



SOCIETA' DI SAN FRANCESCO DI SALES

CASA GENERALIZIA SALESIANA  
Via della Pisana 1111 - 00163 Roma  
*The Vicar of the Rector Major*

Rome, 5 November 2014  
Prot. n. 14/0362

For the attention of

**Fr Provincial**  
**Members of the Provincial Council**  
**Provincial Secretary**

**Subject: Juridical and Administrative Praxis**

Dear Fr Provincial and Confreres,

I hope you are well and living with profit the bicentenary year of the birth of our dear Father and Founder Don Bosco.

I am writing to you about the information and the juridical and administrative documentation that the Provincial has to send to the Rector Major and the General Council in order to have their approval or else to deal with difficult or irregular situations.

In the project for the six year period the Rector Major and the General Council have asked me to “enable the Provinces to prepare in a proper and thorough manner the documents connected with dispensations, indults, dismissals, secularizations and exclaustrations” (Vicar 2.1.1.5). An accurate, prompt and thorough preparation of the documentation makes it possible to study the various situations so as to avoid any potential problems; it also makes it possible to deal with any difficulties and irregularities in the lives of the confreres so as not to leave them unresolved for a long time.

The preparation of the documentation is part of the Provincial’s role of government; nowadays it needs greater care and attention. In this regard I offer you some guidelines, especially in reference to those cases that require the approval of the Rector Major and the Council.

### **1. Fidelity to the Constitutions and the General Regulations**

An accurate preparation of the various documents is not mainly a matter of procedure; it refers above all to fidelity to our Constitutions and General Regulations. This fidelity is a help in understanding and living to the full the demands of Salesian consecrated life, as well as avoiding serious problems or abuses. Every one of us, including the Rector Major and the General Council are called to this fidelity. In this way the Superiors at the various levels give good example to all the confreres.

## **2. Juridical elements and administrative praxis in the government of the Province**

Our Congregation has a fine tradition in dealing with juridical and administrative procedures. This tradition is the result of experience and is codified in the book published by our Generalate entitled "Juridical elements and administrative praxis in the government of the Province." In this book we can find the way to deal with some of the problems in the life of the Province, carry out the procedures requested, prepare the documents required ... This book is not well-known or else it is not often consulted; yet with its help situations can be dealt with and the loss of time avoided.

## **3. Consulting the Juridical Office**

At present we are strengthening our Juridical Office with the help also of our canon lawyers at the Salesian Pontifical University. To understand better the various situations which require the introduction of a juridical case, it is possible to consult the Coordinator of the Office Fr Pier Fausto Frisoli. According to the circumstances he will pass on the enquiries to the Procurator General Fr Francesco Maraccani, or to one of our canon lawyers, or to the Secretary General. He will inform the Vicar of the Rector Major or if necessary, seek his opinion.

## **4. To whom the cases should be sent**

To avoid the loss of the documentation for cases, or any delay in their being examined, they should be sent to specific persons; there is no need to send them to the Rector Major or to the other Councillors. To the Secretary General should be sent all juridical cases; to the Economist General administrative cases and requests for scholarships or assistance for formation; to the Councillor for the Missions requests for financial support for projects. These will check that the documentation is complete before sending them to the Regional Councillors, and then presenting them to the Rector Major and the General Council. The latest information about cases of the sexual abuse of juveniles and issues regarding religious discipline are to be communicated to the Vicar of the Rector Major. As far as possible it is best to send requests in pdf digital format; those that need to be sent to the Holy See should be sent also in a paper copy.

## **5. The time the cases should be sent**

To ensure that cases which require the approval of the Rector Major and the General Council are also known and examined by the Regional Councillors, normally and as far as possible it is best that they are sent during the months of the plenary sessions of the General Council, in other words December-January and June-July. Cases of dispensation from celibacy require the judgement of the Rector Major, but not a vote of the General Council. Therefore they can be sent to the Secretary General at any time.

## **6. The opening of a new work**

To open a new work it is necessary to request the authorization of the Rector Major and the Council, indicating the type of work to be opened, those for whom it is intended, the consent of the Provincial Council, the *nulla osta* of the Bishop, the number of the confreres in the community, the expected date of the canonical erection. This documentation should be sent to the Secretary General. It is then necessary to request the authorization for new building work and its financing by sending to the Economist General the documentation regarding the ownership of the land, the building plans, detailed costings, the financial plan. There are two separate authorizations. These authorizations are needed before any request is made for financial support.

## **7. The canonical closing of a community**

For the canonical closure of a Salesian community it is necessary to know whether the work is also closing or not. If the work is to remain open it is necessary to explain how it will be managed: whether its management will be entrusted to laypeople or to another Salesian community. If the work is to be closed it is necessary to indicate what is to happen regarding the ownership of the property.

## **8. The appointment of the Vicar, the Economist and the Provincial Councillors**

They are appointed by the Rector Major and the General Council, on the proposal of the Provincial following the consultation of the confreres (C. 167). The Provincial does not submit his choice to a

vote of the Provincial Council. The Rector Major and the General Council have established that the consultation should be carried out immediately before each appointment (Reg. 154) and the full results of the consultation should be sent to the Secretary General using the appropriate form. Sending in his own opinion, the Provincial should write down the reasons for his choice of one confrere rather than the others who in the consultation received the most support.

### **9. The approval of the appointment of Rectors**

The appointment of the Rectors is made by the Provincial with his Council; this is approved by the Rector Major having heard the opinion of the General Council. This appointment ought to be preceded by a consultation among the confreres of the Province (C. 177; Reg. 156, 170). It is strongly recommended that the consultation for the appointment of Rectors is undertaken annually and that in some way the results of their participation be communicated to the confreres. For the approval by the Rector Major of the appointment it is necessary to indicate on the appropriate form the results of the consultation, in other words how many confreres took part in the consultation and how many indicated the confrere appointed. I include a new form to be sent in for the approval of Rectors.

### **10. Exclaustration and secularisation**

To facilitate dialogue with the confrere regarding vocational difficulties it is well to know that for some years now the Rector Major and the General Council grant exclaustration only in exceptional circumstances and very rarely. Furthermore, after a year of “absence from the religious community”, it is possible to know whether the motivations of the confrere regard a vocational discernment for entry into a diocese; in this case it is a matter of asking for secularization “ad experimentum” or else “pure et simpliciter”. Attached to the request for secularization, addressed by the confrere to the Pope, it is necessary to have a letter of the Bishop which states whether it is a question of a period of “probation” according to canon 693, or of secularization “pure et simpliciter”.

### **11. The Provincial Secretary and the Provincial Economist**

In the Provincial Council the Provincial Secretary and the Provincial Economist are those who help the Provincial to prepare the juridical and administrative cases in the right way, and faithful to the Constitutions and General Regulations. Both need to keep themselves up-to-date in this regard. It is advisable that the Provincial Secretary has a juridical preparation; even better if he can obtain a Licence in Canon Law. The Provincial Secretary and the Provincial Economist ought to be familiar with and well versed in the book “Juridical elements and administrative praxis in the government of the Province.” In this way correctness, precision and punctuality can be guaranteed.

Correctness in the preparation of juridical and administrative matters is one way, not perhaps the main one but nevertheless an important one, of living the Year of Consecrated Life and the Bicentenary, in fidelity to Don Bosco. In this way he might say to us once again: *“If you have loved me in the past, continue to love me in the future by the exact observance of our Constitutions”*.

Thank you for your attention, and with my best wishes.



*don Francesco Cereda*  
Don Francesco Cereda