

CHAPTER 82

THE CHURCH OF ENGLAND DISESTABLISHMENT ACT

Arrangement of Sections

Section

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CHURCH OF ENGLAND DISESTABLISHMENT

*(8th November, 1873.)*7/1873.
5/1874.
41/1986.
18/1989.

- 1.** This Act may be cited as the Church of England Disestablishment Act Short title.
- 2.** From and after the coming into operation of this Act, the Church of England in Antigua and Barbuda shall cease to be an established Church and saving the rights of the existing rectors and the existing minister of All Saints, no salary shall be provided or paid from the public revenue to any rector, parish clerk, organist, sexton or other subordinate officer of the said Church. Disestablishment of Church of England.
- 3.** It shall be lawful, anything in any law or custom to the contrary notwithstanding, for the clergy and laity of the communion of the Church of England in Antigua and Barbuda, to hold assemblies, synods, or conventions, and to elect representatives thereto for the purpose of framing constitutions and regulations for the general management, discipline and good government of the said communion, for administering the property and affairs thereof, and for the future representation of the members thereof in diocesan synod or otherwise: Assemblies or Synods by the clergy and laity declared lawful.
- Provided that nothing in the said constitutions or regulations or any of them, shall be contrary to any law or statute now or hereafter in force in Antigua and Barbuda.
- 4.** Nothing in this Act shall authorize the imposition by any assembly, synod, or convention held under the provisions of this Act of any rate or tax upon any person or persons whomsoever whether belonging to the said Church or not, or the infliction by any such assembly, synod, or convention of any temporal punishment, fine or penalty upon any person other than his suspension from an office in the said Church or exclusion from the meetings or proceedings of the diocesan synod. Tax may not be imposed by Synod, &c.

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Ecclesiastical law, certain patents and articles, &c., of Church of England in Antigua and Barbuda, binding on members.

5. Upon the coming into operation of this Act the Ecclesiastical Law which was in force at that date, and the patents of Her Most Gracious Majesty for the appointment of the Bishop, and the several articles, rites, doctrines, rules, discipline and ordinances of the Church of England in Antigua and Barbuda, with and subject to such, if any, modifications or alterations as may hereafter be duly made therein according to the constitution of the said communion for the time being, shall be deemed to be binding on the members for the time being thereof in the same manner as if such members had severally agreed to abide by and observe the same, and shall be capable of being enforced in the Temporal Courts in relation to any property to be enjoyed by the said Church communion or any members thereof in the same manner and to the same extent as if such property had been expressly given, granted or conveyed upon trust, to be held, occupied and enjoyed by persons who should observe and keep and be in all respects bound by the said Ecclesiastical Law, and the said articles, doctrines, rites, rules, discipline and ordinances of the said Church communion subject as aforesaid; but nothing herein contained shall be construed to confer on the existing Bishop or any other Bishop or any other ecclesiastical person having ecclesiastical authority over the Church of Antigua and Barbuda any coercive jurisdiction whatsoever.

No coercive jurisdiction conferred.

Sale moneys of Church property to be invested for benefit of Parish for which the same was devised for Church purposes.

6. Whenever it shall become necessary to sell or dispose of any real or personal property devised or bequeathed for the use or benefit of any parish of Antigua and Barbuda for church purposes, the moneys to arise from such sale shall be invested by the Diocesan Synod of the North-Eastern Caribbean and Aruba in the funds of Antigua and Barbuda, Great Britain, or elsewhere, for the sole use and benefit of the parish for which the same was so devised or bequeathed for church purposes and for no other use or purpose whatsoever, and shall not merge into or form part of the general funds or moneys of the said Diocesan Synod.

7. It shall be lawful for the Government to vest in such Diocesan Synod as aforesaid upon the like trusts as the same were held when this Act came into operation, the church or chapel and the site thereof and the rectory or curate's house, if any, and the lands and glebe, if any, attached thereto belonging to any rectory, island curacy, or stipendiary curacy, together with all the plate, vestments and other furniture and fittings in the respective parish churches and chapels of Antigua and Barbuda, but subject to the interest therein of any existing rector or incumbent:

Government to vest in Diocesan Synod all Church property, excepting tanks, &c., of St. John's Cathedral. Churches, &c., not to be sold or exchanged.

Provided however, that the tanks and guttering belonging to the cathedral in the city and parish of St. John shall remain the property of the public with the right conserved of collecting and using water from the roof of the said cathedral and also of access to the said tanks for all necessary purposes in accordance with any regulations on the subject that may from time to time be issued by the Government:

Provided also that it shall in no case be lawful for the said Anglican Church, or any person or persons representing the said Church, to sell or exchange the said churches or chapels, or churchgrounds attached to any of the churches in Antigua and Barbuda, and that if any of the said churches or chapels shall for one whole year be disused as places of worship by the members of the said Anglican Church and if the house and grounds attached to any of the said churches or chapels shall cease to be used as the residence of the minister of the parish within which such church or chapel or house and ground attached to any such church or chapel is situate, it shall be lawful for the Government to resume possession of the said house and lands of the said church or chapel and church or chapel grounds so disused and all property and possession therein shall revert to the Crown, to be applied to the public uses of Antigua and Barbuda.