

EXPLANATORY STATEMENT

CHURCH LANDS LEASES (AMENDMENT) ORDINANCE 1986

NO 39 OF 1986

The Church Lands Leases Ordinance 1924 (“the Principal Ordinance”) empowered the Minister to grant to each denomination a perpetual lease of land for church purposes. A lease so granted is free of charges and municipal rates. The objective of the Principal Ordinance has been substantially fulfilled. The major denominations have received land grants and have sites on which they may establish the national headquarters and identity for their respective denominations.

The Church Lands Leases (Amendment) Ordinance 1986 (“the amending Ordinance”) amended the Principal Ordinance to remove the power, which existed before this amendment, to grant leases under the Principal Ordinance, apart from leases for which applications have already been made. The rights of existing lessees, and of persons who might be granted leases pursuant to outstanding applications, to surrender leases and be granted leases in substitution for those leases have been preserved by the amending Ordinance. It will still be possible under the Leases (Special Purposes) Ordinance 1925 to grant leases on a concessional basis for church purposes.

Details of the amending Ordinance are as follows:

Sections 1 and 2 deal with interpretation.

Section 3 will amend section 3 of the Principal Ordinance by repealing sub-section 3 (1) which empowers the Minister to grant leases of land for church purposes and substituting a new sub-section 3 (1) which empowers the Minister to grant a lease of land for church purposes where a lease of land under the Principal Ordinance has been surrendered. The lease must be granted to the body that was the lessee under the surrendered lease immediately before it was surrendered. Sub-section 3 (3) of the Principal Ordinance, which limits each denomination to one lease, is of no further utility and is repealed.

Section 4 repeals section 4 of the Principal Ordinance which provides for the allocation of preference where more than one application is made in respect of the same land.

Section 5 is a saving provision which provides:

- (a) that a lease in force immediately before the commencement of the amending Ordinance will continue in force and have effect according to its tenor; and

- (b) that where the Minister has received an application for a lease before the commencement of the amending Ordinance, sub-sections 3(1) and 3(3) of the Principal Ordinance continue to apply to the application.

Section 6 makes formal amendments which do not affect the operation of the Principal Ordinance.

Ord 48/86