



# **CONSTITUTIONAL CHARTER AND CODE**

**OF THE SOVEREIGN MILITARY  
HOSPITALLER ORDER  
OF ST. JOHN OF JERUSALEM  
OF RHODES AND OF MALTA**

Promulgated 3<sup>rd</sup> September 2022

**This official translation according to art. 61 § 2 Const. is not be intended as a modification of the Italian text approved by the Holy Father on September 3, 2022.**

**In the event of differing interpretations, the official text in the Italian language shall prevail. (Art. 61, § 3 Constitutional Charter).**

# CONSTITUTIONAL CHARTER

## TITLE I THE ORDER AND ITS NATURE

### Article 1

#### *Origin and Nature of the Order*

- § 1 - The Sovereign Military and Hospitaller Order of Saint John of Jerusalem of Rhodes and of Malta, by tradition chivalrous and nobiliary, arose from a group of hospitallers of the Hospice of Saint John of Jerusalem, who had been called upon by historical circumstances to augment their original charitable enterprise with chivalrous service for the defence of pilgrims to the Holy Land and of Christian civilization in the East, which in time became sovereign on the Islands of Rhodes and later Malta.
- § 2 - It is a lay religious Order, recognised by Pope Paschal II in the Bull *Pie postulatio voluntatis*, and is a subject of international law.
- § 3 - In this Constitution and in the Code, the Sovereign Military Order of Malta is also referred to as the “Order of Malta” or simply as the “Order”.
- § 4 - In the Articles which follow, the term Code refers to the Code of the Order.

### Article 2

#### *Purpose*

- § 1 - The purpose of the Order is the promotion of the glory of God through the sanctification of its Members through the *tuitio fidei* and *obsequium pauperum*, especially with the poor and the sick, in service to the Holy Father, in accordance with its ancient traditions.
- § 2 - True to the divine precepts and to the admonitions of our Lord Jesus Christ, guided by the teachings of the Church, the Order bears witness to the Christian virtues of charity and brotherhood and leads its Members to become faithful disciples of Christ.
- § 3 - The Order carries out its charitable works for the sick, the needy and the refugees without distinction of religion, ethnicity, sex, origin and age. The Order fulfils its institutional tasks

especially by providing social and health assistance, particularly to victims of extraordinary disasters and of war, bearing witness to Christian charity.

### Article 3

#### *Territorial Organization*

- § 1 - The Order's territorial organizations comprise Priories, Sub-Priories and National Associations. Certain Priories may be upgraded to Grand Priories by a resolution of the Chapter General.
- § 2 - It is the exclusive competence and responsibility of the Priories, Sub-Priories and Associations to rule the Members of the Order, and to promote and supervise the hospitaller and charitable works of the Order, subject to the prerogatives and responsibilities of the Grand Master. They manage their assets under the supervision of the Grand Magistracy. They may also act as instrumental bodies having an international or local nature pursuant to Article 40 of this Constitutional Charter.

### Article 4

#### *Sovereignty*

The Order is a subject of international law and exercises sovereign functions in respect of the purpose referred to in Article 2 herein. It maintains diplomatic relations with States and International Organisations<sup>1</sup>.

### Article 5

#### *Relations with the Apostolic See*

- § 1 - The Order of Malta has, *ipso iure*, a public juridical personality in the Church.
- § 2 - Religious Members through their vows, as well as Members of the Second Class through the Promise of Obedience, are subject to their own Superiors.
- § 3 - The churches and conventual institutions of the Order are exempt from the jurisdiction of diocesan bishops and are directly subject to the Holy See.
- § 4 - In accordance with Canon Law, the acquired rights, customs and privileges granted or recognised to the Order by the Supreme Pontiff, remain in force unless expressly revoked.
- § 5 - The Supreme Pontiff appoints as his representative to the Order a Cardinal who takes the title of *Cardinalis Patronus*, who may be given special powers. The *Cardinalis Patronus*, as a sign of the Holy Father's attention for the Order, has the task of promoting the spiritual interests of the Order and its Members as well as the relations between the Holy See and the Order.

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<sup>1</sup> See Francis, Decree of 3 September 2022; Tribunale Cardinalizio, Sentenza del 24 gennaio 1953 (Cfr. AAS. 45 [1953] 765 - 767).

§ 6 - As a subject of international law, the Order has diplomatic representation to the Holy See, according to the norms of international law.

§ 7 - The religious nature of the Order does not prejudice the exercise of its prerogatives as a subject of international law recognised by States.

#### Article 6

##### *Sources of the Order's Law*

The sources of the Order's law are:

- a) the Constitution, the Code of the Order and the Canon Law;
- b) the acts of the Roman Pontiff of a regulatory nature concerning the Order;
- c) the legislative provisions according to Article 15 § 3 a) of the Constitution;
- d) international agreements ratified according to Article 15 § 3 d) of the Constitution;
- e) the customs and privileges legitimately acquired by the Order and not specifically revoked.

#### Article 7

##### *Official Language*

The official language of the Order is Italian. Official communications may also be conducted in other languages, in addition to Italian.

#### Article 8

##### *Flags, Insignia and Armorial Bearings of the Order*

§ 1 - The flag of the Order bears either the white Latin cross on a red field or the white eight-pointed cross (cross of Malta) on a red field.

§ 2 - The armorial bearings of the Order display a white Latin cross on a red oval field, surrounded by a rosary, all superimposed on a white eight-pointed cross and displayed under a princely mantle surmounted by a crown.

§ 3 - A special regulation, approved by the Grand Master with the deliberative vote of the Sovereign Council, defines the characteristics and the use of the flags, the insignia and the armorial bearings of the Order.

**TITLE II**  
**THE MEMBERS OF THE ORDER**

Article 9

*The Classes*

- § 1 - The Sovereign Military Order of Malta comprises Members who participate, according to their state of life, in fulfilling the charism and mission of the Order. The Members of the First Class, or Knights of Justice also called Professed, and the Professed Conventual Chaplains, who have taken both temporary simple and solemn religious vows, are the essential core of the Order. They are accorded full duties and rights. Given, however, the lay nature of the Order, the Professed Chaplains have only active voice except for what provided in Article 29, par. 1, d), according to which they have passive voice
- § 2 - The Members of the Second Class, who are bound to the Order through the Promise of Obedience, and the Members of the Third Class, by reason of their status are given specific duties and rights.
- § 3 - Individual Classes and categories of membership are governed by the Code.
- § 4 - The Code provides for the appointment of Members *ad honorem*.

Article 10

*Obligations of the Members*

- § 1 - Professed Members, aware of their vocation and the obligations freely undertaken before the Church and the Order, shall conform their lives to the spirit of the Gospel and the Magisterium of the Church according to the Constitutional Charter and the Code, strive for religious perfection and devote themselves to the apostolic work of the Order, bearing witness to the Faith and Charity.
- § 2 - The Members of the Second and Third Class, in accordance with the duties of their State of life and the charism of the Order, shall lead exemplary lives according to the Gospel, the teachings and precepts of the Church, and devote themselves to the apostolic works of the Order, bearing witness to the Faith and Charity.

**TITLE III**  
**THE GOVERNMENT OF THE ORDER**

Article 11

*Exercise of Power in the Order*

The legislative, executive and judicial functions are reserved for the competent Bodies of the Order, in accordance with the provisions of the Constitutional Charter and the Code.

Article 12

*The Grand Master*

Sovereign prerogatives and honours and the title “Most Eminent Highness” are reserved to the Grand Master, Head of the Order.

Article 13

*Requisites for election as Grand Master*

§ 1 - Only a Professed Knight in Solemn Vows can be elected Grand Master.

§ 2 - The Grand Master is elected for a period of ten years or until his eighty-fifth birthday, by the Council Complete of State pursuant to Article 32. The person elected must have been in Solemn Vows for at least ten years, if younger than fifty years of age; for Professed Knights over the age of fifty who have been Members of the Order for at least ten years, three years of Solemn Vows are sufficient. At the end of his tenure, the Grand Master may be reconfirmed once for another ten-year period up until his eighty-fifth birthday.

§ 3 - The Grand Master elect shall communicate his election to the Holy Father in a letter written in his own hand.

Article 14

*The Grand Master’s Oath*

The Grand Master elect, after his election is confirmed by the Holy Father, takes the following oath in the presence of the Cardinalis Patronus, in a solemn session of the Council Complete of State:

*“By this most Holy Wood of the Cross and by God’s Gospels, I ... do solemnly promise and swear to observe the Constitution, the Code, the Rule and the laudable customs of our Order conscientiously. So, help me God, and if I do otherwise, may it be to the risk of my soul”.*

## Article 15

### *Authority of the Grand Master*

- § 1 - The personal authority of the Grand Master extends to all persons, organisations and properties of the Order, according to the laws of the Order.
- § 2 - The Grand Master, in his supreme authority, sees to the general government of the Order and attributes charges and offices under this Article.
- § 3 - It pertains to the Grand Master:
- a) to issue laws, at the mandate of the Chapter General, or directives in matters that are not governed by the Constitution, the Code or other laws of the Order;
  - b) to promulgate by decree the acts of government;
  - c) to enforce the acts of the Holy See that concern the Order, and to inform the Holy See annually of the state and needs of the Order;
  - d) to ratify international agreements;
  - e) to admit, as provided for in the Code, Members of the Order to the Novitiate and to Simple and Solemn Vows;
  - f) having heard the Sovereign Council, to appoint or reconfirm for a term of six years the Coordinator of the Second Class or dismiss him for serious reasons;
  - g) to admit Members of the Third Class to the Promise of Obedience, after having heard the Sovereign Council;
  - h) to receive Members into the Third Class of the Order;
  - i) to convene the Chapter of Professed, and the Chapter General according to the provisions of the Constitutional Charter and the Code;
  - j) l) to administer, through the Receiver of the Common Treasure, the assets of the Grand Magistry and to supervise the proper management of the assets owned by the Order's legal Entities;
  - k) to grant, with the deliberative vote of the Council of Professed and the Sovereign Council, the permissions authorized by Article 56, § 1 herein;
  - l) to ensure the effective presence of the High Charges at the Grand Magistry.
- § 4 - It pertains to the Grand Master to supervise the conventual houses, the churches of the Order, as well as the organisations authorised to use the Order's emblem, so that discipline is observed and the religious spirit is maintained.



## Article 16

### *Residence*

The residence of the Grand Master is at the Grand Magistry, from which he may be absent only for official duties or for justifiable reason.

## Article 17

### *Resignation from Office*

In order to be effective, the resignation from office by the Grand Master must be accepted by the Council Complete of State, especially convened by the Grand Master, and communicated to the Holy Father.

## Article 18

### *Extraordinary Government*

- § 1 - In the case of the permanent incapacity, resignation or death of the Grand Master, the Order is governed by a Lieutenant *ad interim* in the person of the Grand Commander who can exclusively carry out acts of ordinary administration without introducing any other activity until the election of the new Grand Master or Lieutenant of Grand Master.
- § 2 - The permanent incapacity of the Grand Master may be declared by a two-thirds majority of the Members of the Sovereign Council and of the Council of Professed, each convened and chaired by the Grand Commander or, in the absence thereof, by the Grand Chancellor, or self-convened by an absolute majority. Any such resolution shall become effective only after having been confirmed by the Holy See.
- § 3 - The Lieutenant *ad interim*, after hearing the Sovereign Council, shall convene the Council Complete of State not earlier than fifteen days and not later than three months after the confirmation referred to in § 2 above.

## Article 19

### *Provisional Government*

- § 1 - The Lieutenant of Grand Master is elected for a period of one year pursuant to Article 32 herein from among the Knights possessing the requisites required for the election to Grand Master.
- § 2 - The Lieutenant of Grand Master elect, shall communicate his election to the Holy Father in a letter written in his own hand and shall go to the Roman Pontiff to ask for his blessing.
- § 3 - In order to be effective, the resignation from office by the Lieutenant of Grand Master must be accepted by the Council Complete of State, especially convened by the Lieutenant of Grand Master, and communicated to the Holy Father.

§ 4 - The Lieutenant of Grand Master has the same powers as the Grand Master, except the honorary prerogatives of sovereignty.

## Article 20

### *The High Charges*

§ 1 - The High Charges are:

- the Grand Commander
- the Grand Chancellor
- the Grand Hospitaller
- the Receiver of the Common Treasure.

Their duties are governed by the Code.

§ 2 - The Charge of Grand Commander is reserved for a Professed Knight in Solemn Vows.

§ 3 - The holders of the High Charges are elected, for six years and for no more than two terms, by the Chapter General from a list of three candidates, for each High Charge, proposed by the Chapter of Professed. With the exception of the office of Grand Commander, a member in Obedience may be elected with the approval of the Grand Master. After the fifth unsuccessful vote, a new list of three candidates shall be submitted.

§ 4 - In the event of the vacancy or permanent incapacity of any of the High Charges, the Sovereign Council shall proceed in accordance with the provisions of the Code.

§ 5 - Only the Grand Master can remove a High Charge with the consent of the Council of Professed.

§ 6 - The High Charges shall have an effective presence at the Seat of the Order so as to ensure the efficient operation of their respective offices.

## Article 21

### *The Diplomatic Representations of the Order*

§ 1 - The Diplomatic Representations report to the Grand Chancellor.

§ 2 - The Heads of the Order's Missions represent the Grand Master with the governments and international organisations to which they are accredited. Even if there are structures of the Order in their respective States, they deal with the affairs entrusted to them by the Grand Master, independently, under their own responsibility.

§ 3 - The Grand Master appoints and removes the Diplomatic Representatives of the Order, on the proposal of the Grand Chancellor, after consulting the Sovereign Council.

## Article 22

### *The Prelate*

- § 1 - The Prelate is appointed by the Supreme Pontiff, after hearing the Cardinalis Patronus.
- § 2 - The Prelate is responsible for the exercise of the priestly functions of the religious of the Order. He sees to it that the religious and priestly life of the Chaplains and their apostolate are conducted according to the discipline and spirit of the Order.
- § 3 - The Prelate assists the Grand Master, the Grand Commander, and the Coordinator for the Second Class in their responsibility for both the spiritual life and religious observance of all the Members of the Order, and in all matters concerning the spiritual nature of the organisations and works of the Order.
- § 4 - At each session of the Chapter General and the Chapter of Professed, the Prelate submits a report on the spiritual state of the religious of the Order.

## Article 23

### *Grand Master's Council Bodies*

In the government of the Order, the Grand Master is assisted by the Council of Professed and the Sovereign Council.

## Article 24

### *Conditions for the Validity of the Decisions*

Decisions of the Sovereign Council and the Council of Professed are not valid if they are made in the absence of the Grand Master, unless expressly authorised by him, or whenever an absolute majority of the Members is not present, or any other legal condition is not met.

## Article 25

### *The Sovereign Council*

- § 1 - The Members of the Sovereign Council are:
- a) the Grand Master or the Lieutenant of Grand Master, who presides;
  - b) the holders of the four High Charges;
  - c) the five Councillors of the Council of Professed;
  - d) the four Councillors.
- § 2 - The Councillors in § 1, d) are elected by the Chapter General by a majority of those present, from among the Members of the First and Second Class.

- § 3 - The Councillors remain in office for a period of six years until the election of a new Sovereign Council. No one, regardless of his Office, may be a member of the Sovereign Council for more than two terms.
- § 4 - The Grand Master shall not vote in matters requiring the Sovereign Council's consent for the Grand Master to act. In the event of a tied vote, the decision remains suspended.
- § 5 - In the case of death, resignation, permanent incapacity or absence for more than six months or any other reason affecting any of the Members of the Sovereign Council, the Sovereign Council shall, with a deliberative vote, co-opt a new member of the same Class.

## Article 26

### *The Council of Professed Knights*

- § 1 - the Members of the Council of Professed are:
- a) The Grand Master or the Lieutenant of Grand Master, who presides;
  - b) the Grand Commander;
  - c) five Councillors elected by the Chapter of Professed.
- § 2 - The Coordinator for the Second Class, if Professed, shall be invited to attend the meetings without the right to vote.
- § 3 - The Grand Chancellor, without the right to vote, may be invited if considered advisable.
- § 4 - The Councillors remain in office for a period of six years until the election of a new Council of Professed. No one, regardless of his Class, may be a member of the Council of Professed for more than two terms.
- § 5 - The Council of Professed assists the Grand Master in the spiritual development of the Order and in the government of the First and Second Class.
- § 6 - The Grand Master shall not vote in matters requiring the consent of the Council of Professed. In the event of a tied vote, the decision remains suspended.

## Article 27

### *Removal of Members of the Sovereign Council or of the Council of Professed*

- § 1 - The removal for serious reasons of any Member of the Sovereign Council or the Council of Professed is decided by secret ballot by the respective Council with a two-thirds majority of those voting, including the vote of the Grand Master.
- § 2 - The decree of removal may be appealed before the Holy See within thirty days after being notified to the person concerned.

## Article 28

### *The Chapter General*

- § 1 - The Chapter General is the supreme governing body of the Order and is composed of representatives of the three Classes. It is convened by the Grand Master once every six years.
- § 2 - The Extraordinary Chapter General is convened by the Grand Master:
- a) whenever the Grand Master, in consultation with the Sovereign Council and the Council of Professed, deems it appropriate;
  - b) by decision of the Sovereign Council taken by a two-thirds majority;
  - c) at the request of at least half of the Priors, Sub-Priors and Associations.

## Article 29

### *The Members of the Chapter General*

- § 1 - The Members of the Chapter General are:
- a) the Grand Master or the Lieutenant of Grand Master, who presides;
  - b) the Members of the Sovereign Council;
  - c) the Prelate;
  - d) twelve Delegates of the Professed Knights and three Delegates of the Professed Chaplains elected by the Chapter of Professed;
  - e) the Priors and two Professed Delegates elected by the Priory Chapter or their alternates as provided for in the Code;
  - f) the Sub-Priors and the two Professed Delegates elected by the Sub-Priory Chapter or their alternates as provided for in the Code;
  - g) the fifteen Presidents of the Associations elected or their alternates as provided for in the Code;
  - h) the Delegates elected by the Assemblies of the Priors, Sub-Priors and Associations, in numbers proportional to their Membership as set forth in the Code, to ensure effective representation of the entire Order.
- § 2 - The Capitulars shall attend personally, unless there is a justified impediment recognised as legitimate by the Grand Master. In such an event, the alternate, where provided for by the Code, shall replace the Capitular who is prevented from attending.

## Article 30

### *Responsibilities of the Chapter General*

- § 1 - The Chapter General safeguards the Order's charism and brings it up to date by acknowledging and addressing the Order's most important issues. It plans activities, verifies the state of the Order's assets and guides international relations.
- § 2 - The Chapter General receives the report of the Grand Master on the general state of the Order; as well as the reports of the High Charges, the President of the Board of Auditors and the Prelate to the extent of their responsibilities.
- § 3 - The Chapter General decides and promulgates the laws of the Order; it decides any amendments to the Constitutional Charter and the Code to be submitted to the Holy See for approval.
- § 4 - For the approval of modifications to the Constitutional Charter, a majority of two-thirds is required. For the approval of modifications to the Code, an absolute majority is required. In individual instances, the Chapter General may delegate the power to enact laws to the Grand Master.
- § 5 - The Chapter General elects the four elective Members of the Sovereign Council pursuant to Art. 25 §, 1 d) herein, as well as the seven Members of the Board of Auditors pursuant to Art. 37, § 2 herein.

## Article 31

### *The Chapter of Professed*

- § 1 - The Chapter of Professed ordinarily takes place before the Chapter General and extraordinarily whenever the Grand Master, having consulted the Council of Professed, deems it necessary.
- § 2 - The Chapter of Professed:
  - a) prepares, on the basis of a secret ballot, the binding list of three candidates for the election of the Grand Master or Lieutenant of Grand Master to be submitted to the Council Complete of State;
  - b) prepares, on the basis of a secret ballot, the binding list of three candidates for the election of the High Charges to be submitted to the Chapter General;
  - c) elects the twelve Delegates of the Professed Knights and the three Delegates of the Professed Chaplains to the Chapter General.
- § 3 - The Knights of Justice and the Chaplains in Solemn Vows are Members by right with a deliberative vote. Those in Simple Vows only attend with an advisory function.
- § 4 - The Capitulars shall attend personally, unless there is a justified impediment recognised as legitimate by the Grand Master. They cannot delegate any other person to be replaced.
- § 5 - Only the Chapter of Professed has competence in matters concerning the First Class.

§ 6 - The Chapter of Professed can make any kind of proposal to the Grand Master or to the Chapter General concerning the life of the Order.

## Article 32

### *The Council Complete of State*

§ 1 - The Council Complete of State elects the Grand Master or the Lieutenant of Grand Master from a binding list of three candidates proposed by the Chapter of Professed pursuant to Article 31 § 2 a).

§ 2 - The Members with voting rights are:

- a) the Grand Master, the Lieutenant of Grand Master or the Lieutenant *ad interim*;
- b) the Members of the Sovereign Council;
- c) the Prelate;
- d) the Priors;
- e) the Professed Bailiffs;
- f) two Professed Knights for each Priory, plus a third in the event of a vacancy in the office of Prior;
- g) the Subpriors or the Regents of the Subpriories;
- h) fifteen representatives of the Presidents of the Associations;
- i) the Delegates elected by the Assemblies of the Pories, Sub-Pories and Associations in a number proportional to the number of their Members as provided for in the Code, to ensure that the entire Order is properly represented.

§ 3 - The Council Complete of State is validly convened if the absolute majority of those to be convened are present.

§ 4 - For the election of the Grand Master or Lieutenant of Grand Master, provided that the majority of those to be convened is in attendance, the vote of an absolute majority of those present is required.

§ 5 - After the fifth undecided ballot, the Council Complete of State shall decide, with the same majority in § 4 above, whether to proceed to the election of a Lieutenant of Grand Master for a maximum period of one year.

§ 6 - If a majority of the Council Complete of State has resolved to proceed with the election of a Lieutenant of Grand Master, a run-off shall be held between the two candidates who received the most votes in the fifth ballot. In the run-off, the candidate who obtains the highest number of votes prevails; in the event of a tie, the candidate who is senior by Profession prevails, and in the event of equal seniority by Profession, the one who is senior by age prevails.

§ 7 - If the majority of the Council Complete of State has resolved to proceed with the election of a Grand Master, a further five ballots shall follow. If none of the candidates has obtained the

majority referred to in § 4 above, a Lieutenant of Grand Master shall be elected in accordance with § 6.

§ 8 - If elected, the Lieutenant of Grand Master shall convene the Council Complete of State before the expiry of his term of office.

### Article 33

#### *The Juridical Council*

§ 1 - The Juridical Council is a collegial technical advisory body, which can be consulted about especially relevant juridical questions by the Grand Master or by at least three Members of the Sovereign Council or of the Council of Professed.

§ 2 - It is composed of a President, a Vice-President, a Secretary General and the State Advocate General.

§ 3 - The Members are appointed by the Grand Master after consultation with the Sovereign Council. They are selected from among those who are experts in the juridical sciences, preferably Members of the Order, particularly versed in the law of the Order, Canon Law, and public and international law. They remain in office for three years and may be reappointed for a maximum of three also non-consecutive terms.

§ 4 - The presence of the President or Vice-President and at least two other Members is required for the meeting to be valid.

§ 5 - The work of the Juridical Council is governed by a special Regulation, approved by the Grand Master.

### Article 34

#### *The Office of Advocate General*

The Office of Advocate General is composed of the State Advocate General, who may be assisted by other lawyers. The Office of the Advocate General ordinarily acts as defence counsel for the Order before both ecclesiastical and civil courts.

### Article 35

#### *The Judicial System*

§ 1 - The Magistral Courts have jurisdiction over disputes arising within the Order, in accordance with Canon Law and the Law of the Order.

§ 2 - The Grand Master, with the deliberative vote of the Sovereign Council, appoints the Presidents, Judges and Chancellor of the Magistral Courts.



§ 3 - The judges of the Magistral Courts are chosen from among Members of the Order who are particularly experienced in the law and meet the other requirements of the Code. They remain in office for three years and may be reappointed for a maximum of three also non-consecutive terms.

§ 4 - The judicial system and the procedure followed in the Magistral Courts are governed by the Code.

#### Article 36

##### *Representation of the Order before the Courts of other States*

The legal representation of the Order in the pursuit and defence of actions before the courts of other State, pertains to:

- a) , the Grand Chancellor on behalf of the Order as a whole and on behalf of the Grand Magistracy;
- b) the body specifically determined by their By-Laws or Regulations of the Grand Priorities, Priorities and Sub-Priorities, the Associations and other organisations of the Order, and *ius patronatus* Commanderies on behalf of those entities.

#### Article 37

##### *Board of Auditors*

§ 1 - The Board of Auditors supervises and oversees income and expenditures, and the proper management of the entire property of the Order.

§ 2 - It is composed of seven Members elected by the Chapter General, who in turn appoint from among their number the President.

§ 3 - The Members of the Board of Auditors are chosen from among Members especially experienced in law and economics. They hold office until the next Chapter General and can only be re-elected for a second term.

§ 4 - The Board of Auditors approves the financial statements according to the provisions of the Code.

**TITLE IV**  
**TERRITORIAL GOVERNMENT**

Article 38

*Territorial Government Organisations*

- § 1 –The territorial structure of the Order's government consists of Pories, Sub-Pories and Associations, whose establishment and approval of their statutes are the responsibility of the Grand Master with the deliberative vote of the Sovereign Council and the Council of Professed.
- § 2 - Pories must be established in territories where there are at least five Knights of Justice. Sub-Pories must be established in territories where there are at least three Knights of Justice. They support the Associations, with different roles and responsibilities. They play a supervisory role to ensure that the charism, nature and mission of the Order are respected in the works carried out by the Associations. The Members of the Order in their respective territories belong either to the local Priory or Sub-Priory, as well as to the Association.
- § 3 - The governments of the Pories or Sub-Pories shall meet regularly with the government of the Association in the same territory to agree on a common direction of government and apostolic work.
- § 4 - The procedure in § 1 must be followed to unite, divide or suppress Pories, Sub-Pories or Associations.

Article 39

*Establishment and Suppression of Houses*

Convents, Conventual Houses and Novitiates are established or suppressed by the Grand Master with the consent of the Council of Professed.

Article 40

*Other Organisations*

- § 1 - The Sovereign Council authorizes to the establishment of non-jurisdictional instrumental organisations (e.g., foundations, associations, companies, etc.) with a supranational character and approves their By-Laws.
- § 2 - The establishment of non-jurisdictional instrumental bodies with local purposes and areas of competence is reserved to the Priors, Sub-Priors and Presidents of the Associations in accordance with the provisions of the Code, with notice to the Sovereign Council.
- § 3 - The provisions of the two preceding paragraphs also apply in the event of the union, division or suppression of non-jurisdictional instrumental bodies.

## Article 41

### *Members of Priors and Sub-Priors*

- § 1 - All Members of the Order residing in the territory of a Priory or Sub-Priory belong to such Priory or Sub-Priory.
- § 2 - These Members constitute the Assembly of a Priory or Sub-Priory, which meets and takes action in accordance with the Code and its own By-Laws.
- § 3 - The Representatives of the Second and Third Class to the Priory or Sub-Priory Chapter are elected by their respective Classes in accordance with the Code and their own By-Laws.
- § 4 - The Prior or Sub-Prior elect cannot take office until his election has been confirmed by the Grand Master, after hearing the opinion of the Sovereign Council and the Council of Professed, and he has been sworn in.
- § 5 - The Code of the Order and the By-Laws of the Priory or Sub-Priory establish the responsibilities of the Priory or Sub-Priory Chapter and Assembly, to which all Members residing in the territory of such Priory or Sub-Priory belong.

## Article 42

### *Election of the Prior and Sub-Prior and Other Offices*

- § 1 - The Prior and Sub-Prior, who must be Professed in Solemn Vows, are elected by the Professed Members in Solemn Vows and Simple Vows. The Prior or Sub-Prior, after hearing the Chapter, appoints the Chancellor, the Receiver and the Hospitaller from among the Members of the First and Second Classes.
- § 2 - Exceptionally, in the event that it is not possible to elect a Knight of Justice, Professed Members of Solemn and Simple Vows may elect a Knight in Obedience as Regent, with the dispensation of the Grand Master.
- § 3 - The Prior, Sub-Prior and Regent elect, as well as the Chancellor, the Receiver and the Hospitaller cannot take office until their election has been confirmed by the Grand Master, after hearing the opinion of the Sovereign Council and the Council of Professed, and they have been sworn in.

## Article 43

### *The Priory or Sub-Priory Chapter*

- § 1 - The Members of the Chapter are:
- a) the Prior or Sub-Prior or Regent;
  - b) Professed Knights and Chaplains in Solemn and Simple Vows belonging to the Priory or Sub-Priory;

- c) the Chancellor, the Receiver, the Hospitaller;
- d) two Representatives of the Second Class;
- e) two Representatives of the Third Class;
- f) the Chief Chaplain.

§ 2 - The Representatives of the Second and Third Class in the Chapter are elected by their respective Class in accordance with the Code and the By-Laws.

§ 3 - The Chief Chaplain, preferably Professed, is elected by all the Chaplains belonging to the Priory or Sub-Priory.

#### Article 44

##### *Term of Office of the Offices and the Chapter*

The Prior, the Sub-Prior or the Regent, the Chancellor, the Receiver, the Hospitaller and the Capitulars, remain in office for six years and may be re-elected for a further term. Re-election to a third term requires a two-third majority.

#### Article 45

##### *Vicar and Procurator*

§ 1 - The Grand Master, after hearing the Professed of the Priory or Sub-Priory, with the consent of the Council of Professed, may, for grave cause, remove a Prior or Sub-Prior and appoint a Vicar.

§ 2 - Within one month of the appointment, the Vicar shall summon the Professed to elect the new Prior.

§ 3 - For grave cause, the Grand Master, having heard the Professed of the Priory or Sub-Priory, with the consent of the Council of Professed, may appoint a Procurator who shall hold office for the remainder of the term.

§ 4 - The Vicar or Procurator must, as a rule, be a Professed Knight, who can not belong to such Priory or Sub-Priory.

#### Article 46

##### *The Associations*

§ 1 - Associations are established by decree of the Grand Master, with the consent of the Sovereign Council, in territories with at least fifteen Members.

§ 2 - Their By-Laws are drafted in accordance with the provisions of this Constitutional Charter, the Code, the Canon Law and the domestic legislation of the States in which they are established, and are approved by the Grand Master, with the consent of the Sovereign Council.

§ 3 - In territories where an Association and a Priory or Sub-Priory coexist, the Prior or Sub-Prior oversees the correct fulfilment of the Order's charism in the works of the Association.

#### Article 47

##### *Members of the Association*

§ 1 - All the Members of the Order residing in the territory of an Association belong to such Association.

§ 2 - These Members constitute the Assembly of the Association, which meets and passes resolutions in accordance with the Code and its By-Laws.

#### Article 48

##### *Government of the Associations*

§ 1 - Associations are governed by a President and a Board of Directors in accordance with the Code and its By-Laws.

§ 2 - In the conduct of the Association, the President is assisted by the Treasurer and the Secretary General.

#### Article 49

##### *Election of the President, Treasurer, Hospitaller and Secretary General*

§ 1 - The President, Treasurer, Hospitaller and Secretary General are elected by the Assembly of the Association, preferably from among the Members of the First and Second Class.

§ 2 - The Grand Master, after consulting the Sovereign Council, confirms the appointment of the President, the Treasurer, the Hospitaller and the Secretary General.

§ 3 - Their term of office is three years, and they may be re-elected for a second term. A two-thirds majority of those entitled to vote is required for a third re-election.

#### Article 50

##### *The Board of Directors*

§ 1 - The Members of the Board of Directors are:

- a) the President;
- b) the Treasurer;
- c) the Hospitaller;
- d) the Secretary General;

- e) all the Professed residing in the territory of the Association;
- f) the Chief Chaplain;
- g) three Representatives of the Second Class;
- h) three Representatives of the Third Class.

§ 2 - Representatives on the Board of Directors of the Second Class as well as those of the Third Class are elected by their respective Class in accordance with the Code and the By-Laws.

§ 3 - The Chief Chaplain, preferably Professed, is elected by all Chaplains who are Members of the Association.

§ 4 - The Grand Master, with the advice of the Sovereign Council, confirms the election of the Members of the Board of Directors.

#### Article 51

##### *Responsibilities of the Board of Directors*

The responsibilities of the Board of Directors are determined by the Code and the Association's own By-Laws.

#### Article 52

##### *Professed Members of Associations*

If the President of the Association is a Knight in Obedience, the Professed who reside in the territory of the Association, as religious, report to the closest Prior or Sub-Prior assigned to them by the Grand Master.

#### Article 53

##### *The Commissioner*

§ 1 - For grave cause, the Grand Master, after hearing the Professed Members of the Association and with the consent of the Sovereign Council, may place an Association under temporary administration.

§ 2 - Unless otherwise provided for in the decree of extraordinary administration, all Association offices shall lapse and the Commissioner shall assume the relevant powers.

§ 3 - The Commissioner shall convene the Assembly for the renewal of the statutory bodies within the time limits set out in the decree of appointment and in any case no later than one year after taking office.

§ 4 - The Commissioner must be a Professed Knight, or a Knight in Obedience for at least five years, and may not be a member of the Association.

## TITLE V

### THE GOODS OF THE ORDER

#### Article 54

##### *The Nature and Administration of Goods*

- § 1 - The Order, the Pories, the Sub-Pories, the Associations and other organisations of the Order, as public legal persons, may acquire, manage, dispose of, and use economic goods in accordance with the law.
- § 2 - Their economic assets are administered by the immediate manager of the public legal entity in accordance with the law of the Order and Canon Law.
- § 3 - No new or increased expenditure in excess of the approved budget can be approved without first determining the corresponding revenue or establishing the means to pay for it.
- § 4 - The immediate manager of the legal entity takes invalid actions if these exceed the ordinary administration, unless he has acted in accordance with the following articles.

#### Article 55

##### *Extraordinary Administration*

- § 1 - Expenditures, disposals, debts and other transactions for which, in accordance with Canon Law, the Code or the By-Laws governing the public canonical entity, the permission of the competent authority must be obtained, are acts of extraordinary administration.
- § 2 - The permission of the Holy See must always be obtained for validly disposing of real estate and movable property, precious goods of artistic or historical value and ex-votos donated to the Church.

#### Article 56

##### *Determination of Acts of Extraordinary Administration*

- § 1 - The Chapter General determines the amount above which the Grand Master *ad validitatem* needs the consent of the Sovereign Council and the Council of Professed, given by secret ballot, to incur debts, dispose of assets or incur expenses. The Chapter General also determines the amount above which the written permission of the Grand Master is required in order for the organisations of the Order to validly dispose of assets, incur expenses or debts.
- § 2 - The Priory or Sub-Priory Assembly or the Assembly of the Association determines the amount beyond which the Prior, Sub-Prior or President needs the consent of the respective Chapter or the Board of Directors of the Association, given by secret ballot, in order to validly dispose of

goods, incur expenses or debts. The Priory, Sub-Priory or Association Assembly also determines the amount beyond which the written permission of the Prior, Sub-Prior or President is required in order for the organisations of the Order to validly dispose of goods, incur expenses or debts within their respective areas.

§ 3 - In the cases referred to in § 1 above, the acquisition of the non-binding opinion of the Board of Auditors is required *ad validitatem*.

#### Article 57

##### *Reporting*

The immediate manager of the legal entity is required to submit an annual balance sheet and budget to his Superior in accordance with the Code and the By-Laws.

#### Article 58

##### *Supervision*

Superiors have the duty and the right to carefully supervise the administration of all assets belonging to the legal entities subject to them.

#### Article 59

##### *Contributions of the Organisations of the Order*

The Chapter General determines the annual contribution of the Pories, Sub-Pories and Associations for the needs of the Grand Magistracy, in proportion to their respective economic capacity.



**TITLE VI**  
**TRANSITIONAL AND FINAL PROVISIONS**

Article 60

*Transitional Provisions*

- § 1 - This Constitutional Charter shall not affect pardons, privileges, dispensations and acquired rights with regard to the common life and the regime required by the solemn vow of poverty. The right of everyone to choose to comply with the provisions of this Constitutional Charter shall remain unaffected.
- § 2 - The Grand Master, after hearing the Sovereign Council and the Council of Professed, shall, if necessary, issue the appropriate transitional rules to regulate the relationships pending at the time of the entry into force of the Constitutional Charter and the Code.

Article 61

*Text and Official Translations of the Constitution*

- § 1 - The Constitutional Charter and the Code are written in Italian. The Grand Master, with the advice of the Sovereign Council, shall provide for official translations in other languages.
- § 2 - The official text in Italian, bearing the signature of the Grand Master and the Seal of State, is kept in the Archives of the Grand Magistracy.
- § 3 - In the event of differing interpretations, the official text in the Italian language shall prevail.

Article 62

*Observance of the Laws of the Order*

The provisions contained in the Laws of the Order do not as such constitute a precept under penalty of sin, unless they concern matters of the Divine Laws, the Vows and the Promise of Obedience.

# CODE

## TITLE I GENERAL REGULATIONS

### Article 1

#### *Nature of the Code of the Order of Malta*

This Code regulates the life, the organization and the activity of the Order in accordance with its Constitutional Charter.

### Article 2

#### *Interpretation of Laws*

The interpretation of laws conforms to Book One of the Code of Canon Law.

### Article 3

#### *Promulgation of Laws and Publication of Decrees*

Laws and decrees are promulgated or published, respectively, in the *Bollettino Ufficiale*. Legislative acts, unless there are dispositions to the contrary, become effective thirty days after the date of publication.

### Article 4

#### *Dispensation from Laws*

The Grand Master, within the limits of the Constitutional Charter, may dispense in individual cases from the observance of the provisions of this Code, except in matters concerning: vows, prescriptions of ecclesiastical law and Government structure.

### Article 5

#### *Name of the Order*

The name of the Order, according to the tradition, may be abbreviated to SMOM. Any other name will have to be approved by the Chapter General.

**TITLE II**  
**MEMBERS OF THE ORDER**

**CHAPTER I**  
**MEMBERS OF THE FIRST CLASS**

Article 6

*Knights of Justice and Conventual Chaplains*

- § 1 - Because of their Solemn Vows of poverty, chastity and obedience, Knights of Justice and Conventual Chaplains are religious people in every respect and abide by the universal and specific rules that apply to them. Answering to their divine vocation and driven by the power of Grace, they follow the path of our Lord Christ, offering and consecrating their lives themselves, in accordance with the charisms of the Order, to God and to *tuitio fidei* and *obsequium pauperum*, and abide by the laws of the Order to achieve evangelical perfection and sanctification. For the love of Christ they make themselves “*servants of the poor*”, especially of the sick, and are active in spreading the Gospel through charity. Under the authority of the Superiors, Knights of Justice and Conventual Chaplains are at the service of the Order.
- § 2 - Conventual Chaplains are incardinated in the Order. Their main duty is the pastoral care of the Members of the Order, especially the Knights of Justice, with whom they share the same calling to religious life and the confraternal ties arising from consecration. They are particularly committed to the religious, liturgical and spiritual formation of the Members of the Order. Under the authority of the Superiors, they also devote themselves to spiritual assistance in charitable, relief and missionary works of the Order, as well as to the service of the Order’s churches and conventual houses.
- § 3 - In the common confraternal life, according to the charism of the Order, the Members of the First Class, and consequently the entire family of the Order, experience and testify the presence of Christ, alive and resurrected. The Convent and the conventual life are the foundation on which the spiritual life and the charitable actions of the Professed are built, in their administering and directing the works of the Order. Nevertheless, in view of the peculiar nature and purpose of the Order, the Grand Master may grant, in specific cases and for justified reasons, particular forms and patterns of religious life.
- § 4 - In order to guarantee observance of the religious discipline, the Grand Master, with the deliberative vote of the Members of the Council of Professed, issues specific Regulations prepared by the Grand Commander.

SECTION I  
ASPIRANCY

Article 7  
*Aspirancy*

The Grand Master, with the approval of the Council of Professed, admits candidates to the Aspirancy.

Article 8  
*Requirements for Admission to Aspirancy*

In order to be admitted to Aspirancy one must:

- a) belong to the Second Class or have been a member of the Third Class for at least one year;
- b) not be subject to any impediment established by the Constitutional Charter, the Code, or Canon Law;
- c) be driven by honest intentions;
- d) be suited to serve the sick and the poor of Jesus Christ and to dedicate himself to the services of the Church and of the Holy See according to the spirit of the Order.

Article 9  
*Request for Admission as Aspirant to the First Class*

§ 1 - A candidate Aspirant must address his request for admission to the Superior competent by territory.

§ 2 - If there is no entity of the Order in the area where the candidate resides, the request for admission must be presented directly to the Grand Master.

Article 10  
*Those Responsible for Aspirants*

§ 1 - Once the request for admission is accepted by the Superior competent by territory, the Aspirant is entrusted by the Superior to a Knight of Justice expressly designated and to a Spiritual Director, a Conventual Chaplain or a Conventual Chaplain *ad honorem*.

§ 2 - The designated Knight must present a written report to the Superior on the personality, conduct and suitability of the Aspirant.

Article 11

### *Duration of Aspirancy*

- § 1 - Aspirancy must last a minimum of three months and a maximum of one year, during which time the Aspirant is formed according to what is established in the *Ratio Formationis* published by the Grand Master with the approval of the Council of Professed.
- § 2 - At the end of the Aspirancy term the candidate must present a written request to the Grand Master in order to be admitted to Novitiate.

## SECTION II

### NOVITIATE

#### Article 12

##### *Establishment of Novitiate*

- § 1 - Novitiate is established, transferred or suppressed by the Grand Master with the advice of the Council of Professed.
- §. 2 - The Novitiate must be carried out in accordance with the provisions of art. 22 of the Code.
- § 3 - The established periods of participation in *obsequium pauperum* projects may take place outside the novitiate Community, as directed by the Master of Novitiate
- § 4 - In particular cases the Grand Master, with the advice of the Council of Professed, may allow — exceptionally— a candidate to spend his Novitiate in another house of his choice, under the guidance of an expert religious in lieu of the Master of Novitiate.

#### Article 13

##### *Master of Novitiate*

- § 1 - The Grand Master appoints a Master of Novitiate and a Vice Master for each Novitiate. These are both chosen from among Knights of Justice and Conventual Chaplains of at least forty years of age and three years of Solemn Vows, having specific qualification for formation and vocational discernment.
- § 2 - The Master of Novitiate is the sole responsible for the human and spiritual formation of the Novice according to the *Ratio Formationis*.
- § 3 - The Master of Novitiate must see that the Novice is faithful to religious observance and participates in the *obsequium pauperum* of the Order as it is prescribed for Professed Knights, discern his vocation and test his accountability in fulfilling his commitments to the Order. Shortly before the conclusion of the Novitiate, the Master presents to the Superiors a written

report expressing his opinion on whether the Novice is eligible for admission to simple temporary Profession.

§ 4 - Every six months the Master makes written reports to the Grand Master about the progress made by each novice.

§ 5 - In the Novitiate there must be at least one Spiritual Director, appointed by the Grand Master and chosen from among Conventual Chaplains or Conventual Chaplains *ad honorem*, who has been in the Order for at least ten years. There must also be a confessor according to rule 630, § 3 of the Code of Canon Law.

#### Article 14

##### *Admission of Aspirants to Novitiate*

§ 1 - It pertains to the Grand Master, with the approval of the Council of Professed, to admit Aspirants to the Novitiate.

§ 2 - Knights belonging to the Second Class may request direct admission to Novitiate without passing through the status of Aspirant. They are however subject to the same procedure for request prescribed in this Code as the ordinary Aspirants.

#### Article 15

##### *Documents Required for Admission to Novitiate*

The following documents are required for admission to Novitiate:

- a) certificates of Baptism and Confirmation;
- b) certificate of unmarried status;
- c) testimonial letters from the Parish priest;
- d) testimonial letters from the respective Superiors, for those Aspirants who have participated in a diocesan seminary, collegium or novitiate of another Institute of consecrated life or Society of apostolic life;
- e) testimonial letters from the Superior of the Order organization in the territory where the Aspirant resides;
- f) any other testimonies that the competent Superiors may deem useful.

#### Article 16

##### *Subject of Testimonial Letters*

The testimonial letters must provide information about the lineage, habits, temperament, reputation, social status and culture of the Aspirant, and whether the requirements set in articles 8 and 18 of this Code are met.

#### Article 17

##### *Secrecy regarding Information*

Anyone who learns the contents of the testimonial letters or of information obtained is bound to secrecy regarding such information and the subjects who provided it.

#### Article 18

##### *Requirements for Validity of Admission to Novitiate*

In addition to the requirements set in rule 643, § 1, no. 2-5 of the Code of Canon Law, for valid admission to Novitiate an Aspirant must:

- a) have been a member of the Order for at least one year;
- b) have completed 22 years of age;
- c) not have been convicted nor be involved in pending criminal proceedings;
- d) not be a member of organizations having purposes in conflict with the spirit and the rules of the Catholic Church.

#### Article 19

##### *Requirements for Legitimate Admission to Novitiate*

For legitimate admission to Novitiate an Aspirant must:

- a) be driven by honest intentions;
- b) be suitable to serve the sick and the poor of Jesus Christ and devote himself to the service of the Order, of the Church and of the Holy See according to the spirit of the Order;
- c) not be encumbered by debts that he is unable to honour;
- d) be exempt upon admission from legal or moral obligations towards his blood relatives.

#### Article 20

##### *Dispensation from Impediments to the Admission to Novitiate*

The dispensation from the impediments referred to in articles 18 a-c) and 19 b-d) above is reserved to the Grand Master, with the approval of the Council of Professed.

#### Article 21

##### *Initiation of Novitiate*

§ 1 - The Novitiate begins in accordance with the norms set forth in the Ceremonial and it is to be recorded in a certified document.

§ 2 - The Aspirant, before beginning the Novitiate, is obliged to complete a course of spiritual exercises with silence of eight full days in an approved place, beginning with a general confession, if that be the prudent judgment of the confessor.

## Article 22

### *Duration of Novitiate*

§ 1 - The Novitiate must last at least twelve uninterrupted months spent in the same novitiate community.

§ 2 - The Grand Master, with the advice of the Master of Novitiate, may extend the Novitiate for an additional term not exceeding six months.

§ 3 - The validity of the Novitiate is subject to the provisions of rule 649, §1 of the Code of Canon Law.

## Article 23

### *Formation of Novices*

§ 1 - The Novice, under the guidance of the Master, should dedicate to pious exercises and religious formation as the Regulations provide. He must also put effort in assimilating the spirituality, the Rule, the laws and the history of the Order.

§ 2 - The Novice should also be active in charitable works and, where possible, in those of the Order, that he is called to by virtue of the religious Profession he intends to make.

§ 3 - The *Ratio Formationis* must be approved by the Grand Master, with the consent of the Council of Professed.

## Article 24

### *Request for and Admission to the Profession of Simple Temporary Vows*

§ 1 - Shortly before the completion of the Novitiate, a Novice who wishes to make Vows must present a written request to the Grand Master for admission to the Profession of simple Vows, that in the Order are always temporary, through his Superior, who will also express his opinion.

§ 2 - The requirements for the validity of simple temporary profession are:

- a) the Novice must be at least 23 years of age;



- b) the Novitiate must be validly completed;
- c) admission must be freely decided by the Grand Master, with the approval of the Council of Professed;
- d) the Profession must be made and expressed without coercion, fear or deception;
- e) the Profession must be received by the Grand Master, in person or through a person delegated by him.

§ 3 - It pertains to the Grand Master, with the favourable opinion of the Master of Novitiate and the approval of the Council of Professed, to admit a Knight to the first Profession of Temporary Vows.

#### Article 25

##### *Spiritual Exercises in Preparation for Profession*

In preparation for the Profession of simple temporary Vows, the Novice is to undertake a course of spiritual exercises with silence of eight full days in an approved place.

### SECTION III

#### PROFESSED KNIGHTS IN SIMPLE VOWS

#### Article 26

##### *Renewal of Temporary Vows*

§ 1 - Before the completion of each period for which Vows were taken, Knights of Justice may, by their request, be permitted by the Grand Master to renew their vows.

§ 2 - During the first three years, simple temporary Vows must be renewed each year shortly before their expiration. In the subsequent three-year periods, they will be renewed shortly before the end of each three-year period. The period of simple temporary vows must not exceed a total of nine years.

§ 3 - The Grand Master may, for just cause, permit that the renewal of simple temporary Vows be anticipated by no more than thirty days, provided that the full term preceding perpetual Profession is respected.

§ 4 - A Knight who does not renew his simple temporary Vows will return to his previous Class.

§ 5 - The renewal of vows must be preceded by a spiritual retreat with silence of six days.

#### Article 27

##### *Formula of Simple Temporary Profession*

In accordance with the Ceremonial of the Order, the Novice Knight pronounces before the Grand Master or his delegate, in the presence of two witness, the following Profession:

*“I, ... vow to God Almighty, imploring the assistance of the Immaculate Virgin Mary of Mount Philermo, of Saint John the Baptist and of Blessed Gerard, to observe poverty and chastity, and obedience to whichever Superior I will be assigned by the Holy Order, and I intend to make these Vows for a term of one year (three years) in accordance with the laws of the Order of Malta”.*

#### Article 28

##### *Document of Religious Profession*

The document containing the formula of the religious Profession, testifying to the Profession and its renewals having been made, signed by the Knight, by the one who received them and by the witnesses, must be kept in the archives of the Grand Magistracy and a certified copy must be kept in the archives of the organization of the Order that the Knight belongs to.

#### Article 29

##### *Possibility to Leave the First Class upon Expiration of Vows*

Upon expiration of his simple temporary Vows, a Knight who does not renew the vows will return to his previous Class.

#### Article 30

##### *Appointment of Tutor and Spiritual Director for the Professed in Temporary Vows*

- § 1 - The Grand Master, with the advice of the competent Superior and of the Council of Professed, appoints a Tutor for each Knight of Justice in simple temporary Vows, chosen from among Knights of Justice who have spent at least three years in Solemn Profession, to accompany the Knight in Temporary Vows and oversee his observance of the religious life and his commitment to serving the Order.
- § 2 - Every year, and until Solemn Profession, shortly before the expiration of Simple Vows, the Tutor must inform the competent Superior of the progress in the candidate's religious life.
- § 3 - A Knight in temporary Vows is to choose a Spiritual Director among Conventual Chaplains or Conventual Chaplains *ad honorem*, subject to the approval of the Grand Master.

#### Article 31

##### *Duties of Knights in Simple Temporary Vows*

Knights in Temporary Vows, under the guidance of their Superior and Spiritual Director, are to observe the religious life and the spiritual discipline of the Order and devote themselves to apostolate works “as a servant of our Lords the poor and the sick”, to the testimony and defence of the Catholic Faith and to the care of their formation according to the *Ratio Formationis*.

#### Article 32

##### *Report by the Local Superior of the Professed in Simple Temporary Vows to the Superiors*

At least every year, the local Superiors must inform the competent Superiors about the religious life of the Knights in Simple Vows and their activity in the works of the Order.

#### Article 33

##### *Effects of the Profession of Simple Temporary Vows*

The Profession of Simple Vows renders any act contrary to them unlawful, but not invalid.

#### Article 34

##### *Rights and Privileges of Professed in Temporary Vows*

- § 1 - Professed Knights in Temporary Vows enjoy the same privileges and spiritual favours to which Professed in Solemn Vows have a right. On their death, they have right to the same prayers.
- § 2 - Professed Knights in Temporary Vows have active and passive voice, unless otherwise provided in the Constitutional Charter and in the Code.

### SECTION IV

#### PROFESSED KNIGHTS IN SOLEMN VOWS

#### Article 35

##### *Request for and Admission to Solemn Profession*

- § 1 - Shortly before the end of the period of temporary Vows, a Professed wishing to make Solemn Vows must present a written request to the Grand Master through his Superior, who submits his own opinion.
- § 2 - It pertains to the Grand Master, with the favourable opinion of the Tutor and with the approval of the Council of Professed, to admit a Knight to Solemn Profession.

§ 3 - The Solemn Profession must be preceded by a course of spiritual exercises with silence of eight days in an approved place.

#### Article 36

##### *Solemn Profession*

§ 1 - The Solemn Profession must be made according to the Ceremonial of the Order.

§ 2 - The document containing the formula of the religious Profession, testifying to the Profession of Solemn Vows having been made, must be signed by the professing Knight, by the one who received his Profession and by two witnesses and is kept, in certified copy, in the archives of the Grand Magistry and also in the archives of the organization of the Order that the Knight belongs to.

§ 3 - The Superior must inform of the Profession the Parish Priest of the place where the Professed Knight in Solemn Vows was baptized, so that the event can be recorded in the baptismal register.

#### Article 37

##### *Formula of the Solemn Profession*

In accordance with the Ceremonial of the Order, the Knight in temporary Vows pronounces before the Grand Master or his delegate, in the presence of two witnesses, the following Profession:

*“I, ... solemnly vow to God Almighty, imploring the assistance of the Immaculate Virgin Mary of Mount Philermo, of Saint John the Baptist and of Blessed Gerard, to observe poverty and chastity, and obedience to whichever Superior I will be assigned by the Holy Order, and I intend to make these Vows in perpetuity, in accordance with the laws of the Order of Malta”.*

#### Article 38

##### *Effects of the Solemn Profession*

Solemn Profession renders any act contrary to it not only unlawful but also invalid, provided that they can be made invalid under the laws of the Church.

#### Article 39

##### *Requirements for Validity of the Solemn Profession*

§ 1 - In order for the Solemn Profession to be valid:

- a) the Knight must have completed 26 years of age;
- b) he must profess his Solemn Vows upon expiration of his Temporary Vows;
- c) on recommendation of the Superior, he must be admitted to the Profession by the Grand Master, with the approval of the Council of Professed;
- d) his Profession must be made freely, pursuant to the Canon Law;
- e) his Profession must be received by the Grand Master or his delegate, in the presence of at least two witnesses.

§ 2 - It pertains to the Grand Master, with the approval of the Council of Professed, to admit a Knight to the Profession of Solemn Vows, on recommendation of the competent Superior.

#### Article 40

##### *Transfer to Another Institute of Consecrated Life*

The rules of Canon Law apply to any Professed Member of the Order who enters another Institute of consecrated life.

#### Article 41

##### *Dismissal from the Order*

§ 1 - Rules 686 to 693 of the Code of Canon Law apply to the Professed who leave the Order.

§ 2 - The dismissal of Professed Members from the Order is governed by rules 694 to 704 of the Code of Canon Law.

§ 3 - Those Professed who legitimately left or were dismissed from the Order cannot claim any financial right in respect of the Order, although the Order is bound to observe fairness and evangelic love towards them (rule 702 of the Code of Canon Law). Before pronouncing the Vows, the Professed must sign a declaration to this effect.

SECTION V  
CONVENTUAL CHAPLAINS

Article 42

*General Rule*

- § 1 - What the Constitutional Charter and the Code establish regarding Professed Knights also applies to Conventual Chaplains, without prejudice to particular dispositions of Canon Law and of the following articles.
- § 2 - The Grand Master, with the approval of the Council of Professed and the favourable opinion of the Prelate, can issue special regulations for Conventual Chaplains.

Article 43

*Requirements for Admission*

- § 1 - Clerics of the Third Class may be admitted to Profession as Conventual Chaplains of the Order.
- § 2 - Before admission to Aspirancy or to Novitiate, the approval of the Prelate and the opinion of the Ordinary of the competent Diocese are required.

Article 44

*Own Discipline*

- § 1 - With their Profession, Conventual Chaplains oblige themselves to observe the three evangelical counsels. The Order guarantees their necessary living support, in accordance with the Canon Law.
- § 2 - Professed Conventual Chaplains are directly subject to the Prelate of the Order in matters relating to ecclesiastical discipline.
- § 3 - The specific priority duties of Conventual Chaplains are:
- a) commit to the spiritual care of the Members of the Order and to the apostolate of its works, as directed by the Superiors;
  - b) promote holy functions on the occasion of major religious solemnities and of those that are particularly important for the Order;
  - c) organize higher courses of religious culture, retreats and spiritual exercises;
  - d) guarantee spiritual assistance to sick Members.

Article 45

*Use of Choir Dress*

As regards the use of choir dress, Conventual Chaplains must abide by the Ceremonial.

SECTION VI

EVANGELICAL COUNSELS

Part One

EVANGELICAL COUNSEL OF OBEDIENCE

Article 46

*The Evangelical Counsel of Obedience*

The evangelical counsel of obedience moves the soul to the imitation of Jesus Christ, who became obedient even unto death of the Cross.

Article 47

*The Vow of Obedience*

With the Vow of obedience, Professed Knights and Chaplains bind themselves to obey the Holy Father and their legitimate Superiors in accordance with the Constitutional Charter and the Code.

Article 48

*Precept for the Vow of Obedience*

§ 1 - Superiors convey orders by virtue of the Vow when they use the formulas “in virtue...”, or “in the name of God...”.

§ 2 - The command cannot be imposed except for serious reasons and in writing (rule 51 of the Code of Canon Law), or in the presence of two witnesses (rule 55 of the Code of Canon Law).

Article 49

*Relations with Superiors of the Order*

The Professed must bear religious respect for their Superiors and must submit themselves to them in a spirit of love and devotion. Such respect does not conflict with the liberty to make known to such Superiors whatsoever they may deem useful for the Order.

## Article 50

### *Spirit of Cooperation with Superiors*

In order to promote unity and harmony, the Professed are to maintain confraternal relations and confer regularly with their Superiors and be assiduous in attendance at meetings.

## Part Two

### EVANGELICAL COUNSEL OF CHASTITY

## Article 51

### *The Evangelical Counsel of Chastity*

The evangelical counsel of chastity binds the Professed to live in perfect continence in celibate and to avoid any internal or external act contrary to it.

## Article 52

### *The Vow of Chastity*

§ 1 - In order to remain faithful to his vow of chastity, the Professed should make use of supernatural aids. He should be steadfast in seeking God, persevere in remaining united with Him and always in His love through daily personal, community and liturgical prayer and frequent reception of the Sacraments of Penance and Eucharist, filial devotion to the Immaculate Virgin, mortification of the senses and profound humility.

§ 2 - The Solemn Vow of chastity constitutes impediment to marriage.

## Article 53

### *Spiritual Aids in the Exercise of Chastity*

The Professed should be careful and avoid being involved in worldly social gatherings and entertainment. He must put effort in being exemplary through his conduct, honouring his status as religious within the Order of Malta.



### Part Three

## EVANGELICAL COUNSEL OF POVERTY

### Article 54

#### *The Evangelical Counsel of Poverty*

- § 1 - In the evangelical spirit of poverty, the Professed must limit the use and disposition of temporal goods, depriving himself not only of all that is superfluous but also of all that is not really necessary. In order to be a true *servant of the poor* and a soldier of charity he, day after day, must tend to identify himself with the poor, in order to worship and serve Christ in the neediest.
- § 2 - The Professed is entitled to receive from the Order the necessary living support. If he receives remuneration for his job, he must share it.

### Article 55

#### *Effects of Temporary Vow of Poverty*

- § 1 - With the temporary vow of poverty, the Professed renounces the independent use of temporal goods, in accordance with the Code of Canon Law and the laws of the Order.
- § 2 - The Professed in Temporary Vows retain the ownership of their personal goods and the ability to acquire other goods, including by inheritance. However, they require permission from the competent Superior in order to dispose of them.

### Article 56

#### *Use and Usufruct of Personal Goods*

- § 1 - In accordance with rule 668, § 1 of the Code of Canon Law, before the First Vows and for their duration, the Novice must transfer to an individual or legal person of his choice the administration of his goods and arrange freely for their use and usufruct.
- § 2 - In order to put into effect transactions that affect those goods adversely, the administrator must be authorized by the competent Superior of the Professed.
- § 3 - Everything that the Professed acquires through his activity or *intuitu religionis* devolves to the Order.

Article 57

*Renunciation of Goods before Solemn Profession*

During the sixty days preceding solemn profession, and on condition that it is made, the Professed in Temporary Vows must renounce all the goods he has title to, in favour of whomever he wishes.

Article 58

*Effects of Solemn Vow of Poverty*

- § 1 - With the solemn vow of poverty, the Professed renounces not only the administration, use and usufruct of his goods, but also his ownership rights in them and the faculty to possess or acquire temporal goods.
- § 2 - Goods which come to the Professed, in any way whatsoever, after solemn profession, become the property of the Priory or Subpriory he belongs to, or to the Common Treasure in the case of Professed who belongs to an Association.
- § 3 - Before Solemn Profession, the Professed must make a will, that must be valid also under civil law, disposing freely of his present and future goods. After Profession, the will cannot be changed without the permission of the competent Superior of the Order.

Article 59

*Formalities before Simple Profession*

The candidate to Profession must give an inventory of his estate to the Superior, who is to ensure that it is sealed and kept in custody, so that it is not brought to the knowledge of third parties.

Article 60

*Prohibition against Donations*

Professed in Simple Vows cannot donate their goods by transactions “*inter vivos*”.

Article 61

*Will prior to Solemn Profession*

The original will or a copy, under sealed cover, is to be delivered to the Superior, who must see that it is properly kept.

## Article 62

### *Special Fund for Formation of the First Class*

A special fund for the formation of Members of the First Class is created within the Common Treasure.

## SECTION VII

### OBLIGATIONS OF THE PROFESSED IN GENERAL

## Article 63

### *Religious Practices of the Professed*

The Professed must fulfil diligently the common duties deriving from religious consecration and, unless legitimately impeded:

- a) dedicate themselves daily to reading the Holy Scriptures and to mental prayer, to the celebration of lauds, vespers and compline and other pious practices, like the Holy Rosary, the Stations of the Cross, etc.;
- b) be assiduous at the Eucharist Sacrifice, receive the Holy Communion and frequently the Sacrament of Penance, according to the advice of their Spiritual Director;
- c) take part each year in a course of spiritual exercises of at least eight full days in a religious house.

## Article 64

### *Meetings of Professed Knights*

Professed Knights are to take part in the meetings organized by their respective Priory or Subpriory, or by the entire community of the First Class.

## Article 65

### *Public Offices*

Professed Knights may, with the express permission of the Superior, accept functions and offices outside the Order, provided that these are not incompatible with their status (rule 672 of the Code of Canon Law).

## CHAPTER II

### MEMBERS OF THE SECOND CLASS

#### Article 66

##### *Knights and Dames in Obedience*

- § 1 - According to their own vocation, Knights and Dames in Obedience participate in the apostolate and mission of the Order. Their life and service be inspired by the spirituality of the Order and observe its discipline. They have special ties of spiritual solidarity with the Professed, especially with prayers. They are chosen by the Superiors among the Knights and Dames of the Third Class who have been in the Order for at least five years and maintain the name of their previous category with the addition of the words “in Obedience”.
- § 2 - They are involved in the mission and apostolate of the Order and are subject to the Superiors. They may receive special assignments, in accordance with the Constitutional Charter, with this Code and with the other laws of the Order.
- § 3 - With the Promise of Obedience, these Knights and Dames undertake the moral and legal obligation, before God and the Order, to obey the legitimate commands of their Superior in accordance with the Constitutional Charter, the Code, the laws of the Order and the Canon Law.
- § 4 - In order to facilitate the observance of the obligations undertaken, the Grand Master, with the deliberative vote of the Sovereign Council, issues specific Regulations.
- § 5 - The Members of the Second Class commit themselves to a more intense pious life according to the rules that apply to them. Conscious of the spiritual value of such commitment before God, they must diligently observe the divine law and the precepts of the Church, so as to be a constant example of piety and virtue, of apostolic zeal and of devotion to the Holy Church.
- § 6 - Knights and Dames in obedience undertake the moral obligation to use temporal goods according to the spirit of the Gospel.

#### Article 67

##### *Requirements for Admission*

A member of the Order who wishes to be admitted to the Promise of Obedience must send a written request to the Prior, Subprior or President, providing proof that he or she:

- a) professes the Catholic religion;
- b) is not subject to any canonical or moral impediment;
- c) has completed 26 years of age;
- d) has belonged to the Order for at least five years;
- e) has the written consent of his or her spouse, if married.

## Article 68

### *Admission to Probation*

The Prior, Subprior or President, with the approval of the respective Chapter or Council, grants the candidate admission to the period of probation.

## Article 69

### *Master of Probation*

The period of Probation must be spent under the guidance of a Master of Probation, normally a Chaplain of the Order, assisted when possible by a Professed Knight designated by the respective Superior.

## Article 70

### *Preparation of Candidates*

- § 1 - The candidate is to begin and conclude the probation with a course of spiritual exercises with silence of at least five consecutive full days in an approved place.
- § 2 - During the period of Probation, to last at least one year, the Master of Probation must take care that the candidate gains insight in the regulations, history, spirituality and traditions of the Order, and form the candidate in the service to Our Lords the Sick and the Poor. To this end, the candidate must practice Christian charity, visiting the sick and the poor, preferably within the framework of the Order's works.
- § 3 - At the end of the period of probation, the Master of Probation is to present to the competent Superior a written report on the conduct of the candidate and his opinion about the eligibility of the candidate for admission to the Second Class.

## Article 71

### *Admission of Candidates to the Second Class*

At the end of the period of Probation, having obtained the favourable opinion of the Master of Probation and with the agreements of the respective Chapter or Council, the Prior, Subprior or President presents the proposal for admission to the Second Class for acceptance by the Grand Master, with the approval of the Sovereign Council.

## Article 72

### *Promise*

§ 1 - The aspirant admitted to the Promise pronounces the following formula:

*“I, ..., promise before God to faithfully observe the laws of the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta, to carry out (for a term of three years) the duties proper to Knights and Dames in Obedience and to render due obedience to whichever Superior shall be given to me. So help me God, the Immaculate Virgin, Saint John the Baptist our Glorious Patron, Blessed Fra’ Gerard our Holy Founder, and all the Saints of the Order”.*

§ 2 - The Promise must be received by the Grand Master or his delegate, being a Knight of Justice or a Conventual Chaplain, in the presence of two witnesses.

§ 3 - The Promise is valid for three consecutive years and may be renewed by request of the Knight or Dame in Obedience, subject to the opinion of the Superiors, every three years.

§ 4 - Upon expiration of the third three-year period, the promise must be made in final form with the following formula:

*“I, ..., calling on the name of God, promise to faithfully observe the laws of the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta, to carry out in perpetuity the duties proper to Knights and Dames in Obedience and to render due obedience to whichever Superior shall be given to me. So help me God, the Immaculate Virgin, Saint John the Baptist our Glorious Patron, Blessed Fra’ Gerard our Holy Founder, and all the Saints of the Order”.*

§ 5 - A Knight or Dame who is not admitted to the renewal of the temporary Promise or does not make the final promise returns to the Third Class.

## Article 73

### *Documents of the Promise*

§ 1 - The document attesting the Promise is to be signed by the Knight or Dame who made the Promise, by the person who received the Promise, and by two witnesses.

§ 2 - The original document is to be kept in the archives of the Grand Magistry and, in certified copy, in the archives of the Priory, Subpriory or Association.

§ 3 - The ritual of the Promise is regulated by the Ceremonial.

Article 74

*Spiritual Duties*

Knights or Dames in Obedience should:

- a) join their confreres and sisters in the prayers and in works, and observe the provisions of the Grand Master;
- b) attend Holy Mass frequently, diligently approach the Sacrament of Penance and participate in parish life;
- c) take part each year in a course of spiritual exercises of at least three consecutive full days in an approved place, and take part in the formation courses and meetings called by the Superiors;
- d) take part in the works of the Order as instructed by the Superior;
- e) follow the rules of spiritual life approved by the Grand Master with the deliberative vote of the Sovereign Council.

Article 75

*Change of Tasks*

A Knight or Dame in Obedience who, for just cause, has difficulty in fulfilling a prescribed task, should talk to the competent Superior, who may entrust to him or her another task.

Article 76

*Use of the Robe and Insignia*

The use of the Robe and insignia by Knights and Dames in Obedience is governed by the Ceremonial.

Article 77

*Entrustment of Tasks and Offices, Oaths*

- § 1 - The Superiors may entrust to Knights and Dames in Obedience, subject to the restrictions provided in the Constitutional Charter and in the Code, special tasks and offices.
- § 2 - In the entrustment of tasks and offices, the Superiors must take into account the obligations of the state in life, the abilities, the particular professional training and the availability of each Knight and Dame in Obedience.

§ 3 - Upon undertaking such tasks or offices, Knights and Dames in Obedience must make the following oath before the Superiors:

*“I, ..., calling on the name of God, promise to faithfully abide by the duties of my task (office) and to scrupulously observe the directives that the Superiors will give to me according to the laws of the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta. So I promise, commit myself and swear. So help me God and these Holy Gospels that I lay my hands unto”.*

§ 4 - The oath must be pronounced upon the undertaking of every new task or office.

#### Article 78

##### *Resignation and Cessation of Tasks and Offices*

§ 1 - Knights and Dames in Obedience, for just cause, may resign at any time from the tasks or offices held.

§ 2 - The resignation must be justified and presented in writing to the Superiors, who have the authority to accept or reject it.

§ 3 - The Superiors may, for serious reasons, remove a Knight or Dame in Obedience from his or her tasks and offices.

§ 4 - A Knight or Dame in Obedience who ceases to belong to the Second Class or to the Order cease to hold all of their tasks and offices.

§ 5 - Knights in Obedience who are ordained Deacons are released from the Promise, cease to belong to the Second Class and return to the Third Class, in the category of Magistral Deacons.

#### Article 79

##### *Disciplinary Sanctions*

§ 1 - The Superior has the duty to supervise the observance of the obligations of the Members of the Second Class who are subject to him. In certain cases he may delegate such function to a Knight of Justice or, if there are no Knights of Justice available, to a Knight or Dame in Obedience.

§ 2 - Culpable failure to abide by the obligations deriving from the Promise or from the oath implies the application of the disciplinary sanctions established by the laws of the Order.

§ 3 - No one can be subject to disciplinary procedures for facts not expressly contemplated by the laws of the Order, nor punished with sanctions that are not established by the laws of the Order.

§ 4 - Disciplinary sanctions, except milder ones, may be imposed only at the end of a judicial proceeding and guaranteeing the natural right to defence.



## Article 80

### *Passage to Religious Profession*

An unmarried Knight in Obedience who asks to be admitted to the First Class is bound to observe all the prescribed norms; however, he may ask to be released from Aspirancy and be directly admitted to Novitiate.

## Article 81

### *Withdrawal from the Promise*

- § 1 - Knights and Dames in Obedience may withdraw from the Promise for important personal reasons. The written request must be justified and addressed to the competent Superior, who forwards it to the Grand Master, together with his opinion. The Grand Master, with the advice of the Sovereign Council, may grant dispensation.
- § 2 - Upon notification of the dispensation, the Knight or Dame in Obedience ceases to be part of the Second Class and returns to the Third.

## CHAPTER III

### MEMBERS OF THE THIRD CLASS

## Article 82

### *Donats, Knights and Dames, Deacons and Chaplains*

- § 1 - In order to accomplish its mission, the Order accepts lay believers as well as Priests and Permanent Deacons, belonging exclusively to the secular clergy, who wish to experience the spirituality of the Order of Malta and dedicate themselves to the hospitaller, relief and charitable works of the Order, according to the norms that apply to them.
- § 2 - Each member of the Third Class pursues his or her sanctification as a layperson or as a consecrated minister, drawing inspiration from the ideals and the spiritual discipline of the Order. For love of God, they serve Christ in our lords the poor, and must always be His true testimonies in truth and in charity, according to the teachings of the Church. They follow the guidance the Superiors and respect them.

## Article 83

### *Preparatory Year and Admission of Members of the Third Class*

- § 1- The admission into the Third Class must be preceded by a preparatory period of at least one year, during which the candidates are initiated to the spiritual discipline of the Order and become familiar with its regulations, its laws and its history.
- § 2 - For admission to the Order, the candidate must be presented to the Grand Master by the competent Prior, Subprior or President, through the Chancery of the Grand Magistry.
- § 3 - The admission of Members of the Third Class is granted by the Grand Master with the deliberative vote of the Sovereign Council.
- § 4 - Presentation of nobiliary proofs does not constitute in itself a right to be admitted to the Order.
- § 5 - The nobiliary requisites of those who aspire to be received into the Order must be examined on the basis of special regulations issued by the Grand Master with the approval of the Sovereign Council.

## Article 84

### *Documents for Admission*

The following documents must be attached to the request for admission signed by the candidate:

- a) birth certificate, certificate of Baptism and Confirmation proving adult age, and certificate of family status;
- b) special titles of merit received;
- c) recommendation by the competent Parish Priest regarding the candidate's life and conduct;
- d) certificate of completion of the preparatory year;
- e) request form filled and signed by the candidate and countersigned by the Prior, Subprior or President concerned.

## Article 85

### *Admission of Presbyters and Permanent Deacons*

- § 1 - The admission of Members of the secular clergy requires the previous consent of the competent Ordinary and the favourable opinion of the Prelate.
- § 2 - The admission of Grand Cross Conventual Chaplains *ad honorem* requires the previous favourable opinion of the Cardinalis Patronus, with the advice of the Prelate.
- § 3 - With the advice of the Sovereign Council, the Grand Master may receive or promote a Cardinal of the Holy Roman Catholic Church to the dignity of Bailiff Grand Cross of Honour and Devotion.

§ 4 - Knights of Honour and Devotion and Knights of Grace and Devotion who are ordained priests become Conventual Chaplains *ad honorem*; Knights of Magistral Grace and Donats become Magistral Chaplains.

§ 5 - Knights and Donats who receive permanent deaconship become Magistral Deacons.

#### Article 86

##### *Requirements for Admission*

§ 1 - In order to be admitted to the Order, candidates must profess the Catholic Faith.

§ 2 - For the admission of Priests and Permanent Deacons a period of formation is mandatory.

#### Article 87

##### *Admission “Motu Proprio”*

The admission “*motu proprio*” to the Third Class by the Grand Master must be communicated in advance to the Sovereign Council and to the Prior, Subprior or President of the Association concerned.

#### Article 88

##### *Duties and Rights*

§ 1 - In order to live fully their status by the charism of the Order the Members of the Third Class must conduct themselves, in accordance with the Constitutional Charter, this Code and the laws of the Order, so as to give Christian example in their private as well as in their public life, practicing and defending the Catholic religion, exercising charity towards the poor and the sick, especially in the Order’s hospitaller, social and humanitarian relief works.

§ 2 - They may take functions and offices according to the Laws of the Order.

§ 3 - They participate in the privileges and in the spiritual benefits of the Order and are to pray daily for the Pope, the Church, the Superiors and all the Members of the Order, for Our Lords the Sick and Our Lords the Poor, and to recite the Knight’s Prayer every day.

#### Article 89

##### *Cooperation between Conventual Chaplains and Chaplains of the Third Class*

Chaplains belonging to the Third Class are to cooperate as far as possible with Conventual Chaplains in compliance with the directives of the competent Superiors and of the Prelate of the Order.

Article 90

*Rite of Admission*

The admission into the Order takes place in accordance with the Ceremonial.

Article 91

*Disciplinary Sanctions*

- § 1 - The Members of the Third Class whose conduct is inconsistent with their belonging to the Order are subject to the disciplinary sanctions provided by the laws of the Order.
- § 2 - No one can be subject to disciplinary procedures for facts not expressly contemplated by the laws of the Order, nor punished with sanctions that are not established by the laws of the Order.
- § 3 - Disciplinary sanctions, except milder ones, may be imposed only at the end of a judicial proceeding and guaranteeing the natural right to defence.

**CHAPTER IV**

**DISCIPLINARY PROVISIONS  
FOR MEMBERS OF THE SECOND AND THIRD CLASS**

Article 92

*Forms of Disciplinary Sanctions*

Disciplinary sanctions take the form of:

- a) warning;
- b) suspension of the exercise of the rights inherent to membership in the Order;
- c) dismissal from the Order.

Article 93

*Warning*

Warning is the formal provision given in writing, or, if required by serious circumstances, verbally in the presence of two witnesses, by the legitimate Superior; the Member who receives the warning is invited to correct his or her inappropriate behaviour or to meet diligently his or her duties towards the Church and the Order.

## Article 94

### *Suspension*

The suspension of the exercise of the rights inherent to membership in the Order is a temporary disciplinary measure that may be imposed when a member:

- a) notwithstanding two warnings received in a time span of fifteen days from each other, continues behaving in a manner inappropriate for a Member of the Order or disrespecting his or her duties towards the Church or the Order;
- b) notwithstanding the two warnings as per letter a) above, remains in arrears with the payment of the prescribed contribution for at least two years;
- c) is under investigation by an ecclesiastical or civil court in such circumstances that make his or her suspension appropriate.

## Article 95

### *Dismissal*

Dismissal is a final disciplinary measure that may be imposed if a Member of the Order:

- a) notwithstanding two warnings received in a time span of fifteen days from each other, continues adopting a conduct incompatible with his or her membership in the Order and is gravely defaulting in his or her duties towards the Church or the Order;
- b) after being suspended for being in arrears, fails to settle such arrears within the subsequent two years;
- c) has been convicted by final judgment by an ecclesiastical or civil court.

## Article 96

### *Enforcement of Disciplinary Measures*

§ 1 - Warning, being of non-sanctioning nature, is given by decree of the legitimate Superior in writing, or verbally in the presence of two witnesses. A warning is validly given if:

- a) the accused was made aware of the charges and of any evidence against him or her and is guaranteed the right to defence;
- b) the reasons of the measure are adequately explained.

§ 2 - An appeal may be filed with the Magistral Courts no later than fifteen days (beyond which term the right to appeal is forfeited) from receiving the warning or being served the decree. The appeal determines the automatic revocation of the warning and of the initiation of the disciplinary procedure by the judicial authorities of the Order against the appellant.

§ 3 - The disciplinary measures of suspension of the exercise of the rights inherent to membership in the Order, or of dismissal, are imposed by the judicial authorities of the Order according to the following provisions.

## Article 97

### *Preliminaries to Disciplinary Procedures*

- § 1 - The initiation of a disciplinary procedure pertains to the competent Superior, who must give notice thereof to the Chancery of the Magistral Court, submitting the formal charge where the contested facts and behaviours are stated.
- § 2 - In the case of a lay member of the Sovereign Council, or of a lay Regent of a Priory or Subpriory, or of a lay President of an Association, the procedure is ordered by the Grand Master, who appoints a disciplinary commission for the specific case. No Member of the Sovereign Council, as well as no Prior, Subprior, Regent or President may be components of such commission.
- § 3 - The Grand Master, after receiving notice from the Chancery of the Magistral Court, may, for just cause and with the consent of the Sovereign Council, call the case to himself, again setting up a special disciplinary commission.
- § 4 - As a precautionary measure, upon request of the Superior who initiated the disciplinary procedure or *ex officio*, the Grand Master may suspend, with the consent of the Sovereign Council, one who is subject to a disciplinary procedure. If the precautionary suspension is imposed upon a lay Member of the Sovereign Council or of a President, or of a lay Regent of a Priory or Subpriory, the consent of two thirds of the Members of the Sovereign Council is required.
- § 5 - After a term of fifteen days from receiving the notice from the Chancery of the Magistral Court with no action by the Grand Master as per § 3, the competent Superior serves on the disciplinary commission a copy of the formal charge referred to in § 1.

## Article 98

### *Disciplinary Commission*

- § 1 - A permanent Disciplinary Commission is constituted in each Priory, Subpriory and Association. The commission, composed of three members and assisted by a secretary, is in charge of investigating and deciding in disciplinary procedures.
- § 2 - The Members of the Disciplinary Commission, one of which acting as president, and its secretary, are appointed by the Prior, Subprior or President with the approval of the Chapter of the Priory or Subpriory or of the Council of the Association.
- § 3 - The Disciplinary Commission remains in office for the duration of the mandate of the appointing Prior, Subprior or President. The revocation of one of its members or of the entire commission requires the consent of the Grand Master, with the advice of the Sovereign Council.

## Article 99

### *Disciplinary Procedure*

- § 1 - After receiving the notice as per art. 98, § 3, the President of the Disciplinary Commission summons the person concerned, allowing a term of at least thirty days for appearing before the commission, in person or represented by a counsel qualified to practice before ecclesiastical or civil courts.
- § 2 - Within this term the accused may exercise his or her right to challenge any member of the disciplinary commission. The Magistral Court of First Instance decides upon such challenge.
- § 3 - The discussion of evidence follows the principle of controversy with the accused, always guaranteeing the actual exercise of the right to defence.
- § 4 - The witnesses are summoned *ex officio* by the President of the Commission or upon request of the accused; before being heard, witnesses must take oath *de veritate dicenda* and after being heard must sign the minutes of their testimony;
- § 5 - The Secretary of the Commission prepares the minutes of the hearing and signs them together with the President.
- § 6 - The hearings are not public and secrecy is maintained upon the proceedings.
- § 7 - Upon conclusion of the enquiry, the President of the Disciplinary Commission orders that the proceeding be published, setting a term of at least thirty days for presenting the defence brief.
- § 8 - For just cause, the President, with the unanimous approval of the Members of the Commission, may order that copies of the proceedings be not released to the accused or to his or her defence counsel, but that they be only allowed to view the documents.
- § 9 - Under pain of nullity, the only documents usable by the commission are those filed in the records for the case.

## Article 100

### *Disciplinary decision*

- § 1 - The Disciplinary Commission decides by majority of its members and must release its reasoned decision within sixty days from receiving the defence brief.
- § 2 - The decision of the commission is served on the accused and on the competent Superior.

## Article 101

### *Notification of the Disciplinary Decision*

- § 1 - Notification of the disciplinary decision is conveyed in writing by registered delivery.

§ 2 - Official record of the notification having been made must be sent to the Magistral Archives.

#### Article 102

##### *Appeal*

§ 1 - Within thirty days from notification, a documented appeal in writing to the Magistral Courts against disciplinary decisions is allowed.

§ 2 - The appeal may be mailed by registered letter with notice of receipt or other appropriate legitimate means, the relevant mailing date being the date of reference.

§ 3 - Appeals against decisions of the Disciplinary Commission appointed by the Grand Master pursuant to art. 97, §§ 2 and 3 must be filed with the Apostolic See.

### CHAPTER V

#### GRADES AND HONOURS

#### Article 103

##### *Grades of the Order*

§ 1 - The Members of the Second and Third Class, except the clergy, are divided into the grades of:

- a) Donat of Devotion;
- b) Knight or Dame;
- c) Knight or Dame Grand Cross.

§ 2 - Within the respective grades, Knights and Dames are divided into:

- a) Knight or Dame of Magistral Grace;
- b) Knight or Dame of Grace and Devotion;
- c) Knight or Dame of Honour and Devotion.

§ 3 - The dignity of Bailiff may be conferred on Knights Grand Cross of Justice, Knights Grand Cross of Honour and Devotion of the Second and Third Class, as well as on Cardinals of the Holy Roman Church.

§ 4 - The honour of the Sash may be conferred on Knights and Dames Grand Cross of Grace and Devotion and on Knights and Dames Grand Cross of Magistral Grace.



§ 5 - The grade of Chaplain Grand Cross may be conferred on Professed Chaplains and Conventual Chaplains *ad honorem*.

§ 6 - The form of the insignia of the various Classes and grades, as well as the order of precedence among Classes, are established by regulations approved by the Grand Master with the consent of the Sovereign Council.

#### Article 104

##### *Treatment of Commander*

The treatment of Commander belongs by right to those Knights of Honour and Devotion who are holders of hereditary *ius patronatus* Commanderies.

#### Article 105

##### *Honours of the Order*

§ 1 - Honours may be conferred on those who have gained special merits. The rules governing such conferment are established in specific Regulations.

§ 2 - The candidates for honours must be person of exemplary integrity.

§ 3 - No one who receives *pro Merito Melitensi* honours becomes, for this mere reason, a Member of the Order.

**TITLE III**  
**GOVERNMENT OF THE ORDER**

SECTION I  
Central Government

Part One  
GRAND MASTER

Article 106

*Duties*

The Grand Master, as the Head of the Order, is to devote himself entirely to the growth of the Order's works and serve as an example of true Christian life to all Members.

Article 107

*Incompatibility of the Office with Other Positions*

§ 1 - With the election to Grand Master, all offices and prerogatives he had previously been vested with in the Order cease and become vacant.

§ 2 - The Grand Master must immediately give up all other activities incompatible with his position.

Article 108

*Residence*

The residence of the Grand Master is at the seat of the Order, from which he may be absent only for official duties or for justified reasons.

Article 109

*Visitations to the Institutions of the Order*

§ 1 - At least once every five years, the Grand Master is to personally visit the Priors, Sub-Priors and Associations, as well as the works of the Order.

§ 2 - Exceptionally, in certain cases the Grand Master may delegate a Professed to make the visit referred to in the preceding paragraph.

Article 110

*Effectiveness of the Decrees of the Grand Master*

The decrees of the Grand Master do not have effect unless they are countersigned by the Grand Chancellor, or in any case by a High Office.

Article 111

*Publication of Documents*

The Grand Master provides that the records of his government are published in the *Bollettino Ufficiale*, where the documents of the Holy See concerning the Order are also published.

Article 112

*Former Grand Masters*

A Grand Master who ends his mandate or resigns from office takes, for his entire lifetime, the dignity of titular Bailiff Grand Prior and is subject only to the Head of the Order.

Part Two

EXTRAORDINARY GOVERNMENT

Article 113

*Government of the Order during Vacancy of the Office of Grand Master*

In all cases when the Order cannot be governed by a Grand Master pursuant to art. 18 of the Constitutional Charter, a Lieutenant *ad interim* replaces him.

Part Three

LIEUTENANT *AD INTERIM*

Article 114

*Duties*

The Lieutenant *ad interim* informs the Holy Father, the Heads of States with whom the Order maintains diplomatic relations and the various organization of the Order that the office of Grand Master is vacant.

Article 115

*Powers*

§ 1 - The Lieutenant *ad interim* limits his actions to the ordinary administration, refraining from taking initiatives that are not necessary or urgent.

§ 2 - During the *interim* government, the admission of new Members, the bestowal of honours, the class passages and all promotions are suspended.

Part Four

LIEUTENANT OF THE GRAND MASTER

Article 116

*Powers*

The Lieutenant of the Grand Master enjoys the same powers as the Grand Master and may therefore put into effect actions going beyond ordinary administration.

## Part Five

### CONFERMENT OF OFFICES AND INCOMPATIBILITIES

#### Article 117

##### *Conferment of Offices of the Order*

The Offices of the Order are conferred exclusively upon members of the Order.

#### Article 118

##### *Individual Incompatibilities*

The same person may not hold more than one of the following offices:

- a) Member of the Sovereign Council;
- b) Prior or Subprior;
- c) Regent;
- d) President of Association;
- e) Member of the Board of Auditors, of the Juridical Council and of the Magistral Courts;
- f) Advocate General;
- g) Diplomatic.

## Part Six

### RULES REGARDING CERTAIN ASPECTS OF GOVERNMENT

#### Article 119

##### *Duties of the Grand Commander*

§ 1 - In addition to the specific tasks attributed to him, the Grand Commander:

- a) the Grand Commander holds the office for six years and cannot serve for more than two terms;
- b) assists the Grand Master in fulfilling the charism of the Order and the diffusion and protection of the Faith, in the supervision of the Priors, Sub-Priors and Associations, and in the care of the Members of the Order;
- c) prepares the visitational reports and the reports sent by the Grand Master to the Holy See about the state and life of the Order;

d) assists the Grand Master in the administration of the Order, except in the areas that are under the responsibility of other High Charges.

§ 2 - In case of permanent impediment, resignation or death of the Grand Master, the Grand Commander must immediately call the Council of Professed and the Sovereign Council for the consequent decisions, pursuant to art. 18 of the Constitutional Charter.

## Article 120

### *Duties of the Grand Chancellor*

§ 1 - The Grand Chancellor, who holds the office for six years and cannot serve for more than two terms, is the head of the Chancery and its related offices.

§ 2 - The Grand Chancellor:

- a) maintains relationships with States and International Organizations;
- b) is active and passive representative of the Order in its relationships with third parties in accordance with the provisions in art. 36 a) of the Constitutional Charter;
- c) prepares and sends the records of government actions, and organizes the various offices as instructed by the Grand Master;
- d) prepares, presents and, if necessary, records the matters discussed at the Sovereign Council, as previously established with the Grand Master, except for the matters under the responsibility of other High Charges.

§ 3 - The Grand Chancellor supervises the preparation of the minutes of the meetings of the Sovereign Council and provides for the drafting of the relevant decisions. The minutes must be approved in the subsequent meeting of the Sovereign Council.

## Article 121

### *Duties of the Grand Hospitaller*

§ 1 - The Grand Hospitaller, who holds the office for six years and cannot serve for more than two terms, promotes, coordinates and supervises the hospitaller and charitable works of the Priors, Sub-Priors, Associations and other entities of the Order, in accordance with the provisions of this Code, of the Regulations and the respective statutes. He oversees the proper functioning of all the charitable works that are under direct control of the Grand Magistry.

§ 2 - The Grand Hospitaller sees that the pastoral directives given by the Council of Professed are applied by those who serve in the charitable works and in favour of those who are assisted in the institutions of the Order. He also assists the Prelate of the Order in his functions in respect of the Chaplains of the Order in charge of spiritual care in the charitable works.

## Article 122

### *Council of the Grand Hospitaller*

- § 1 - The Grand Hospitaller may be assisted in his duties, when he deems it appropriate, by a council composed of members representing the various geographical areas in which the Order is present.
- § 2 - The members are appointed by the Grand Master on recommendation of the Grand Hospitaller with the advice of the Sovereign Council and remain in office until the office of the Grand Hospitaller expires.

## Article 123

### *Duties of the Receiver of the Common Treasure*

- § 1 - The Receiver of the Common Treasure holds the office for six years and cannot serve for more than two terms.
- § 2 - The Receiver of the Common Treasure:
- a) assists the Grand Master in the administration of the goods of the Grand Magistry under the supervision of the Board of Auditors;
  - b) supervises the ordinary economic and financial administration of the entities and works of the Order, according to the principle of subsidiarity and solidarity;
  - c) prepares and submits to the Grand Master's approval the documents concerning the granting to the Order's entities of the necessary authorizations to sell goods belonging to them;
  - d) after verifying their legitimate provenance, prepares and submits to the Grand Master's approval the documents concerning the granting to the Order's entities of the necessary authorizations to accept inheritances, bequests or donations subject to liens and/or conditions;
  - e) oversees the drafting of the budget and annual accounts of the Grand Magistry, as well as of the aggregate budget and annual accounts of the Order as a whole, to be submitted to the approval of the Board of Auditors;
  - f) countersigns all agreements, deeds of sale and deeds constituting liens that involve property of the Grand Magistry;
  - g) directs and supervises the Magistral Postal Service and, through a Secretary General, the internal services of the Magistral houses, and in particular the Human Resources Office of the Grand Magistry, the Technical Services office and the Security of the Magistral Palace and other buildings.

§ 3 - On recommendation of the Receiver of the Common Treasure, the Secretary General is appointed by the Grand Master, with the advice of the Sovereign Council, for the duration of the Receiver's office.

§ 4 - The Receiver is assisted by the Real Estate Committee and the Investments Committee, composed of proven experts in the respective fields. The members and presidents of these Boards are appointed by the Grand Master on recommendation of the Receiver and after approval of the Board of Auditors. The minutes of their meetings are submitted to the Sovereign Council.

#### Article 124

##### *Accounts*

The Receiver of the Common Treasure must present the following accounts:

- a) The budget of the Grand Magistracy before the end of December each year, for the subsequent calendar year. Amendments to the budget may be presented no later than 30<sup>th</sup> April and, thereafter, only in exceptional circumstances, no later than 30<sup>th</sup> June of the budget year.
- b) The annual accounts of the Grand Magistracy that are audited by an independent auditor and are filed together with the independent auditor's report no later than 30<sup>th</sup> June. The pre-final accounts of the Grand Magistracy for the prior calendar year must be presented to the Sovereign Council no later than 30<sup>th</sup> April.

#### Article 125

##### *Oath of the High Charges*

§ 1 - Immediately after their election, the High Charge take the prescribed oath in the hands of the Grand Master.

§ 2 - The lay Members appointed to a High Charge are entitled to receive fair remuneration.

§ 3 - The High Charges who do not reside in Rome are entitled to an accommodation at the Grand Magistracy.

#### Article 126

##### *Domicile of the Holders of High Charges*

The holders of High *Charges* are domiciled at the seat of the Order.



## Article 127

### *Vacancy of High Charges*

In case of vacancy or permanent impediment of one of the High Charges, the Sovereign Council, promptly called by the Grand Master, votes the appointment of his successor from among the Members of the Sovereign Council itself. Then the Sovereign Council will proceed with the reinstatement of the Council itself according to art. 25 § 5 of the Constitutional Charter.

## Article 128

### *Duties of the Coordinator of the Second Class*

The Coordinator of the Second Class is appointed by the Grand Master and assists the latter, together with the Grand Commander, in the fulfilment of the charisms of the Order for the Members of the Second Class.

## Article 129

### *Diplomatic Missions of the Order*

- § 1 - Every Head of Mission submits to the Grand Chancellor, at least twice yearly or as often as requested, a report on the political and religious situation of the State where he/she is accredited, on the activities of the Order and acceptance in public opinion, the local Bishops and other ecclesial institutions. The Grand Chancellor is to advise periodically the Grand Master of the reports he receives.
- § 2 - The Head of Mission will maintain good and friendly relations with the organizations of the Order in the State where he/she is accredited.
- § 3 - The appointments of Diplomatic Representatives of the Order expire after four years and may be renewed.

## Part Seven

## PRELATE

## Article 130

### *Duties of the Prelate*

- § 1 - The Prelate, in agreement with the competent Superior of the Order, sees that the activities of Conventual Chaplains, of Conventual Chaplains *ad honorem*, of Magistral Chaplains and Magistral Deacons, as well as other Priests in charge of the spiritual service of the Order is

effective and productive, in accordance with special rules approved by the Prelate himself and subject to prior communication to the Grand Master.

§ 2 - The Prelate confirms the Chief Chaplains elected in the Pories, Sub-Pories and Associations on recommendation of their respective Superiors.

§ 3 - The Prelate assists the Grand Master, the Grand Commander and the Coordinator of the Second Class in their spiritual tasks.

§ 4 - The Prelate is assisted in his duties by a group of Chaplains chosen by him that is as highly representative as possible of the various institutions of the Order.

## Part Eight

### SOVEREIGN COUNCIL

#### Article 131

##### *Seat*

The Sovereign Council normally meets at the seat of the Order.

#### Article 132

##### *Oath of the member of the Sovereign Council*

§ 1 - Immediately after their election, the Members of the Sovereign Council take the prescribed oath in the hands of the Grand Master.

§ 2 - The lay Members of the Sovereign Council are not entitled to any allowance, except the refund of any justified actual expenses incurred in performing their duties.

§ 3 - Those Members of the Sovereign Council who do not reside in Rome are entitled to an accommodation at the Grand Magistracy.

#### Article 133

##### *Agenda and Notice of Meetings*

§ 1 - The Grand Chancellor prepares the agenda and, subject to giving notice to the Grand Master, calls the Sovereign Council at least six times a year, and whenever required by the circumstances.

§ 2 - The Members of the Sovereign Council can submit matters and proposals to be added to the agenda.

§ 3 - Priors, Regents and Presidents have the right to present to the Grand Master proposals pertaining to their responsibilities, for consideration by the Sovereign Council.

§ 4 - The Chancery of the Grand Magistracy must send the calls and the agenda, with the related documents, to the Members of the Sovereign Council at least fifteen days before the meeting, ensuring them the possibility to request additions to the agenda.

#### Article 134

##### *Conditions for Validity of the Decisions*

The Sovereign Council is chaired by the Grand Master, or in his absence by the Grand Commander, and can approve decisions only if the absolute majority of its members are present.

#### Article 135

##### *Special Cases Requiring Secret Ballot*

In addition to the cases expressly provided for, the vote of the Sovereign Council must be secret when it deals with the admission of Members to the Second Class or with matters concerning individual persons, and whenever it is requested by a Member of the Sovereign Council.

#### Part Nine

#### COUNCIL OF PROFESSED

#### Article 136

##### *Seat*

The Council of Professed normally meets at the seat of the Order.

#### Article 137

##### *Oath of the Members of the Council of Professed*

Immediately after their election, the Members of the Council of Professed take the prescribed oath in the hands of the Grand Master.

## Article 138

### *Agenda and Notice of Meetings*

- § 1 - The Grand Master prepares the agenda and calls the Council of Professed at least six times a year, and whenever required by the circumstances.
- § 2 - Priors, Subpriors and Presidents have the right to present proposals to the Grand Master, for consideration by the Council of Professed.
- § 3 - The office of the Grand Commander must send the calls and the agenda, with the related documents, to the Members of the Council of Professed at least fifteen days before the meeting, ensuring them the possibility to request additions to the agenda.

## Article 139

### *Conditions for Validity of the Decisions*

The decisions of the Council of Professed are valid only if approved with the Grand Master or the Grand Commander present, and only if the absolute majority of its Members are attending the meeting.

## Article 140

### *Co-optation in the Council of Professed*

In case of death, resignation, permanent impediment or absence for more than six months of one of the *Charges* embers of the Council of Professed, the Grand Master, with the deliberative vote of the Council of Professed, co-opts his successor.

## Article 141

### *Special Cases Requiring Secret Ballot*

In addition to the cases expressly provided for, the vote of the Council of Professed must be secret when it deals with the admission of Members to the First Class or with matters concerning individual persons, and whenever it is requested by a Member of the Council of Professed.

Part Ten

RULES IN COMMON  
TO THE SOVEREING COUNCIL AND THE COUNCIL OF PROFESSED

Article 142

*Minutes*

- § 1 - The minutes of all meetings must be prepared and kept in the records of the Grand Magistracy.
- § 2 - At the end of every meeting, and before it is closed, all the decisions must be re-read and written down in minutes. Each decision must be approved by the majority of the Members present.
- § 3 - An abstract of the minutes of the meeting containing the decisions approved, signed by the Grand Master or, in his absence, by the Grand Commander and countersigned by the drafter of the minutes, must be delivered or sent to all the Members.

Article 143

*Obligation to Secrecy*

- § 1 - All discussions and minutes are subject to secrecy, except the decisions approved.
- § 2 - The Members of one Council may access the minutes of the other Council at the offices of the Grand Magistracy.

Part Eleven

CHAPTER GENERAL

Article 144

*Convocation*

In accordance with art. 28 of the Constitutional Charter, the Grand Master, or the Lieutenant of the Grand Master, convenes and chairs the Chapter General.

## Article 145

### *Delegates of the Organizations of the Order*

- § 1 - The two Professed representing each Priory or Subpriory in accordance with art. 29, § 1 e) and f) of the Constitutional Charter are elected by their respective Chapter, according to the respective statutes, from among the Professed of the Priory or Subpriory. This rule also applies to substitute delegates.
- § 2 - The fifteen Presidents of Associations and the fifteen substitutes as per art. 29, § 1 g) of the Constitutional Charter are elected by the Assembly of Presidents, called for the purpose and chaired by the President of oldest appointment, at least three months before the Chapter General. The operation of the Assembly of President is governed by specific regulations issued by the Grand Master with the advice of the Sovereign Council.
- § 3 - The Assemblies of Priories, Sub-Priories and Associations must elect their delegates and respective substitutes in proportion, as provided for in the Regulations of the Chapter.

## Article 146

### *Place, Date and Agenda*

- § 1 - The Grand Master, or the Lieutenant of the Grand Master, with the deliberative vote of the Sovereign Council, announces officially the Chapter General with a prior notice of nine months and calls it with a prior notice of at least three months, establishing place and date.
- § 2 - Within six months from the day of the notice, the Order bodies must provide to the Grand Master, under pain of forfeiture, the names of the delegates and their substitutes in accordance with art. 29, § 1 d)-h) of the Constitutional Charter.
- § 3 - At least sixty days before the opening of the Chapter General, the Grand Master, with the advice of the Sovereign Council, sets the agenda and sends it to the Capitulars, together with the relevant documents.
- § 4 - Within thirty days of receiving the agenda, the Capitulars may, even individually, submit to the Grand Master written proposals of matters to be added to the agenda, accompanied by appropriate documentation and explanatory briefs.

## Article 147

### *Election of Members of the Sovereign Council and of the Board of Auditors*

When the discussion is concluded, the Chapter General proceeds with the elections it is responsible for, in accordance with articles 20 § 3, 30 § 5, e 37 § 2 of the Constitutional Charter.

Article 148

*Determination of Annual Contribution and Passage Fees*

- § 1 - The Chapter General sets the annual contribution and the passage fees to be paid to the Grand Magistry. Local institutions are entitled to ask additional contributions from its Members, where allowed by the respective statutes.
- § 2 - The Grand Master, with the deliberative vote of the Sovereign Council, may, for serious reasons, reduce the amount of the annual contribution or of the passage fees, or exempt a Priory, Subpriory or Association, as well as individual Members, from their payment.

Part Twelve

CHAPTER OF PROFESSED

Article 149

*Convocation*

The Chapter of Professed is called and chaired by the Grand Master or the Lieutenant of the Grand Master.

Article 150

*Place, Date and Agenda*

- § 1 - In concurrence with the Chapter General, the Grand Master, or the Lieutenant of the Grand Master, calls the Chapter of Professed.
- § 2 - The Chapter of Professed meets in the same place where the Chapter General is held, in the days immediately preceding the Chapter General. The Grand Master announces it officially with a prior notice of nine months and calls it with a prior notice of at least three months, indicating place and date.

Article 151

*Obligation of Capitulars to Attend*

The Capitulars are obliged to attend personally, unless there is justified impediment, recognised as legitimate by the Grand Master.

Article 152

*Elections*

The Chapter of Professed, in separate scrutinies and by secret ballot, elects the groups of three that it is to elect in accordance with articles 31, § 2 a), 20 § 3; 31, § 2 c) of the Constitutional Charter.

Part Thirteen

COUNCIL COMPLETE OF STATE

Article 153

*Convocation*

The Council Complete of State is convened in accordance with art. 18, § 3 or art. 32, § 8 of the Constitutional Charter.

Article 154

*Presiding Officer and Secretary*

The sessions of the Council Complete of State are presided by the Lieutenant in office or, in case of his absence, by the High Charge next in order, provided he is a Professed, or by the Professed Member of the Sovereign Council who is senior in vows.

Article 155

*Election of the Grand Master or of the Lieutenant of the Grand Master*

The Grand Master or the Lieutenant of the Grand Master are elected by the Council Complete of State immediately after the binding group of three candidates is communicated by the Chapter of Professed.

Article 156

*Closing of the Council Complete of State*

With the oath taken by the Head of the Order, the Council Complete of State is closed.



Part Fourteen

JURIDICAL COUNCIL

Article 157

*Seat*

The Juridical Council meets at the seat of the Order.

Article 158

*Meeting Procedure*

- § 1 - A *rapporteur*, previously appointed by the President, sets forth the case to be examined. After collective discussion, the Council decides by majority of the members present. In the case of a tie, the vote of the President prevails. The President notifies the Council's decision to the Grand Master or to the requester.
- § 2 - Minutes of every meeting are prepared, signed by the President and the Secretary, and recorded in a special book.

Part Fifteen

ADMINISTRATION OF JUSTICE

SECTION I  
COURTS AND JUDICIAL REGULATIONS

Article 159

*Composition and Seat of Magistral Courts*

- § 1 - Magistral Courts are of First Instance and of appeal and are composed of a President and two Judges.
- § 2 - The Courts meet at the seat of the Order.
- § 3 - The office of the Courts is administered by a Chancellor.

Article 160

*Disqualification for Hearing in Different Levels*

A judge who has heard a case in first instance cannot rule on the same case in appeal.

Article 161

*Alternate Judges*

In case of impediment, the President is replaced by the most senior judge. If, due to impediment of the President or of one or more Judges, the Court cannot be constituted, the Grand Master, by proposal of the President of the Court of Appeal and subject to the deliberative vote of the Sovereign Council, completes the Court with alternate Judges for that particular case.

Article 162

*Oath*

Before taking office, the judges and the Chancellor of the Courts are to take the following oath before the Grand Master: *“I swear to carry out faithfully and diligently the duties of my office and to maintain the secrecy of the office”*.

Article 163

*Age Limits*

The age limit for Judges is seventy-five years completed. The Grand Master, subject to the deliberative vote of the Sovereign Council, may release from service at any moment a Judge who, because of recognised disability or ineligibility, cannot carry out his duties.

Article 164

*Incompatibility*

The offices of Chancellor and Judge cannot be taken by anyone who holds the same office in another Court.

## SECTION II

### JURISDICTION OF MAGISTRAL COURTS

#### Article 165

##### *Matters in the Jurisdiction of Magistral Courts*

§ 1 - Magistral Courts judge in the name of the Grand Master, and particularly:

- a) on appeals against disciplinary procedures opened in respect of Members of the Second and Third class;
- b) on appeals against administrative provisions issued by Order authorities, except those of the Grand Master;
- c) on appeals against decisions concerning admission to the Second and Third Class;
- d) on controversies concerning investiture of title into and administration of *ius patronatus* Commanderies;
- e) on labour disputes brought by employees of the Order or of public bodies of the Order;
- f) on disputes between Members of the Order as such and, by written request of the parties, on disputes concerning disposition of property that such parties, being in any case Members of the Order, have rights in;
- g) on disputes between bodies of the Order.

§ 2 - Upon mutually agreed written request of the parties, even if these are not Members of the Order, the Magistral Court of First Instance can act as board of arbitrators to settle, under the law or in equity, disputes over the disposition of property which the parties have rights in. The activities of the Court will be free of charge, except for the refund of the actual expenses incurred for such activities. The arbitration decision may be appealed before the Magistral Court of Appeal, in accordance with the Rules of Civil Procedure of the State of Vatican City, in so far as these are applicable.

§ 3 - Upon mutually agreed written request of States or subjects of international law, the Magistral Courts can act as arbitrators in international disputes.

SECTION III  
PROCEDURAL RULES

Article 166  
*Court Procedure*

Except for what has been established in the preceding articles, procedures before the Magistral Courts are regulated by the Rules of Civil Procedure of the State of Vatican City currently in force.

SECTION IV  
OFFICE OF THE ADVOCATE GENERAL

Article 167  
*Advocates of the Order*

- § 1 - Legal assistance is provided by the Advocate General, aided where necessary by other lawyers, appointed by the Grand Master with the approval of the Sovereign Council, for a renewable term of three years.
- § 2 - Where particular circumstances so require, the Advocate General may ask the Grand Master to appoint *ad actum* other lawyers to advise and defend the Order in ecclesiastical and civil jurisdictions.

Article 168  
*Assistance by the Office of the Advocate General*

The organizations of the Order can seek the advice and the assistance of the Office of the Advocate General whenever necessary, and especially in cases involving complex legal issues.

SECTION V  
DEFENCE COUNSELS

Article 169  
*Admission of Defence Counsels*

Lawyers who have been qualified to practice before civil or ecclesiastical upper courts for at least ten years can be appointed as defence counsels for the parties.

Article 170  
*Exclusion and Suspension of Defence Counsels*

The President of the Court of Appeal may exclude or suspend those counsels who, in his judgment, have shown serious deficiencies of moral or ethical nature.

Part Sixteen  
COMMUNICATIONS

Article 171  
*Communications Board*

- § 1 - The Communications Board supervises the internal and external communication activities of the Order and the development and implementation of efficient communication programmes.
- § 2 - The Communications Board is formed by the Grand Master, who acts as President of the Board, a Vice-President appointed by the Grand Master, and six Board members chosen from among the Members of the Order, who are competent in the areas of communications, administration, public relations and mass media. The Board members are appointed by decree of the Grand Master, with the deliberative vote of the Sovereign Council, for a renewable term of four years, and are selected in a manner that assures reasonable geographic representation.

Article 172  
*Duties and Meetings of the Secretariat for Communications*

- § 1 - The Communications Board advises the Grand Magistracy on matters concerning the flow of information, relations with the mass media, public relations, emblems and logos, as well as the

organization of the Communications Secretariat, including its costs and budgets, staff and equipment.

§ 2 - Every year the Board presents a report to the Grand Master and the Sovereign Council and, when convened, to the Chairman (?) of the Chapter General. A special report on communication-related activities is also presented by the President to the Chapter General.

§ 3 - The Communications Board meets at least twice in a year, or whenever deemed necessary by its President or Vice-President. Board Members are to be reimbursed of actual and justified expenses.

## Part Seventeen

### EMBLEM

#### Article 173

##### *The Emblem for the Works of the Order*

The emblem to be used for the works of the institutions of the Order is the eight-pointed white cross on a red shield, in conformity with the illustration contained in the special regulations.

## SECTION II

### Part One

#### CONTRIBUTIONS AND FEES

#### Article 174

##### *Responsibility of Pories, Sub-Pories and Associations for the Payment of Contributions and Fees*

Pories, Sub-Pories and Associations are responsible for the payment of the annual dues, the passage fees of their members.

Article 175

*Penalties for Omitted Payment*

- § 1 - A Priory, Subpriory or Association that fails to meet its payment obligation to the Grand Magistry on or before the fifteenth of March of the subsequent year, will not be entitled to propose admissions of Members or conferment of honours of the Order, and will not have right of representation at the meetings of the Chapter General and of the Council Complete of State until its delinquency is cured.
- § 2 - In case of delay in the payments to the Grand Magistry of annual contributions or passage fees owed by a Priory, Subpriory or Association responsible for them, the Sovereign Council will order an independent audit at the cost of the above-said bodies.

Part Two

BOARD OF AUDITORS

Article 176

*Duties*

The Board of Auditors:

- a) supervises the annual accounts and their audits;
- b) sees that approved budgets are respected;
- c) verifies from time to time the accounting and cash balances of the Common Treasure;
- d) supervises and monitors the administration of the goods of the Order and of Order bodies as a whole, seeing especially that the due procedural requirements are fulfilled in the management of such goods, and may provide recommendations on the subject;
- e) is assisted by qualified independent auditors in the regular annual audits. The Grand Master is to choose such auditors with the consent of the Sovereign Council, according to selection and rotation criteria established by specific regulations approved by the Sovereign Council;
- f) provides advice on any matter of economic or financial nature, upon request of the Grand Chancellor or of the Receiver of the Common Treasure;
- g) upon request of the Sovereign Council, presents to the Council audit reports about specific financial issues.

Article 177

*Meetings and Expense Refunds*

- § 1 - Ordinary meetings of the Board of Auditors are held twice a year and whenever its President deems it necessary. Extraordinary meetings may be held upon request of the Grand Master, the Sovereign Council, the Council of Professed or the Receiver of the Common Treasure.
- § 2 - The members of the Board of Auditors are to be reimbursed of actual and justified expenses.

Article 178

*Minutes of Meetings*

The minutes of the meetings of the Board of Auditors, approved by its members and signed by its President, are sent in copy to the Grand Master, the Sovereign Council, the Council of Professed and the Receiver of the Common Treasure.

Article 179

*Report of the President to the Chapter General*

The President presents to the Chapter General a report on the activities of the Board of Auditors.

SECTION III

ORGANIZATION OF THE ORDER

Part One  
JURIDICAL PERSONS

Article 180

*Juridical Personality of Entities of the Order*

- § 1 - Pories, Sub-Pories and Associations have juridical personality under Canon law, insofar as they are part of the juridical structure of the Order.
- § 2 - Other entities, such as Foundations or Commanderies, may enjoy juridical personality on grounds of long-term possession or granted by the Grand Master, with the deliberative vote of the Sovereign Council.



## Article 181

### *Statutes of Non-Jurisdictional Entities*

The Grand Master, with the consent of the Sovereign Council, may issue statutes for various non-jurisdictional instrumental entities, and set the relevant requirements.

## Article 182

### *Acquisition of Juridical Personality in National Law*

Subject to authorization from the Grand Master, the public bodies of the Order may acquire juridical personality in the Country where they are intended to operate according to their statutes.

## **CHAPTER II**

### **PRIORIES, SUB-PRIORIES AND ASSOCIATIONS**

#### **SECTION I**

#### **RULES IN COMMON**

## Article 183

### *Establishment of Priors, Sub-Priors and Associations*

- § 1 - The Grand Master, with the deliberative vote of the Sovereign Council and of the Council of Professed, proceeds to the canonical establishment of a Priory, Subpriory and Association, determining its territorial boundaries. In the same manner, these bodies are merged together, dismembered or closed.
- § 2 - At least five members of the First Class are required for the constitution of a Priory, three members of the First Class for a Subpriory, and at least fifteen Knights/Dames for an Association. They must reside in the territory of the Priory, Subpriory or Association to be constituted.
- § 3 - If the requirements in par. 2 are met, the corresponding body must be constituted, unless the Grand Master, for serious reasons and with the favourable advice of the Council of Professed and of the Sovereign Council, decides otherwise.

## Article 184

### *Purpose*

The purpose of the Priors, Sub-Priors and Associations of the Order is to carry out the purposes of the Order as established in art. 2 of the Constitutional Charter in their respective territories, under the direction of the Grand Master.

## Article 185

### *Membership*

- § 1 - All the Members of the Order residing in the territory of a Priory, Subpriory or Association are rightful members of them. Except in special circumstances, membership is allowed only in one Priory, Subpriory or Association.
- § 2 - The Members residing in territories where there are no Associations constituted, are members of the territory determined by the Grand Master.
- § 3 - Any member who, for justified historical reasons, requests admission to another Priory, Subpriory or Association than the one competent for his or her territory, must obtain permission from the Grand Master.

## SECTION II

### PRIORIES AND SUB-PRIORIES

## Article 186

### *Appointment of First Superior and Capitulars*

The Grand Master appoints the first Superior and the Members of the Chapter of a newly constituted Priory or Subpriory.

## Article 187

### *Duties of the Superior*

By his example, the Superior should foster the practice of religious virtues and the loyalty to the commitments of the Order; in his territory, he is responsible of all local hospitaller and charitable works of the Order. In addition, he must:

- a) make known the decrees of the Holy See and of the Grand Master and ensure their observance;

- b) encourage the Members' participation in the life and works of the Order and follow their spiritual growth;
- c) encourage and take care of specific vocations according to the charism of the Order.

#### Article 188

##### *Priory and Subpriory Chapters*

The Superior calls the Chapter to address particularly important issues at least four times in a year.

#### Article 189

##### *Spiritual Exercises*

§ 1 - Every year, each Priory and Subpriory must hold a course of spiritual exercises of at least five full days for all their Members. The Subprior sets the place and date for them.

§ 2 - The Superior determines additional periods of confraternal life for the Members of the First Class.

#### Article 190

##### *Administrative Report*

Every year the Superior presents a report on his administration to the Grand Master and, for the aspects of respective concern, to the Council of Professed and the Sovereign Council. He also presents to the Receiver of the Common Treasure a report on the financial position of his Priory, approved by the Priory Chapter.

### SECTION III

#### NATIONAL ASSOCIATIONS

#### Article 191

##### *Purpose*

Subject to the restrictions imposed by their peculiar nature, the purpose of the Associations is to implement, under the authority of their legitimate Superiors, the objectives of the Order as set forth in art. 2 of the Constitutional Charter.

## Article 192

### *Appointment of First President and Board Members*

Upon constituting an Association under art. 46, § 1 of the Constitutional Charter, the Grand Master appoints its first President and the Member of its Board in accordance with article 50, § 1 of the Constitutional Charter.

## Article 193

### *Duties of President and Board*

By their example, the President and the Board Members should foster the practice of religious virtues and the loyalty to the commitments of the Order; in their territory, the President and his Board are responsible of all local hospitaller and charitable works of the Order. The President in particular must:

- a) make known the decrees of the Holy See and of the Grand Master and ensure their observance;
- b) encourage the Members' participation in the life and works of the Order and follow their spiritual growth;
- c) encourage, with the help of the Professed or the Chaplains of the Order, specific vocations according to the charism of the Order.

## Article 194

### *Meetings of the Board*

The President calls the Board to address particularly important matters at least six times in a year. The Board may also be called whenever the President deems it necessary or whenever requested in writing by at least three Board members.

## Article 195

### *Spiritual Exercises*

§ 1 - Every year, each Association must hold a course of spiritual exercises of at least three full days for all its members. The President and the Chief Chaplain set the place and date for them.

§ 2 - The President and the Chief Chaplain determine additional periods of mandatory retreats for the Members of the Second Class.

## Article 196

### *Administrative Report*

Every year the President and the Board present a report on their administration to the Grand Master and, for the aspects of respective concern, to the Council of Professed and the Sovereign Council.

They also present to the Receiver of the Common Treasure the annual accounts of the Association, accompanied by a report on its financial position.

## SECTION IV

### DELEGATIONS

#### Article 197

##### *Establishment*

- § 1 - The establishment or the suppression of a Delegation in the territories of a Priory or Subpriory is decided by the Prior or Subprior with the consent of the respective Chapter, that also approves the Regulations for the Delegations.
- § 2 - In the case of Associations, the establishment of a Delegation is determined by the President, with the approval of its Board, provided that the Association itself has previously drafted specific Regulations for the Delegations, approved by the Grand Master with the advice of the Sovereign Council.
- § 3 - In exceptional cases, by agreement of the respective Presidents and with the permission of the Grand Master, Delegations of one Association may exist in the territory of another Association.

## SECTION V

### WORKS OF THE ORDER

#### Article 198

##### *“Obsequium pauperum”*

- § 1 - In search of a tangible response to the love of Christ, the early Members of the Order recognized and served the Lord in the sick pilgrims in the Holy Land. *Obsequium pauperum* has its origin in the divine compassion for the misery of the world, which obliges the Members of the Order to serve Jesus Christ, who is present in the sick.
- § 2 - With respect to *tuitio fidei*, the members of the Order, recognizing the image of God in every individual, are especially called upon to become involved in those situations where human life is threatened in its God-given essence and dignity.

## Article 199

### *Organization of “Obsequium Pauperum”*

- § 1 - It is the responsibility of Priors, Sub-Priors and Association to set up, in their respective territories, works of medical, charitable and social assistance where the Members of the various Classes are called to fulfil personally the mission they have committed themselves to.
- § 2 - The Hospitallers of Priors, Sub-Priors and Associations are responsible for the works referred to in § 1. The Hospitallers carry out their duties in harmony with the Priors, Subpriors and Presidents.
- § 3 - Activities outside the territory of jurisdiction, as well as those arising from agreements between organizations of the Order, are to be undertaken with the approval of the Grand Hospitaller who is in charge of their coordination according to art. 121 of this Code.
- § 4 - The administrators of the works of the Order must send each year a report to the Priory, Subpriory and Association on the status of operations, as well as the annual accounts.
- § 5 - The Grand Magistracy initiates works only in exceptional cases.

## Article 200

### *International Cooperation*

In view of the international responsibilities of the Order and in order to favour the promotion of works, the international cooperation of the Associations of the Order is of particular importance. Therefore, all the organization of the Order, within their capacities, must cooperate with the Grand Master in the apostolic activities of supranational nature.

## Article 201

### *Non-Jurisdictional Instrumental Entities for the Accomplishment of Works of the Order*

- § 1 - Non-jurisdictional instrumental entities of Priors, Sub-Priors and Associations are: foundations, associations, societies, relief services, legally independent works of the Order and similar organization established for the accomplishment of Order works.
- § 2 - Non-jurisdictional instrumental entities may be established by Priors, Sub-Priors and Associations, abiding by the provisions in their statutes and by the following rules:
- a) the statutes of a non-jurisdictional instrumental entity cannot become effective until they are approved by the competent entity of the Order. The same applies to any amendments to such statutes;
  - b) non-jurisdictional instrumental entities must report their activities and financial position to the competent entity of the Order;

- c) the person in charge of a non-jurisdictional instrumental entity may not take office without the approval of the competent entity. He or she should preferably be a Member of the Order;
- d) non-jurisdictional instrumental entities can use the Insignia and the name of the Order, or refer to them, solely with the authorization of the competent entity. Such permission may be revoked by the competent entity with no need for justification.

§ 3 - If the minimum requirements above cannot be set out in full in the statutes under the national laws, their actual observance must be assured by other means appropriate for the circumstance.

§ 4 - The institutions and activities to which the entities of the Order only provide support but that are not directly administered by and are not part of the property of those entities, may not bear the Insignia and the name of the Order, unless it is expressly stated that the institution or activity is merely supported by the Order, and that the latter takes no responsibility for them.

## **TITLE IV**

### Article 202

#### *Transitional Provisions*

The Grand Master, in accordance with the decision of the Sovereign Council, issues transitional provisions to regulate any matters pending upon the coming into force of this Code.