

LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977

CHAPTER 89

RELIGIOUS BODIES REGISTRATION

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Definition of religious body
3. Registration of religious body
4. Registration of trustees
5. Change of trustees
6. Actions to be brought by or against trustees
7. Trustees to be beneficial owners of property

SCHEDULE

An Ordinance to provide for the registration of religious bodies and the trustees of religious bodies for the purposes of actions and the holding of property

3 of 1947
(Cap. 80 of
1952)
8 of 1971
(Cap. 28 of
1973)

Commencement: 21st March 1947 L.N. 16/74

1. This Ordinance may be cited as the Religious Bodies Registration Ordinance. Short title

2. "Religious body" means any congregation, society or body in the Gilbert Islands consisting of or representing not less than 50 persons of the age of 21 years and upwards holding religious tenets in common and which has its own system of discipline and internal government. Definition of religious body

3. (1) Any religious body as defined by this Ordinance may be registered as a religious body under this Ordinance. Registration of religious body

(2) A request for registration shall be submitted to the Minister by the duly recognised head of such religious body and shall be signed by such person and by 5 other members of the body in the presence of an administrative officer; and such request shall state the number of adherents to such body in the Gilbert Islands, the religious denomination of the body and the name in which it is desired to register such body:

Provided that if the religious body so requesting registration

does not include and represent the adherents for the whole of the Islands to the religious denomination to which it belongs then such request shall include a consent to such application for registration by the duly recognised head in the Islands of the religious denomination to which such body belongs.

(3) The Minister after making such inquiries as he shall deem necessary for the purpose of confirming any of the matters included in such request may at his discretion register the name and particulars of such religious body in a register book kept for that purpose and shall thereupon furnish to such religious body a certificate of registration in the Form 1 set out in the Schedule.

Schedule

Registration of trustees

4. (1) A memorial of the names of the trustees for any religious body so registered shall be submitted to the Minister for registration, provided that the trustees for any such religious body shall not exceed 5 in number.

(2) Such memorial shall be in the Form 2 in the Schedule and shall be signed by the head of such religious body and two of the ministers, priests, deacons or elders thereof, and shall state that such trustees have been properly appointed in accordance with the constitution of such religious body:

Provided that the memorial of the names of trustees in respect of a religious body which does not include and represent the adherents for the whole of the Gilbert Islands to the religious denomination to which it belongs shall include a consent thereto by the duly recognised head in the Islands of the religious denomination to which such body belongs.

(3) On receipt of such memorial the Minister shall enter the particulars thereof in a register book kept for that purpose and upon such registration the names of the persons for the time being so registered shall be taken for all purposes as the names of the trustees of such religious body.

Change of trustees

5. In the event of the death, resignation, or removal from his trust of any trustee of a religious body, the requisite alteration in the names of the trustees of such body shall be effected by a memorial in the Form 3 in the Schedule to be signed and registered in the same manner as is prescribed by section 4 for the registration of a memorial of trustees and until such memorial is so registered such appointment of a new trustee shall have no operative effect.

Actions to be brought by or against trustees

6. (1) All actions and proceedings at law instituted or brought in relation to the property in the Gilbert Islands of any religious body shall be instituted or brought by or against the persons

registered as trustees for the time being of such religious body and any such action or proceeding shall be carried to its final termination notwithstanding any alteration in the registered trustees of such religious body after such action or proceeding has been commenced.

(2) All actions and proceedings instituted or brought on behalf of a religious body shall be instituted or brought by the trustees of such religious body at their discretion and any sum ordered by any court to be paid by any such trustees, either as damages, costs or otherwise, shall, unless the court shall order to the contrary, be payable out of the property of the religious body vested in such trustees.

7. (1) The trustees registered under this Ordinance shall for all purposes of dealing with any interest in land or other property be treated as the beneficial owners thereof:

Trustees to be
beneficial
owners of
property

Provided that in no case shall any such interest in land or other property devolve on the heirs or personal representatives of any trustee.

(2) Where any interest in land or other property has been or is hereafter acquired by or on behalf of any religious body the assurance vesting such property in such trustees shall not only vest the property assured in the parties named therein but shall also effectually vest the same in the survivor or survivors of such trustees and, on the appointment of new trustees, in the new trustees for the time being together with the continuing trustees, if any, jointly, or if there are no such continuing trustees then in such new trustees and in each such case such new trustees shall be registered in accordance with sections 5 and without any further transfer or assurance whatsoever.

(3) The trustees for the time being registered under this Ordinance may give, sell, exchange, lease or otherwise deal with any of the property vested in such trustees and may give a valid receipt for any moneys paid to them in respect of the sale, exchange, lease or dealing with any such property.

SCHEDULE
(Sections 3, 4 and 5)

FORM 1
(Section 3 (3))

RELIGIOUS BODIES REGISTRATION ORDINANCE
(CAP. 89)

CERTIFICATE OF REGISTRATION

This is to certify that
(Name of body) of the _____ religious denomination has this day been
registered under the above Ordinance as a religious body.
Dated this _____ day of _____, 19 _____

Minister

FORM 2
(Section 4)

RELIGIOUS BODIES REGISTRATION ORDINANCE
(CAP. 89)

MEMORIAL OF APPOINTMENT OF TRUSTEES

Memorial of the names of trustees for the _____ (Name of religious body)

- (1) (Name) _____ (Address) _____
 (2) (Name) _____ (Address) _____
 (3) (Name) _____ (Address) _____
 (4) (Name) _____ (Address) _____
 (5) (Name) _____ (Address) _____

We certify that the above-named trustees were properly chosen and appointed
in accordance with the constitution of the _____ (Name of religious body)

by _____ (Method of appointment) on the
day of _____, 19 _____

(Head of religious body)
(Minister or Elder)
(Minister or Elder)

I consent to the above memorial of trustees being registered.

(Head of Religious Denomination
in the Gilbert Islands)

FORM 3
(Section 5)RELIGIOUS BODIES REGISTRATION ORDINANCE
(CAP. 89)

MEMORIAL OF APPOINTMENT OF NEW TRUSTEES

Memorial of the names of continuing and new trustees for the
(Name of religious body)

1. Continuing trustees—

- (1) (Name) (Address)
- (2) (Name) (Address)
- (3) (Name) (Address)
- (4) (Name) (Address)

2. New trustees—

- (1) (Name) (Address)
- (2) (Name) (Address)
- (3) (Name) (Address)
- (4) (Name) (Address)

We certify that the above-named new trustees were properly chosen and appointed in accordance with the constitution of the

(Name of religious body)

by (Method of appointment) on the day of
19

(Head of religious body)
(Minister or Elder)
(Minister or Elder)

I consent to the above memorial of appointment of new trustees being registered.

(Head of Religious Denomination
in the Gilbert Islands)

THE REPUBLIC OF KIRIBATI
(No. 5 of 1985)

I assent,

M. Tabai
Beretitenti
10/9/1985

AN ACT TO AMEND THE RELIGIOUS BODIES
REGISTRATION ORDINANCE (CAP 89)

Commencement:

10/9/85

MADE by the Mancaba ni Maungatabu and assented to by the Beretitenti.

Short title.

1. This Act may be cited as the Religious Bodies Registration (Amendment) Act 1985.

Amendment of
Section 2 of
Cap 89.

2. Section 2 of the Religious Bodies Registration Ordinance (Cap 89) is amended in the definition of "Religious Body" by:

(i) repealing the words "50 persons of the age of 21" and substituting the following:

"2 per cent of persons of the age of 18 years"; and

(ii) inserting after "upwards" the following:

"as indicated in the latest report of the Census Commissioner on the census of the inhabitants of Kiribati taken pursuant to the Census Ordinance (Cap 8)".

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3. Nothing in this Act shall in any way affect or invalidate the registration of any religious body duly registered and made under the Religious Bodies Registration Ordinance (Cap 84) before the commencement of this Act.

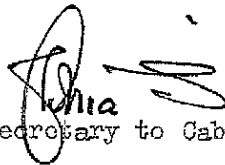
This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 2nd day of September, 1985 and it is found by me to be a true and correctly printed copy of the said Bill.



Clerk to the Maneaba
ni Maungatabu

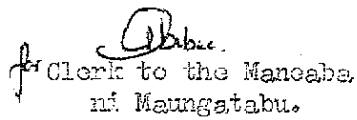
Published by exhibition -

(a) at the Public Office of the Boretitenti this
10th day of September 1985.



Secretary to Cabinet

(b) at the Maneaba ni Maungatabu this 10th day
of September 1985.



Clerk to the Maneaba
ni Maungatabu.

RELIGIOUS BODIES REGISTRATION (AMENDMENT) ACT 1985

EXPLANATORY MEMORANDUM

1. This Act amends section 2 of the Religious Bodies Registration Ordinance which defines a religious body as "any congregation society or body in Kiribati consisting of or representing not less than 50 persons of the age of 21 years and upwards holding religious tenets in common and which has its own system of discipline and internal government".

2. The proposed amendment is contained in Clause 2 of the Act. It seeks to increase the number of the members of a religious body, before it can qualify to register as a religious body from the current number of 50 persons of the age of 21 years to 2 per cent of persons of the age of 18 years of the whole population of Kiribati as contained in the latest Kiribati Census Report of the Census Commissioner taken under the Census Ordinance.

3. All religious bodies which had been registered under the Religious Bodies Ordinance before the Commencement of the Act will not in any way be affected by this Act if it becomes law. This is contained in clause 3 of the Act.

Michael N. Takabwebwe
The Attorney General

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflicts with the Constitution and that the Berotitenti may properly assent to the Act.

Michael N. Takabwebwe
The Attorney General

4 March 1985