



ST. CHRISTOPHER AND NEVIS

CHAPTER 24.10

ST. KITTS DISTRICT OF THE WESLEYAN HOLINESS CHURCH ACT

Revised Edition

showing the law as at 31 December 2017

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ST. KITTS DISTRICT OF THE WESLEYAN HOLINESS CHURCH ACT

Act 5 of 1989 ... in force 15th November 1989

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by
The Regional Law Revision Centre Inc.,
P.O. Box 1626, 5 Mar Building,
The Valley, AI-2640, Anguilla,
West Indies.

Available for purchase from—

Attorney General's Chambers,
Government Headquarters, P.O. Box 164,
Church Street, Basseterre, St. Kitts,
West Indies

Tel: (869) 465-2521

Ext. 1013

Tel: (869) 465-2127

Fax: (869) 465-5040

Email: attorneygeneral@gov.kn

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CHAPTER 24.10

ST. KITTS DISTRICT OF THE WESLEYAN HOLINESS CHURCH ACT

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CHAPTER 24.10

ST. KITTS DISTRICT OF THE WESLEYAN HOLINESS CHURCH ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ST. KITTS DISTRICT OF THE WESLEYAN HOLINESS CHURCH TO PERFORM THE FUNCTIONS FORMERLY PERFORMED BY THE PILGRIM HOLINESS CHURCH; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the St. Kitts District of the Wesleyan Holiness Church Act.

Interpretation.

2. For the purposes of this Act—

“Board” means the District Board of Administration;

“Church” means the District Church of the Wesleyan Holiness Church established under this Act;

“Conference” means the District Conference referred to in section 5;

“Discipline” means the Discipline of the Wesleyan Holiness Church (current edition);

“former Church” means the Church known as the Pilgrim Holiness Church incorporated under the Pilgrim Holiness Church Incorporation Act (Cap. 319) whose functions are to be performed by the District Church established under this Act;

“General Church Conference” means the General Conference of the Wesleyan Holiness Church of the Caribbean with headquarters in St. Michael, Barbados.

Establishment of the Wesleyan Holiness Church.

3. (1) For the purposes of this Act, there is hereby established a body to be known as the St. Kitts District of the Wesleyan Holiness Church hereinafter referred to as “the Church”.

(2) The Church shall be a body corporate and shall consist of the officers and members of the former church and such other persons as may hereafter become officers and members of the Church in the manner specified in Chapter II of Part II of the Discipline.

(3) This Act shall operate to vest in the Church—

(a) the power to sue in its corporate name;

(b) the power to enter into contracts in its corporate name, and to do so that, in relation to third parties, the Church shall be deemed to have the same power to make contracts as an individual has;

(c) the right to have a common seal and to alter or change that seal at pleasure;

(d) the right to acquire and hold any real or personal property for purposes for which the Church is constituted and to dispose of or charge such property at pleasure as specified in the Discipline;

(Amended by Act 8 of 2010)

- (e) the right to regulate its own procedure and business as specified in the Discipline; and
 - (f) the right to employ such staff as may be necessary for the performance of its functions as specified in the Discipline.
- (4) This Act shall operate—
- (a) to make the Church liable to be sued in its corporate name;
 - (b) to require that judicial notice shall be taken of the common seal of that body, and that every document purporting to be a document sealed by that body and to be attested to in accordance with any enactment applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof;
 - (c) to vest in the majority of the members of the Church the power, subject to any quorum fixed by the Discipline or the by-laws to bind members thereof.

Functions of the Church.

4. The functions of the Church shall be inter-religious, charitable and educational and in keeping the purposes of the Wesleyan Holiness Church as specified in the Discipline.

By-laws.

5. (1) The Conference may, subject to the approval of the General Conference make by-laws for complying with the functions of this Act.
- (2) By-laws made under this Act shall not be inconsistent with the Discipline.

Transfer of property to Church.

6. (1) All property (including rights) vested immediately before the commencement of this Act in the former Church shall, as from the commencement of this Act, be vested in the Church.

(2) All liabilities incurred by or on behalf of the former Church in respect of its functions under the Pilgrim Holiness Church Incorporated Act and any rules or by-laws made thereunder and subsisting immediately before the commencement of this Act, shall as from that day, have effect as if they had been incurred by the Church.

(3) All books, records, furniture, equipment and other things relating thereto in the possession of the former Church immediately before the commencement of this Act shall immediately be delivered to the Church.

(4) Any contract made before the commencement of this Act by or on behalf of the former Church, shall as from that day, be construed with such modifications and adaptations as may be necessary to give effect to the provisions of this section.

(5) Subject to this section, the Church shall have the like rights, powers, remedies (including, in particular, rights and powers as to taking legal proceedings) for ascertaining, perfecting or enforcing any rights or liabilities vesting in or attaching to the Church under this section as if they had at all times been rights and liabilities of the Church.

(6) All civil proceedings commenced before the commencement of this Act in any court in the State of Saint Christopher, Nevis and Anguilla by or against the former Church in respect of the functions to be transferred to the Church, may be continued by or against the Church, and any such proceedings may be amended accordingly.

Transfer of employees of former church.

7. Any minister of religion or other staff who immediately before the commencement of this Act was employed in the service of the former Church shall, as from that day, be transferred to the service of the Church.

Savings section.

8. Nothing in this Act is intended to affect or benefit, any particular person, association or corporate body or the rights of the Crown, all bodies politic and corporate and all others except as are mentioned in this Act.
