B I L L

No. 904

An Act to amend *The United Church of Canada Act, 1924*

(Assented to)

PREAMBLE

WHEREAS The United Church of Canada was incorporated by *The United Church of Canada Act*, SC 1924, c. 100 (Canada);

WHEREAS *The United Church of Canada Act*, RSS 1924, c.64 deals with the property, rights and powers of The United Church of Canada in Saskatchewan;

WHEREAS The United Church of Canada's 42nd General Council adopted a restructuring motion in 2015 and subsequently undertook a remit process which was confirmed by the 43rd General Council on July 22, 2018;

WHEREAS *An Act to amend The United Church of Canada Act,* SC 2019, c. 31 (Canada), which received Royal Assent on April 11, 2019, amends the federal act to reflect changes to The United Church of Canada's governance structure pursuant to the restructuring motion and remit process; and

WHEREAS The United Church of Canada now desires amendments to *The United Church of Canada Act*, RSS 1924, c.64 to reflect the changes made to the federal act;

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

Short title

1 *The United Church of Canada Amendment Act, 2021.*

S.S. 1924, c. 64 amended

2 *The United Church of Canada Act* is amended in the manner set out in this Act.

Section 2 amended

3 Section 2 is repealed and the following substituted:

"Definitions

2 In this Act, unless the context otherwise requires:

"Act of Incorporation" means *The United Church of Canada Act*, SC 1924 c100 (Canada);

"Basis of Union" means the Basis of Union set forth in schedule A to the Act of Incorporation, as amended from time to time under section 28(b) of that Act by The United Church of Canada;

"college" means any college, school or other educational institution, incorporated or unincorporated, under the government or control of, or in connection with, any of the negotiating churches, or established or maintained in whole or in part by any of them, and shall include the colleges and institutions set out in schedule B to this Act;

"conference" includes, where the context requires, the Regional Council of The United Church of Canada or any successor to that entity that is established in accordance with the process set out in the Basis of Union;

"congregation" means any local church, charge, circuit, congregation, preaching station, community of faith or other local unit for purposes of worship in connection or in communion with any of the negotiating churches or with The United Church of Canada, or any successor to those entities that is established in accordance with the process set out in the Basis of Union;

"General Council" means the General Council of The United Church of Canada and includes, where the context requires, the Denominational Council of The United Church of Canada or any successor to that Council that is established in accordance with the process set out in the Basis of Union;

"negotiating churches" means The Congregational Churches, The Methodist Church and the Presbyterian Church in Canada, and shall include also every congregation that, prior to the 10th day of June, 1925, was in connection or in communion with any of the negotiating churches that, prior to the 10th day of June, 1925, had joined with any one or more congregation or congregations of any of the other negotiating churches for purposes of worship, and every congregation affiliated with any of the negotiating churches, and every congregation ordinarily known as a local union church, whether it held its property separately from or as a part of any of the negotiating churches, and every congregation having any representation in or connection with the general council of local union churches;

"presbytery" includes, where the context requires, the Regional Council of The United Church of Canada or any successor to that entity that is established in accordance with the process set out in the Basis of Union;

"property" includes any debt and any thing in action and any right or interest;

"The Congregational Churches" shall include The Congregational Union of Canada; The Canada Congregational Missionary Society; The Canada Congregational Foreign Missionary Society; The Congregational Provident Fund Society; The Congregational Church Extension Society of Western Canada; and all congregations of the Congregational denomination which are represented by the Congregational Union of Canada for the purposes of this legislation, whether the same are separately incorporated under any statute of the Dominion of Canada or of any province thereof or have been organized under the provisions of any statute or deed of trust, or as union or joint stock churches or otherwise howsoever;

"The Methodist Church" shall include the body corporate known as The Methodist Church and all bodies corporate established or created by The Methodist Church or any conference thereof under the provisions of any statute of the Parliament of Canada or the Legislature of this Province;

"The Presbyterian Church in Canada" shall include the Board of Trustees of The Presbyterian Church in Canada; The Church and Manse Board of The Presbyterian Church in Canada; The Board for the management of the Temporalities Fund of The Presbyterian Church of Canada; The Managers of the Ministers', Widows' and Orphans' Fund of the Synod of The Presbyterian Church of Canada in connection with The Church of Scotland; and all Presbyterian congregations separately incorporated under any statute of the Dominion of Canada or of this province and all

congregations heretofore and now connected or in communion with the Presbyterian Church in Canada however organized;

"The United Church" means The United Church of Canada established by the Act of Incorporation."

Schedule A repealed

4 Schedule A to the Act is repealed and the following substituted:

"SCHEDULE A

THE UNITED CHURCH OF CANADA

TRUSTS OF MODEL DEED

AND it is hereby declared that the said trustees and their successors or the trustee or trustees for the time being acting in the trusts herein shall hold the said lands upon the following trusts:

COLUMN ONE.	COLUMN TWO.
1. Upon trust to use the trust property for purposes directed by congregation and maintenance of public worship.	2. For the use and benefit of the said church, charge, circuit, preaching station or congregation, as the case may be (hereinafter called the congregation), as a part of The United Church of Canada, as well for the site of a church, chapel, meeting house, school, manse, parsonage or minister's dwelling or other place for religious, charitable, educational, congregational or social purposes, glebe or burial ground, as the said congregation may direct, as for the support and maintenance of public worship, and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of The United Church of Canada.
2. To erect and repair buildings.	2. And upon further trust, out of all moneys received by them for that purpose, to build, erect, add to, alter, repair, enlarge or rebuild any of the buildings aforesaid from time to time as they may deem expedient, and where they deem it necessary, to take down and remove any of said buildings for any of the purposes aforesaid.
3. To obey all lawful orders and directions.	3. And upon further trust, that they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building or buildings at any time thereon, or to any burial ground, the lawful orders and directions respectively of the Official Board of the said congregation and the Regional Council within whose bounds and under whose ecclesiastical jurisdiction the said congregation shall from time to time be, and of the Denominational Council of The United Church of Canada.
4. To permit use of the trust property for church, manse and	4. And upon further trust, to permit, in conformity with the doctrines, discipline, by-laws, rules and regulations of The United Church of Canada and not otherwise, the

Sunday school purposes.

following:

(a) The use of the said church, chapel or meeting-house, as a place of religious worship by a congregation of The United Church of Canada and for meetings or services of religious or spiritual character or such benevolent or congregational purposes as may be approved by the Session of such congregation, and the conduct of public worship and the various services and ordinances of religious worship therein by the minister of the said congregation or, with the approval of the Session or of the said minister, by any other minister of The United Church of Canada or by any minister of any other religious denomination.

(b) The performance of burial services in any burial ground or cemetery belonging to or under the control of the congregation;

(c) The use of the manse, parsonage or minister's dwelling or dwellings with the appurtenances thereof by the minister or ministers of the congregation free from payment of any rent;

(d) The use of any church, chapel, meeting-house, school or other building for the purposes of a Sunday school at such hours and times as will not interfere with public worship, and

(e) The use of any buildings erected upon the said lands, other than a church, chapel or meeting-house, for such purposes as may from time to time be approved by the Session of the congregation.

5. To let and sell pews and burial plots and to let manses.

5. And upon further trust, to let any pews and seats at a reasonable rent, if so authorized by the Official Board of the congregation, with power to delegate any such letting to any person or persons whom they may appoint for that purpose; to let any buildings, not required for purposes of worship, at a reasonable rent; and if there shall be a burial ground or cemetery, to sell or let vaults, tombs or burial plots at a reasonable price or rent; and to account for and pay all moneys received in respect of any such letting or sale, less any expense incurred in the execution of these trusts, to the treasurer of the congregation, or should there be no treasurer, then to the Committee of Stewards of the congregation, or such person as shall be designated by the said Committee for the purpose of receiving the same. In case the trustees are of opinion that any manse, parsonage or minister's dwelling is not required for the use of the minister or ministers of the congregation, or is not desirable for the use of such minister or ministers, they may, with the consent in writing of said minister or ministers, let the same and use and apply the rent derived therefrom towards paying the board and lodging of such minister or ministers or the rent for a more suitable and convenient residence for

such minister or ministers.

6. The trustees shall have power to sell, mortgage, exchange, or lease the trust property with the consent of the Regional Council.

6. The trustees or a majority of them may, but only with the consent in writing of the Regional Council within the bounds of which the lands are situate (such consent to be under the hand of the presiding officer or secretary or clerk thereof), sell the said lands or any part thereof either by public sale or private contract, either for cash or upon credit, upon such terms as to price and for such price and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meeting-house upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said trustees after first paying or otherwise providing for all indebtedness of the trustees shall apply the moneys arising from such sale, mortgage, hypothecation, lease or exchange for the purposes of such congregation as the Official Board thereof shall direct, but should such congregation cease to exist as an organized body, such proceeds, less any expense incurred in the execution of these trusts, shall be paid to The United Church of Canada to be applied for such purposes for the benefit of The United Church of Canada as the Regional Council within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the Denominational Council. Every application by trustees for the consent of a Regional Council as aforesaid shall be in writing and shall state the purpose for which the moneys arising from such intended sale, mortgage, hypothecation, lease or exchange will be applied. Any decision of a Regional Council with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the Denominational Council at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such Regional Council or the Denominational Council has been obtained as aforesaid it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the trustees. A certificate of the secretary or clerk of any Regional Council or the Denominational Council that any such consent has been given shall be sufficient and conclusive evidence of such consent.

7. The trustees shall keep proper accounts and minutes.

7. The said trustees shall keep a proper book or books of account showing all moneys received and disbursed by them, and a book or books of minutes showing correctly

all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the congregation and by the chairman of the Committee of Stewards, and any person or persons named by them or either of them, and the said minister or the said chairman and any person named by them or either of them as aforesaid shall have the right to make such copies or abstracts of or extracts from the said accounts or minutes, as he or they may desire, and upon request from the Committee of Stewards the trustees shall submit all books of accounts and minutes, and all vouchers, receipts, papers and documents relating to the said accounts, for audit by the Committee of Stewards, or such person or persons as the said Committee may appoint for the purpose.

8. The trustees shall have seven days' notice of all special meetings and one day's notice of other meetings.

8. Every meeting of trustees for considering the making of any alteration of or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of pews, seats, vaults, tombs or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each member shall be entitled to seven days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each trustee, or mailed to or delivered to him or her at his -or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least one day's notice in writing to each trustee in the manner aforesaid, or by public announcement at a service for public worship at least one day prior to such meeting. Meetings may be called by the minister in charge of the congregation, or by at least two of the trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any trustee. All questions shall be determined by the majority vote of the trustees present at a meeting, and the chairman shall have a casting vote in the event of a tie. The minister of such congregation shall have the right to preside as chairman at all meetings of the trustees and may appoint a deputy to act in his place in his absence, and in the absence of the minister and of any such deputy the trustees present may elect a chairman from among themselves.

9. The number of trustees shall not be fewer than three or more than fifteen, and vacancies shall be

9. The number of said trustees shall not be fewer than three or more than fifteen provided that where the number of existing trustees is more than fifteen all such trustees shall remain in office but that no vacancy in the office of trustee shall be filled until the number of

filled by election by the congregation, or in default of such election, by the Regional Council and the property of a congregation which ceases to exist shall be subject to the trusts determined by the Regional Council.

trustees is reduced below fifteen, in which case the number shall not again exceed fifteen. In case any of the said trustees or any trustee appointed under this provision shall during his or her term of office, die, resign or, having been, cease to be a member of The United Church of Canada in full communion, or remove to such a distance, or fail to attend meetings for such period not less than one year, as shall in the opinion of his or her co-trustees expressed by a two-thirds vote of said co-trustees, render it inexpedient for him or her to remain a trustee, or in case the said congregation shall think proper to remove a trustee from his or her office as trustee, it shall be lawful for the said congregation, at any meeting called by notice from the pulpit during public worship on each of the two next preceding Sundays on which public worship is held, to declare by the votes of two-thirds of the members then present that such trustee has ceased to be a trustee of the said congregation, and such person shall thereupon cease to be a trustee, and at the same meeting it shall be lawful for the said congregation by a like vote to appoint a successor to such trustee, provided, however, that no trustee who is personally liable for payment of any indebtedness in respect of the property of a congregation shall be removed without his consent unless indemnified to his satisfaction in respect of any such liability and unless at least eight days' notice in writing of such meeting shall have been mailed to each of the trustees at his or her last known address, which notice shall state the business to be transacted at such meeting. If no successor shall be appointed at such meeting a meeting may be called in like manner for the purpose of filling such vacancy, and at such meeting a new trustee or new trustees (as the case may require) shall be appointed by the votes of the majority of the members then present. The notice calling a meeting for the purpose of declaring or filling a vacancy or vacancies in the office of trustee shall be read from the pulpit by the minister or person officiating as minister, at the request of any trustee, or of any seven members of the congregation, and every such meeting may be adjourned from time to time by the vote of the majority of the members present. During any vacancy in the office of trustee, the remaining trustees, not being fewer than three in number, shall have all the powers of the full Board. A majority of the trustees shall form a quorum save when the number of trustees exceeds nine, in which case five shall form a quorum. The majority of the trustees shall be members of The United Church of Canada.

A minute of every such appointment of a trustee shall be entered in a book to be kept for the purpose, and signed by the person presiding at the meeting, and such minute so signed shall be sufficient evidence of the fact that the

person or persons therein named was or were appointed and elected at such meeting, but any omission or neglect to make or sign such minute shall not invalidate such appointment or election.

And it is hereby further declared that in case there shall be at any time fewer than three trustees, the presiding officer or clerk of the Regional Council within whose bounds and under whose jurisdiction the said congregation shall be, shall, with the remaining trustee or trustees, be the trustees under these presents until the full board is duly appointed, and at any time thereafter the Regional Council may cause notice to be given from the pulpit on two consecutive Sundays requiring the said congregation to proceed with the appointment of new trustees. And if the said congregation shall not in the meantime have appointed new trustees in the manner hereinbefore provided, it shall be lawful for the said Regional Council at any, time after four weeks from the last giving of such notice, by resolution duly entered in the minutes of the Regional Council, to appoint new trustees. Such appointment shall be communicated to the congregation by notice from the pulpit as soon as conveniently may be thereafter, and from the time of such communication. the trustee or trustees so appointed shall be a trustee or trustees hereunder.

And it is further declared that if at any time there shall cease to be an organized congregation entitled to the use, benefit and enjoyment of the said lands, it shall be lawful at any time or times for the said Regional Council to fill any vacancy in the number of trustees, and the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of The United Church of Canada as the Regional Council within the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the Denominational Council.

10. trustees shall not be liable for involuntary loss.

10. A trustee shall not be responsible for the failure of any investment or security made or taken by the trustees or for anything done in connection with the trust estate except for his own acts and to account for any moneys coming into his own hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.

11. In congregations existing previous to the Union which have not adopted the plan of organization prescribed for pastoral charges as provided by the Basis of Union, the words “Official Board” and “Committee of Stewards” and “Session” in this schedule shall mean such board or committee or other body respectively discharging similar functions in such congregations, as to which in case of doubt the opinion of the Regional

Council to which such congregation belongs shall be final and conclusive."

Transitional Provisions

5 The following is inserted after section 28:

"28.1 (1) In this section, "previous Act" means this Act as it read immediately before the coming into force of this section.

(2) Nothing in this Act affects a deed, conveyance or transfer to trustees that was issued upon the trusts set forth in schedule A of the previous Act"

(3) Upon the coming into force of this Act:

(a) the property of The United Church of Canada as it existed on the day before this Act comes into force continues to be the property of The United Church;

(b) The United Church continues to be liable for the obligations of The United Church of Canada that existed on the day before this Act comes into force;

(c) any existing cause of action, claim or liability is not affected by the enactment of this Act and any existing cause of action, claim or liability continues to apply to The United Church notwithstanding the enactment of this Act;

(d) a civil, criminal or administrative action or proceeding pending by or against The United Church of Canada as it existed on the day before this Act comes into force may be continued to be prosecuted by or against The United Church;

(e) a conviction against, or ruling, order or judgment in favour of or against The United Church of Canada as it existed on the day before this Act comes into force may be enforced by or against The United Church;

(f) the bylaws of The United Church of Canada that were in force on the day before this Act comes into force continue as the bylaws of the Corporation until replaced or amended by The United Church pursuant to this Act, to the extent they are not inconsistent with this Act**".**

Coming into force

6 This Act comes into force on assent.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 904

An Act to amend *The United Church of Canada Act, 1924*

Received and read the

First time

Second time

Third time

And Passed

Ms. Erika Ritchie

Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2021