



March 2018

**IMPLEMENTATION OF THE 1983 CODE OF CANON LAW
* REVISED DECREE ***

**DECREE NO. 38: MAXIMUM AMOUNT FOR ALIENATION
OF CHURCH PROPERTY**

In accordance with the prescriptions of Canon 1292 §1, the Canadian Conference of Catholic Bishops decrees that the maximum amount for the alienation of Church property or for debts which may be contracted without needing recourse to the Holy See be henceforth established at \$3,500,000 CDN within all the territory of the Conference. This amount will be annually adjusted according to the cost-of-living in Canada, taking 1 January 1993, as the point of reference.

COMMENTARY

Decree No. 38 was approved by the Conference on 20 March 1992 and reviewed by the Holy See (Letter of Apostolic Nunciature, Prot. No. 4211/93, 8 September 1993).

1. On 26 March 1982, the Congregation for the Clergy had determined that the maximum amount allowed for acts of alienation without recourse to the Holy See was \$1,000,000 CDN. This amount has now been increased to \$3,500,000 CDN and applies to acts of alienation, both in the strict sense of sales, conveyances, etc., and in the broad sense of acts which could jeopardize the patrimonial condition of a juridical person.

In addition, the sum has been indexed, using 1 January 1993 as the benchmark. Thus, each year, revised figures will be determined, depending on the cost-of-living index.

At its meeting of 20-21 March 2018, after taking into consideration the 2017 national cost-of-living increase of 1.9%, the Executive Committee determined that the current maximum amount allowed for acts of alienation without recourse to the Holy See is \$5,473,686 CDN.

2. Decree No. 9 of the Conference (Official Document, No. 536; see also amended decree, Official Document, No. 536-1) provides that non-recurring acts which exceed 5% of the maximum amount approved by the Conference are to be considered acts of extraordinary administration.

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Decree No. 10 of the Conference (Official Document, No. 537-1) determines that for acts of alienation of property the minimum amount applicable in cases to which canons 1292 and 1295 apply is 10% of the maximum amount approved by the Conference.

Therefore, the following amounts would apply:

1) For acts of extraordinary administration (goods belonging to the diocese):

- **up to \$273,684 CDN (5% of maximum): the diocesan bishop can perform alone acts of extraordinary administration (see revised Decree No. 9);**
- **from \$273,684 CDN: the diocesan bishop needs the consent of the college of consultors and the diocesan finance committee (Canon 1277).**
- It should be noted, though, that in virtue of Canon 1277, the diocesan bishop is to determine, in view of the financial situation of the diocese, those acts of major importance which would require the advice of the college of consultors and the diocesan finance committee.

2) For acts of alienation:

- **up to \$547,369 CDN (10% of maximum): the diocesan bishop may carry out such acts alone (see Decree No. 10);**
- **from \$547,369 CDN to \$5,473,686 CDN: the diocesan bishop needs the consent of the college of consultors, the diocesan finance committee, and the interested parties (Canon 1292, §1);**
- **over \$5,473,686 CDN: in addition to the threefold consent mentioned immediately above, the consent of the Holy See is also required (Canon 1292, §2).**