



BILL NO. 195

Private Bill

*2nd Session, 63rd General Assembly
Nova Scotia
68 Elizabeth II, 2019*

**An Act to Amend Chapter 122
of the Acts of 1924,
An Act Respecting the Union
of Certain Churches Therein Named**

CHAPTER 42
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 30, 2019**

Gary Burrill
Halifax Chebucto

*Halifax, Nova Scotia
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**An Act to Amend Chapter 122
of the Acts of 1924,
An Act Respecting the Union
of Certain Churches Therein Named**

WHEREAS The United Church of Canada (the “Church”) was incorporated by chapter 100 of the Statutes of Canada, 1924, *An Act incorporating The United Church of Canada*;

AND WHEREAS the Church’s 42nd General Council adopted a restructuring motion on August 14, 2015, and subsequently undertook a remit process, the results of which were confirmed by the Church’s 43rd General Council on July 22, 2018;

AND WHEREAS Bill S-1003, *An Act to amend The United Church of Canada Act*, which received Royal Assent on April 11, 2019, amends the federal Act to reflect the changes to the Church’s governance structure pursuant to the restructuring motion and remit process;

AND WHEREAS the Church has requested special legislation to amend Chapter 122 of the Acts of 1924, *An Act Respecting the Union of Certain Churches Therein Named*, to make those same changes;

THEREFORE be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 122 of the Acts of 1924, *An Act Respecting the Union of Certain Churches Therein Named*, is repealed and the following Section substituted:

2 In this Act, unless the context otherwise requires,

(a) “Act of Incorporation” means chapter 100 of the Statutes of Canada, 1924, *An Act incorporating The United Church of Canada*;

(b) “Basis of Union” means the Basis of Union set forth in Schedule A to the Act of Incorporation, as amended from time to time by The United Church under paragraph 28(b) of the Act of Incorporation;

(c) “college” means any college, school or other educational institution incorporated or unincorporated, under the government or control of, or in connection with, any of the negotiating churches, or established or maintained in whole or in part by any of them, and includes the colleges and institutions set out in Schedule B to this Act;

(d) “conference” includes, where the context requires, the Regional Council of The United Church or any successor to that entity that is established in accordance with the process set out in the Basis of Union;

(e) “congregation” means any local church, charge, circuit, congregation, preaching station, community of faith or other local unit for purposes of worship in connection or in communion with any of the negotiating churches or with The United Church, or any successor to those entities that is established in accordance with the process set out in the Basis of Union;

(f) “General Council” means the General Council of The United Church and includes, where the context requires, the Denominational Council of The United Church or any successor to that Council that is established in accordance with the process set out in the Basis of Union;

(g) “negotiating churches” means the churches mentioned in the Preamble, and also includes every congregation that, prior to June 10, 1925, was in connection or in communion with any of the negotiating churches that, prior to June 10, 1925, had joined with any one or more congregation or congregations of any of the other negotiating churches for purposes of worship, and every congregation affiliated with any of the negotiating churches, and every congregation ordinarily known as a local union church, whether it holds its property separately from or as a part of any of the negotiating churches, and every congregation having any representation in or connection with the General Council of local union churches;

(h) “presbytery” includes, where the context requires, the Regional Council of The United Church or any successor to that entity that is established in accordance with the process set out in the Basis of Union;

(i) “property” includes any debt, any thing in action and any right or interest;

(j) “The Congregational Churches” includes The Congregational Union of Canada, The Congregational Union of Nova Scotia and New Brunswick, The Canada Congregational Missionary Society, The Canada Congregational Foreign Missionary Society, The Congregational Provident Fund Society and all congregations of the Congregational denomination which are represented by The Congregational Union of Canada for the purposes of this legislation, whether the same are separately incorporated under any statute or have been organized under the provisions of any statute or deed of trust or as union or as joint stock churches or otherwise howsoever;

(k) “The Methodist Church” includes the body corporate known as The Methodist Church and all bodies corporate established or created by The Methodist Church or any conference thereof under the provisions of any statute and all Methodist congregations separately incorporated under any statute of the Province;

(l) “The Presbyterian Church in Canada” includes the Board of the Presbyterian College, Halifax; the Board of trustees of The Presbyterian Church in Canada, Eastern Section; the Board of trustees of the Century Church and Manse Fund of The Presbyterian Church in Canada, Eastern Section; the Church and Manse Board of The Presbyterian Church in Canada; the Board for the management of the Temporalities Fund of The Presbyterian Church of Canada, the Trustees of the Ministers’, Widows’ and Orphans’ Fund of the Synod of the Maritime Provinces of The Presbyterian Church in Canada and all Presbyterian congregations in the Province separately incorporated under any statute and all congregations that were, on or before June 10, 1925, connected or in communion with The Presbyterian Church in Canada whether the same shall have been organized under the provisions of any statute or deed of trust or act of incorporation or as union or as joint stock churches or otherwise however;

(m) “The United Church” means The United Church of Canada.

2 (1) Column One of paragraph 6 of Schedule A of Chapter 122 is amended by striking out “Presbytery” in the last line and substituting “Regional Council”.

(2) Column Two of paragraph 6 of Schedule A of Chapter 122 is repealed and the following paragraph substituted:

6. The trustees or a majority of them may, but only with the consent in writing of the Regional Council within the bounds of which the lands are situate (such consent to be under the hand of the presiding officer or secretary or clerk thereof), sell the said lands or any part thereof either by public sale or private contract and either for cash or upon credit and upon such terms as to price and for such price and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meetinghouse upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said trustees after first paying or otherwise providing for all indebtedness of the trustees shall apply the money arising from such sale, mortgage, hypothecation, lease or exchange for the purposes of such congregation as the official board thereof shall direct but, should such congregation cease to exist as an organized body, such proceeds, less any expense incurred in the execution of these trusts, shall be paid to The United Church to be applied for such purposes for the benefit of The United Church as the Regional Council within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the Denominational Council. Every application by trustees for the consent of a Regional Council as aforesaid shall be in writing and shall state the purpose for which the money arising from such intended sale, mortgage, hypothecation, lease or exchange will be applied. Any decision of a Regional Council with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the Denominational Council at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such Regional Council or the Denominational Council has been obtained as aforesaid, it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to inquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the money paid to the trustees. A certificate of the secretary or clerk of any Regional Council or the Denominational Council that any such consent has been given shall be sufficient and conclusive evidence of such consent.
