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TITLE III.

GENERAL DECREES AND INSTRUCTIONS (Cann. 29 - 34)

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 \Rightarrow 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 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 \Rightarrow 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.

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TITLE I.

THE OBLIGATIONS AND RIGHTS OF ALL THE CHRISTIAN FAITHFUL (Cann. 208 - 223)

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 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 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 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.

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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 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 filled 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. 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.

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Art. 3.

DISMISSAL OF MEMBERS

Can. 694 §1. A member must be held as ipso facto dismissed from an institute who:

- 1/ has defected notoriously from the Catholic faith;
- 2/ has contracted marriage or attempted it, even only civilly.

§2. In these cases, after the proofs have been collected, the major superior with the council is to issue without any delay a declaration of fact so that the dismissal is established juridically.

Can. 695 §1. A member must be dismissed for the delicts mentioned in cann. \Rightarrow 1397, \Rightarrow 1398, and \Rightarrow 1395, unless in the delicts mentioned in \Rightarrow 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 \Rightarrow 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 \Rightarrow can. 696, 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. \Rightarrow 695 and \Rightarrow 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 \Rightarrow 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 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 \Rightarrow 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 \Rightarrow 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.

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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. 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 \Rightarrow 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 \Rightarrow can. 1335 for censures must be observed for the prohibitions listed in \Rightarrow can. 1336, §1, n. 3.

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TITLE V.

THE APPLICATION OF PENALTIES (Cann. 1341 - 1353)

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 prescripts 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 offerly 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 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 *feren dae 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 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.

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TITLE V.

DELICTS AGAINST SPECIAL OBLIGATIONS (Cann. 1392 - 1396)

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 \Rightarrow 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 \Rightarrow can. 694.

Can. 1395 §1. A cleric who lives in concubinage, other than the case mentioned in \Rightarrow can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be 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.

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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. 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.

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CHAPTER II.

THE MANNER OF PROCEEDING IN THE 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 \Rightarrow 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 precripts of \Rightarrow 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.

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