

CHAPTER 432

DUTCH REFORMED CHURCH

Ordinance
No. 9 of 1926.

AN ORDINANCE TO INCORPORATE THE GENERAL CONSISTORY OF THE DUTCH REFORMED CHURCH IN CEYLON.

[3rd November. 1926]

Preamble.

Whereas by Ordinance No. 12 of 1896 the members of the consistory of the Dutch Reformed Church at Wolvendaal, Colombo, were incorporated under the name of "The Consistory of the Dutch Reformed Church at Wolfendahl, Colombo ":

consistory, and that the said churches should likewise hereafter be governed by the provisions of this Ordinance :

And whereas it was in the said Ordinance provided that for the purposes thereof the Dutch Reformed Church at Wolvendaal should be held to include the branch churches at Bambalapitiya and Maligakanda and any churches to be thereafter erected by the said consistory :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

And whereas churches have since been erected by the said consistory at Regent Street, at Wellawatta, and at Dehiwela:

1. This Ordinance may be cited as the General Consistory of the Dutch Reformed Church in Ceylon Ordinance.

Short title.

And whereas there are branches of the Dutch Reformed Church at Galle and at Matara under the control and management of their respective consistories :

2. Within three months of the passing of this Ordinance the said "Consistory of the Dutch Reformed Church at Wolfendahl, Colombo ", shall constitute consistories for the churches at (1) Wolfendahl, (2) Bambalapitiya, (3) Regent Street and Maligakanda, (4) Wellawatta and Dehiwala, and (5) Galle and Matara, each such consistory to consist besides the minister in charge who shall be president, of six members, namely, two Elders and four Deacons. The mode of election of members for the said consistories and their due ordination and installation in office shall be subject to the terms of section 2 of the Schedule to the said Ordinance No. 12 of 1896.

Constitution of local Consistories.

And whereas for the purpose of more effectively transacting the affairs of the said several churches and of promoting the welfare of the Dutch Reformed Church in Ceylon generally, it is deemed expedient to have separate local consistories for the management and control of one or more churches as circumstances may require, together with a general consistory in which shall vest all property and which shall have a general supervising authority, and the consistories of the said churches at Galle and at Matara have expressed their desire that the property, movable and immovable, now possessed by them or their said churches should vest in such general

3. Within a month after the said local consistories have been so constituted the said " Consistory of the Dutch Reformed Church at Wolfendahl, Colombo" shall meet and duly pass a resolution* recording the constitution of the said local consistories and confirm the minutes of the said meeting, and thereupon the said " Consistory of the Dutch Reformed Church at Wolfendahl, Colombo " shall stand

Coming into existence of the general consistory.

* Resolution passed on 8th January, 1927.

dissolved and the General Consistory of the Dutch Reformed Church in Ceylon shall come into existence consisting of all the members of the said local consistories, and it shall so consist for a period of one year and thereafter until the constitution thereof be altered by a rule to be made under section 10 (3) (d) hereof providing for representation of local consistories on the general consistory.

Lanka or elsewhere in the name of the said " Consistory of the Dutch Reformed Church at Wolfendahl, Colombo " or of either of the said consistories of the Dutch Reformed Churches at Galle and at Matara or in the name of their respective churches or of any person or persons as trustee or trustees of any of the said churches shall be, and the same are hereby declared to be transferred and vested as from and after the said date in the said General Consistory of the Dutch Reformed Church in Ceylon and their successors in the corporate name as fully as if the same had been assigned and transferred by the consistory or consistories, church or churches, or person or persons, trustee or trustees in whose name or names the same are now held to the said corporation. And the said corporation shall have full power to assign, transfer, and dispose of all such mortgages and other securities to which they shall be entitled as the said corporation shall think proper.

Incorporation of the general consistory.

4. From and after the date of the said general consistory coming into existence the members thereof shall be a corporate body under the name of "The General Consistory of the Dutch Reformed Church in Ceylon " and by the said name they shall have perpetual succession and shall and may use a common seal with power to alter and change the same at their pleasure.

It may sue and be sued.

5. They and their successors by the same name may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all and any courts whatsoever and before any Judge, Magistrate, or judicial officer within Sri Lanka, in all manner of actions, suits, complaints, matters, and causes whatsoever.

May hold property.

6. They and their successors by the name aforesaid shall be able and capable in law of holding all such estate, movable and immovable, as hath been already held or acquired by the said " Consistory of the Dutch Reformed Church at Wolfendahl, Colombo " and by the consistories of the Dutch Reformed Churches at Galle and at Matara respectively or hath in any wise howsoever been vested in the said consistories or their respective churches or in any person or persons as trustee or trustees for them or any of them, and of having, taking, and holding for ever after the said date other estate, movable and immovable, either by purchase, gift, devise, or legacy to and for the use and benefit of any church for the time being in connexion with the said General Consistory of the Dutch Reformed Church in Ceylon, with full power to sell, mortgage, lease, exchange, or otherwise dispose of and deal with the same.

8. The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of the president of the said general consistory for the time being (or in his absence the vice-president) and of either the treasurer or book-keeper thereof for the time being, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Affixing of seal-

9. The said general consistory may from time to time make rules and when made, alter and amend the same as may appear to them necessary for the purpose of the exercise of their rights, powers, and duties in connexion with the property vested in them and as the supervising authority over local consistories and for the due administration by the local consistories of their respective churches. They may also, if they see fit, frame and adopt a constitution and a liturgy for the Dutch Reformed Church in Ceylon, and as occasion demands alter and amend the same, in consonance with the constitution and liturgy of the Dutch Reformed Church.

General power to make rules.

All property to be vested in the general consistory.

7. All moneys, goods, claims, actions, mortgages, and other securities for money, lands, and tenements being held in Sri

10. The power of the said general consistory to make rules hereunder as aforesaid shall include, without prejudice to

Special purposes for which rules may be made.

the generality of the powers hereby conferred, power to make rules for or with respect to all or any of the following purposes, namely:—

(1) Procedure, including—

(a) the regulation of general consistory and local consistory meetings ;

(b) the form in which estimates, budgets, statements, and returns incidental to the business of the general consistory or local consistories shall be drawn up;

(c) the form in which the accounts of the general consistory and local consistories shall be kept, and provision for the due auditing thereof;

(d) the filling of the offices of president, vice-president, treasurer, and book-keeper of the general consistory and any other offices.

(2) Ministers, including—

(a) the appointment and service of ministers from time to time, and the relation generally of ministers to local consistories and the general consistory;

(b) the stipends of ministers and provision therefor from the funds and property vested in the general consistory and from contributions made by or assessed upon congregations;

(c) the granting of leave of absence to ministers and supplying the place of absent ministers;

(d) the provision of pensions and gratuities to ministers, if so decided.

(3) Local consistories, including—

(a) the constitution and recognition of local consistories from time to time and the amalgamation or separation of such consistories;

(b) their responsibilities, rights, and duties;

(c) the fixing of the minimum number of members that shall comprise a local consistory (with provision for exceptional cases) and the conditions determining the number of members of local consistories in excess of such number;

(d) representation of local consistories on the general consistory.

(4) Members of consistory, including—

(a) the period of service of members of local consistories;

(b) the method of election by members of congregations for such service, the right to vote for such election, and the grounds of eligibility for election;

(c) the offices to be undertaken by members of the consistory and nomination thereto;

(d) provision for payment of officers (other than consistory members) and of servants and for pensions and gratuities to them, if so decided.

(5) Schools, including—

(a) their maintenance and management and the opening and maintenance of new schools;

(b) their finances in relation to the general consistory and to local consistories;

(c) payment of day-school teachers and provision for pensions and gratuities to them, if so decided.

(6) Societies, including—

their finances, management, and the direction and control of their activities and conduct.

(7) Charitable activities.

(8) Mission work.

(9) And all matters generally affecting the administration and welfare of the Dutch Reformed Church in Ceylon provided that nothing be done at variance with the doctrines and discipline of the Dutch Reformed Church.

repealed as from the date of coming into existence of the general consistory hereinbefore provided for and a copy of the minutes of the meeting of the said " Consistory of the Dutch Reformed Church at Wolfendahl, Colombo" at which the resolution referred to in section 3 hereof shall be passed*, duly certified under the common seal of the said general consistory, shall be accepted as conclusive evidence of the coming into existence of the said general consistory and of the date thereof.

Matters not specially provided for.

11. In all matters including such as are not provided for by this Ordinance or by rules hereunder the decision of the general consistory shall be final subject, in ecclesiastical affairs, to the rights of the Presbytery of Ceylon.

13. Nothing in this Ordinance contained shall prejudice or affect the rights of the Republic, or of any body politic or corporate, or of any other persons, except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Saving of the rights of the Republic and others.

Repeal.

12. Ordinance No. 12 of 1896 entitled "The Ordinance for Incorporating the Consistory of the Dutch Reformed Church at Wolfendahl, Colombo " is hereby

• Resolution passed on 8th January, 1927.