

**THE ANGLICAN CHURCH ACT
(Nova Scotia)
CHAPTER 130, ACTS 1967**

An Act to amend and consolidate the legislation relating to the Anglican Church of Canada in Nova Scotia.

Be it enacted by the Governor and Assembly as follows:

SHORT TITLE

1. This Act may be cited as “The Anglican Church Act.”

INTERPRETATION

2. (1) In this Act, unless the context otherwise requires:
 - (a) “Anglican Church” means the Anglican Church of Canada, previously known as the Church of England in Canada;
 - (b) “Bishop” means the Bishop of the Diocese of Nova Scotia and Prince Edward Island;
 - (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) “Synod” means The Diocesan Synod of Nova Scotia and Prince Edward Island;
 - (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;
 - (e) “parishioner” means any member of a congregation;
 - (f) “parish corporation” means a body corporate incorporated or continued by Section 10.
- (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).

CONTINUATION OF DIOCESE

- 2A. (1) The Diocese of the Anglican Church formerly known as the Diocese of Nova Scotia is continued on and from the fourteenth day of May, 1999, under the name Diocese of Nova Scotia and Prince Edward Island.
- (2) A reference in any enactment or in any document to the Diocese of Nova Scotia shall, as regards any subsequent transaction, matter or thing, be read as a reference to the Diocese of Nova Scotia and Prince Edward Island.
- (3) This Section does not affect the rights acquired by any person from a judgment or order of a court given or made in litigation or proceedings commencing on or before the thirtieth day of May, 2000

THE BISHOP

3. (1) The Bishop of Nova Scotia, having been constituted a corporation sole by Royal Letters Patent and the Bishop and the Bishop's successors in office duly elected or acknowledged by the Synod, having been constituted a corporation sole by this Act under the name of the Lord Bishop of Nova Scotia, such corporation sole is hereby continued as a corporation sole on and from the fourteenth day of May, 1999, with perpetual succession under the name Bishop of Nova Scotia and Prince Edward Island and all real estate conveyed to or vested in the Bishop, whether in trust or otherwise, is vested in the corporation sole, subject to all existing trusts.

(1A) A reference in any enactment or in any document to the Lord bishop of Nova Scotia shall, as regards any subsequent transaction, matter or thing, be read as a reference to the Bishop of Nova Scotia and Prince Edward Island.

(1B) This section does not affect the rights acquired by any person from a judgment or order of a court given or made in litigation or proceedings commenced on or before the thirtieth day of May, 2000.

(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.

(2) The Bishop may delegate and depute any other bishop who is a member of the Synod to exercise from time to time or at all times any of the powers of the Bishop of Nova Scotia and Prince Edward Island, a corporation sole, under this Act and in the name of the said corporation sole to execute conveyances by way of deed or mortgage or otherwise of property conveyed to or vested in the said corporation, to approve of any sale, conveyance or mortgage of real or personal property under the provisions of this Act or to exercise any of the powers of the said corporation conferred on it by this Act or by any Canon or regulation of the Synod whatsoever as fully and effectually in all respects as if executed or exercised by the said corporation. (As amended by Chap. 126, Acts 1950)

(3) Nothing in this Act shall be construed to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon the said episcopal corporation hereby continued or created.

THE SYNOD

4. (1) The Synod, having been constituted a body politic and corporate by the name of "The Diocesan Synod of Nova Scotia" is hereby continued on and from the fourteenth day of May, 1999, as a body corporate and politic under the name "Diocesan Synod of Nova Scotia and Prince Edward Island" and by that name may take, receive, purchase, acquire a gift or otherwise, and hold real and personal estate, and may let, sell, mortgage, convey or otherwise dispose of and manage the same, or any part thereof and may adopt a constitution and under said constitution enact, amend and repeal Canons, bylaws and regulations for the government of the affairs of said Church in the Diocese of Nova Scotia and Prince Edward Island and for the enforcement of discipline in said church.

(1A) The Synod consists of

- (a) the Bishop, and
- (b) such representatives of the Clergy and 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.

(2) A reference in any enactment or in any document to the Diocesan Synod of Nova Scotia shall, as regards any subsequent transaction, matter or thing, be read as a reference to the Diocesan Synod of Nova Scotia and Prince Edward Island.

(3) This Section does not affect the rights acquired by any person from a judgment or order of a court given or made in litigation or proceedings commencing on or before the thirtieth day of May, 2000.

5. The Synod may from time to time borrow on the security of its real and personal property, or either of them, or any other security or without any security whatever, any sum or sums of money that it deems necessary and shall have power to guarantee repayment of loans made to the Synod or to parochial corporations and to pledge, hypothecate or otherwise charge its said real and personal property or any part thereof for the purpose of securing the repayment of said moneys (Ch.117 Acts 1957).
6. The clergy and laity of the Anglican Church in the Province of Prince Edward Island may, so long as they continue to be under the jurisdiction of the Bishop, be admitted as members of such incorporated Synod, and may enjoy and exercise the same rights and privileges therein as the clergy and laity of the Anglican Church in this Province.
7. Nothing in this Act shall be construed to abridge or to affect the rights or privileges of any person or persons not being members of the said Synod, nor of any corporation, nor to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon the said Synod or its successors.
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.

PARISHES

9. (1) The boundaries of parishes as established at the coming into force of this Act shall continue until changed, as provided in this Act.
 - (2) When any church building is erected for divine service according to the rites of the Anglican Church of Canada, outside the bounds of any established parish, the Bishop may allot a district which shall be the parish of such church.
 - (3) The Bishop may from time to time, upon the application of a majority of the parishioners, present at any meeting of the parishioners, called for the consideration of such measure, by an instrument in writing, divide any parish, whether the same was established before or after the coming into force of this Act, or enlarge the boundaries of any parish by annexing thereto an adjacent territory not already included in any parish.
 - (4) Subject to subsection (5), the Bishop may, from time to time, by an instrument in writing,
 - (a) combine two or more parishes;
 - (b) take territory from one or more parishes and add it to any other parish or parishes; or
 - (c) take territory from one or more parishes and create a new parish or parishes for that territory,
 upon the application of a majority of the parishioners of each parish concerned present at a meeting of the parishioners called to consider whether an application should be made to the Bishop to take the measure.
 - (5) The Bishop shall not take any measures pursuant to subsection (4) unless the Synod or the Diocesan Council of the Synod concurs in him taking that measure.

(6) Where, at any time, the Bishop considers it to be in the best interests of the Church to take any measure pursuant to subsection (3) or (4), he shall send to the parish corporation of each parish concerned a notice recommending that, in the best interests of the Church, the measure be taken and requiring the parish to hold a meeting of the parishioners of the parish to consider the measure.

(7) Where a parish does not call a meeting, within ninety days from the receipt by its parish corporation of a notice pursuant to subsection (6), and adopt the Bishop's recommendation, the Bishop may take the measure he recommends by an instrument in writing with the concurrence of the Synod or of the Diocesan Council of the Synod.

(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 the 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 become 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).

(8) Any notice required to be given pursuant to this Section to any parish corporation shall be given in writing and sent to the rector, parish wardens and the parish secretary or any two of them.

10. (1) The rector, wardens and other members of the parish council of each parish elected or appointed in accordance with a Canon 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.

(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 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;
- (g) sue and be sued;
- (h) manage the temporalities of the corporation and conduct 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.

(1B) Each instrument of name change shall be filed with the Registrar of the Diocese.

(1C) The Registrar shall certify a copy of each instrument of name change and file it with the registrar of deeds for each registration district in which the real property of the parish corporation is situate.

(2) If at any time the parish is without a rector, such corporation shall not cease, and until the appointment of a rector all the rights and powers of the corporation shall be had and exercised by the remaining members of the parish corporation.

(3) Where the rector duly licensed, instituted and inducted under the provisions of this Act is absent from the parish with the leave of the Bishop or is incapacitated for a period of three succeeding months, or in case there is no rector duly licensed, instituted and inducted, any member of the clergy licensed by the Bishop appointed temporarily in charge of said parish by the Bishop, shall, in addition to the wardens and other members of the parish council elected in accordance with any Canon or regulations of the Synod governing elections of parish wardens and other members of the parish council, be ex-officio a member of such corporation.

(4) Repealed

(5) Where two or more parishes are combined or amalgamated pursuant to Section 9, the parish corporations of those parishes are amalgamated and continue as one parish corporation under a name approved by the Bishop by a written instrument of amalgamation.

(6) Each instrument of amalgamation shall be filed in the same manner as an instrument of name change pursuant to subsections (1B) and (1C).

(7) Where two or more parish corporations are amalgamated pursuant to subsection (5), to form a single parish corporation,

- (a) the real and personal property of those corporations which are so amalgamated vests in the single parish corporation;
- (b) the obligations and liabilities of those corporations which are so amalgamated are the obligations and liabilities of the single parish corporation; and

(c) the Synod is deemed to have guaranteed payment and performance of all the obligations and liabilities of the single parish corporation which are existing immediately following the amalgamation.

(10A) Where a change is made in the boundaries of a parish or parishes pursuant to Section 9, whether by division, enlargement, creation or other change, the real and personal property of, and the obligations and liabilities of, the parish corporations concerned shall be apportioned, allotted and assumed in such manner as the parish corporation concerned may agree or, failing agreement, as the Bishop, with the concurrence of the Synod or of the Diocesan Council of the Synod, may decide, and the parish corporations concerned shall execute all deeds and other instruments required for this purpose.

11. If at any time the Bishop has reason to believe, in consequence of any information received, that the property of any parish is not rightly administered, the Bishop may institute legal proceedings against the corporation or any officers of such parish through whose default or neglect he believes any loss has been occasioned.
12. Chapter 66 of the Acts 1942, The Church of England Act, and the Acts in amendment thereof, are hereby repealed.
13. This Act shall come into force on the 1st day of January 1968.