

BILL NO. 120

(as passed)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Private Bill

The Anglican Church Act (amended)

CHAPTER 27 OF THE ACTS OF 2002

Mary Ann McGrath
Halifax Bedford Basin

[First Reading](#): April 22, 2002 (LINK TO BILL AS INTRODUCED)

Second Reading: May 3, 2002

[Third Reading](#): May 17, 2002

Royal Assent: May 30, 2002



An Act to Amend Chapter 130

of the Acts of 1967, The Anglican Church Act

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 130 of the Acts of 1967, *The Anglican Church Act*, as amended by Chapter 17 of the Acts of 2000, is further amended by

(a) adding "(1)" immediately after the Section number;

(b) adding immediately after clause (b) the following clause:

(ba) "congregation" means a group of people organized to minister, worship and learn from God's Holy Word, with or without a place in which to worship or meet;

(c) striking out clause (d) and substituting the following clause:

(d) "parish" means

(i) a congregation, or

(ii) two or more congregations that are, for the purpose of ministry, grouped together,

served by a member of the clergy licensed by the Bishop in a territory or district allotted by the Bishop for that purpose;

(d) striking out clause (f) and substituting the following clause:

(f) "parish corporation" means a body corporate incorporated or continued by Section 10;

and

(e) adding the following subsection:

(2) A reference in this Act to the bounds or boundaries of a parish means the boundaries of a territory or district allotted by the Bishop pursuant to clause (1)(d).

2 Subsections 3(1C) and (1D) of Chapter 130 are repealed and the following subsection substituted:

(1C) The Bishop may, subject to the terms of any donation, devise, bequest or trust, invest, in accordance with the *Trustee Act*, any funds in the Bishop's hands, whether or not the funds are, at any time, in a state of investment.

3 Section 4 of Chapter 130, as amended by Chapter 17 of the Acts of 2000, is further amended by

(a) striking out "consisting of the Bishop, the Clergy and the representatives of the laity of the Anglican Church of Canada in this Province," in the first, second and third lines; and

(b) adding immediately after subsection (1) the following subsections:

(1A) The Synod consists of

(a) the Bishop; and

(b) such representatives of the Clergy and the laity,

of the Anglican Church of Canada in the Province as determined from time to time by the Constitution of the Synod.

(1B) Notwithstanding subsection (1A), the composition of the Synod is the same as it was immediately before the coming into force of that subsection until the close of the first meeting after the coming into force of that subsection at which is passed, pursuant to that subsection, a provision in the Constitution of the Synod that determines which representatives of the Clergy are included in the composition of the Synod.

4 Section 8 of Chapter 130 is repealed and the following Section substituted:

8 The Synod may, subject to the terms of any donation, devise, bequest or trust, invest, in accordance with the *Trustee Act*, any funds in the Synod's hands, whether or not the funds are, at the time, in a state of investment.

5 (1) Subsection 9(2) of Chapter 130 is amended by adding "building" immediately after "church" in the first line.

(2) Subsection 9(5) of Chapter 130, as enacted by Chapter 81 of the Acts of 1989, is amended by striking out "combine two or more parishes" in the first and second lines and substituting "take any measure pursuant to subsection (4)".

(3) Subsection 9(6) of Chapter 130, as enacted by Chapter 81 of the Acts of 1989, is amended by striking out "parochial" in the fourth line and substituting "parish".

(4) Subsection 9(7) of Chapter 130, as enacted by Chapter 81 of the Acts of 1989, is amended by striking out "parochial" in the second line and substituting "parish".

(5) Section 9 of Chapter 130, as amended by Chapter 81 of the Acts of 1989, is further amended by adding immediately after subsection (7) the following subsections:

(7A) Notwithstanding anything contained in this Section, where

(a) two or more parishes form a combination of parishes that share the services of the clergy; or

(b) the Bishop considers that because of a lack of financial resources, two or more parishes should share the services of the clergy,

the Bishop may, with the concurrence of the Synod or the Diocesan Council, amalgamate the parishes into a single parish by an instrument in writing

(c) if the Bishop sends to the parish corporation of each parish a notice recommending that the parishes be amalgamated and requiring each parish to hold, within ninety days after the notice is received by the corporation, a meeting to consider the measure; and

(d) if

(i) each parish holds the meeting as required in the notice and the meeting adopts the recommendation,

(ii) the parish does not hold the meeting as required in the notice, or

(iii) the parish holds the meeting, the meeting does not adopt the recommendation and a period of one year elapses after the meeting.

(7B) Where the Bishop executes an instrument in writing pursuant to subsection (7A) amalgamating two or more parishes, the parishes, at a joint meeting convened by the Bishop or a person designated by the Bishop and held at such time as is set out in the notice convening the joint meeting, shall, in accordance with the Canons as they will apply after the amalgamation becomes effective, elect a parish council for the amalgamated parish.

(7C) An amalgamation pursuant to subsection (7A) becomes effective at the close of the meeting convened by the

Bishop or the Bishop's designate pursuant to subsection (7B) at which the first parish council of the amalgamated parish is elected as required by subsection (7B).

(6) Subsection 9(8) of Chapter 130, as enacted by Chapter 81 of the Acts of 1989, is amended by striking out "parochial" in the second line and substituting "parish".

6 (1) The heading immediately preceding Section 10 and subsections 10(1) and (1A) of Chapter 130 are repealed and the following subsections substituted:

(1) The rector, wardens and other members of the parish council of each parish elected or appointed in accordance with a Canon or regulation adopted from time to time by the Diocesan Council of the Diocese are hereby constituted a body corporate and the body corporate is the parish corporation for the parish.

(1A) Each corporation that was, immediately before the coming into force of this subsection, a parochial corporation within the meaning of this Act is hereby continued as a parish corporation consisting of the rector, wardens and other members of the parish council of the parish of that parish corporation elected or appointed in accordance with a Canon or regulation adopted from time to time by the Diocesan Council of the Diocese.

(1AA) A parish corporation may

(a) receive grants of real and personal property for the use of the church and all parish purposes;

(b) subject to the Canons of the Synod, improve and manage the real property;

(c) receive rents from the real property for the use of the church and all parish purposes;

(d) with the written approval of the Bishop, sell, convey, lease and mortgage real property;

(e) sell, convey, lease and mortgage personal property;

(f) make by-laws for the conduct and management of its affairs.

(1AB) The name of each parish corporation shall be "Parish of in the County of " or such other name as the Bishop may, from time to time, designate by an instrument in writing, upon the application of a majority of the parishioners present at a meeting of the parishioners called to consider the name change.

(2) Subsection 10(1C), as enacted by Chapter 81 of the Acts of 1989, is amended by striking out "parochial" in the fourth line and substituting "parish".

(3) Subsection 10(2) of Chapter 130 is amended by striking out "parochial" in the last line and substituting "parish".

(4) Subsection 10(3) of Chapter 130 is amended by

(a) striking out "vestrymen" in the ninth line and substituting "wardens and other members of the parish council"; and

(b) striking out "vestrymen" in the eleventh line and substituting "other members of the parish council".

(5) Subsection 10(4) of Chapter 130 is repealed.

(6) Subsection 10(5) of Chapter 130, as enacted by Chapter 81 of the Acts of 1989, is amended by

(a) adding "or amalgamated" immediately after "combined" in the first and second lines; and

(b) striking out "parochial" wherever it appears in the subsection and substituting in each case "parish".

(7) Subsection 10(7) of Chapter 130, as enacted by Chapter 81 of the Acts of 1989, is amended by striking out "parochial" wherever it appears in the subsection and substituting in each case "parish".

7 Section 10A of Chapter 130, as enacted by Chapter 81 of the Acts of 1989, is amended by striking out "parochial" wherever it appears in the Section and substituting in each case "parish".



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