

AMALGAMATION OF PARISHES UNDER ANGLICAN CHURCH ACT

LEGAL REQUIREMENTS AND EFFECTS

The following is a summary of the legal steps which must be taken under the *Anglican Church Act* to combine or amalgamate parishes, and of the legal consequences of an amalgamation. Under Section 9, an amalgamation can place in three ways, set out below under the headings "First Process", "Second Process", and "Third Process":

1. First Process:

The parishes concerned may initiate the process by each passing a resolution at a meeting of the parishioners asking the Bishop to combine the parish with another parish or parishes. The notices for these meetings must announce the purpose, and the resolution must be approved by a majority of the parishioners of each parish present at the meeting of the parishioners called to consider whether the application for amalgamation should be made. This method presupposes that one parish has approached an adjacent parish or parishes, and that a majority of the parishioners of all of the parishes approve of the proposed amalgamation. If the Bishop agrees to approve the application, the Bishop must obtain the approval of either the Synod or the Diocesan Council of the Synod to the amalgamation. [Section 9(4) and (5)].

2. Second Process:

In the alternative, the Bishop can initiate a merger under subsection 9(6) by notifying each parish involved to meet and consider a proposed amalgamation. Where the parishes hold such a meeting and approve the recommended amalgamation, the Bishop can amalgamate the parishes with the approval of either the Synod or the Diocesan Council. Where a parish does not call such a meeting within 90 days of receiving the notice, the Bishop can amalgamate the parishes if Synod or the Diocesan Council of the Synod concur [Section 9(7)]. Thus the second process could proceed even if one or more of the parishes involved did not support the recommended merger.

3. Third Process:

The Bishop can also initiate a merger under subsection 9(7A). This process in the newest one, having been adopted in 2002. It can only be used in two cases. The first case is if the parishes concerned share the services of the clergy. The second case applies if the Bishop concludes that two

parishes should share clergy because of a lack of financial resources. As with the second process, the Bishop must have the approval of either the Synod or the Diocesan Council. As with the second process, the Bishop sends a notice to each parish concerned directing the parishes to meet to consider the proposed merger. If each parish adopts the recommendation at a meeting, the Bishop can proceed to amalgamate. If a parish does not hold the meeting as required in the notice, the Bishop can proceed to amalgamate the parishes. If a parish meets and votes against the merger, the Bishop can still amalgamate but must wait for one year before proceeding with the amalgamation.

4. The Bishop amalgamates the parishes by executing a written instrument of amalgamation, which may be in the form attached hereto. The amalgamation becomes effective at the end of the joint meeting of the amalgamating parishes convened to elect a parish council for the amalgamated parish.
5. After the Bishop executes the instrument of amalgamation, the person or persons authorised to call a special meeting by Canon 35 or (in the case of the Third Process) the Bishop or a person designated by the Bishop convenes a joint meeting of the amalgamating parishes by sending out a notice in writing to any two of the rector, the parish wardens, and the parish secretary of each parish being amalgamated. [Section 9(8)]
6. The parishes acting together, in accordance with the Canons as they would apply after the amalgamation becomes effective, must elect a parish council for the amalgamated parish at the joint meeting. The amalgamation becomes effective in law at the close of the joint meeting.
7. The rector, wardens and other members of the parish council of the amalgamated parish constitute the new parish corporation, and the old parish corporations cease to exist as separate bodies corporate after the amalgamation becomes effective. [Section 10(1A) & (5)]
8. When two or more parishes have been amalgamated, they in effect are continued as one parish corporation under the name approved by the Bishop as set out in the instrument of amalgamation. The instrument of amalgamation is filed with the Registrar of the Diocese, who certifies it and records it at the Registry of Deeds for each registration district in which the amalgamated parish corporation owns real property. This provides the necessary evidence that all of the lands owned by the old amalgamated parish corporations have now vested in the new parish corporation, which is thereafter able to sell and mortgage the property in the name of the new parish corporation. [Section 10(5) & (7)]

9. As the result of the amalgamation, the obligations and liabilities of the old amalgamating parish corporations become the obligations and liabilities of the new parish corporation, and the Synod is deemed to have guaranteed payment and performance of all of the obligations and liabilities of the new parish corporation. [Section 10(7)]