

BRITISH SOLOMON ISLANDS PROTECTORATE

**CHURCH OF THE PROVINCE OF MELANESIA (BRITISH SOLOMON ISLANDS)
PROPERTY ORDINANCE 1974**

NO. 7 OF 1974

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty-fifth day of October 1974.

[L. S.]

D.C.C. LUDDINGTON
Governor

AN ORDINANCE

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

Date of commencement.

[to be notified under section 1]

ENACTED by the Governor of the British Solomon Islands Protectorate with the advice and consent of the Legislative Assembly of the British Solomon Islands Protectorate, as follows:-

Short title and commencement.

1. This Ordinance may be cited as the Church of the Province of Melanesia (British Solomon Islands) Property Ordinance 1974 and shall come into operation on such date as the Governor may by notice appoint.

Interpretation.

2. In this Ordinance -

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"Bishop of Melanesia" has the meaning ascribed to that expression by the repealed Ordinance;

Cap. 95.

"the repealed Ordinance" means the Church of England (British Solomon Islands Protectorate) Property Ordinance repealed by section 6.

Incorporation of Archbishop of Melanesia.

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 Ordinance, 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.

Duties of corporation sole.

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.

Power to appoint attorney.

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 place.

Repeal of Cap. 95 and saving.

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 (1) The Church of England (British Solomon Islands Protectorate) Property Ordinance is hereby repealed.

Cap.1.

(2) Without prejudice to the generality of section 20 of the Interpretation and General Clauses Ordinance (which relates to the effect of the repeal of an Ordinance generally) the exercise by the Bishop of Melanesia of any power conferred by the repealed Ordinance which power was subsisting or in force immediately before the commencement of this Ordinance shall enure for the purposes of this Ordinance as if it had been exercised by the Archbishop of Melanesia under this Ordinance, and accordingly shall, where necessary, be deemed to have been so exercised.

(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 Ordinance, 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.

Vesting of existing property.

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

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 property in the Archbishop of Melanesia.

Cap.93.

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

Pending proceedings.

8. Any proceedings or cause of action pending or existing immediately before the commencement of this Ordinance 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 the Archbishop of Melanesia as it might have been by or against the Bishop of Melanesia or such person if this Ordinance had not been enacted.

Passed by the British Solomon Islands Legislative Assembly this eleventh day of October one thousand nine hundred and seventy-four.

This printed impression has been carefully compared by me with the Bill passed by the Legislative Assembly and found by me to be a true and correct copy of the said Bill.

L.O. POZNANSKI
Clerk of the Legislative Assembly
