



J.S. Champion

Resident Commissioner in the New Hebrides

QUEEN'S REGULATION

TO PROVIDE FOR THE VESTING IN A BODY CORPORATE OF THE PROPERTY OF THE CHURCH OF MELANESIA IN THE DIOCESE OF THE NEW HEBRIDES

MADE BY Her Britannic Majesty's Resident Commissioner in the New Hebrides in pursuance of the powers contained in the New Hebrides Orders. In the name of Her Majesty Elizabeth the Second, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

1. This Regulation may be cited as the Church of Melanesia (Diocese of the New Hebrides) Trust Board Regulation 1976 and shall come into operation on the date on which it is published by the Resident Commissioner causing a copy thereof to be exhibited at the public office of the Resident Commissioner.

2. In this Regulation, unless the context otherwise requires:-

"Board" means the Church of Melanesia (Diocese of the New Hebrides) Trust Board established by section 3;

"Church" means the Church of the Province of Melanesia;

"Council" means the Diocesan Council as established by Canon 3 of the Canons of the Diocese;

"Synod" means the Synod of the Diocese as established by Article 16 of the Constitution of the Church.

Establishment
of Board

3. There shall be established upon the commencement of this Regulation a board of trustees having corporate status to be known and described as the Church of Melanesia (Diocese of the New Hebrides) Trust Board and by that name capable of exercising all the functions of a body corporate with perpetual succession and a common seal and having in such corporate name the capacity to sue and be sued.

Composition
of Board

4. (1) The first trustees of the Board shall be members of the Council holding office at the time of commencement of this Regulation who shall continue to be trustees until the appointment of new trustees in accordance with the provisions of subsection (2) not later than twelve months after such commencement.

(2) After the expiry of the term of office of the first trustees as provided by subsection (1), the Board shall consist of the following trustees -

- (a) the Bishop of the New Hebrides ex officio who shall be the Chairman;
- (b) an equal number of clergy and lay members of the Church in the Diocese, being not more than eight and not fewer than four, who shall be elected by the Synod in accordance with the Canon of the Synod for that purpose and for the term specified in such Canon.

Trustees
subject to
removal
from
office

5. (1) Every trustee holding office under the provisions of subsection (1) of section 4 or appointed under the provisions of paragraph (b) of subsection (2) of section 4 shall be subject to removal from office by the Synod or, when it is not in session, by the Council for reasons concerning the general policies of the Church or any other reasonable cause; with respect to the exercise of his powers and the performance of his duties under this Regulation, every trustee shall be bound by all the provisions of the Constitution of the Church of Melanesia, the Canons of the Diocese and by all statutes, regulations or resolutions which may from time to time be passed or issued by authority of the Synod insofar as the same shall not be inconsistent with any provision of this Regulation or any law affecting or relating to trustees and he shall acknowledge his submission to such authority in writing at the time of the commencement of his term of office.

(2) Upon any vacancy occurring in the membership of the Board, whether by death, resignation or removal from office, a new member shall be elected by the Synod or, when it is not in session, by the Council, in accordance with the Canon referred to in paragraph (1) of subsection (2) of section 4.

[Q.R. No. 1 of 1976]

ration
point-
of
es etc.

6. (1) When any appointment of a trustee is made or any trustee for any reason ceases to hold office, a declaration of such appointment or cessation of office made by the Chairman of the Board and countersigned by two other trustees shall be filed in the registry of the High Court within one month of such appointment or cessation of office or at the earliest possible time thereafter. Every such declaration shall contain the names of all the trustees holding office after the changes notified thereby.

(2) A copy of any declaration made under subsection (1) certified under the hand and seal of the Registrar shall be sufficient evidence in any proceedings for all purposes whatsoever of the facts stated therein without proof of any signature thereon or the seal and signature of the Registrar.

of

7. (1) Subject to this section, the Board may by all lawful means acquire and receive any property held by any person, body of persons or corporation whatsoever for the purpose of carrying on, benefiting, advancing, extending or making more effectual the work and objects of the Church in the Diocese and except where special trusts are declared as referred to in subsection (2) shall apply the whole of the same towards all or any of the purposes aforesaid.

(2) The Board may do and carry out all such acts, matters and things as it may in its absolute discretion for the purposes of subsection (1) think fit and may acquire or receive property for the general purposes of the Church in the Diocese or upon any special trusts connected with or incidental to such purposes either as original trustee, as new trustee of any trust already existing or as bare or passive trustee without undertaking the management or administration of such property.

(3) Where any such special trust of property last referred to in subsection (2) is to be managed or administered by another trustee or manager such other trustee or manager shall hold such property for and on behalf of the Board upon the trusts affecting the same and in such manner not inconsistent with the terms of the trust as the Board shall from time to time direct or appoint in writing under the hand of any person authorised by the Board to that effect.

(4) The Board shall not be bound to accept any property for any of the foregoing purposes or for any purposes unless it shall in its absolute discretion think fit so to do.

(5) The Board may sell, exchange, convey, assign, surrender and yield up, mortgage, subject to obligations of guarantee, demise, re-assign, transfer or otherwise dispose of any property as acquired, purchased, taken or held otherwise upon such terms as the Board shall think fit.

(6) The Board may invest any of its funds upon mortgage of lands, buildings, tenements or hereditaments or in debentures, stock, funds, shares or securities of any government, municipality, corporation, company or person or in an account at any bank lawfully trading in the New Hebrides or in any other country approved by the Synod.

Execution of
deeds etc.

8. Any deed or other instrument executed by Board pursuant to a resolution of the Board shall signed by the Chairman and any two trustees under common seal and shall be effective as if the same had been executed, signed or done by all the trustees; any deed or instrument so executed shall exonerate any mortgagee, purchaser, lessee, licensee and all other persons paying moneys to the Board, or to the person or persons authorised by the Board to receive the same, from all liability to see to the application thereof or to enquire into the regularity of any mortgage, sale, lease, licence or other transaction whatever and no such mortgagee, purchaser, licensee, lessee or other person shall be entitled or required to enquire whether any consents have been given or rules, regulations or formalities have been imposed or made or have been observed and complied with.

Testing of
existing property
Q.R. No. 12 of
1974

9. Upon the commencement of this Regulation, property immediately prior to such commencement vested in the Bishop of the New Hebrides pursuant to the provisions of the Church of the Province of Melanesia (New Hebrides) Property Regulation 1974 shall without further assurance vest in the Board for the respective estate and interests for which the same are held.

Pending
proceedings

10. Any proceedings or cause of action pending existing immediately before the commencement of this Regulation by or against the Bishop of the New Hebrides or any person acting as his attorney or otherwise on his behalf may be continued or enforced by or against the Board as it might have been by or against the Bishop of the New Hebrides or such person if this Regulation had not been enacted.

Rules

11. (1) The Synod may make rules not inconsistent with the provisions of this Regulation for the administration and control of the affairs of the Board, including its procedure.

(2) A copy of such rules shall be filed without delay with the Registrar of the High Court who, if the Court shall be satisfied of the validity thereof, shall notify the Chairman of the Board accordingly and such rules shall be effective from the date of the sending of such notification.

Repeal and
revoking

12. (1) The Church of the Province of Melanesia (New Hebrides) Property Regulation 1974 (hereinafter called "the repealed Regulation") is hereby repealed.

(2) Without prejudice to the generality of section 21 of the Interpretation and General Clauses Regulation (which relates to the effect of the repeal of a Regulation generally), the exercise by the Bishop of the New Hebrides of any power conferred by the repealed Regulation which power was subsisting or in force immediately before the commencement of this Regulation shall enure for the purposes of this Regulation as if it had been exercised by the Board under this Regulation, 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 the New Hebrides immediately before the commencement of this Regulation, whether affecting any property vested in the Board under section 9 or otherwise, shall be of as full force and effect against or in favour of the Board, and enforceable as fully and effectually as if, instead of the Bishop of the New Hebrides or any person acting as his attorney or otherwise on his behalf, the Board had been named therein or had been a party thereto.

PUBLISHED AND EXHIBITED at the Public Office of the
Resident Commissioner

~~28~~ JAN 1976 19 JAN 1976

J. Simon
Office Superintendent