



Tuvalu

RELIGIOUS BODIES REGISTRATION ACT

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Tuvalu

RELIGIOUS BODIES REGISTRATION ACT

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Tuvalu

RELIGIOUS BODIES REGISTRATION ACT

AN ACT TO PROVIDE FOR THE REGISTRATION OF RELIGIOUS BODIES AND THE TRUSTEES OF RELIGIOUS BODIES FOR THE PURPOSES OF ACTIONS AND THE HOLDING OF PROPERTY¹

Commencement [21st March 1947]

1 Short title

This Act may be cited as the Religious Bodies Registration Act.

2 Definition of religious body

“**Religious body**” means any congregation, society or body in Tuvalu consisting of or representing not less than 50 persons, or such greater number of persons as the Minister specifies by order, of the age of 18 years and upwards holding religious tenets in common and which has its own system of discipline and internal government.

3 Registration of religious body

- (1) Any religious body as defined by this Act may be registered as a religious body under this Act.
- (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 Tuvalu, 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 Tuvalu 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 Tuvalu 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.

4 Registration of trustees

- (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 Tuvalu to the religious denomination to which it belongs shall include a consent thereto by the duly recognised head in Tuvalu 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.

5 Change of trustees

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.

6 Actions to be brought by or against trustees

- (1) All actions and proceedings at law instituted or brought in relation to the property in Tuvalu 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 Trustees to be beneficial owners of property

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

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 section 5 and without any further transfer or assurance whatsoever.
- (3) The trustees for the time being registered under this Act 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.

8 Cancellation of registration

- (1) If at any time it appears to the Minister that the membership of a registered religious body —
 - (a) is less than such number, as the Minister for the purposes of this section specifies by order, of persons of the age of 18 years and upwards holding religious tenets in common; and
 - (b) has been so for one year or more,he may apply to the High Court to order that the registration of the religious body be cancelled.
- (2) The number specified by the Minister by order under subsection (1) shall not be greater than 75 percent of the number specified by order under section 2.

- (3) On an application under subsection (1) —
- (a) the Minister shall give notice of the application to the trustees of the religious body;
 - (b) the Court may hear any representations which the trustees of the religious body may wish to make;
 - (c) the Court may make an order cancelling the registration of the religious body under this Act if it considers it just and equitable to do so in all the circumstances;
 - (d) if the Court makes an order under paragraph (c) it shall also provide in the order for the vesting or disposal of any property vested in the trustees of the religious body under section 7.

9 Regulations

The Minister may make regulations generally for the better carrying out of the objects and purposes of this Act.

SCHEDULE

(Sections 3, 4 and 5)

FORM 1 (Section 3 (3))

RELIGIOUS BODIES REGISTRATION ACT

CERTIFICATE OF REGISTRATION

This is to certify that(Name of body) of thereligious denomination has this day been registered under the above Act as a religious body.

Dated thisday of, 20.....

.....

Minister

FORM 2 (Section 4)

RELIGIOUS BODIES REGISTRATION ACT

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, 20

(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 Tuvalu)

FORM 3 (Section 5)

RELIGIOUS BODIES REGISTRATION ACT

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 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, 20

(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 Tuvalu)

ENDNOTES

¹ 1990 Revised Edition, Cap. 28 – Acts 3 of 1947, 8 of 1971, 2 of 1988, LN 16/1974