

2002 BILL Pr1

Second Session, 25th Legislature, 51 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr1

**SYNOD OF THE DIOCESE OF EDMONTON
AMENDMENT ACT, 2002**

MR. MASKELL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

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2002

SYNOD OF THE DIOCESE OF EDMONTON AMENDMENT ACT, 2002

(Assented to _____, 2002)

Preamble

WHEREAS the Synod of the Diocese of Edmonton and the Parishes of the said Diocese were incorporated by *An Act to Incorporate the Synod of the Diocese of Edmonton and the Parishes of the said Diocese*, chapter 48 of the Statutes of Alberta, 1914, which was amended by chapter 74 of the Statutes of Alberta, 1932 and chapter 127 of the Statutes of Alberta, 1953;

WHEREAS the Church of England is now more commonly referred to as the Anglican Church;

WHEREAS it is desirable to make the Act gender-neutral;

WHEREAS the Legislature has enacted amendments to the *Trustee Act* that would be desirable to apply to the trust funds held by the Synod; and

WHEREAS it is expedient to grant the prayer of this petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Amends SA
1914 c48

1 *An Act to Incorporate the Synod of the Diocese of Edmonton and the Parishes of the said Diocese is*

amended by this Act.

2 Section 5a is repealed and the following is substituted:

5a The trust funds of the Synod of the Diocese of Edmonton shall be invested in accordance with sections 3 to 8 of the *Trustee Act* as amended from time to time.

3 Section 5b is amended by striking out “revenue” and substituting “return”.

4 Section 8 is repealed and the following is substituted:

8 The “Church of England” or “Anglican Church” in all deeds, wills, instruments and documents applying to that part of the Province of Alberta included within the territorial limits of the Diocese of Edmonton (as the same shall from time to time be constituted) shall mean, unless a different construction is to be gathered from the said deed, will, instrument or document, the corporation hereby created.

5 The following sections are amended by striking out “his” and substituting “the Bishop’s”:

section 3;
section 9.

6 The following sections are amended by striking out “Church of England” and substituting “Anglican Church”:

section 4;
section 11.

**7 The following sections are amended by striking out
“Church of England” and substituting “Anglican”:**

section 10;
section 12.

Explanatory Notes

1 Amends chapter 48 of the Statutes of Alberta 1914.

2 Section 5a presently reads:

5a In addition to the powers of investments herein provided for, The Synod of the Diocese of Edmonton shall have the power to invest trust funds, in addition to trustee investments, in any securities authorized by

the laws of the Dominion of Canada for the investment or lending by Canadian Life Insurance Companies of their funds, but that investments other than trustee investments be restricted to 30% of the total trust funds on the books of the Synod.

3 Section 5b presently reads:

5b The Synod of the Diocese of Edmonton shall have power to consolidate the trust funds under control of the Synod as one fund to be known as the Consolidated Trust Fund, and that all separate trusts comprising such fund shall share pro-rata the revenue to be derived from such Consolidated Trust Fund.

4 Section 8 presently reads:

8 The Church of England in all deeds, wills, instruments and documents applying to that part of the Province of Alberta included within the territorial limits of the Church of England Diocese of Edmonton, as the same shall from time to time be constituted, shall mean, unless a different construction is to be gathered from the said deed, will, instrument or document, the corporation hereby created.

5 Sections 3 and 9 presently read:

3 The said corporation shall consist of the Bishop of the said diocese and his successors to be from time to time appointed in such a manner as is or shall be provided by the Provincial Synod of the said Ecclesiastical Province, and of such other persons as are or may become members of the corporation according to the constitution of the said diocesan synod as the same exists at the time of the passing of this Act or as the said constitution may from time to time be altered or amended.

9 Any transfer of real estate or any interest therein vested in the corporation shall be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the corporation verified by the signatures of the Bishop for the time being of the Diocese of Edmonton or his commissary duly appointed, and the secretary of the aforesaid executive committee, and a discharge of a mortgage if executed in the same way, shall be deemed to be properly and effectually executed.

6 Sections 4 and 11 presently read:

4 Such corporation shall have perpetual succession and a common seal, with power to change, alter, break and renew the same when and so often as they shall think proper, and the said corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all courts and places whatsoever, and the said corporation shall be able and capable in law, respectively, to purchase, take, hold, give, receive, enjoy, possess, and retain all

messuages, lands, tenements and immovable property, money, goods, chattels, and movable property which have been or hereafter shall be paid, given, granted, appropriated, devised or bequeathed to it or purchased by it in any manner or way whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical, and educational uses and purposes within the limits of the said diocese, including thereby the uses and purposes of any parish, mission, institution, college, school, or hospital connected with or intended to be, or which may hereafter be connected with the Church of England in such diocese.

11 All questions relating to the constitution, powers, meetings and proceedings of vestries, the qualifications, term of office, powers and accounts of church wardens, and such other matters relating to the regulation and management of all or any of the temporalities of the Church of England in the Diocese of Edmonton shall be settled from time to time by the Synod of the Diocese of Edmonton, and the said synod by by-law or canon may, from time to time as it may see fit, repeal, change, alter and amend any of its previous provisions.

7 Sections 10 and 12 presently read:

10 The incumbent or curate in charge and the church wardens or any congregation in the diocese duly organized according to the constitution of the Synod of the Diocese of Edmonton, shall be a body politic and corporate, and they and their successors, under the name of the “Church of England Parish (or Mission) of” shall have perpetual succession and a common seal, and by such name may from time to time and at all times hereafter purchase, acquire by gift, devise or bequest, hold, possess, and enjoy, and may have, take, and receive for them and their successors for ecclesiastical, educational or eleemosynary uses, any lands, tenements, hereditary property, rents, annuities and all other property whatsoever, movable or immovable, and the same may sell, exchange, alienate, mortgage, let, lease, and dispose of and others in their stead purchase, acquire and hold for the uses and purposes aforesaid; provided that in the administration of the said property as regards selling, exchanging, alienating, mortgaging or leasing real estate, or making investment in stock, funds, debentures or other property, they shall first obtain the consent of the Synod of the Diocese of Edmonton, either directly or through its executive committee.

12 Any transfer, mortgage, or lease of real estate, or any interest therein, or any transfer of stock, funds, debentures or other personal property of any Church of England Parish incorporated under section 10 of this Act, shall be deemed to be duly executed for that purpose if the same has affixed thereto the common seal of the said parish verified by the signature of the incumbent or curate in charge of such parish so named therein and of one of the church wardens of such parish and the consent of the synod or of its executive committee to such dealing by such parish shall be signified by the signatures of the president and secretary of the executive committee.