

POLICY No. 1

CIVIL AND CANONICAL REALITY OF PARISHES

1. Term definitions

Parish: a parish is a certain community of Christ's faithful stably established within a particular Church, whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor (Canon 515, §1). Unless the law provides otherwise, a quasi-parish is equivalent to a parish. A quasi-parish is a certain community of Christ's faithful within a particular Church, entrusted to a priest as its proper pastor, but because of special circumstances not yet established as a parish (Canon 516, §1). Where some communities cannot be established as parishes or quasi-parishes, the diocesan Bishop is to provide for their spiritual care in some other way (Canon 516, §2). In the diocese there are parishes as in Canon 515, §1 and what are called missions which fall under Canon 516. Both quasi-parishes and other communities of God's faithful are commonly referred to as missions. The particular Church referred to in the Canons is the Diocese of Sault Ste. Marie and not an individual parish or faith community.

Civil reality: in Ontario, parishes do not have separate civil recognition, but operate under the aegis of the diocesan corporation. In our case it is the **Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada.**

Canonical reality: the juridical status of a parish, quasi-parish or Christian community as determined by the relevant Canons of the 1983 Code of Canon Law.

2. Intent of the directive

To outline the Canonical and civil responsibilities of a parish priest in a parish or mission.

3. Policy

- a. All property, buildings and cemeteries held on behalf of the Diocese or its parts (such as parishes) are registered civilly in the name of the **Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada.**, referred to as the Corporation. No other civil corporation may be established without the explicit written consent of the Bishop of Sault Ste. Marie.
- b. The Corporation alone has the right to sell, mortgage or rent property, to make loans, issue bonds, receive donations from the living or by last will and testament, etc.
- c. The Bishop (and his successor) is the only member of the Corporation Sole.

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- d. Two consequences flow from this:
- d1) the only legal entity empowered civilly to possess or dispose of the temporal goods of the Diocese is the Corporation;
 - d2) the Bishop alone, within the limits established by law, has the responsibility of determining the rights and obligations of those called upon to cooperate with him in the administration of temporal goods belonging to the Diocese of Sault Ste. Marie, either at the diocesan or parish levels.
- e. Without explicit delegation (one type of which is "procuration") from the Corporation, legal transactions are invalid if they concern goods owned by the Diocese or its parts. Likewise, no one can dispose of ("alienate") Church goods, whether money or property, except within the limits of diocesan policy, either at the parish or diocesan level.
- f. The parish priest is responsible for the administration of the temporal goods of the parish. In all Canonical matters, he acts in the person of the parish, in accordance with Canon law (see Canon 532).
- g. However, to assist him in the administration of the goods of the parish, and without prejudice to the prescription of Canon 532, each parish is to have a parish finance committee. It should be composed of members of the faithful and regulated by the law of the Church as well as by norms issued by the diocesan Bishop (see Canon 537). The diocesan norms relating to the parish finance committee are found in Part I, section IV, of this manual, "The Parish Finance Committee".
- h. All clerics or laity who lawfully take part in the administration of ecclesiastical goods are bound to fulfill their duties in the name of the Church and in accordance with the law (see Canon 1282).
- i. In Canon law, each parish has juridical personality by virtue of the law itself (see Canon 515, §3), that is, it possesses rights and obligations outlined and protected by law.
- j. Among the effects of juridical personality, one significant fact affecting the administration of temporal goods is set forth in Canon 1256: "Under the supreme authority of the Roman Pontiff, ownership of goods belongs to that juridical person which has lawfully acquired them."
- k. This Canonical fact must be understood correctly. It often happens that there is no direct correlation between juridical persons in the Church and corporations in civil society. Canon Law considers the corporation as a means of safeguarding the ownership of ecclesiastical goods (that is, of goods belonging to public juridical persons), but does not admit that the ownership of goods is vested in the corporation.

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1. In Ontario, parishes (which are public juridical persons) do not have distinct civil corporate status. Rather, in our case, the Corporation includes the Diocese, parishes, and other constituent parts of the Diocese of Sault Ste. Marie.

This does not mean, however, that because the parishes are not separately incorporated, they do not maintain Canonical ownership of their goods.

- m. The Canonical ownership of goods belonging to a parish is actually enhanced by observing the policies of the Diocese of Sault Ste. Marie for the administration of ecclesiastical temporal goods.

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