

Chapter 1036.
Kwato Church Corporation Act 1979.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 1036.

Kwato Church Corporation Act 1979.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Kwato Church Corporation Act 1979,

Being an Act to incorporate the Executive Committee of the Kwato Church of Papua New Guinea.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**Chairman**” means the Chairman of the Executive Committee of the Church;

“**church property**” means all property acquired by the corporation under this Act;

“**the Church**” means the Kwato Church of Papua New Guinea, also known as Boda Kwato, established on 16 April 1978;

“**the corporation**” means the Kwato Church Corporation established by Section 2;

“**member**” means a member of the Executive Committee of the Church;

“**President**” means the President of the Central Council of the Church.

2. INCORPORATION.

(1) The members for the time being of the Executive Committee of the Church are a corporation by the name of the “Kwato Church Corporation” with perpetual succession.

(2) The corporation shall have a seal of office and may sue and be sued in the corporate name.

3. HOLDING OF PROPERTY ON TRUST.

The corporation holds all property on trust for the Church.

4. POWERS OF THE CORPORATION.

(1) The corporation has power—

- (a) to purchase, take on lease, or acquire by gift, devise, exchange or otherwise, property; and
- (b) to sell church property or an interest in church property by public auction or private contract for cash or on credit on such terms and subject to such conditions as the corporation thinks proper; and
- (c) to exchange church property or an interest in church property for other property; and
- (d) to transfer, grant, assure or otherwise dispose of church property or an interest in church property when sold or exchanged to the purchaser or to the person taking such exchange, freed and discharged from the trust affecting it; and
- (e) to raise sums of money, when and on such terms as the corporation thinks proper, by mortgage of church property whether by deposit of deeds or otherwise and with or without power of sale; and
- (f) to demise and lease church property for such periods at such rents and on such terms and conditions as the corporation thinks proper; and
- (g) to create or reserve easements in or over, or to enter into restrictive covenants affecting any real or leasehold property forming part of the church property; and
- (h) to improve, manage and develop the church property including the power to erect buildings; and
- (i) to buy and sell goods, manufacture goods and establish and conduct any business; and
- (j) to establish, maintain and conduct educational institutions; and
- (k) to appoint officers and to engage persons as employees on such terms and conditions as are determined by the corporation; and
- (l) for all or any of the purposes referred to in this section, to sign, seal and execute all such contracts, transfers and other deeds, documents and instruments as may be necessary; and
- (m) to appoint by instrument under the seal of the corporation a person or persons to be the attorney or attorneys of the corporation, either generally or in respect of specified matters, and to act in any place, and all deeds signed by the attorney or attorneys, as the case may be, on behalf of the corporation and under his or their seal or seals are binding on the corporation and have the same effect as if they were made under the seal of the corporation.

(2) A power exercisable under Subsection (1) in respect of church property is exercisable in respect of any part or parts of the church property.

5. DEALINGS WITH THE CORPORATION.

(1) A person dealing with the corporation in good faith in relation to a transaction or proposed transaction is not bound in any way to inquire into—

- (a) the necessity, propriety or regularity of the transaction; or
- (b) the purposes of the corporation in entering into the transaction; or
- (c) the circumstances in which the corporation proposes to enter into the transaction or execute any document.

(2) In favour of a person referred to in Subsection (1), a document shall be deemed to have been duly executed by the corporation if its seal is affixed to the document in the presence of and attested by—

- (a) the President; and
- (b) the Chairman; and
- (c) one other member of the Executive Committee of the Church.

(3) Where—

- (a) a document contains a provision in or to the following effect:—

“The Seal of the Kwato Church Corporation was affixed in the presence of—

“ President

“ Chairman

“ Member.”; and

- (b) a seal purporting to be the seal of the corporation has been affixed to the document; and
- (c) the document purports to be signed by the President, Chairman and a member,

the document shall be deemed to have been executed in accordance with Subsection (2).

(4) This section does not prevent the corporation executing a document in any other manner permitted by law for execution of documents by or on behalf of corporations.

6. RECEIPTS FOR RENT, ETC.

A lessee, mortgagee, purchaser, person taking on exchange or other person paying rent or money paid for any purpose to the corporation is not bound to see to the application of the rent or other money, and the receipt of the corporation is a sufficient discharge.

7. VESTING OF CERTAIN PROPERTY.

¹Any property that has been or which, except for the operation of this section, would be deemed to have become vested in the United Church in Papua New Guinea and the Solomon Islands by virtue of the operation of Section 9(1)(iii)(e) of the *United Church in Papua New Guinea and the Solomon Islands Act* (Chapter 1035) shall, upon the coming into operation of this Act, be vested in the Corporation.

8. FORMAL TRANSFER OF LAND ETC., UNNECESSARY.

²Where any property which becomes vested in the corporation by virtue of Section 7 is land registered under the *Land Registration Act 1981*, the Registrar of Titles shall, on application by the Corporation, without formal transfer and without fee, enter or register the Corporation in the register kept under that Act and, on entry and registration, grant a certificate of title, lease or other instrument evidencing title to the land within that Act.

Office of Legislative Counsel, PNG

¹ Section 7 added by *Kwato Church Corporation (Amendment) Act 1988* (No. 11 of 1988).

² Section 8 added by *Kwato Church Corporation (Amendment) Act 1988* (No. 11. of 1988).