. 1. De foro competenti et de tribunalibus

**Can. 1671** - § 1. Causae matrimoniales baptizatorum iure proprio ad iudicem ecclesiasticum spectant.

§ 2. Causae de effectibus matrimonii mere civilibus pertinent ad civilem magistratum, nisi ius particulare statuatur easdem causas, si incidenter et accessorie agantur, posse a iudice ecclesiastico cognosci ac definiri.

**Can. 1672** - In causis de matrimonii nullitate, quae non sint Sedi Apostolicae reservatae, competentia sunt:

1° tribunal loci in quo matrimonium celebratum est;

2° tribunal loci in quo alterutra vel utraque pars domicilium vel quasi-domicilium habet;

3° tribunal loci in quo de facto colligendae sunt pleraeque probationes.

**Can. 1673** - § 1. In unaquaque dioecesi iudex primae instantiae pro causis nullitatis matrimonii iure expresse non exceptis est Episcopus dioecesanus, qui iudicalem potestatem exercere potest per se ipse vel per alios, ad normam iuris.

§ 2. Episcopus pro sua dioecesi tribunal dioecesanum constituat pro causis nullitatis matrimonii, salva facultate ipsius Episcopi accedendi ad aliud dioecesanum vel interdioecesanum vicinius tribunal.

§ 3. Causae de matrimonii nullitate collegio trium iudicum reservantur. Eidem praeesse debet iudex clericus, reliqui iudices etiam laici esse possunt.

§ 4. Episcopus Moderator, si tribunal collegiale constitui nequeat in dioecesi vel in viciniore tribunali ad normam § 2 electo, causas unico iudici clerico committat qui, ubi fieri possit, duos assessores probatae vitae, peritos in scientiis iuridicis vel humanis, ab Episcopo ad hoc munus approbatos, sibi asciscat; eidem iudici

## Part III. CERTAIN SPECIAL PROCESSES

### Title I. Marriage Processes

#### Chapter I. Cases to Declare the Nullity of Marriage

Art. 1. The Competent Forum and Tribunals

**Can. 1671** - § 1. Marriage cases of the baptized belong to the ecclesiastical judge by proper right.

§ 2. Cases regarding merely the civil effects of marriage belong to a civil magistrate, unless the particular law establishes that such cases, if carried out in an incidental or accessory manner, can be recognized by and determined by an ecclesiastical judge.

**Can. 1672** - In cases regarding the nullity of marriage not reserved to the Apostolic See, the competencies are:

1° the tribunal of the place in which the marriage was celebrated;

2° the tribunal of the place in which either or both parties have a domicile or a quasi-domicile;

3° the tribunal of the place in which in fact most of the proofs must be collected.

**Can. 1673** - § 1. In each diocese, the judge in first instance for cases of nullity of marriage for which the law does not expressly make an exception is the diocesan bishop, who can exercise judicial power personally or through others, according to the norm of law.

§ 2. The bishop is to establish a diocesan tribunal for his diocese to handle cases of nullity of marriage without prejudice to the faculty of the same bishop to approach another nearby diocesan or interdiocesan tribunal.

§ 3. Cases of nullity of marriage are reserved to a college of three judges. A judge who is a cleric must preside over the college, but the other judges may be laypersons.

§ 4. The bishop moderator, if a collegial tribunal cannot be constituted in the diocese or in a nearby tribunal chosen according to the norm of § 2, is to entrust cases to a sole clerical judge who, where possible, is to employ two assessors of upright life, experts in juridical or human sciences, approved by the bishop for

unico, nisi aliud constet, ea competunt quae collegio, praesidi vel ponenti tribuuntur.

§ 5. Tribunal secundae instantiae ad validitatem semper collegiale esse debet, iuxta praescriptum praecedentis § 3.

§ 6. A tribunali primae instantiae appellatur ad tribunal metropolitanum secundae instantiae, salvis praescriptis cann. 1438-1439 et 1444.

Art. 2. De iure impugnandi matrimonium

**Can. 1674** - § 1. Habiles sunt ad matrimonium impugnandum:

1° coniuges;

2° promotor iustitiae, cum nullitas iam divulgata est, si matrimonium convalidari nequeat aut non expediat.

§ 2. Matrimonium quod, utroque coniuge vivente, non fuit accusatum, post mortem alterutrius vel utriusque coniugis accusari non potest, nisi quaestio de validitate sit praeiudicialis ad aliam solvendam controversiam sive in foro canonico sive in foro civili.

§ 3. Si autem coniux moriatur pendente causa, servetur can. 1518.

Art. 3. De causae introductione et instructione

**Can. 1675** - Iudex, antequam causam acceptet, certior fieri debet matrimonium irreparabiliter pessum ivisse, ita ut coniugalis convictus restitui nequeat.

**Can. 1676** - § 1. Recepto libello, Vicarius iudicialis si aestimet eum aliquo fundamento niti, eum admittat et, decreto ad calcem ipsius libelli apposito, praecipiat ut exemplar notificetur defensori vinculi et, nisi libellus ab utraque parte subscriptus fuerit, parti conventae, eidem dato termino quindecim dierum ad suam mentem de petitione aperiendam.

§ 2. Praefato termino transacto, altera parte, si et quatenus, iterum monita ad suam mentem ostendendam, audito vinculi defensore, Vicarius iudicialis suo decreto dubii formulam determinet et decernat utrum causa processu ordinario an processu breviori ad mentem

this task; unless it is otherwise evident, the same single judge has competency for those things attributed to the college, the praeses, or the ponens.

§ 5. The tribunal of second instance must always be collegiate for validity, according to the prescript of the preceding § 3.

§ 6. The tribunal of first instance appeals to the metropolitan tribunal of second instance without prejudice to the prescripts of cann. 1438-1439 and 1444.

Art. 2. The Right to Challenge a Marriage

**Can. 1674** - § 1. The following are qualified to challenge a marriage:

1° the spouses;

2° the promoter of justice when nullity has already become public, if the convalidation of the marriage is not possible or expedient.

§ 2. A marriage which was not accused while both spouses were living cannot be accused after the death of either one or both of the spouses unless the question of validity is prejudicial to the resolution of another controversy either in the canonical forum or in the civil forum.

§ 3. If a spouse dies while the case is pending, however, can. 1518 is to be observed.

Art. 3. The Introduction and Instruction of the Cause

**Can. 1675** - The judge, before he accepts a case, must be informed that the marriage has irreparably failed, such that conjugal living cannot be restored.

**Can. 1676** - § 1. After receiving the libellus, the judicial vicar, if he considers that it has some basis, admits it and, by a decree appended to the bottom of the libellus itself, is to order that a copy be communicated to the defender of the bond and, unless the libellus was signed by both parties, to the respondent, giving them a period of fifteen days to express their views on the petition.

§ 2. After the above-mentioned deadline has passed, and after the other party has been admonished to express his or her views if and insofar as necessary, and after the defender of the bond has been heard, the judicial vicar is to determine by his decree the formula of the

cann. 1683-1687 pertractanda sit. Quod decretum partibus et vinculi defensori statim notificetur.

§ 3. Si causa ordinario processu tractanda est, Vicarius iudicialis, eodem decreto, constitutionem iudicum collegii vel iudicis unici cum duobus assessoribus iuxta can. 1673, § 4 disponat.

§ 4. Si autem processus brevior statutus est, Vicarius iudicialis agat ad normam can. 1685.

§ 5. Formula dubii determinare debet quo capite vel quibus capitibus nuptiarum validitas impugnetur.

**Can. 1677** - § 1. Defensori vinculi, partium patronis et, si in iudicio sit, etiam promotori iustitiae ius est:

1° examini partium, testium et peritorum adesse, salvo praescripto can. 1559;

2° acta iudicialia, etsi nondum publicata, invisere et documenta a partibus producta recognoscere.

§ 2. Examini, de quo in § 1, n. 1, partes assistere nequeunt.

**Can. 1678** - § 1. In causis de matrimonii nullitate, confessio iudicialis et partium declarationes, testibus forte de ipsarum partium credibilitate sustentae, vim plenae probationis habere possunt, a iudice aestimandam perpensis omnibus indiciis et adminiculis, nisi alia accedant elementa quae eas infirment.

§ 2. In iisdem causis, depositio unius testis plenam fidem facere potest, si agatur de teste qualificato qui deponat de rebus ex officio gestis, aut rerum et personarum adiuncta id suadeant.

§ 3. In causis de impotentia vel de consensus defectu propter mentis morbum vel anomaliam naturae psychicae iudex unius periti vel plurium opera utatur, nisi ex adiunctis inutilis evidenter appareat; in ceteris causis servetur praescriptum can. 1574.

doubt and is to decide whether the case is to be treated with the ordinary process or with the briefer process according to cann. 1683- 1687. This decree is to be communicated immediately to the parties and the defender of the bond.

§ 3. If the case is to be handled through the ordinary process, the judicial vicar, by the same decree, is to arrange the constitution of a college of judges or of a single judge with two assessors according to can. 1673, § 4.

§ 4. However, if the briefer process is decided upon, the judicial vicar proceeds according to the norm of can. 1685.

§ 5. The formula of doubt must determine by which ground or grounds the validity of the marriage is challenged.

**Can. 1677** - § 1. The defender of the bond, the legal representatives of the parties, as well as the promoter of justice, if involved in the trial, have the following rights:

1° to be present at the examination of the parties, the witnesses, and the experts, without prejudice to the prescript of can. 1559;

2° to inspect the judicial acts, even those not yet published, and to review the documents presented by the parties.

§ 2. The parties cannot be present at the examination mentioned in § 1, n. 1.

**Can. 1678** - § 1. In cases of the nullity of marriage, a judicial confession and the declarations of the parties, possibly supported by witnesses to the credibility of the parties, can have the force of full proof, to be evaluated by the judge after he has considered all the indications and supporting factors, unless other elements are present which weaken them.

§ 2. In the same cases, the testimony of one witness can produce full proof if it concerns a qualified witness making a deposition concerning matters done ex officio, or unless the circumstances of things and persons suggest it.

§ 3. In cases of impotence or defect of consent because of mental illness or an anomaly of a psychic nature, the judge is to use the services of one or more experts unless it is clear from the circumstances that it would be useless to do so; in other cases the prescript of can. 1574 is to be observed.

§ 4. Quoties in instructione causae dubium valde probabile emerit de non secuta matrimonii consummatione, tribunal potest, auditis partibus, causam nullitatis suspendere, instructionem complere pro dispensatione super rato, ac tandem acta transmittere ad Sedem Apostolicam una cum petitione dispensationis ab alterutro vel utroque coniuge et cum voto tribunalis et Episcopi.

Art. 4. De sententia, de eiusdem impugnationibus et executione

**Can. 1679** - Sententia, quae matrimonii nullitatem primum declaravit, elapsis terminis a cann. 1630-1633 ordinatis, fit executiva.

**Can. 1680** - § 1. Integrum manet parti, quae se gravatam putet, itemque promotori iustitiae et defensori vinculi querelam nullitatis sententiae vel appellationem contra eandem sententiam interponere ad mentem cann. 1619-1640.

§ 2. Terminis iure statutis ad appellationem eiusque prosecutionem elapsis atque actis iudicialibus a tribunali superioris instantiae receptis, constituatur collegium iudicum, designetur vinculi defensor et partes moneantur ut animadversiones, intra terminum praestitutum, proponant; quo termino transacto, si appellatio mere dilatoria evidenter appareat, tribunal collegiale, suo decreto, sententiam prioris instantiae confirmet.

§ 3. Si appellatio admissa est, eodem modo quo in prima instantia, congrua congruis referendo, procedendum est.

§ 4. Si in gradu appellationis novum nullitatis matrimonii caput afferatur, tribunal potest, tamquam in prima instantia, illud admittere et de eo iudicare.

**Can. 1681** - Si sententia executiva prolata sit, potest quovis tempore ad tribunal tertii gradus pro nova causae propositione ad normam can. 1644 provocari, novis iisque gravibus probationibus vel argumentis intra peremptorium terminum triginta dierum a proposita impugnatione allatis.

**Can. 1682** - § 1. Postquam sententia, quae matrimonii nullitatem declaraverit, facta est executiva, partes quarum matrimonium

§ 4. Whenever, during the instruction of a case, a very probable doubt arises as to whether the marriage was ever consummated, the tribunal, having heard both parties, can suspend the case of nullity, complete the instruction for a dispensation super rato, and then transmit the acts to the Apostolic See together with a petition for a dispensation from either one or both of the spouses and the votum of the tribunal and the bishop.

Art. 4. The Sentence, its Challenge and Execution

**Can. 1679** - The sentence that first declared the nullity of the marriage, once the terms as determined by cann. 1630-1633 have passed, becomes executive.

**Can. 1680** - § 1. The party who considers himself or herself aggrieved, as well as the promoter of justice and the defender of the bond, have the right to introduce a complaint of nullity of the judgment or appeal against the sentence, according to cann. 1619-1640.

§ 2. After the time limits established by law for the appeal and its prosecution have passed, and after the judicial acts have been received by the tribunal of higher instance, a college of judges is established, the defender of the bond is designated, and the parties are admonished to put forth their observations within the prescribed time limit; after this time period has passed, if the appeal clearly appears merely dilatory, the collegiate tribunal confirms the sentence of the prior instance by decree.

§ 3. If an appeal is admitted, the tribunal must proceed in the same manner as the first instance with the appropriate adjustments.

§ 4. If a new ground of nullity of the marriage is alleged at the appellate level, the tribunal can admit it and judge it as if in first instance.

**Can. 1681** - If an executive sentence has been issued, one can go at any time to a tribunal of the third level for a new proposition of the case according to the norm of can. 1644, provided new and grave proofs or arguments are brought forward within the peremptory time limit of thirty days from the proposed challenge.

**Can. 1682** - § 1. After the sentence declaring the nullity of the marriage has been executed, the parties whose marriage has been declared

declaratum est nullum, possunt novas nuptias contrahere, nisi vetito ipsi sententiae appposito vel ab Ordinario loci statuto id prohibeatur.

§ 2. Statim ac sententia facta est executiva, Vicarius iudicialis debet eandem notificare Ordinario loci in quo matrimonium celebratum est. Is autem curare debet ut quam primum de decreta nullitate matrimonii et de vetitis forte statutis in matrimoniorum et baptizatorum libris mentio fiat.

Art. 5. De processu matrimoniali breviori coram Episcopo

**Can. 1683** - Ipsi Episcopo dioecetano competet iudicare causas de matrimonii nullitate processu breviori quoties:

1° petitio ab utroque coniuge vel ab alterutro, altero consentiente, proponatur;

2° recurrant rerum personarumque adiuncta, testimoniis vel instrumentis suffulta, quae accuratiorem disquisitionem aut investigationem non exigant, et nullitatem manifestam reddant.

**Can. 1684** - Libellus quo processus brevior introducitur, praeter ea quae in can. 1504 recensentur, debet:

1° facta quibus petitio innititur breviter, integre et perspicue exponere;

2° probationes, quae statim a iudice colligi possint, indicare;

3° documenta quibus petitio innititur in adnexo exhibere.

**Can. 1685** - Vicarius iudicialis, eodem decreto quo dubii formulam determinat, instructore et assessore nominatis, ad sessionem non ultra triginta dies iuxta can. 1686 celebrandam omnes citet qui in ea interesse debent.

**Can. 1686** - Instructor una sessione, quatenus fieri possit, probationes colligat et terminum quindecim dierum statuatur ad animadversiones pro vinculo et defensiones pro partibus, si quae habeantur, exhibendas.

**Can. 1687** - § 1. Actis receptis, Episcopus dioecetanus, collatis consiliis cum instructore

null can contract a new marriage unless a prohibition attached to the sentence itself or established by the local ordinary forbids this.

§ 2. As soon as the sentence is executed, the judicial vicar must notify the local ordinary of the place in which the marriage took place. The local ordinary must take care that the declaration of the nullity of the marriage and any possible prohibitions are noted as soon as possible in the marriage and baptismal registers.

Art. 5. The Briefer Matrimonial Process before the Bishop

**Can. 1683** - The diocesan bishop himself is competent to judge cases of the nullity of marriage with the briefer process whenever:

1° the petition is proposed by both spouses or by one of them, with the consent of the other;

2° circumstance of things and persons recur, with substantiating testimonies and records, which do not demand a more accurate inquiry or investigation, and which render the nullity manifest.

**Can. 1684** - The libellus introducing the briefer process, in addition to those things enumerated in can. 1504, must:

1° set forth briefly, fully, and clearly the facts on which the petition is based;

2° indicate the proofs, which can be immediately collected by the judge;

3° exhibit the documents, in an attachment, upon which the petition is based.

**Can. 1685** - The judicial vicar, by the same decree which determines the formula of the doubt, having named an instructor and an assessor, cites all who must take part to a session, which in turn must be held within thirty days according to can. 1686.

**Can. 1686** - The instructor, insofar as possible, collects the proofs in a single session and establishes a time limit of fifteen days to present the observations in favor of the bond and the defense briefs of the parties, if there are any.

**Can. 1687** - § 1. After he has received the acts, the diocesan bishop, having consulted with the

et assessore, perpensisque animadversionibus defensoris vinculi et, si quae habeantur, defensionibus partium, si moralem certitudinem de matrimonii nullitate adipiscitur, sententiam ferat. Secus causam ad ordinarium tramitem remittat.

§ 2. Integer sententiae textus, motivis expressis, quam citius partibus notificetur.

§ 3. Adversus sententiam Episcopi appellatio datur ad Metropolitam vel ad Rotam Romanam; si autem sententia ab ipso Metropolita lata sit, appellatio datur ad antiquiorem suffraganeum; et adversus sententiam alius Episcopi qui auctoritatem superiorem infra Romanum Pontificem non habet, appellatio datur ad Episcopum ab eodem stabiliter selectum.

§ 4. Si appellatio mere dilatoria evidenter appareat, Metropolita vel Episcopus de quo in § 3, vel Decanus Rotae Romanae, eam a limine decreto suo reiciat; si autem admissa fuerit, causa ad ordinarium tramitem in altero gradu remittatur.

#### Art. 6. De processu documentali

**Can. 1688** - Recepta petitione ad normam can. 1676 proposita, Episcopus dioecesanus vel Vicarius iudicialis vel Iudex designatus potest, praetermissis sollemnitatibus ordinarii processus sed citatis partibus et cum interventu defensoris vinculi, matrimonii nullitatem sententia declarare, si ex documento, quod nulli contradictioni vel exceptioni sit obnoxium, certo constet de existentia impedimenti dirimentis vel de defectu legitimae formae, dummodo pari certitudine pateat dispensationem datam non esse, aut de defectu validi mandati procuratoris.

**Can. 1689** - § 1. Adversus hanc declarationem defensor vinculi, si prudenter existimaverit vel vitia de quibus in can. 1688 vel dispensationis defectum non esse certa, appellare debet ad iudicem secundae instantiae, ad quem acta sunt transmittenda quique scripto monendus est agi de processu documentali.

§ 2. Integrum manet parti, quae se gravatam putet, ius appellandi.

instructor and the assessor, and having considered the observations of the defender of the bond and, if there are any, the defense briefs of the parties, is to issue the sentence if moral certitude about the nullity of marriage is reached. Otherwise, he refers the case to the ordinary method.

§ 2. The full text of the sentence, with the reasons expressed, is to be communicated to the parties as swiftly as possible.

§ 3. An appeal against the sentence of the bishop is made to the metropolitan or to the Roman Rota; if, however, the sentence was rendered by the metropolitan, the appeal is made to the senior suffragan; if against the sentence of another bishop who does not have a superior authority below the Roman Pontiff, appeal is made to the bishop selected by him in a stable manner.

§ 4. If the appeal clearly appears merely dilatory, the metropolitan or the bishop mentioned in § 3, or the dean of the Roman Rota, is to reject it by his decree at the outset; if the appeal is admitted, however, the case is remitted to the ordinary method at the second level.

#### Art. 6. The Documentary Process

**Can. 1688** - After receiving a petition proposed according to the norm of can. 1677, the diocesan bishop or the judicial vicar or a judge designated by him can declare the nullity of a marriage by sentence if a document subject to no contradiction or exception clearly establishes the existence of a diriment impediment or a defect of legitimate form, provided that it is equally certain that no dispensation was given, or establishes the lack of a valid mandate of a proxy. In these cases, the formalities of the ordinary process are omitted except for the citation of the parties and the intervention of the defender of the bond.

**Can. 1689** - § 1. If the defender of the bond prudently thinks that either the flaws mentioned in can. 1688 or the lack of a dispensation are not certain, the defender of the bond must appeal against the declaration of nullity to the judge of second instance; the acts must be sent to the appellate judge who must be advised in writing that a documentary process is involved.

§ 2. The party who considers himself or herself aggrieved retains the right of appeal.

**Can. 1690** - Iudex alterius instantiae, cum interventu defensoris vinculi et auditis partibus, decernet eodem modo, de quo in can. 1688, utrum sententia sit confirmanda, an potius procedendum in causa sit iuxta ordinarium tramitem iuris; quo in casu eam remittit ad tribunal primae instantiae.

#### Art. 7 - Normae generales

**Can. 1691** - § 1. In sententia partes moneantur de obligationibus moralibus vel etiam civilibus, quibus forte teneantur, altera erga alteram et erga prolem, ad sustentationem et educationem praestandam.

§ 2. Causae ad matrimonii nullitatem declarandam, processu contentioso orali, de quo in cann. 1656-1670, tractari nequeunt.

§ 3. In ceteris quae ad rationem procedendi attinent, applicandi sunt, nisi rei natura obstat, canones de iudiciis in genere et de iudicio contentioso ordinario, servatis specialibus normis circa causas de statu personarum et causas ad bonum publicum spectantes.

#### CAPUT II. DE CAUSIS SEPARATIONIS CONIUGUM

**Can. 1692** - § 1. Separatio personalis coniugum baptizatorum, nisi aliter pro locis particularibus legitime provisum sit, decerni potest Episcopi dioecesei decreto vel iudicis sententia ad normam canonum qui sequuntur.

§ 2. Ubi decisio ecclesiastica effectus civiles non sortitur, vel si sententia civilis praevideatur non contraria iuri divino, Episcopus dioecesei commorationis coniugum poterit, perpensis peculiaribus adiunctis, licentiam concedere adeundi forum civile.

§ 3. Si causa versetur etiam circa effectus mere civiles matrimonii, satagat iudex ut, servato praescripto § 2, causa inde ab initio ad forum civile deferatur.

**Can. 1693** - § 1. Nisi qua pars vel promotor iustitiae processum contentiosum ordinarium petant, processus contentiosus oralis adhibeatur.

§ 2. Si processus contentiosus ordinarius

**Can. 1690** - The judge of second instance, with the intervention of the defender of the bond and after having heard the parties, will decide in the same manner as that mentioned in can. 1688 whether the sentence must be confirmed or whether the case must rather proceed according to the ordinary method of law; in the latter event the judge remands the case to the tribunal of first instance.

#### Art. 7. General Norms

**Can. 1691** - § 1. In the sentence the parties are to be reminded of the moral and even civil obligations binding them toward one another and toward their children to furnish support and education.

§ 2. Cases for the declaration of the nullity of a marriage cannot be treated in the oral contentious process mentioned in cann. 1656-1670.

§ 3. In other procedural matters, the canons on trials in general and on the ordinary contentious trial must be applied unless the nature of the matter precludes it; the special norms for cases concerning the status of persons and cases pertaining to the public good are to be observed.

#### Chapter II. Cases of Separation of Spouses

**Can. 1692** - § 1. Unless other provision is legitimately made in particular places, a decree of the diocesan bishop or a judicial sentence can decide the personal separation of baptized spouses according to the norm of the following canons.

§ 2. Where an ecclesiastical decision has no civil effects or if a civil sentence is not contrary to divine law, the bishop of the diocese of the residence of the spouses, after having weighed the special circumstances, can grant permission to approach the civil forum.

§ 3. If a case concerns only the merely civil effects of marriage, the judge, after having observed the prescript of § 2, is to try to defer the case to the civil forum from the start.

**Can. 1693** - § 1. Unless a party or the promoter of justice requests the ordinary contentious process, the oral contentious process is to be used.

§ 2. If the ordinary contentious process has



adhibitus sit et appellatio proponatur, tribunal secundi gradus ad normam can. 1682, § 2 [1680 §§ 2,3] procedat, servatis servandis.

**Can. 1694** - Quod attinet ad tribunalis competentiam, servantur praescripta can. 1673 [1672].

**Can. 1695** - Iudex, antequam causam acceptet et quotiescumque spem boni exitus perspicit, pastoralia media adhibeat, ut coniuges concilientur et ad coniugalem convictum restaurandum inducantur.

**Can. 1696** - Causae de coniugum separatione ad publicum quoque bonum spectant; ideoque iis interesse semper debet promotor iustitiae, ad normam can. 1433.

### CAPUT III. DE PROCESSU AD DISPENSATIONEM SUPER MATRIMONIO RATO ET NON CONSUMMATO

**Can. 1697** - Soli coniuges, vel alteruter, quamvis altero invito, ius habent petendi gratiam dispensationis super matrimonio rato et non consummato.

**Can. 1698** - § 1. Una Sedes Apostolica cognoscit de facto inconsummationis matrimonii et de existentia iustae causae ad dispensationem concedendam.

§ 2. Dispensatio vero ab uno Romano Pontifice conceditur.

**Can. 1699** - § 1. Competens ad accipiendum libellum, quo petitur dispensatio, est Episcopus dioecesanus domicilii vel quasi-domicilii oratoris, qui, si constiterit de fundamento precum, processus instructionem disponere debet.

§ 2. Si tamen casus propositus speciales habeat difficultates ordinis iuridici vel moralis, Episcopus dioecesanus consulat Sedem Apostolicam.

§ 3. Adversus decretum quo Episcopus libellum reicit, patet recursus ad Sedem Apostolicam.

**Can. 1700** - § 1. Firmo praescripto can. 1681 [1678 § 4], horum processuum instructionem committat Episcopus, stabiliter vel in singulis casibus, tribunali suae vel alienae dioecesis aut

been used and an appeal is proposed, the tribunal of second grade, observing what is required, is to proceed according to the norm of can. 1682, § 2 [1680 §§ 2,3].

**Can. 1694** - The prescripts of can. 1673 [1672] are to be observed in what pertains to the competence of the tribunal.

**Can. 1695** - Before accepting the case and whenever there is hope of a favorable outcome, the judge is to use pastoral means to reconcile the spouses and persuade them to restore conjugal living.

**Can. 1696** - Cases concerning the separation of spouses also pertain to the public good; therefore the promoter of justice must always take part in them according to the norm of can. 1433.

### Chapter III. Process for the Dispensation of a Marriage Ratum et Non Consummatum

**Can. 1697** - Only the spouses, or one of them even if the other is unwilling, have the right to petition for the favor of a dispensation from a marriage ratum et non consummatum.

**Can. 1698** - § 1. Only the Apostolic See adjudicates the fact of the non-consummation of a marriage and the existence of a just cause to grant a dispensation.

§ 2. Only the Roman Pontiff, however, grants the dispensation.

**Can. 1699** - § 1. The person competent to accept a libellus seeking a dispensation is the diocesan bishop of the domicile or quasi-domicile of the petitioner, who must arrange for the instruction of the process if the petition is well founded.

§ 2. If the proposed case has special difficulties of the juridical or moral order, however, the diocesan bishop is to consult the Apostolic See.

§ 3. Recourse to the Apostolic See is available against a decree by which a bishop rejects a libellus.

**Can. 1700** - § 1. Without prejudice to the prescript of can. 1681 [1678 § 4], the bishop is to entrust the instruction of these processes either in a stable manner or in individual cases

idoneo sacerdoti.

§ 2. Quod si introducta sit petitio iudicialis ad declarandam nullitatem eiusdem matrimonii, instructio ad idem tribunal committatur.

**Can. 1701** - § 1. In his processibus semper intervenire debet vinculi defensor.

§ 2. Patronus non admittitur, sed, propter casus difficultatem, Episcopus permittere potest ut iurisperiti opera orator vel pars conventa iuветur.

**Can. 1702** - In instructione uterque coniux audiatur et serventur, quatenus fieri possit, canones de probationibus colligendis in iudicio contentioso ordinario et in causis de matrimonii nullitate, dummodo cum horum processuum indole componi queant.

**Can. 1703** - § 1. Non fit publicatio actorum; iudex tamen, si conspiciat petitioni partis oratrici vel exceptioni partis conventae grave obstaculum obvenire ob adductas probationes, id parti cuius interest prudenter patefaciat.

§ 2. Parti instanti documentum allatum vel testimonium receptum iudex ostendere poterit et tempus praefinire ad deductiones exhibendas.

**Can. 1704** - § 1. Instructor, peracta instructione, omnia acta cum apta relatione deferat ad Episcopum, qui votum pro rei veritate promat tum super facto inconsummationis tum super iusta causa ad dispensandum et gratiae opportunitate.

§ 2. Si instructio processus commissa sit alieno tribunali ad normam can. 1700, animadversiones pro vinculo in eodem foro conficiantur, sed votum de quo in § 1 spectat ad Episcopum committentem, cui instructor simul cum actis aptam relationem tradat.

**Can. 1705** - § 1. Acta omnia Episcopus una cum suo voto et animadversionibus defensoris vinculi transmittat ad Sedem Apostolicam.

§ 2. Si, iudicio Apostolicae Sedis, requiratur

to his tribunal, that of another diocese, or a suitable priest.

§ 2. If a judicial petition to declare the nullity of the same marriage has been introduced, however, the instruction is to be entrusted to the same tribunal.

**Can. 1701** - § 1. The defender of the bond must always intervene in these processes.

§ 2. A legal representative is not admitted, but because of the difficulty of a case, a bishop can permit the petitioner or the respondent to have the assistance of a legal expert.

**Can. 1702** - In the instruction each spouse is to be heard, and the canons on the collection of proofs in the ordinary contentious trial and in cases of the nullity of marriage are to be observed insofar as possible, provided that they can be reconciled with the character of these processes.

**Can. 1703** - § 1. There is no publication of the acts. If the judge perceives that the proofs brought forward seriously hinder the request of the petitioner or the exception of the respondent, however, he is prudently to inform the interested party.

§ 2. The judge can show a document introduced or a testimony received to a party who requests it and set a time to present observations.

**Can. 1704** - § 1. When the instruction has been completed, the instructor is to give all the acts along with a suitable report to the bishop, who is to prepare a votum on the veracity of the fact of the non-consummation, the just cause for the dispensation, and the suitability of the favor.

§ 2. If the instruction of the process has been entrusted to another tribunal according to the norm of can. 1700, the observations in favor of the bond are to be made in the same forum; the votum mentioned in § 1, however, pertains to the entrusting bishop, to whom the instructor is to hand over a suitable report together with the acts.

**Can. 1705** - § 1. The bishop is to transmit to the Apostolic See all the acts together with his votum and the observations of the defender of the bond.

§ 2. If supplemental instruction is required in

supplementum instructionis, id Episcopo significabitur, indicatis elementis circa quae instructio complenda est.

§ 3. Quod si Apostolica Sedes rescripserit ex deductis non constare de inconsummatione, tunc iurisperitus de quo in can. 1701, § 2 potest acta processus, non vero votum Episcopi, invisere in sede tribunalis ad perpendendum num quid grave adduci possit ad petitionem denuo proponendam.

**Can. 1706** - Rescriptum dispensationis a Sede Apostolica transmittitur ad Episcopum; is vero rescriptum partibus notificabit et praeterea parochi tum loci contracti matrimonii tum suscepti baptismi quam primum mandabit, ut in libris matrimoniorum et baptizatorum de concessa dispensatione mentio fiat.

#### CAPUT IV. DE PROCESSU PRAESUMPTAE MORTIS CONIUGIS

**Can. 1707** - § 1. Quoties coniugis mors authentico documento ecclesiastico vel civili comprobari nequit, alter coniux a vinculo matrimonii solutus non habeatur, nisi post declarationem de morte praesumpta ab Episcopo dioecesano prolatam.

§ 2. Declarationem, de qua in § 1, Episcopus dioecesanus tantummodo proferre valet si, peractis opportunis investigationibus, ex testium depositionibus, ex fama aut ex indiciis moralem certitudinem de coniugis obitu obtinuerit. Sola coniugis absentia, quamvis diuturna, non sufficit.

§ 3. In casibus incertis et implexis Episcopus Sedem Apostolicam consulat.

#### TITULUS II. DE CAUSIS AD SACRAE ORDINATIONIS NULLITATEM DECLARANDAM

**Can. 1708** - Validitatem sacrae ordinationis ius habent accusandi sive ipse clericus sive Ordinarius, cui clericus subest vel in cuius dioecesi ordinatus est.

**Can. 1709** - § 1. Libellus mitti debet ad competentem Congregationem, quae decernet utrum causa ab ipsa Curiae Romanae

the judgment of the Apostolic See, this requirement will be communicated to the bishop with an indication of the points on which the instruction must be completed.

§ 3. If the Apostolic See replies that non-consummation has not been established from the materials presented, then the legal expert mentioned in can. 1701, § 2 can inspect the acts of the process, though not the votum of the bishop, at the tribunal to consider whether any grave reason can be brought forth in order to resubmit the petition.

**Can. 1706** - The Apostolic See transmits the rescript of the dispensation to the bishop who will notify the parties about the rescript and also as soon as possible will order the pastor both of the place where the marriage was contracted and of the place of baptism to note the granting of the dispensation in the marriage and baptismal registers.

#### Chapter IV. Process in the Presumed Death of a Spouse

**Can. 1707** - § 1. Whenever the death of a spouse cannot be proven by an authentic ecclesiastical or civil document, the other spouse is not considered free from the bond of marriage until after the diocesan bishop has issued a declaration of presumed death.

§ 2. The diocesan bishop is able to issue the declaration mentioned in § 1 only if, after having carried out appropriate investigations, he attains moral certitude of the death of the spouse from the depositions of witnesses, from rumor, or from evidence. The absence of a spouse alone, even for a long time, is not sufficient.

§ 3. The bishop is to consult the Apostolic See in uncertain and complicated cases.

#### Title II. Cases for Declaring the Nullity of Sacred Ordination

**Can. 1708** - The cleric himself, the ordinary to whom the cleric is subject, or the ordinary in whose diocese the cleric was ordained has the right to challenge the validity of sacred ordination.

**Can. 1709** - § 1. The libellus must be sent to the competent congregation which will decide whether the congregation of the Roman Curia

Congregatione an a tribunali ab ea designato sit agenda.

§ 2. Misso libello, clericus ordines exercere ipso iure vetatur.

**Can. 1710** - Si Congregatio causam ad tribunal remiserit, serventur, nisi rei natura obstet, canones de iudiciis in genere et de iudicio contentioso ordinario, salvis praescriptis huius tituli.

**Can. 1711** - In his causis defensor vinculi iisdem gaudet iuribus iisdemque tenetur officiis, quibus defensor vinculi matrimonialis.

**Can. 1712** - Post secundam sententiam, quae nullitatem sacrae ordinationis confirmavit, clericus omnia iura statui clericali propria amittit et ab omnibus obligationibus liberatur.

### TITULUS III. DE MODIS EVITANDI IUDICIA

**Can. 1713** - Ad evitandas iudiciales contentiones transactio seu reconciliatio utiliter adhibetur, aut controversia iudicio unius vel plurium arbitratorum committi potest.

**Can. 1714** - De transactione, de compromisso, deque iudicio arbitrari serventur normae a partibus selectae vel, si partes nullas selegerint, lex ab Episcoporum conferentia lata, si qua sit, vel lex civilis vicens in loco ubi conventio initur.

**Can. 1715** - § 1. Nequit transactio aut compromissum valide fieri circa ea quae ad bonum publicum pertinent, aliaque de quibus libere disponere partes non possunt.

§ 2. Si agitur de bonis ecclesiasticis temporalibus, serventur, quoties materia id postulat, sollemnitates iure statutae pro rerum ecclesiasticarum alienatione.

**Can. 1716** - § 1. Si lex civilis arbitrari sententiae vim non agnoscat, nisi a iudice confirmetur, sententia arbitrari de controversia ecclesiastica, ut vim habeat in foro canonico, confirmatione indiget iudicis ecclesiastici loci, in quo lata est.

itself or a tribunal designated by it must handle the case.

§ 2. Once the libellus has been sent, the cleric is forbidden to exercise orders by the law itself.

**Can. 1710** - If the congregation refers the case to a tribunal, the canons on trials in general and on the ordinary contentious trial are to be observed unless the nature of the matter precludes it and without prejudice to the prescripts of this title.

**Can. 1711** - In these cases the defender of the bond possesses the same rights and is bound by the same duties as the defender of the marriage bond.

**Can. 1712** - After a second sentence has confirmed the nullity of sacred ordination, the cleric loses all rights proper to the clerical state and is freed from all obligations.

### Title III. Methods of Avoiding Trials

**Can. 1713** - In order to avoid judicial contentions an agreement or reconciliation is employed usefully, or the controversy can be committed to the judgment of one or more arbitrators.

**Can. 1714** - For an agreement, a compromise, and an arbitrated judgment, the norms selected by the parties or, if the parties have selected none, the law laid down by the conference of bishops, if there is such a law, or the civil law in force in the place where the agreement is entered into is to be observed.

**Can. 1715** - § 1. An agreement or compromise cannot be made validly concerning matters which pertain to the public good and other matters about which the parties cannot make disposition freely.

§ 2. For temporal ecclesiastical goods, the formalities established by law for the alienation of ecclesiastical goods are to be observed whenever the matter demands it.

**Can. 1716** - § 1. If the civil law does not recognize the force of an arbitrated sentence unless a judge confirms it, an arbitrated sentence in an ecclesiastical controversy, in order to have force in the canonical forum, needs the confirmation of an ecclesiastical judge of the place where it was rendered.

§ 2. Si autem lex civilis admittat sententiae arbitralis coram civili iudice impugnationem, in foro canonico eadem impugnatio proponi potest coram iudice ecclesiastico, qui in primo gradu competens est ad controversiam iudicandam.

#### PARS IV. DE PROCESSU POENALI

##### CAPUT I. DE PRAEVIA INVESTIGATIONE

**Can. 1717** - § 1. Quoties Ordinarius notitiam, saltem veri similem, habet de delicto, caute inquirat, per se vel per aliam idoneam personam, circa facta et circumstantias et circa imputabilitatem, nisi haec inquisitio omnino superflua videatur.

§ 2. Cavendum est ne ex hac investigatione bonum cuiusquam nomen in discrimen vocetur.

§ 3. Qui investigationem agit, easdem habet, quas auditor in processu, potestates et obligationes; idemque nequit, si postea iudicialis processus promoveatur, in eo iudicem agere.

**Can. 1718** - § 1. Cum satis collecta videantur elementa, decernat Ordinarius:

1° num processus ad poenam irrogandam vel declarandam promoveri possit;

2° num id, attento can. 1341, expediat;

3° utrum processus iudicialis sit adhibendus an, nisi lex vetet, sit procedendum per decretum extra iudicium.

§ 2. Ordinarius decretum, de quo in § 1, revocet vel mutet, quoties ex novis elementis aliud sibi decernendum videtur.

§ 3. In ferendis decretis, de quibus in §§ 1 et 2, audiat Ordinarius, si prudenter censeat, duos iudices aliosve iuris peritos.

§ 4. Antequam ad normam § 1 decernat, consideret Ordinarius num, ad vitanda inutilia iudicia, expediat ut, partibus consentientibus, vel ipse vel investigator quaestionem de damnis ex bono et aequo dirimat.

**Can. 1719** - Investigationis acta et Ordinarii decreta, quibus investigatio initur vel clauditur,

§ 2. If civil law permits the challenge of an arbitrated judgment before a civil judge, however, the same challenge can be proposed in the canonical forum before an ecclesiastical judge competent to judge the controversy in the first grade.

#### Part IV. THE PENAL PROCESS

##### Chapter I. The Preliminary Investigation

**Can. 1717** - § 1. Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.

§ 2. Care must be taken so that the good name of anyone is not endangered from this investigation.

§ 3. The person who conducts the investigation has the same powers and obligations as an auditor in the process; the same person cannot act as a judge in the matter if a judicial process is initiated later.

**Can. 1718** - § 1. When it seems that sufficient evidence has been collected, the ordinary is to decide:

1° whether a process to inflict or declare a penalty can be initiated;

2° whether, attentive to can. 1341, this is expedient;

3° whether a judicial process must be used or, unless the law forbids it, whether the matter must proceed by way of extrajudicial decree.

§ 2. The ordinary is to revoke or change the decree mentioned in § 1 whenever new evidence indicates to him that another decision is necessary.

§ 3. In issuing the decrees mentioned in §§ 1 and 2, the ordinary is to hear two judges or other experts of the law if he considers it prudent.

§ 4. Before he makes a decision according to the norm of § 1 and in order to avoid useless trials, the ordinary is to examine carefully whether it is expedient for him or the investigator, with the consent of the parties, to resolve equitably the question of damages.

**Can. 1719** - The acts of the investigation, the decrees of the ordinary which initiated and

eaque omnia quae investigationem praecedunt, si necessaria non sint ad poenalem processum, in secreto curiae archivo custodiantur.

## CAPUT II DE PROCESSUS EVOLUTIONE

**Can. 1720** - Si Ordinarius censuerit per decretum extra iudicium esse procedendum:

1° reo accusationem atque probationes, data facultate sese defendendi, significet, nisi reus, rite vocatus, comparere neglexerit;

2° probationes et argumenta omnia cum duobus assessoribus accurate perpendat;

3° si de delicto certo constet neque actio criminalis sit extincta, decretum ferat ad normam cann. 1342-1350, expositis, breviter saltem, rationibus in iure et in facto.

**Can. 1721** - § 1. Si Ordinarius decreverit processum poenalem iudiciale esse ineundum, acta investigationis promotori iustitiae tradat, qui accusationis libellum iudici ad normam cann. 1502 et 1504 exhibeat.

§ 2. Coram tribunali superiore partes actoris gerit promotor iustitiae apud illud tribunal constitutus.

**Can. 1722** - Ad scandala praevenienda, ad testium libertatem protegendam et ad iustitiae cursum tutandum, potest Ordinarius, audito promotore iustitiae et citato ipso accusato, in quolibet processus stadio accusatum a sacro ministerio vel ab aliquo officio et munere ecclesiastico arcere, ei imponere vel interdicere commorationem in aliquo loco vel territorio, vel etiam publicam sanctissimae Eucharistiae participationem prohibere; quae omnia, causa cessante, sunt revocanda, eaque ipso iure finem habent, cessante processu poenali.

**Can. 1723** - § 1. Iudex reum citans debet eum invitare ad advocatum, ad normam can. 1481, § 1, intra terminum ab ipso iudice praefinitum, sibi constituendum.

§ 2. Quod si reus non providerit, iudex ante litis contestationem advocatum ipse nominet, tamdiu in munere mansurum quamdiu reus sibi

concluded the investigation, and everything which preceded the investigation are to be kept in the secret archive of the curia if they are not necessary for the penal process.

## Chapter II. The Development of the Process

**Can. 1720** - If the ordinary thinks that the matter must proceed by way of extrajudicial decree:

1° he is to inform the accused of the accusation and the proofs, giving an opportunity for self-defense, unless the accused neglected to appear after being properly summoned;

2° he is to weigh carefully all the proofs and arguments with two assessors;

3° if the delict is certainly established and a criminal action is not extinguished, he is to issue a decree according to the norm of cann. 1342-1350, setting forth the reasons in law and in fact at least briefly.

**Can. 1721** - § 1. If the ordinary has decreed that a judicial penal process must be initiated, he is to hand over the acts of the investigation to the promoter of justice who is to present a libellus of accusation to the judge according to the norm of cann. 1502 and 1504.

§ 2. The promoter of justice appointed to the higher tribunal acts as the petitioner before that tribunal.

**Can. 1722** - To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the ordinary, after having heard the promoter of justice and cited the accused, at any stage of the process can exclude the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist. Once the cause ceases, all these measures must be revoked; they also end by the law itself when the penal process ceases.

**Can. 1723** - § 1. The judge who cites the accused must invite the accused to appoint an advocate according to the norm of can. 1481, § 1 within the time limit set by the judge.

§ 2. If the accused does not make provision, the judge is to appoint an advocate before the joinder of the issue; this advocate will remain in

advocatum non constituerit.

**Can. 1724** - § 1. In quolibet iudicii gradu renuntiatio instantiae fieri potest a promotore iustitiae, mandante vel consentiente Ordinario, ex cuius deliberatione processus promotus est.

§ 2. Renuntiatio, ut valeat, debet a reo acceptari, nisi ipse sit a iudicio absens declaratus.

**Can. 1725** - In causae discussione, sive scripto haec fit sive ore, accusatus semper ius habeat ut ipse vel eius advocatus vel procurator postremus scribat vel loquatur.

**Can. 1726** - In quolibet poenalis iudicii gradu et stadio, si evidenter constet delictum non esse a reo patratum, iudex debet id sententia declarare et reum absolvere, etiamsi simul constet actionem criminalem esse extinctam.

**Can. 1727** - § 1. Appellationem proponere potest reus, etiam si sententia ipsum ideo tantum dimiserit, quia poena erat facultativa, vel quia iudex potestate usus est, de qua in cann. 1344 et 1345.

§ 2. Promotor iustitiae appellare potest quoties censet scandali reparationi vel iustitiae restitutioni satis provisum non esse.

**Can. 1728** - § 1. Salvis praescriptis canonum huius tituli, in iudicio poenali applicandi sunt, nisi rei natura obstet, canones de iudiciis in genere et de iudicio contentioso ordinario, servatis specialibus normis de causis quae ad bonum publicum spectant.

§ 2. Accusatus ad confitendum delictum non tenetur, nec ipsi iusiurandum deferri potest.

### CAPUT III DE ACTIONE AD DAMNA REPARANDA

**Can. 1729** - § 1. Pars laesa potest actionem contentiosam ad damna reparanda ex delicto sibi illata in ipso poenali iudicio exercere, ad normam can. 1596.

§ 2. Interventus partis laesae, de quo in § 1, non amplius admittitur, si factus non sit in primo

this function as long as the accused does not appoint an advocate personally.

**Can. 1724** - § 1. At any grade of the trial the promoter of justice can renounce the trial at the command of or with the consent of the ordinary whose deliberation initiated the process.

§ 2. For validity the accused must accept the renunciation unless the accused was declared absent from the trial.

**Can. 1725** - In the discussion of the case, whether done in written or oral form, the accused, either personally or through the advocate or procurator, always has the right to write or speak last.

**Can. 1726** - If at any grade and stage of the penal trial it is evidently established that the accused did not commit the delict, the judge must declare this in a sentence and absolve the accused even if it is also established that criminal action has been extinguished.

**Can. 1727** - § 1. The accused can propose an appeal even if the sentence dismissed the accused only because the penalty was facultative or because the judge used the power mentioned in cann. 1344 and 1345.

§ 2. The promoter of justice can appeal whenever the promoter judges that the repair of scandal or the restoration of justice has not been provided for sufficiently.

**Can. 1728** - § 1. Without prejudice to the prescripts of the canons of this title and unless the nature of the matter precludes it, the canons on trials in general and on the ordinary contentious trial must be applied in a penal trial; the special norms for cases which pertain to the public good are also to be observed.

§ 2. The accused is not bound to confess the delict nor can an oath be administered to the accused.

### Chapter III. Action to Repair Damages

**Can. 1729** - § 1. In the penal trial itself an injured party can bring a contentious action to repair damages incurred personally from the delict, according to the norm of can. 1596.

§ 2. The intervention of the injured party mentioned in § 1 is not admitted later if it was

iudicii poenalis gradu.

§ 3. Appellatio in causa de damnis fit ad normam cann. 1628-1640, etiamsi appellatio in poenali iudicio fieri non possit; quod si utraque appellatio, licet a diversis partibus, proponatur, unicum fiat iudicium appellationis, salvo praescripto can. 1730.

**Can. 1730** - § 1. Ad nimias poenalis iudicii moras vitandas potest iudex iudicium de damnis differre usque dum sententiam definitivam in iudicio poenali protulerit.

§ 2. Iudex, qui ita egerit, debet, postquam sententiam tulerit in poenali iudicio, de damnis cognoscere, etiamsi iudicium poenale propter propositam impugnationem adhuc pendeat, vel reus absolutus sit propter causam quae non auferat obligationem reparandi damna.

**Can. 1731** - Sententia lata in poenali iudicio, etiamsi in rem iudicatam transierit, nullo modo ius facit erga partem laesam, nisi haec intervenerit ad normam can. 1729.

## PARS V. DE RATIONE PROCEDENDI IN RECURSIBUS ADMINISTRATIVIS ATQUE IN PAROCHIS AMOVENDIS VEL TRANSFERENDIS

### SECTIO I. DE RECURSU ADVERSUS DECRETA ADMINISTRATIVA

**Can. 1732** - Quae in canonibus huius sectionis de decretis statuuntur, eadem applicanda sunt ad omnes administrativos actus singulares, qui in foro externo extra iudicium dantur, iis exceptis, qui ab ipso Romano Pontifice vel ab ipso Concilio Oecumenico ferantur.

**Can. 1733** - § 1. Valde optandum est ut, quoties quis gravatum se decreto putet, vitetur inter ipsum et decreti auctorem contentio atque inter eos de aequa solutione quaerenda communi consilio curetur, gravibus quoque personis ad mediationem et studium forte adhibitis, ita ut per idoneam viam controversia praecaveatur vel dirimatur.

§ 2. Episcoporum conferentia statuere potest ut in unaquaque dioecesi officium quoddam vel consilium stabiliter constituatur, cui, secundum normas ab ipsa conferentia statuendas, munus sit aequas solutiones quaerere et suggerere;

not made in the first grade of the penal trial.

§ 3. The appeal in a case for damages is made according to the norm of cann. 1628-1640 even if an appeal cannot be made in the penal trial; if both appeals are proposed, although by different parties, there is to be a single appellate trial, without prejudice to the prescript of can. 1730.

**Can. 1730** - § 1. To avoid excessive delays in the penal trial the judge can defer the judgment for damages until he has rendered the definitive sentence in the penal trial.

§ 2. After rendering the sentence in the penal trial, the judge who does this must adjudicate for damages even if the penal trial still is pending because of a proposed challenge or the accused has been absolved for a cause which does not remove the obligation to repair damages.

**Can. 1731** - Even if the sentence rendered in a penal trial has become a res iudicata, it in no way establishes the right of the injured party unless this party has intervened according to the norm of can. 1729.

## Part V. THE METHOD OF PROCEEDING IN ADMINISTRATIVE RECOURSE AND IN THE REMOVAL or TRANSFER OF PASTORS

### Section I. Recourse Against Administrative Decrees

**Can. 1732** - What is established in the canons of this section concerning decrees must be applied to all singular administrative acts which are given in the external forum outside a trial excepting those which have been issued by the Roman Pontiff or an ecumenical council.

**Can. 1733** - § 1. Whenever a person considers himself or herself aggrieved by a decree, it is particularly desirable that the person and the author of the decree avoid any contention and take care to seek an equitable solution by common counsel, possibly using the mediation and effort of wise persons to avoid or settle the controversy in a suitable way.

§ 2. The conference of bishops can determine that each diocese establish in a stable manner an office or council whose function is to seek and suggest equitable solutions according to the norms determined by the conference. If the



quod si conferentia id non iusserit, potest Episcopus eiusmodi consilium vel officium constituere.

§ 3. Officium vel consilium, de quo in § 2, tunc praecipue operam navet, cum revocatio decreti petita est ad normam can. 1734, neque termini ad recurrendum sunt elapsi; quod si adversus decretum recursus propositus sit, ipse Superior, qui de recursu videt, recurrentem et decreti auctorem hortetur, quotiescumque spem boni exitus perspicit, ad eiusmodi solutiones quaerendas.

**Can. 1734** - § 1. Antequam quis recursum proponat, debet decreti revocationem vel emendationem scripto ab ipsius auctore petere; qua petitione proposita, etiam suspensio executionis eo ipso petita intellegitur.

§ 2. Petitio fieri debet intra peremptorium terminum decem dierum utilium a decreto legitime intimato.

§ 3. Normae §§ 1 et 2 non valent:

1° de recursu proponendo ad Episcopum adversus decreta lata ab auctoritatibus, quae ei subsunt;

2° de recursu proponendo adversus decretum, quo recursus hierarchicus deciditur, nisi decisio data sit ab Episcopo;

3° de recursibus proponendis ad normam cann. 57 et 1735.

**Can. 1735** - Si intra triginta dies, ex quo petitio, de qua in can. 1734, ad auctorem decreti pervenit, is novum decretum intimet, quo vel prius emendet vel petitionem reiciendam esse decernat, termini ad recurrendum decurrunt ex novi decreti intimatione; si autem intra triginta dies nihil decernat, termini decurrunt ex tricesimo die.

**Can. 1736** - § 1. In iis materiis, in quibus recursus hierarchicus suspendit decreti executionem, idem efficit etiam petitio, de qua in can. 1734.

§ 2. In ceteris casibus, nisi intra decem dies, ex quo petitio de qua in can. 1734 ad ipsum auctorem decreti pervenit, is executionem

conference has not ordered this, however, the bishop can establish a council or office of this kind.

§ 3. The office or council mentioned in § 2 is especially to be of assistance when the revocation of a decree has been requested according to the norm of can. 1734 and the time limits for making recourse have not elapsed. If recourse has been proposed against a decree, however, the superior who deals with the recourse is to urge the person making recourse and the author of the decree to seek a solution of this kind whenever he sees hope of a favorable outcome.

**Can. 1734** - § 1. Before proposing recourse a person must seek the revocation or emendation of the decree in writing from its author. When this petition is proposed, by that very fact suspension of the execution of the decree is also understood to be requested.

§ 2. The petition must be made within the peremptory period of ten useful days from the legitimate notification of the decree.

§ 3. The norms of §§ 1 and 2 are not valid:

1° for recourse proposed to a bishop against decrees issued by authorities subject to him;

2° for recourse proposed against a decree which decides a hierarchical recourse unless the bishop gave the decision;

3° for recourse proposed according to the norm of cann. 57 and 1735.

**Can. 1735** - If within thirty days after receiving the petition mentioned in can. 1734 the author of the decree communicates a new decree by which he either emends the earlier one or decides that the petition must be rejected, the time limits for making recourse run from the notification of the new decree. If the author makes no decision within the thirty days, however, the time limits run from the thirtieth day.

**Can. 1736** - § 1. In those matters in which hierarchical recourse suspends the execution of a decree, the petition mentioned in can. 1734 also has the same effect.

§ 2. In other cases, if the author of the decree has not decreed the suspension of execution within ten days after receiving the petition

suspendendam decreverit, potest suspensio interim peti ab eius Superiore hierarchico, qui eam decernere potest gravibus tantum de causis et cauto semper ne quid salus animarum detrimenti capiat.

§ 3. Suspensa decreti executione ad normam § 2, si postea recursus proponatur, is qui de recursu videre debet, ad normam can. 1737, § 3 decernat utrum suspensio sit confirmanda an revocanda.

§ 4. Si nullus recursus intra statutum terminum adversus decretum proponatur, suspensio executionis, ad normam § 1 vel § 2 interim effecta, eo ipso cessat.

**Can. 1737 - § 1.** Qui se decreto gravatum esse contendit, potest ad Superiorem hierarchicum eius, qui decretum tulit, propter quodlibet iustum motivum recurrere; recursus proponi potest coram ipso decreti auctore, qui eum statim ad competentem Superiorem hierarchicum transmittere debet.

§ 2. Recursus proponendus est intra peremptorium terminum quindecim dierum utilium, qui in casibus de quibus in can. 1734, § 3 decurrunt ex die quo decretum intimatum est, in ceteris autem casibus decurrunt ad normam can. 1735.

§ 3. Etiam in casibus, in quibus recursus non suspendit ipso iure decreti executionem neque suspensio ad normam can. 1736, § 2 decreta est, potest tamen gravi de causa Superior iubere ut executio suspendatur, cauto tamen ne quid salus animarum detrimenti capiat.

**Can. 1738 -** Recurrens semper ius habet advocatum vel procuratorem adhibendi, vitatis inutilibus moris; immo vero patronus ex officio constituatur, si recurrens patrono careat et Superior id necessarium censeat; semper tamen potest Superior iubere ut recurrens ipse compareat ut interrogetur.

**Can. 1739 -** Superiori, qui de recursu videt, licet, prout casus ferat, non solum decretum confirmare vel irritum declarare, sed etiam rescindere, revocare, vel, si id Superiori magis

mentioned in can. 1734, an interim suspension can be sought from his hierarchical superior who can decree a suspension only for grave reasons and always cautiously so that the salvation of souls suffers no harm.

§ 3. If the execution of the decree has been suspended according to the norm of § 2 and recourse is proposed afterwards, the person who must deal with the recourse according to the norm of can. 1737, § 3 is to decide whether the suspension must be confirmed or revoked.

§ 4. If no recourse is proposed against the decree within the established time limit, the interim suspension of the execution given according to the norm of §§ 1 or 2 ceases by that very fact.

**Can. 1737 - § 1.** A person who claims to have been aggrieved by a decree can make recourse for any just reason to the hierarchical superior of the one who issued the decree. The recourse can be proposed before the author of the decree who must transmit it immediately to the competent hierarchical superior.

§ 2. Recourse must be proposed within the peremptory time limit of fifteen useful days which in the cases mentioned in can. 1734, § 3 run from the day on which the decree was communicated; in other cases, however, they run according to the norm of can. 1735.

§ 3. Nevertheless, even in cases in which recourse does not suspend the execution of the decree by the law itself and suspension has not been decreed according to the norm of can. 1736, § 2, the superior can order the execution to be suspended for a grave cause, yet cautiously so that the salvation of souls suffers no harm.

**Can. 1738 -** The person making recourse always has the right to use an advocate or procurator, but useless delays are to be avoided; indeed, a legal representative is to be appointed ex officio if the person making recourse lacks one and the superior thinks it necessary. Nevertheless, the superior always can order the person making recourse to be present in order to be questioned.

**Can. 1739 -** The superior who deals with the recourse, as the case warrants, is permitted not only to confirm the decree or declare it invalid but also to rescind or revoke it or, if it seems

expedire videatur, emendare, subrogare, ei obrogare.

## SECTIO II. DE PROCEDURA IN PAROCHIS AMOVENDIS VEL TRANSFERENDIS

### CAPUT I. DE MODO PROCEDENDI IN AMOTIONE PAROCHORUM

**Can. 1740** - Cum alicuius parochi ministerium ob aliquam causam, etiam citra gravem ipsius culpam, noxium aut saltem inefficax evadat, potest ipse ab Episcopo dioecesano a paroecia amoveri.

**Can. 1741** - Causae, ob quas parochus a sua paroecia legitime amoveri potest, hae praesertim sunt:

1° modus agendi qui ecclesiasticae communioni grave detrimentum vel perturbationem afferat;

2° imperitia aut permanens mentis vel corporis infirmitas, quae parochum suis muneribus utiliter obeundis imparem reddunt;

3° bonae existimationis amissio penes probos et graves paroecianos vel aversio in parochum, quae praevideantur non brevi cessaturae;

4° gravis neglectus vel violatio officiorum paroecialium quae post monitionem persistat;

5° mala rerum temporalium administratio cum gravi Ecclesiae damno, quoties huic malo aliud remedium afferri nequeat.

**Can. 1742** - § 1. Si ex instructione peracta constiterit adesse causam de qua in can. 1740, Episcopus rem discutiat cum duobus parochis e coetu ad hoc stabiliter, a consilio presbyterali constituto, Episcopo proponente, selectis; quod si exinde censeat ad amotionem esse deveniendum, causa et argumentis ad validitatem indicatis, parochi paterne suadeat ut intra tempus quindecim dierum renuntiet.

§ 2. De parochis qui sunt sodales instituti religiosi aut societatis vitae apostolicae, servetur praescriptum can. 682, § 2.

**Can. 1743** - Renuntiatio a parochi fieri potest non solum pure et simpliciter, sed etiam sub conditione, dummodo haec ab Episcopo legitime acceptari possit et reapse acceptetur.

more expedient to the superior, to emend, replace, or modify it.

## Section II. The Procedure in the Removal or Transfer of Pastors

### Chapter I. The Manner of Proceeding in the Removal of Pastors

**Can. 1740** - When the ministry of any pastor becomes harmful or at least ineffective for any cause, even through no grave personal negligence, the diocesan bishop can remove him from the parish.

**Can. 1741** - The causes for which a pastor can be removed legitimately from his parish are especially the following:

1° a manner of acting which brings grave detriment or disturbance to ecclesiastical communion;

2° ineptitude or a permanent infirmity of mind or body which renders the pastor unable to fulfill his functions usefully;

3° loss of a good reputation among upright and responsible parishioners or an aversion to the pastor which it appears will not cease in a brief time;

4° grave neglect or violation of parochial duties which persists after a warning;

5° poor administration of temporal affairs with grave damage to the Church whenever another remedy to this harm cannot be found.

**Can. 1742** - § 1. If the instruction which was carried out has established the existence of one of the causes mentioned in can. 1740, the bishop is to discuss the matter with two pastors selected from the group established for this purpose in a stable manner by the presbyteral council at the proposal of the bishop. If the bishop then judges that removal must take place, he paternally is to persuade the pastor to resign within fifteen days, after having explained, for validity, the cause and arguments for the removal.

§ 2. The prescript of can. 682, § 2 is to be observed for pastors who are members of a religious institute or a society of apostolic life.

**Can. 1743** - A pastor can submit a resignation not only purely and simply but also conditionally, provided that the bishop can accept it legitimately and actually does accept

**Can. 1744** - § 1. Si parochus intra praestitutos dies non responderit, Episcopus iteret invitationem prorogando tempus utile ad respondendum.

§ 2. Si Episcopo constiterit parochum alteram invitationem recepisse, non autem respondisse etsi nullo impedimento detentum, aut si parochus renuntiationem nullis adductis motivis recuset, Episcopus decretum amotionis ferat.

**Can. 1745** - Si vero parochus causam adductam eiusque rationes oppugnet, motiva allegans quae insufficientia Episcopo videantur, hic ut valide agat:

1° invitet illum ut, inspectis actis, suas impugnationes in relatione scripta colligat, immo probationes in contrarium, si quas habeat, afferat;

2° deinde, completa, si opus sit, instructione, una cum iisdem parochis de quibus in can. 1742, § 1, nisi alii propter illorum impossibilitatem sint designandi, rem perpendat;

3° tandem statuatur utrum parochus sit amovendus necne, et mox decretum de re ferat.

**Can. 1746** - Amoto parochus, Episcopus consulat sive assignatione alius officii, si ad hoc idoneus sit, sive pensione, prout casus ferat et adiuncta permittant.

**Can. 1747** - § 1. Parochus amotus debet a parochi munere exercendo abstinere, quam primum liberam relinquere paroeciam domum, et omnia quae ad paroeciam pertinent ei tradere, cui Episcopus paroeciam commiserit.

§ 2. Si autem de infirmo agatur, qui e paroeciali domo sine incommodo nequeat alio transferri, Episcopus eidem relinquat eius usum etiam exclusivum, eadem necessitate durante.

§ 3. Pendente recursu adversus amotionis decretum, Episcopus non potest novum parochum nominare, sed per administratorem paroecialem interim provideat.

CAPUT II. DE MODO PROCEDENDI IN

it.

**Can. 1744** - § 1. If the pastor has not responded within the prescribed days, the bishop is to repeat the invitation and extend the useful time to respond.

§ 2. If the bishop establishes that the pastor received the second invitation but did not respond even though not prevented by any impediment, or if the pastor refuses to resign without giving any reasons, the bishop is to issue a decree of removal.

**Can. 1745** - If the pastor opposes the cause given and its reasons and alleges reasons which seem insufficient to the bishop, the bishop, in order to act validly, is:

1° to invite the pastor to organize his objections in a written report after he has inspected the acts, and offer any proofs he has to the contrary;

2° when any necessary instruction is completed, to consider the matter together with the same pastors mentioned in can. 1742, § 1, unless others must be designated because those pastors are unavailable;

3° finally, to establish whether the pastor must be removed or not and promptly to issue a decree on the matter.

**Can. 1746** - After the pastor has been removed, the bishop is to make provision either for an assignment to some other office, if he is suitable for this, or for a pension as the case warrants and circumstances permit.

**Can. 1747** - § 1. The removed pastor must refrain from exercising the function of pastor, vacate the rectory as soon as possible, and hand over everything belonging to the parish to the person to whom the bishop has entrusted the parish.

§ 2. If, however, the man is sick and cannot be transferred elsewhere from the rectory without inconvenience, the bishop is to leave him the use, even exclusive use, of the rectory while this necessity lasts.

§ 3. While recourse against a decree of removal is pending, the bishop cannot appoint a new pastor, but is to provide a parochial administrator in the meantime.

Chapter II. The Manner of Proceeding in the

## TRANSLATIONE PAROCHORUM

**Can. 1748** - Si bonum animarum vel Ecclesiae necessitas aut utilitas postulet, ut parochus a sua, quam utiliter regit, ad aliam paroeciam aut ad aliud officium transferatur, Episcopus eidem translationem scripto proponat ac suadeat ut pro Dei atque animarum amore consentiat.

**Can. 1749** - Si parochus consilio ac suasionibus Episcopi obsequi non intendat, rationes in scriptis exponat.

**Can. 1750** - Episcopus, si, non obstantibus allatis rationibus, iudicet a proposito non esse recedendum, cum duobus parochis ad normam can. 1742, § 1 selectis, rationes perpendat quae translationi faveant vel obstant; quod si exinde translationem peragendam censeat, paternas exhortationes parochi iteret.

**Can. 1751** - § 1. His peractis, si adhuc et parochus renuat et Episcopus putet translationem esse faciendam, hic decretum translationis ferat, statuens paroeciam, elapso praefinito tempore, esse vacaturam.

§ 2. Hoc tempore inutiliter transacto, paroeciam vacantem declarat.

**Can. 1752** - In causis translationis applicentur praescripta canonis 1747, servata aequitate canonica et prae oculis habita salute animarum, quae in Ecclesia suprema semper lex esse debet.

## Transfer of Pastors

**Can. 1748** - If the good of souls or the necessity or advantage of the Church demands that a pastor be transferred from a parish which he is governing usefully to another parish or another office, the bishop is to propose the transfer to him in writing and persuade him to consent to it out of love of God and souls.

**Can. 1749** - If the pastor does not intend to submit to the counsel and persuasions of the bishop, he is to explain the reasons in writing.

**Can. 1750** - Notwithstanding the reasons alleged, if the bishop decides not to withdraw from his proposal, he is to consider the reasons which favor or oppose the transfer with two pastors selected according to the norm of can. 1742, § 1. If he then decides to implement the transfer, however, he is to repeat the paternal exhortations to the pastor.

**Can. 1751** - § 1. When this has been done, if the pastor still refuses and the bishop thinks that the transfer must be made, he is to issue a decree of transfer, establishing that the parish will be vacant after the lapse of a set time.

§ 2. If this period of time has passed without action, he is to declare the parish vacant.

**Can. 1752** - In cases of transfer the precepts of can. 1747 are to be applied, canonical equity is to be observed, and the salvation of souls, which must always be the supreme law in the Church, is to be kept before one's eyes.