



Overview

An Act Respecting the Roman Catholic Archdiocesan Corporation of Halifax-Yarmouth and the Roman Catholic Archdiocese of Halifax-Yarmouth

As reflected in Chapter 73 of the Acts of 2011, the former Archdiocese of Halifax and the Diocese of Yarmouth were unified, for purposes of Canon Law, in 2011.

However, for civil law purposes, the respective Roman Catholic Episcopal Corporations of Halifax (a corporation sole, incorporated by Chapter 102 of the Acts of 1888) and of Yarmouth (a corporation sole, incorporated by Chapter 115 of the Acts of 1954) were maintained as separate entities.

The corporation sole structure means that all real and personal property of the Church (including Parish Church buildings, cemeteries, etc.) in the Province west of Pictou and Guysborough Counties is vested in the Archbishop in his capacity as one or other of these corporations.

During the last several years, the Archbishop has been considering, in consultation with the Priests and the Faithful of the Archdiocese, how best to arrange the civil affairs of the Archdiocese and its parishes to better conform to Canon Law (which calls on the parishes to take greater responsibility for their temporal affairs), to deal with present day circumstances.

As a result of such reflection and consultation, he has concluded that a new civil structure, with a redefinition of the duties and responsibilities of the Halifax Episcopal Corporation, together with the establishment of parish corporations, each a separate legal entity, to deal with the temporal affairs of each parish, will best serve the needs of the Archdiocese and the Faithful.

Within the Roman Catholic Church, the powers and duties of the Archbishop are set out in Canon Law; the new Act defines certain powers and duties for the purposes of civil law. Included are the power to establish and alter parishes and set their geographic boundaries from time to time, to assign and change parish priests, to create for each parish a parish corporation, to make regulations relating to them and to oversee their operations, to designate the sites of churches, burial places and other structures, and to regulate forms and modes of worship.

The new Act will rename the existing Roman Catholic Episcopal Corporation of Halifax as the Roman Catholic Archdiocesan Corporation of Halifax-Yarmouth and continued it as a corporation sole, consisting of the Archbishop, to administer the property, business and temporal affairs of the Archdiocese. The corporation will have the usual powers of a corporation in Nova Scotia. It will also have powers to work with the parish corporations, to provide a number of Archdiocesan-wide services to them and to supervise certain of their activities.

When the Act come into force, each parish thereafter established by the Archbishop will have a board of stewards consisting of the parish priest and six lay stewards: the chair of the parish financial council, the chair of the parish pastoral council and four elected members of the parish.

Upon the Archbishop filing with the Registrar of Companies a copy of the decree establishing a parish, the board of stewards becomes the parish corporation with the usual powers of a corporation, the purpose of which is to hold and administer the property of the parish. All property held by the Archdiocesan Corporation for the use or benefit of the parish is immediately vested in the parish corporation on formation, and the parish corporation assumes related liabilities.

The Act empowers the Archbishop and the Archdiocesan Corporation to establish uniform by-laws, policies and practices to guide the work of all the parish corporations, and stipulates the records and information each parish corporation must keep.

The Roman Catholic Episcopal Corporation of Yarmouth will continue its separate existence until the resolution of certain legal proceeding now underway. On a date to be determined, the Yarmouth Corporation's property will vest in the Archdiocesan Corporation and the Archdiocesan Corporation will be obligated to pay the fair value of such property to the Yarmouth Corporation, thus protecting its creditors