

The Ukrainian Catholic Parishes Act

being a Private Act

Chapter 01 of the *Statutes of Saskatchewan, 1992*
(effective July 31, 1992).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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1992

Chapter 01

An Act to provide for the incorporation of Ukrainian Catholic Parishes within Saskatchewan

(Assented to July 31, 1992)

Preamble

WHEREAS *An Act to incorporate the Ruthenian Greek Catholic Parishes and Missions in the Province of Saskatchewan, chapter 73 of the Statutes of Saskatchewan, 1913*, had been passed to provide for the management and administration of property of Ruthenian Greek Catholic parishes and missions within the province of Saskatchewan; and

WHEREAS the legislation was amended by *An Act to amend an Act to incorporate the Ruthenian Greek Catholic Parishes and Missions in the Province of Saskatchewan, chapter 110 of the Statutes of Saskatchewan, 1952*; and

WHEREAS the Ruthenian Greek Catholic Church, which had been renamed the Ukrainian Greek Catholic Church, is now known as the Ukrainian Catholic church; and

WHEREAS the Ukrainian Catholic Church in Canada has undergone administrative and organizational changes over the last several decades; and

WHEREAS a petition has been presented by Glen Lekach of Regina, Saskatchewan, President of the Ukrainian Catholic Council for the Ukrainian Catholic Eparchy of Saskatoon, Ray Lalach of Saskatoon, Saskatchewan, past president of the Ukrainian Catholic Council for the Ukrainian Catholic Eparchy of Saskatoon, and Steven Kobrynsky of Canora, Saskatchewan, past president of the Ukrainian Catholic Brotherhood, National Executive, praying that an Act be passed by the Legislature of Saskatchewan as hereinafter set forth with regard to the property, rights, and powers of the parishes of the Ukrainian Catholic Church in Canada within the Province of Saskatchewan; and

WHEREAS it is expedient to grant the prayer of the said petition:

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

Short title

1 This Act may be cited as *The Ukrainian Catholic Parishes Act*.

1992, c.01, s.1.

Interpretation

2 In this Act:

- (a) “**Administrator**” means the person who, according to the canonical constitution of the Church has authority to perform the duties of the Bishop in the event of the death or incapacity of the Bishop in the event of the death or incapacity of the Bishop;

- (b) **“Bishop”** means the person appointed by the Holy Roman See from time to time as the Bishop of the Ukrainian Catholic Church in Canada having authority over the Ukrainian Catholics of Western Canada in communion with Rome, ordinarily resident in the province of Saskatchewan and that part of the Northwest Territories lying immediately north of the said Province;
- (c) **“Church”** means the Ukrainian Catholic Church in Canada in communion with Rome;
- (d) **“canonical constitution of the Church”** means the fundamental principles, decrees, ordinances, rules, and regulations according to which the Church, as an ecclesiastical entity, is organized and governed;
- (e) **“Eparchy”** means a district or diocese under the pastoral authority of a bishop of the Church;
- (f) **“Episcopal Corporation”** means the Ukrainian Catholic Episcopal Corporation of Saskatchewan incorporated under *An Act to incorporate The Ukrainian Catholic Episcopal Corporation of Saskatchewan*, chapter 82 *Statutes of Canada, 1951*, 15 George VI;
- (g) **“incorporated parish”** means a parish incorporated or continued as a body corporate under this Act;
- (h) **“members”** means Christians who hold services of public worship according to the dogmas, doctrines, discipline, bylaws, rules, and regulations of the Church;
- (i) **“parish”** means a congregation, mission, or other local unit for purposes of worship within the Church;
- (j) **“preceding legislation”** means *An Act to incorporate the Ruthenian Greek Catholic Parishes and Missions in the Province of Saskatchewan*, chapter 73 of the *Statutes of Saskatchewan, 1913*, and *An Act to amend an Act to incorporate the Ruthenian Greek Catholic Parishes and Missions in the Province of Saskatchewan*, chapter 110 of the *Statutes of Saskatchewan, 1952*;
- (k) **“Registrar”** means the Registrar of Land Titles for any of the Land Registration Districts within the Province of Saskatchewan;
- (l) **“Vicar-General”** means the person appointed by the Bishop according to the canonical constitution of the Church to perform the duties of the Bishop in the event of his absence, illness, infirmity or other incapacity.

1992, c.01, s.2.

PART I Incorporations

Power of Bishop to establish parishes

3(1) The authority of the Bishop to establish parishes according to the canonical constitution of the Church, which authority was recognized under the preceding legislation, is confirmed.

(2) Every new parish established by the Bishop according to the canonical constitution of the Church shall be a body corporate under the name of the “Ukrainian Catholic Parish (or Mission) of distinguishing name”.

(3) A Certificate of Incorporation signed by the Bishop and bearing the seal of the Episcopal Corporation shall be issued for every corporation incorporated pursuant to this Act.

(4) Every parish incorporated pursuant to this Act shall come into existence on the date shown in the Certificate of Incorporation.

1992, c.01, s.3.

PART II Continuance

Continuation of existing parishes

4(1) Every parish established according to the canonical constitution of the Church before the coming into force of this Act is continued as a body corporate under this Act and this Act shall apply to that body corporate.

(2) The name of each parish incorporated under the preceding legislation is hereby changed by substituting the words “Ukrainian Catholic Parish (or Mission)” for the words “Ruthenian Greek Catholic Parish (or Mission)” or for the words “Ukrainian Greek Catholic Parish (or Mission)” where those words appear in the name.

(3) Continuation of a parish as a body coporate under this Act and the change in the name of the incorporated parish shall not affect the legal liability or legal obligations of the incorporated parish.

(4) A Certificate of Continuance signed by the Bishop and bearing the seal of the episcopal Corporation shall be issued for every parish continued as a body corporate under this Act.

1992, c.01, s.4.

PART III Powers and Obligations of Incorporated Parishes

Spiritual leadership of Bishop

5 Every incorporated parish shall be under the spiritual guidance of the Bishop and his successors in office of the same faith and rite, appointed by the Holy Roman See and persevering in communion with Rome.

1992, c.01, s.5.

Acquisition of property

6 Every incorporated parish may, with the written approval of the Bishop, purchase, acquire, take, have, hold, receive, possess, retain, and enjoy property real or personal, corporeal or incorporeal, necessary for its purposes or any estate or interest therein.

1992, c.01, s.6.

Disposal of property

7 Every incorporated parish may, with the written approval of the Bishop, sell, convey, exchange, alienate, mortgage, lease, or demise, any real or personal property held by the incorporated parish.

1992, c.01, s.7.

Borrowing power

8 Every incorporated parish may, with the written approval of the Bishop:

- (a) borrow money upon the credit of the incorporated parish;
- (b) limit or increase the amount to be borrowed; and
- (c) make, draw, accept, endorse or become a party to promissory notes and bills of exchange;

for the purposes of the incorporated parish.

1992, c.01, s.8.

Requirements for execution of documents

9(1) Any deed, transfer, mortgage, charge, or other instrument relating to, or dealing with, real property or any interest therein vested in any incorporated parish shall be deemed to be duly executed and binding upon the incorporated parish, and shall be sufficient for the purposes for which it is intended, if there are affixed thereto:

- (a) the signatures of the signing officers of the incorporated parish as they may be designated from time to time; and
- (b) the seal of the episcopal Corporation attested by the signature of the Bishop.

(2) In the event of dissolution of an incorporated parish, any deed, transfer, mortgage, charge, or other instrument relating to, or dealing with real property or any interest therein vested in the incorporated parish shall be deemed to be duly executed and shall be sufficient for the purposes for which it is intended if;

- (a) the seal of the Episcopal Corporation attested by the signature of the Bishop is affixed to the instrument; and
- (b) a certified copy of a Certificate of Dissolution issued under this Act is attached to the instrument.

(3) No instrument or agreement executed on behalf of an incorporated parish by its property officers in that behalf shall be invalid merely because the corporate seal of the incorporated parish is not affixed thereto.

1992, c.01, s.9.

Members not personally liable

10 No member of any incorporated parish shall be individually responsible for any of the debts, contracts, or liabilities of the incorporated parish.

1992, c.01, s.10.

Bylaws

11(1) Subject to the canonical constitution of the Church and any bylaws promulgated by the Bishop by reason of his ecclesiastical authority, every incorporated parish may make bylaws or adopt a constitution not contrary to law for:

- (a) the administration, management, and control of the property, business, and other temporal affairs of the incorporated parish;
- (b) the appointment of committees for the purposes of the incorporated parish and the calling of meetings of those committees;
- (c) generally for the carrying out of the objects and purposes of the incorporated parish.

(2) No such bylaw or constitution shall have any force or effect nor shall any committee have any powers until the bylaw or constitution has been filed with the Bishop and the Bishop has given his written approval.

(3) The determination of the Bishop that the bylaw or constitution is consistent with or inconsistent with the canonical constitution of the Church shall be conclusive.

(4) Until an incorporated parish makes its own bylaws or adopts a constitution pursuant to subsection (1), each incorporated parish shall be governed by the bylaws set out in Appendix "A" to this Act.

(5) In the event of any conflict between the bylaws or constitution adopted by an incorporated parish and the provisions of this Act, this Act shall govern.

1992, c.01, s.11.

Financial records

12(1) Every incorporated parish shall maintain a record of all revenues received and monies expended by the incorporated parish as well as a record of all assets and liabilities and all transactions affecting the financial position of the incorporated parish.

(2) Every incorporated parish shall prepare annual financial statements according to generally acceptable accounting principles making a full accounting of:

- (a) all revenues received by the incorporated parish and the application of such revenues;
- (b) all assets held by the incorporated parish and all outstanding liabilities.

(3) A copy of the annual financial statements of the incorporated parish shall be submitted to the Episcopal Corporation.

(4) The financial records of each incorporated parish shall, at all reasonable times, be open to inspection by a representative of the Episcopal Corporation.

1992, c.01, s.12.

PART IV
Dissolution

Dissolution

13(1) An incorporated parish may be dissolved:

- (a) pursuant to a resolution passed by two-thirds of the persons present at a meeting of its members; or
 - (b) pursuant to a declaration of the Bishop if such incorporated parish is no longer functioning as an independent parish.
- (2) The dissolution of an incorporated parish shall not take effect until the procedure provided in this Act for liquidation of assets and settlement of debts and liabilities of the incorporated parish has been completed.
- (3) Where an incorporated parish has resolved to dissolve, or the Bishop desires to dissolve an incorporated parish, the Episcopal Corporation shall appoint a liquidator, who may be a member of the parish, who shall:
- (a) take into his custody and control the property of the incorporated parish;
 - (b) open and maintain a trust account for the monies of the incorporated parish;
 - (c) keep accounts of the monies of the incorporated parish received and paid out by him;
 - (d) liquidate any property of the incorporated parish that can be conveniently sold by public auction or private sale;
 - (e) discharge the liabilities and obligations of the incorporated parish; and
 - (f) provide a final accounting to the Episcopal Corporation.
- (4) The liquidator may:
- (a) retain lawyers, accountants, engineers, appraisers and other professional advisors;
 - (b) bring, defend or take part in any civil, criminal, or administrative action or proceeding in the name and on behalf of the incorporated parish;
 - (c) do all acts and execute any documents in the name and on behalf of the incorporated parish;
 - (d) settle or compromise any claims by or against the incorporated parish; and
 - (e) do all other things necessary for the liquidation of the incorporated parish and distribution of its property.
- (5) In the event that the proceeds of the sale of the assets of an incorporated parish which could be conveniently sold are insufficient to enable the liquidator to settle all of the debts and liabilities of that incorporated parish, the liquidator shall have authority to establish a value for the remaining assets which could not be conveniently sold and to sell the remaining assets to the Episcopal Corporation at that value, the proceeds of which shall then be applied by the liquidator to settle any remaining debts or liabilities of the incorporated parish.
- (6) When the liquidator has fulfilled his duties under this Act in respect of the dissolution of an incorporated parish, both real and personal, shall vest in and be transferred to the Episcopal Corporation to be dealt with as the Episcopal Corporation may determine.

Certificate of dissolution

14 When a parish is dissolved pursuant to this act, a Certificate of Dissolution shall be issued under the seal of the Episcopal Corporation attested by the signature of the Bishop, which Certificate shall declare that the incorporated parish therein named has been dissolved as at the date therein stated.

1992, c.01, s.14.

PART V
Titles to Land

Amending titles of parishes

15(1) All titles to real property now standing in the name of a ny Ruthenian Greek Catholic Parish, Mission, or Church or in the name of any Ukrainian Greek Catholic Parish, Mission, or church shall be amended by substituting the words “Ruthenian Greek Catholic Parish (or mission or church)” or for the words “Ukrainian Greek Catholic Parish (or mission or church)”.

(2) To effect the name change referred to in subsection (1), it shall be sufficient for the Bishop to file with the Registrar a written request for an amendment to each Certificate of title affected along with an Affidavit to the effect that the parish named in the existing Certificate of Title is now known under the new name described in the Affidavit.

(3) No fee shall be payable under The Land Titles Act in order to register or record the amendment to the name of the parish in all such titles.

1992, c.01, s.15.

Titles in names in individuals as trustees

16(1) Where the title to any real property stands in the name of individuals as Trustees for a congregation of the Ukrainian Catholic Church, whether such individuals or any of them be deceased or not, a certificate under the seal of the Episcopal Corporation attested by the signature of the Bishop to the effect that such property belongs to or is held in trust for an incorporated parish or belongs to or is held in trust for the Episcopal Corporation shall be accepted by the Registrar as conclusive proof of the facts stated.

(2) Upon receiving a certificate pursuant to subsection(1), the Registrar shall thereupon cancel the existing Certificate of title and issue a new certificate of Title for the property in the name of the incorporated parish or the Episcopal Corporation, as the case may be.

(3) The fee for the cancellation of the old Certificate of Title and the issuance of a new one under this section shall be equivalent to the fee payable under The Land Titles Act to amend or change the name of a registered owner on an existing Certificate of Title.

1992, c.01, s.16.

Titles in name of society, group, etc.

17(1) Where the title to any real property stands in the name of any individual, society, group, organization, or congregation, whether or not such society, group, organization, or congregation continues to exist as such, a certificate under the seal of the Episcopal Corporation, attested by the signature of the Bishop, to the effect that such property belongs to or is held in trust for or to the use of an incorporated parish or belongs to or is held in trust for the Episcopal Corporation shall be accepted by the Registrar as conclusive proof of the facts stated in the certificate.

(2) Upon receiving a certificate pursuant to subsection (1), the Registrar shall cancel the existing Certificate of Title and issue a new Certificate of Title for the property in the name of the incorporated parish or the Episcopal Corporation, as the case may be.

(3) The Registrar may, before issuing a new Certificate of Title, require the Episcopal Corporation to publish once a week for two consecutive weeks in a newspaper distributed in the area where the property described in the Certificate of Title is located, a notice from the Registrar of his intention to issue a new Certificate of Title for the subject property, requiring that any objections be submitted to the Registrar in writing within 4 weeks from the date stated in the notice.

(4) The fee for the cancellation of the old Certificate of Title and the issuance of a new one under this section shall be equivalent to the fee payable under The Land Titles Act to amend or change the name of a registered owner on an existing Certificate of Title.

1992, c.01, s.17.

PART VI

General

Certificates as proof of facts

18(1) Any certificate issued pursuant to this Act is admissible in evidence as conclusive proof of the facts stated in that certificate without proof of the office or signature of the person purporting to have signed it.

(2) The Episcopal Corporation may prepare certified copies of certificates issued under this Act and such certified copies shall be admissible in evidence as prima facie proof of their contents without proof of the office or signature of the person purporting to have signed the certification.

1992, c.01, s.18.

Signing of documents

19 Where the Act provides that a document is to be signed by the Bishop, such document may be signed on his behalf by the Administrator or Vicar-General, as circumstances may require.

1992, c.01, s.19.

General legislation for religious societies

20 the provisions of this Act shall supercede any general act respecting the property of religious societies, congregations, or institutions in force in the Province of Saskatchewan, however the provisions of any such general act shall, when ont inconsistent with the provisions of this Act, be construed as supplementary thereto.

1992, c.01, s.20.

PART VII**Repeal and Coming Into Force****Repeal**

21 The following Acts are repealed:

(a) *An Act to incorporate the Ruthenian Greek Catholic Parishes and Missions in the Province of Saskatchewan*, chapter 73 of the *Statutes of Saskatchewan, 1913*; and

(b) *An Act to amend an Act to incorporate the Ruthenian Greek Catholic Parishes and Missions in the Province of Saskatchewan*, chapter 110 of the *Statutes of Saskatchewan, 1952*.

1992, c.01, s.21.

Coming into force

22 This Act comes into force on the day of assent.

1992, c.01, s.22.

APPENDIX A**Bylaws****Parish council**

1(1) Every incorporated parish shall have a parish council consisting of:

(a) a priest appointed by the Bishop who shall be the chief administrator of the incorporated parish and the chairman of the parish council;

(b) members elected from the parish community.

(2) There shall be at least three members on parish council in addition to the priest.

(3) Members elected to the parish council shall be elected at the annual general meeting of the incorporated parish for a term two years.

(4) Approximately one-half of the members of the parish council shall be elected at each annual general meeting to ensure that there is some continuity of parish council members from one year to the next.

(5) Members may be elected to the parish council for two consecutive terms (for a maximum of four years) at which time they must retire from the parish council for a period of at least one year before standing for re-election.

Annual general meeting

2 Each incorporated parish shall hold an annual general meeting of members at which the members of the parish council shall be elected and at which the annual financial statements for the incorporated parish shall be presented and approved.

Calling of meetings

3(1) All meetings of the parish council, the annual general meeting, and all special general meetings of the incorporated parish shall be called by the parish priest or in his absence, and with his consent, by the person elected or designated as the president of the parish council.

(2) A special general meeting of members shall be convened for the purpose of addressing a particular specified issue upon written request of two-thirds of the members of the parish council or upon written request of at least 10 members of the incorporated parish.

Quorum

4 The quorum for the annual general meeting and for any special general meetings of the incorporated parish shall be the members present.

Chairmanship

5 The parish priest shall be the Chairman of all meetings of the parish council and all general meetings of the incorporated parish unless the parish priest delegates that duty to an elected member of the parish council.

Majority decisions

6 All questions at meetings of the parish council and at all general meetings shall be decided by majority vote.

Approval of priest

7 Where a meeting is held in the absence of the parish priest all decisions are subject to his approval.

Casting of vote

8 In case of a tie on any motion put to a vote at a parish council meeting or at a general meeting of members, the priest shall have the casting vote.

Signing cheques

9 cheques issued by an incorporated parish shall be signed by the parish priest and another member of the parish council or where there is no resident parish priest, by two members of the parish council.