

## CHAPTER 53

## THE ANGLICAN CHURCH ACT

(Assented to this 14th day of April, 1972)

BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly of the Province of Prince Edward Island as follows:

## SHORT TITLE

Citation 1. This Act may be cited as The Anglican Church Act.

## INTERPRETATION

Definitions 2. (1) In this Act

Anglican Church (a) " Anglican Church" means the Anglican Church of Canada;

Bishop (b) " Bishop" means the Bishop of the Diocese of Nova Scotia and Prince Edward Island;

congregation (c) "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;

parish (d) " Parish" means

(i) a congregation, or

(ii) two or more congregation that are, for the purpose of ministry, grouped together and served by a member of the clergy licensed by the Bishop in a territory or district allotted by the Bishop for that purpose;

parish corporation (e) "parish corporation" means a body corporate incorporated under subsection 7(1) or continued by subsection 7(1.1) of this Act;

parishioner (f) "parishioner" means any member of a congregation;

Synod (g) " Synod" means the Diocesan Synod of Nova Scotia and Prince Edward Island.

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

## THE BISHOP

Bishop of N.S. and P.E.I. 3. (1) The Corporation sole known as the "Lord Bishop of Nova Scotia" is, on and after May 14, 1999, continued as a corporation sole under the name "Bishop of Nova Scotia and Prince Edward Island".

Reference to Bishop	(1.1) A reference in any enactment or document to the Lord Bishop of Nova Scotia shall with respect to any transaction, matter or thing subsequent to May 14, 1999, be read as a reference to the Bishop of Nova Scotia and Prince Edward Island.
Prior rights not affected	(1.2) Subsection (1) does not affect the rights acquired by any person from a judgment or order of a court given or made in any proceedings commenced on or before the coming into force of subsection (1.1).
Powers	(2) The said corporation shall have the following powers in addition to those inherent under the common law, namely: to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to acquire hold and alienate real and personal property, including leaseholds, for the purposes for which the corporation is constituted.
Authorization of assistant or retired bishops	(3) The Bishop may authorize and empower any retired or assistant Bishop of the Synod to exercise at any time any of the powers of the Bishop as a corporation, conferred on it by this Act or the Constitution or any canon or regulation of the Synod, as fully and effectually as if exercised by the said corporation.

**THE SYNOD**

Synod constitution, canons, by-laws & regulations, period effective	4. During the period that the representatives of the clergy and the representatives of the laity of the Anglican Church in the Province of Prince Edward Island continue to be admitted as members of the Synod and to enjoy and exercise the same rights and privileges therein as the Clergy and representatives of the laity of the Anglican Church in Nova Scotia the affairs of the said Church in the Province of Prince Edward Island shall be subject to and enjoy the rights conferred by the constitution, canons, by-laws, and regulations, enacted by the Synod for the government of the affairs of the said Church in so far as they are applicable to the affairs of the said Church in the Province of Prince Edward Island. 1943 C 16 S 4
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**PARISHES**

5. Until altered as provided in this Act the parishes served by the Anglican Church in Prince Edward Island shall be as follows:

Parishes of the  
Anglican  
Church of  
Prince Edward  
Island

- (a) The Parish of Alberton, to comprise the territories served by Saint Peter's Church at Alberton, Christ Church at Kildare, Holy Trinity Church at Alma, and Saint Luke's Church at O'Leary.
- (b) The Parish of Port Hill, to comprise the territories served by Saint James' Church, Port Hill, Saint John's Church, Ellerslie, and Saint Peter's Church, Lot 11.
- (c) The Parish of Saint Eleanor's to comprise the territory served by Saint John's Church, at Saint Eleanor's.
- (d) The Parish of Summerside to comprise the territory served by Saint Mary's Church, at Summerside.
- (e) The Parish of New London to comprise the territories served by Saint Mark's Church, Kensington, Saint Stephen's Church, Burlington and Saint Thomas' Church, Springbrook.
- (f) The Parish of Crapaud to comprise the territory served by Saint John's Church at Crapaud.
- (g) The Parish of Springfield to comprise the territory served by Saint Elizabeth's Church at Springfield.
- (h) The Parish of Milton to comprise the territory served by Saint John the Evangelist's Church at Milton.
- (I) The Parish of Rustico to comprise the territory served by Saint Mark's Church at Rustico.
- (j) The Parish Of Saint Peter's Cathedral to comprise the territory served by Saint Peter's Cathedral at Charlottetown.
- (k) The Parish of Saint Paul's to comprise the territory served by Saint Paul's Church at Charlottetown.
- (l) The Parish of Georgetown to comprise the territory served by Holy Trinity Church at Georgetown.
- (m) The Parish of Cherry Valley to comprise the territory served by Christ Church at Cherry Valley.

Establishment,  
alternation or  
division of  
parishes

- (6) (1) The Bishop may from time to time upon the application of a majority of the parishioners concerned present at any meeting of the parishioners called for the consideration of such proposal by an instrument in writing establish or alter the boundaries of any parish, 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 any territory not already included in any parish.

Idem (2) If at any time the Bishop should consider it to be in the best interests of the Church to establish boundaries for any parish or divide any parish or alter the boundaries of any parish the Bishop shall send to the parish corporation of the parish or parishes concerned a notice requiring such parish corporation to hold a meeting of the parishioners and consider such matter or matters.

Idem (3) If the parish corporation concerned does not within sixty days from the receipt of such notice call such meeting or meetings and adopt the Bishop's recommendation the Bishop may, by instrument in writing, with the consent of the Diocesan Council of the Synod, or upon a resolution of the Synod, divide, enlarge, rearrange, alter or change the boundaries of such parish or parishes, and for this purpose may take territory from one or more of such parishes and add it to any other parish or parishes, or may create a new parish or parishes.

Idem (4) Any notice required to be given under this section to any parish corporation shall be given in writing and sent to the rector and wardens or to any two of them.

Bishop recommends amalgamation (4.1) Notwithstanding any other provision of this section, where (a) two or more parishes from 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 send to the parish corporation of each parish a notice recommending that the parishes be amalgamated and requiring each of the parishes to hold, within 90 days after the notice is received by the parish corporation, a meeting to consider an amalgamation.

Amalgamation instrument (4.2) Where, after a notice is sent to two or more parishes under subsection (4.1), (a) each parish holds a meeting as required by the notice and, at the meeting, each parish adopts the recommendation of the Bishop;

- (b) a parish does not hold the meetings as required by the notice; or
- (c) all of the parishes
  - (I) hold the meetings required by the notice.
  - (ii) do not adopt the recommendation of the Bishop, and
  - (iii) a period of one year elapses from the date of the last meeting held to consider amalgamation,
 the Bishop may, with the concurrence of the Synod or the Diocesan Council of Synod, amalgamate the parishes into a single parish by an instrument in writing.

Meeting to elect parish council

- (4.3) Where the Bishop executes an instrument in writing under subsection (4.2) amalgamating two or more parishes, the parishes affected shall elect a parish council for the amalgamated parish at a joint meeting
- (a) convened by the Bishop or a person designated by the Bishop; and
  - (b) held at such time as is set out in the notice convening the joint meeting,
- in accordance with the canons of the Synod as they will apply after the amalgamation becomes effective.

Effective date of amalgamation

- (4.4) An amalgamation under subsection (4.2) becomes effective at the close of the meeting held under subsection (4.3).

Construction of church, allotment of district

- (5) When any church is erected for divine service according to the rites of the Anglican Church outside the bounds of any established parish the Bishop may allot a district which shall be the parish of such church.

Effect of change of boundaries on title

- (6) Any establishment or alteration of the boundaries of a parish under this section shall not affect the title or ownership of any real or personal property in the territory included in such established or altered boundaries.

Effect of amalgamation

- (7) Where two or more parishes are amalgamated under this section,
- (a) the parish corporations for those parishes are also amalgamated into a single parish corporation for the amalgamated parish; and

- (b) all of the real and personal property and the obligations and liabilities of each of the previously independent parish corporations are the real and personal property and obligations and liabilities of the amalgamated parish corporation.

### THE PARISH CORPORATION

- Body corporate      7.      (1) The rector, wardens and other members of the parish council of every parish elected or appointed in accordance with a canon or a regulation adopted from time to time by the Synod are hereby constituted a body corporate which is the parish corporation for the parish.
- Parish corporation      (1.1) Each corporation that was, immediately before the coming into force of this subsection, a parochial corporation is hereby continued as a parish corporation consisting of the rector, wardens and other members of the parish council of that parish corporation elected or appointed in accordance with a canon or regulation adopted from time to time by the Synod.
- Name of parish corporation      (1.2) The name of the parish corporation shall be "Parish of \_\_\_\_\_ (inserting in the blank the name of the parish as designated in section 5) in the County of \_\_\_\_\_" (inserting in the blank the name of the county) or such other name as the Bishop may designate by instrument in writing, upon the application of a majority of parishioners present at a meeting called to consider the changing of the name of the parish.
- Powers of parish corporation      (1.3) A parish corporation may
- (a) receive grants of real and personal property for the use of the church and parish purposes;
  - (b) subject to the canons of the Synod, improve, maintain and manage the real property;
  - (c) receive rents from the real property for the use of the church and for parish purposes;
  - (d) with the written approval of the Bishop, sell, convey and mortgage the real property;
  - (e) sue and be sued; and

(f) make by-laws and regulations consistent with the laws of the province for the management of the temporalities of the corporation and the due and orderly conduct of its affairs.

Office of rector  
vacant, effect of

(2) If at any time the parish is without a rector the parish corporation shall not cease, but 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 corporation.

Absence of  
rector from  
parish

(3) Where the rector duly licensed, instituted and inducted is absent from the parish with the leave of the Bishop or is incapacitated for a period of three consecutive months, or in cases where there is no rector duly licensed, instituted and inducted, any member of the clergy licensed and appointed temporarily in charge of the 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 regulation of the Synod governing elections of wardens and parish council be by virtue of his or her office a member of such corporation.

Induction of  
rector,

(4) The induction of a rector in any church in the parish shall be deemed to be induction into the said parish.

Transitional

8. The rector, wardens and other members of the parish council elected at the annual meeting shall, with respect to all matters connected with the Anglican Church and the persons usually attending its services and ordinances within such parish, have and exercise all the powers had and exercised by the rector, churchwardens and vestry of a parish at the coming into force of this Act.

Real and  
personal  
property vested

9. All real and personal property vested in any parochial corporation under Section 9 of Chapter 16 of the statutes of 1943 shall hereafter be held by and vested respectively in the parish corporation of the Anglican Church representing the parish pursuant to Section 7 herein. Provided that the real property described in Section 13 of the said Chapter 16 of the Statutes of 1943 as enacted by Section 9 of Chapter 47 of the Statutes of 1947, shall hereafter be held and vested in the Rector, wardens and other members of the parish council of the parish of Saint Peter' s Cathedral upon trust that the church and chapel now erected on the said land and

any other Church or chapel hereafter to be erected thereon be used as a church or chapel for the public worship of Almighty God according to the rites and ceremonies of the Anglican Church and that the Bishop's chair heretofore placed therein be continually kept in such church in order and to the intent that the said church may be deemed a cathedral.

Limitation on leasehold of parsonage 10. No conveyance by lease or otherwise of any parsonage held by the rector of any parish shall be valid for a longer period than the incumbency of the rector in office at the date of such conveyance, unless with the concurrence of the parish corporation expressed in writing under the seal of the corporation, and in no case for a longer period than twenty-one years, unless the Bishop concurs therein.

Legal action by bishop against corporation 11. If at any time the Bishop has reason to believe, in consequence of any information received, that the corporation property in 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.

Subscriptions may be sued for 12. Every engagement for the stipend of a rector or minister or for the temporary performance of divine ministrations shall be made by the parish corporation, and subscriptions pledged towards the payment of such stipend or other engagement may be sued for and collected in the name of the parish corporation.

Acts repealed 13. The following Acts and parts of Acts, for which this Act is intended to be substituted by way of amendment revision and consolidation, are hereby repealed:

1879, 42 Victoria, Chapter 19  
1890, 53 Victoria, Chapter 16  
1911, 1 George V, Chapter 16  
1918, 8 George V, Chapter 17  
1924, 14 George V, Chapter 24  
1932 22 George V, Chapter 19, Sec. 5  
1936 1 Edw. VIII, Chapter 34  
1943 7 George VI, Chapter 16  
1947 11 George VI, Chapter 47

Date act effective 14. This Act shall come into force on the 1 st . day of July 1972.