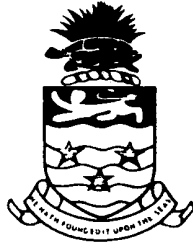


CAYMAN ISLANDS



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ANGLICAN CHURCH OF
THE CAYMAN ISLANDS
LAW, 1979
(Law 29 of 1979)

Date of operation:
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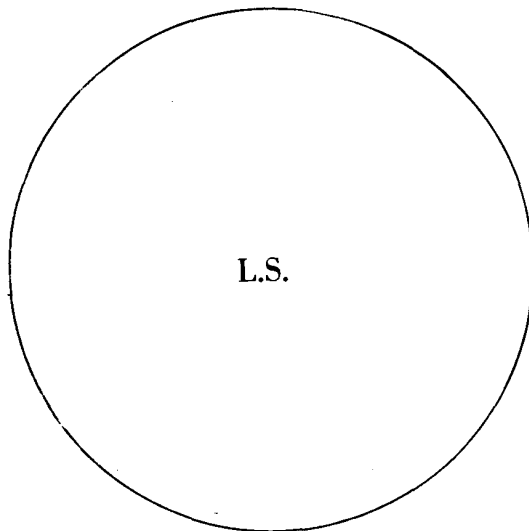
CAYMAN ISLANDS

ANGLICAN CHURCH OF THE CAYMAN ISLANDS LAW, 1979

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CAYMAN ISLANDS



Law 29 of 1979

I assent

T. RUSSELL

Governor

2nd October, 1979

A LAW for the Incorporation of the Anglican Church in the Cayman Islands and for the vesting of certain property in the body so incorporated.

WHEREAS the Church in the Cayman Islands for the past one hundred and fifty years has been and remains a part of the Church in Jamaica in the Province of the West Indies.

AND WHEREAS the inhabitants of these islands have been associated and worship together as the Anglican Church for the teaching and spread of the Gospel of Christ amongst the people of the Cayman Islands.

AND WHEREAS property both real and personal is held by the Incorporated Lay Body of the Church in Jamaica in the Province of the West Indies for the benefit or on behalf of the Church in the Cayman Islands.

AND WHEREAS it is expedient and desirable that there should be a corporate body in which may be vested the real and personal property already and hereafter to be acquired in the Cayman Islands and that such corporate body shall have the right to acquire, hold, deal with, mortgage and dispose of real and personal property for the purpose of

the Church in these islands.

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Anglican Church of the Cayman Islands Law, 1979.

Interpretation.

2. (1) In the construction of this Law, unless the context renders a different meaning necessary:—

“Church” means the Anglican Church in the Cayman Islands and includes its successors and any body for the time being exercising its functions;

“The Islands” means the Cayman Islands;

“The Corporation” means the body incorporated under section 4 of this Law;

“Church Committee” means the Church Committee as constituted under the Constitution and Canons of the Church in Jamaica in the Province of the West Indies and includes the Advisory Committee or Committees nominated by the superintending clergyman in accordance with the bye-laws made under the Constitution and Rules of the Jamaica Church Missionary Society;

“The Council” means the Council established under the provisions of section 3 of this Law.

(2) In this Law reference to “the Bishop”, “the Diocesan Secretary”, “the Chancellor”, “the Chairman of the Financial Board”, “the Suffragan Bishops” shall be constructed in accordance with the Constitution and Canons of the Church in Jamaica in the Province of the West Indies.

Constitution of
the Council.

3. (1) There shall be a council consisting of not less than eight nor more than ten persons and shall include the Bishop, the Chancellor, the Chairman of the Financial Board, the Diocesan Secretary, the Suffragan Bishops, the Superintending Clergyman of the Church and two members of the Church resident in the Islands and selected in the manner most acceptable to the church.

(2) The Chairman of the Council shall be the Bishop or his nominee and a quorum of the Council shall be such number as the Council may fix from time to time.

(3) At meetings of the Council all matters shall be determined by simple majority vote and a decision or resolution of Council shall for the purposes of this Law be deemed to be the decision of a simple majority of the members of Council for the time being.

(4) In any case in which voting is equal, the Chairman shall, in addition to an original vote, have a casting vote.

(5) Subject to subsection (3) the Council shall have the power to regulate its own procedure.

Constitution of
body corporate.

4. (1) There is hereby constituted for the purposes set forth in this Law a corporation, or body politic that shall consist of five persons being:—

(a) The Bishop and the Diocesan Secretary for the time being of the Diocese of Jamaica in the Province of the West Indies and the Reverend Weevil Gordon, or the person who for the time being is the senior superintending Clergyman of the Church, and

(b) Two members of the Church resident in the Islands, who shall be selected in the manner most acceptable to the Church;

and the Council may appoint the successors of such members of the Corporation as vacancies occur, whether by death, resignation, removal or otherwise, as soon as may be found convenient after such vacancy occurs.

(2) No act or proceeding of the corporation shall be invalidated by reason of any vacancy in the body or in any of the offices in subsection (1) hereof, or by any defect in the appointment of any person to any such office.

(3) The fact that any vacancy exists at any time among the members of the corporation shall not affect the continuance of the corporation.

(4) The corporation shall have continuance forever and perpetual succession by the name the "Anglican Church in the Cayman Islands" and by that name may sue or be sued, plead and be impleaded in all Courts of Law or Equity.

(5) No deed or document purporting to be executed by the corporation shall be of any force or validity unless it is sealed with the seal of the corporation and signed by three members, two of whom shall be from among those in the category listed in paragraph (a) of subsection (1) of section 4.

Removal of
Members.

5. Save and except the Bishop and Diocesan Secretary, the Council may without cause and without giving any reason remove any of the other three members of the corporation and substitute another or others.

Non-liability
of Members.

6. No member of the corporation shall be in any way personally responsible as such, or as a trustee of any of the lands, hereditaments, goods, chattels, or effects, for the time being vested in the corporation, for or in respect of any debt due, owing or accruing or hereafter to accrue, upon or in reference to such trust property nor for any involuntary loss suffered by the corporation or any member thereof, nor for money that shall come into his hands, nor for any injury which may be done by others to the said trust property or any part of parts thereof.

Common seal.

7. The corporation shall have a common seal which shall be of such design and pattern as the corporation may from time to time deter-

mine; and it shall be lawful for the corporation to break, alter or renew the said seal as they think proper.

Power to make rules.

8. In respect of all matters within the discretion, or subject to the election, decision, control or management of the corporation or the members thereof, it shall be lawful for the corporation in a meeting from time to time or any time or times, to make such rules, in harmony with the purposes of the corporation, as may be deemed desirable: —

- (a) for convening and adjourning the meetings of the corporation;
- (b) conducting its business;
- (c) carrying into effect the trusts and powers vested in or conferred upon the corporation;
- (d) recording its proceedings; and
- (e) generally for the carrying out of the objects of the corporation and to revoke, alter, add or modify all or any such rules and all rules in force shall be binding on the members of the corporation.

Temporary provisions.

9. Until and except as such rules shall be so made and be in force, and subject thereto: —

- (a) The Bishop, and in his absence, the Diocesan Secretary, shall be the convener with full powers as such; and in the absence of both, any member of the corporation may be the convener;
- (b) In all cases of a difference of opinion, the decision of a simple majority of the members for the time being of the corporation shall be deemed to be the decision or act of the corporation;
- (c) Members may, in cases where personal attendance can be dispensed with, express their opinion in writing addressed to the convener, and the opinion so expressed may be recorded as the vote of the absentee member.

Vesting of property.

First Schedule.

10. (1) The lands and hereditaments mentioned or referred to in the First Schedule hereto and all estate and interest of all and every and any of the grantees named in the several deeds or entered as proprietors in the Register of Lands of the Islands mentioned in the First Schedule, their heirs and assigns of and in the lands and hereditaments by such deeds or transfers or entered in such Register or any of them vested in or granted to such grantees or such proprietors of any of them for any estate or interest, or mentioned so to be, and all other lands and hereditaments (if any) and all goods, chattels, and personal property, in the Islands which are now legally or equitably the property of the Church in Jamaica in the Province of the West Indies are held in trust for the purposes of the said body or are now held possessed, used, occupied or enjoyed on behalf of the Church or as Church property by the Church, or by the officials, ministers or members of the Church, or any of them, or by any person or persons

holding under such officials, ministers or members, of any of them, are hereby transferred to and vested in the corporation, their successors and assigns, subject to such rights mortgages charges trusts or encumbrances and reservations (if any) affecting the same or any part thereof.

(2) All property real and personal in the Islands devised or bequeathed by will or otherwise given to the Church or to any person for the benefit of the Church shall be held by, and is hereby vested, and shall be deemed to be the property of the corporation.

Powers of
corporation.

11. (1) The corporation has full powers for the benefit and purposes of the Church or for any special purpose or purposes of or connected with the work of the Church in the Islands any lands, hereditaments, goods, chattels and effects or real or personal property, or any estate or interest therein:

- (a) to acquire by purchase, transfer, donation, exchange, devise, bequest, grant, gift, conveyance or otherwise;
- (b) to give, grant, let, charge, improve, manage, develop, exchange, lease, mortgage, sell, convey, assign, dispose of, turn to account, or otherwise deal with all or any of the property both present and future, so held or any part thereof;
- (c) to receive money on loan and borrow, raise or secure money in such manner as the corporation shall think fit and in particular by the issue of bonds, debentures or debenture stocks (perpetual or otherwise) and to secure the repayment of any money borrowed, raised, secured or owing by mortgage, charge or lien upon all or any of the property or assets of the corporation;
- (d) to draw, make, accept, indorse, discount, excute and issue promissory notes, bills of exchange, debentures, bonds and other negotiable or transferable instruments;
- (e) to do all other things as the Council may from time to time declare and publish in two issues of the Gazette or as may be deemed incidental or conducive to the attainment of the above objects or any of them.

(2) The objects specified in this Law and in each of the foregoing paragraphs of this section shall be regarded as independent objects.

Trusts upon
which property
held.

12. All lands and hereditaments hereby vested in or which may hereafter at any time be acquired by or become vested in, the corporation shall be held, occupied, possessed and enjoyed, upon such general or special trusts, and for such general or special purposes, and with and subject to such general or special powers and provisions, as shall from time to time, or at any time or times, in respect of all or any of such lands, be described by resolution of the Council and until and subject to such declarations, and so far as the same shall not extend,

Second Schedule.	upon the trusts and for the purposes, and with and subject to the powers and provisions, mentioned and set forth in the Second Schedule hereto.
Power to appoint attorneys.	13. It shall be lawful for the corporation, from time to time when and as it may be deemed necessary or advisable, by deed to appoint a person or persons as the attorney or attorneys of the corporation, or of the members thereof, either generally, or for a limited period or on specified conditions and without limiting the generality of the foregoing for all or any of the purposes following, that is to say: — (a) taking possession or taking care of, or managing or collecting the rents of, any property real or personal for the time being vested, or claimed to be vested, in the corporation; (b) enforcing or carrying into effect the trust or provisions affecting or relating any such property real or personal; and (c) carrying out the directions of the members of the corporation or of the Council in respect of the same trust premises, or any of them, and such appointments and powers of attorney may from time to time at the corporation's pleasure be revoked and determined by deed.
Power to dispose of property.	14. (1) The corporation may from time to time, as may be deemed desirable, sell and dispose of, transfer, exchange, lease, rent out or convey, any lands, hereditaments, buildings, goods, chattels or effects, for the time being vested in the corporation. (2) Notwithstanding the provisions in subsection (1) hereof, no land, hereditaments, buildings or real property shall be sold, disposed of, exchanged or conveyed, or leased or rented for any term longer than from year to year without the expressed concurrence and approval of the Council.
Application of proceeds of property.	15. All rents, issues and profits of the lands and hereditaments vested in or acquired by the corporation, and all proceeds of such of them as shall be sold or exchanged, shall be paid to the Council for the purposes of the Church in the Islands.
Reference of questions and disputes to Council.	16. In all cases of any questions or disputes in reference to the trusts, powers or provisions affecting any lands or hereditaments vested in or claimed to be vested in the corporation, or the exercise or enforcement thereof, or in reference to the doctrines or usages of the Church in relation to any such lands, or the occupancy, charge or superintendence thereof, or any trusts or provisions affecting the same, or in reference to the members of the corporation, or in reference to the right of any minister or person to occupy or of any board or committee to superintend, or take or keep charge of any such lands or hereditaments, or any part thereof, or any buildings thereon, the same shall be referred to the Council, and its decision thereon shall be absolutely binding and conclusive as to such question or dispute.
Evidence of acts.	17. For the purposes of this Law, any resolution, decision or document purporting to be signed by the Chairman and the Secretary

of Council and purporting to be proved by a voluntary declaration of such (as the case may be) shall be prima facie evidence of the official status of the parties signing the same, and also of the facts therein stated, in all Courts of and elsewhere in the Islands.

Reservation of rights.

18. Nothing herein contained shall affect or be deemed to affect the rights of Her Majesty the Queen or of any bodies politic or corporate, or other person or persons, except such as are mentioned or referred to in this Law and except those claiming by, from, through, or under them.

FIRST SCHEDULE

LAND REGISTRY BLOCK AND PARCEL NUMBERS

BLOCK	NUMBER
13D	88
13D	89
13D	90

SECOND SCHEDULE

Upon trust to permit and suffer the lands and hereditaments and the erections and buildings for the time being thereon, and their appurtenances, to be used and occupied only for such purposes connected with the Church or the educational or training work of the Church, as the Council shall from time to time direct, appoint, sanction or approve.

To permit and suffer the Church or place of religious worship, theological or educational training institutions, youth centres, schools, vestries, dwelling houses, offices, outrooms and other buildings and conveniences to be erected or built upon the said lands and hereditaments, or being built or erected to be enlarged, altered, improved, repaired, removed or pulled down, as and whenever the Council shall from time to time or at any time direct, sanction or approve.

To permit and suffer the Church or place of religious worship for the time being upon such lands and hereditaments to be used occupied and enjoyed, solely as a place for the religious worship and service of God, and the preaching of the Gospel and expounding and teaching the Holy Scriptures, according to the doctrines and usages professed and observed by the Church in Jamaica in the Province of the West Indies in full communion with the See of Canterbury and the Anglican Communion throughout the world.

To permit and suffer to officiate in each Church or place of worship on the said hands, and to have the conduct, direction and management, of the services, worship and teaching therein, such minister or ministers or other person or persons only as shall be thereunto for the time being duly appointed in accordance with the rules, regulations and practices of the Church in Jamaica in the Province of the West Indies or such person or persons as shall from time to time be thereunto requested by such minister so appointed as aforesaid.

To permit and suffer such dwelling house on the said lands and hereditaments as shall or may at any time be assigned as a residence for the minister in charge

of or connected with any chapel or mission station of the said Church, and the sub-offices and appurtenances thereof including so much land as shall be attached thereto as incident to such residence, to be used, occupied, possessed and enjoyed by the minister for the time being in charge of, or appointed to or connected with, such church in accordance with such rules, regulations and practices as aforesaid, as a residence for himself and his family.

To permit and suffer such part of the said lands and hereditaments (if any) as may be set apart as a burial ground to be used by the minister and members of the said church:

Provided that the minister or persons already in charge of any church on the said lands, or any of them as the minister thereof shall be deemed to be so in charge by the appointment and with the approval of the church aforesaid, but that whenever any authority of the church having jurisdiction over any minister or person in charge of any such lands, shall, in the exercise of the powers committed to it, declare by any resolution or other official act any now existing or future appointment of any such minister or person in respect of the said lands, or any part thereof, or of any church at an end, such minister or person shall thereupon absolutely cease to be entitled to the privileges or benefits of the trusts aforesaid.

To permit every church built on such lands to be used under the authority of Council according to the doctrines and usages professed and observed by the Church in Jamaica in the Province of the West Indies in full communion with the See of Canterbury and the Anglican Communion throughout the world, and also to permit and suffer every such church building and the lands associated with the Church to be supervised and maintained by the Church Committee provided nevertheless that the Council shall have the final authority in all matters relating to such Churches.

To permit and suffer every school, training institution, youth centre and other facility built on such lands to be used under the authority of Council according to the doctrine and usages professed and observed by the body known as the Church in Jamaica in the Province of the West Indies in full communion with the See of Canterbury and the Anglican Communion throughout the world, and also to permit and suffer every such abovementioned institution to be superintended only by such Committee as shall be duly approved by Council, provided nevertheless that Council shall have the final authority in all matters referring to such institutions as mentioned above:

Provided also nevertheless that it shall be lawful for the corporation, in the manner and under the circumstances, and to the extent and subject to the limitations and with the sanction or approvals provided or required by the law incorporating them but not otherwise, to convey and assure, sell or exchange, or lease or otherwise deal with the said lands, hereditaments and premises, or any of them or any part thereof.

Passed the Legislative Assembly this 6th day of September, 1979.

T. RUSSELL
President

ALINE WOOD
Acting Clerk of the Legislative Assembly