

# SECOND SYNOD OF THE DIOCESE OF BISMARCK

## INTRODUCTION

“The law of God entrusted to the Church is taught to the faithful as the way of life and truth. The faithful therefore have the right to be instructed in the divine saving precepts that purify judgment and, with grace, heal wounded human reason. They have the duty of observing the constitutions and decrees conveyed by the legitimate authority of the Church. Even if they concern disciplinary matters these determinations call for docility in charity” (*Catechism of the Catholic Church*, n. 2037).

## CHAPTER I

### GENERAL STATUTES

**1** The Statutes of this Synod constitute the particular law of the Diocese of Bismarck and bind all the members of the Christian faithful of the Latin Church, namely the laity, the religious and the clergy of this jurisdiction.<sup>1</sup>

**2** All previous diocesan laws, whether enacted in or outside of a synod, are hereby abrogated, unless they are incorporated in the precepts of this Synod.<sup>2</sup>

**3** All local customs or practices that are contrary to the Statutes of this Synod are now suppressed.<sup>3</sup>

**4** The directives and instructions that are set forth in the Appendices have the same force of law as the Synodal Statutes.<sup>4</sup>

**5** This synodal legislation supplements and presupposes the legal precepts that are contained in the universal law of the Church as set forth in the *Code of Canon Law* and other documents of the Holy See.<sup>5</sup>

**6** The Bishop of Bismarck is the sole legislator in this Synod and he alone is able to give an authentic interpretation to the Statutes.<sup>6</sup>

**7** **§1.** Extra-synodal legislation will be promulgated by official letters or in *The Dakota Catholic Action*.

**§2.** Any changes or updates to synodal or extra-synodal legislation will be kept current both at the Diocesan Chancery and on the diocesan website.

**8** Pastors shall duly instruct the laity in the laws which apply to them.

**9** Dispensation from any point of diocesan law is to be obtained only from the Diocesan Bishop, his delegate, or one of the other local ordinaries (vicars general or episcopal vicars).<sup>7</sup> Any such dispensation, except in cases of emergency, is to be received in writing.

**10 §1.** Extern priests, when giving service in the Diocese, are subject to these Statutes.<sup>8</sup>

**§2.** The invitation and acceptance of extern priests into the Diocese of Bismarck is the responsibility of the Diocesan Bishop and is to follow the appropriate diocesan procedure. (Appendix 1)

**11 §1.** All priests exercising their ministry in the Diocese should have a copy of the Synodal Statutes, and it is their duty to know them and the Appendices thoroughly.

**§2.** A copy of the Synodal Statutes is to be kept in the archives of every parish and religious institution in the Diocese.

**12** Whenever the Statutes indicate that the permission of the Diocesan Bishop is required, or that recourse is to be made to him, it is understood that such petitions are to be made in writing.

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<sup>1</sup> See “clergy” and “laity” in the Glossary. **Can. 12 §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 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.

<sup>2</sup> See “abrogate” and “prescript” in the Glossary.

<sup>3</sup> See “custom” and “suppress” in the Glossary.

<sup>4</sup> See “directive” and “instruction” in the Glossary.

<sup>5</sup> Unless otherwise clearly stated, all references to canons (can./cann.) correspond to those found in the *Code of Canon Law* of 1983.

<sup>6</sup> **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 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.

<sup>7</sup> See “dispensation” in the Glossary. **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 council or by the conference of bishops. (Please note: episcopal vicars are limited in the exercise of executive power to those who are specifically within their area of competence, whether personal or territorial.)

<sup>8</sup> See “extern” in the Glossary.