

CHAPTER 157

CHURCH OF THE PROVINCE OF MELANESIA (SOLOMON ISLANDS) PROPERTY

AN ACT RELATING TO PROPERTY OF THE CHURCH OF THE PROVINCE OF MELANESIA IN SOLOMON ISLANDS, AND PROVIDING FOR THE VESTING OF CERTAIN PROPERTY IN THE ARCHBISHOP OF MELANESIA AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

7 of 1974

[25th January 1975]

1. This Act may be cited as the Church of the Province of Melanesia (Solomon Islands) Property Act.

Short title

2. In this Act-

Interpretation

"Archbishop of Melanesia" means the person for the time being holding the Office of Archbishop of the Church of the Province of Melanesia and his successors;

"Bishop of Melanesia" has the meaning ascribed to that expression by the repealed Act;

"the repealed Act" means the Church of England (British Solomon Islands Protectorate) Property Act repealed by section 6.

3. The Archbishop of Melanesia shall be a corporation sole with perpetual succession and a seal of office, with power to acquire, hold, manage, control and, subject to this Act, grant, transfer, mortgage, charge, lease, demise, sell, dispose of, create or reserve easements over, or otherwise deal with, any property, and capable of suing and being sued.

Incorporation of
Archbishop of Melanesia

4. All property from time to time vested in the Archbishop of Melanesia shall, so far as it is not subject to any express trust, be held upon trust and dealt with for the purposes of carrying on or benefiting or advancing or extending or making more effectual the work and objects of the Church of the Province of Melanesia.

Duties of corporation sole

5. The Archbishop of Melanesia may, by writing under his seal, appoint any person as his attorney either generally or in respect of any specified matters and to act in any

Power to appoint attorney

place.

6.-(1) The Church of England (British Solomon Islands Protectorate) Property Act is hereby repealed.

Repeal and saving Cap
95, 1969 Revised Edition
Cap. 85

(2) Without prejudice to the generality of section 21 of the Interpretation and General Clauses Act (which relates to the effect of the repeal of an Act generally) the exercise by the Bishop of Melanesia of any power conferred by the repealed Act which power was subsisting or in force immediately before the commencement of this Act shall enure for the purposes of this Act as if it had been exercised by the Archbishop of Melanesia under this Act, and accordingly shall, where necessary, be deemed to have been so exercised.

Cap. 5

(3) All deeds, bonds and other instruments and all agreements whatsoever subsisting and enforceable by or against the Bishop of Melanesia before the commencement of this Act, whether affecting any property vested in the Archbishop of Melanesia under section 7 or otherwise, shall be of as full force and effect against or in favour of the Archbishop of Melanesia, and enforceable as fully and effectually as if, instead of the Bishop of Melanesia or any person acting as his attorney or otherwise on his behalf, the Archbishop of Melanesia had been named therein or had been a party thereto.

7. (1) All property vested in the Bishop of Melanesia immediately before the date of commencement of this Act shall on that date vest in the Archbishop of Melanesia:

Vesting of existing
property

Provided that no registered interest in land shall so vest until the Archbishop of Melanesia has been registered as the owner of that interest, and for this purpose the Registrar of Titles is hereby authorised and directed upon application in that behalf made to him by the Archbishop of Melanesia accompanied by a statement of any registered interests in land affected together with the prescribed fees to make all such entries in the land register as may be necessary to give effect to the vesting of property in the Archbishop of Melanesia.

(2) In this section "interest" and "land register" have the respective meanings ascribed to them by the Land and Titles Act.

Cap. 133

8. Any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the Bishop of Melanesia or any person acting as his attorney or otherwise on his behalf may be continued or enforced by or against

Pending proceedings

the Archbishop of Melanesia as it might have been by or against the Bishop of Melanesia or such person if this Act had not been enacted.

(No Subsidiary Legislation.)