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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1360.

30 June 1978.

No. 1360.

30 Junie 1978.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 111 of 1978: The Methodist Church of Southern Africa (Private) Act, 1978.

No. 111 van 1978: Private Wet op die Metodistekerk van Suider-Afrika, 1978.

Wet No. 111, 1978

PRIVATE WET OP DIE METODISTEKERK
VAN SUIDER-AFRIKA, 1978.

PRIVATE WET

Tot samevatting en wysiging van die wetsbepalings betreffende die Metodiste Kerk van Suid-Afrika; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1978.)*

Aanhef.

NADEMAAL die Jaarlikse Konferensie van die persone genoem Metodiste in Groot-Brittanje by eensydige kontrak van die Weleerwaarde John Wesley gedateer 28 Februarie 1784 gekonstitueer is en vir Groot-Brittanje en ander lande die beherende gesag is van die godsdienstige organisasie bekend as die genootskap van persone genoem Metodiste, die Wesleyaanse Metodiste Kerk of ander dergelike benaming;

EN NADEMAAL kragtens die bevoegdhede verleen deur gemelde eensydige kontrak soos aangevul deur die bepalinge van 'n Wet van die Ryksparlement bekend as die „Methodist Conference Act, 1876”, gemelde Jaarlikse Konferensie (hieronder die Jaarlikse Konferensie genoem) in 1882 by besluit 'n Suid-Afrikaanse Konferensie van die persone genoem Metodiste (hieronder die Suid-Afrikaanse Konferensie genoem) gekonstitueer het en sy jurisdiksie, bevoegdhede en funksies omskryf het en aan hom sekere bevoegdhede en privilegies gedelegeer of verleen het, met die bepaling egter dat die Suid-Afrikaanse Konferensie by hom geaffilieer moet wees en in sekere opsigte onder sy beheer moet staan, en dat gemelde konstitusie van tyd tot tyd deur die Suid-Afrikaanse Konferensie met sy instemming verander kan word;

EN NADEMAAL die Suid-Afrikaanse Konferensie ten gevolge daarvan jurisdiksie gehad het oor al die Wesleyaanse Metodistepredikante, -predikers op proef, -kerke en -sendings in Suid-Afrika, en binne gemelde gebied die beherende gesag was van gemelde godsdienstige organisasie, wat daarin gewoonlik die Wesleyaanse Metodiste Kerk van Suid-Afrika genoem is;

EN NADEMAAL daar 'n aansienlike hoeveelheid roerende en onroerende goed, onder verskillende vorms van trusts gehou, in Suid-Afrika was, maar almal wesentlik vir die gebruik en voordeel van die Wesleyaanse Metodiste Kerk van Suid-Afrika, en wat geadministreer, beheer en mee gehandel is deur die Suid-Afrikaanse Konferensie of deur verteenwoordigers of amptenare onder sy beheer en toesig, maar gemelde Suid-Afrikaanse Konferensie ten aansien hiervan opgetree het as 'n gedelegeerde van, en as geaffilieer by, en onder die toesig en beheer van, die Jaarlikse Konferensie;

EN NADEMAAL die Suid-Afrikaanse Konferensie verlang het dat voormelde delegering onherroepelik gemaak moet word, dat voormelde beheer en affiliasie moet ophou en dat die bevoegdheid om gemelde konstitusie te verander by hom moet berus, en dat hy 'n onafhanklike en outonome liggaam moet word met beheer oor

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PRIVATE ACT

To consolidate and amend the laws relating to the Methodist Church of South Africa; and to provide for matters incidental thereto.

(English text signed by the State President.)

(Assented to 20 June 1978.)

WHEREAS the Yearly Conference of the people called Preamble.

Methodists in Great Britain was constituted by deed poll of the Reverend John Wesley dated 28 February 1784 and is the governing authority for Great Britain and elsewhere of the religious organization known as the society of people called Methodists, the Wesleyan Methodist Church, or other like title;

AND WHEREAS by virtue of the powers conferred by the said deed poll as amplified by the provisions of an Act of the Imperial Parliament known as the Methodist Conference Act, 1876, the said Yearly Conference (hereinafter referred to as the Yearly Conference) in 1882 by resolution constituted a South African Conference of the people called Methodists (hereinafter referred to as the South African Conference) and defined its jurisdiction, powers and functions and delegated to or conferred upon it certain powers and privileges, providing however that the South African Conference should be affiliated to it and should in certain respects be under its control, and that the said constitution may be altered from time to time by the South African Conference with its concurrence;

AND WHEREAS in consequence thereof the South African Conference had jurisdiction over all the Wesleyan Methodist ministers, preachers on trial, churches and missions in South Africa and was within the said area the governing authority of the said religious organization, which was therein commonly called the Wesleyan Methodist Church of South Africa;

AND WHEREAS there was a considerable quantity of movable and immovable property in South Africa held under various forms of trusts but all substantially for the use and benefit of the Wesleyan Methodist Church of South Africa, which was administered, controlled or dealt with by the South African Conference or by representatives or officials under its control and direction, but the said South African Conference acted in the premises as a delegate of, and as affiliated to, the Yearly Conference and under its supervision and control;

AND WHEREAS the South African Conference desired that the delegation aforesaid should be made irrevocable, that the control and affiliation aforesaid should cease and that the power to alter the said constitution should be vested in it, and that it should become an independent and autonomous body in control of the

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voormelde goed en oor 'n godsdienstige organisasie genoem te word die Wesleyaanse Metodiste Kerk van Suid-Afrika, bestaande uit die persone genoem Metodiste binne die gebied van sy jurisdiksie, met dieselfde leerstellings en oogmerke as die persone genoem Metodiste in Groot-Brittanje, en dienooreenkomstig besluit het;

EN NADEMAAL die Jaarlikse Konferensie goedgesind was jeens die begeertes van die Suid-Afrikaanse Konferensie en kragtens gemelde „Methodist Conference Act, 1876”, by besluite gemelde delegerings onherroeplik gemaak het, ingestem het om van voormelde affiliasie en beheer af te sien en voorts ingestem het dat gemelde konstitusie in die vervolg deur die Suid-Afrikaanse Konferensie gewysig kon word;

EN NADEMAAL die Jaarlikse Konferensie by besluit ook ingestem het dat die Suid-Afrikaanse Konferensie 'n onafhanklike en outonome liggaam soos voormeld kon word;

EN NADEMAAL die Jaarlikse Konferensie voormelde besluite aangeneem het behoudens die beperkings op sy bevoegdhede in dié opsig deur sy konstitusie en deur artikel 7 van die „Methodist Conference Act, 1876”, opgelê, en behoudens die beskermingsmaatreëls wat nodig was om te verseker dat die Suid-Afrikaanse Konferensie die leerstellings en algemene reëls en gebruike van die persone genoem Metodiste handhaaf;

EN NADEMAAL gemelde Suid-Afrikaanse Konferensie, wie se hoofdoel die handhawing van die leerstellings en godsdienstige gebruike van die persone genoem Metodiste is, ingewillig het dat die nodige beskermingsmaatreëls vir daardie doel getref word;

EN NADEMAAL twyfel ontstaan het of die wense van die Suid-Afrikaanse Konferensie, waartoe die Jaarlikse Konferensie ingestem het, behoorlik verwesenlik en uitgevoer kon word sonder dat die Parlement van die destydse Unie van Suid-Afrika dit by wyse van wetgewing bekragtig;

EN NADEMAAL sowel die Jaarlikse Konferensie as die Suid-Afrikaanse Konferensie ingewillig het dat sodanige wetgewende bekragtiging verkry word;

EN NADEMAAL sodanige wetgewing wat voormelde onafhanklikheid verseker en wat voorsiening maak vir aangeleenthede wat daarmee in verband staan, behoorlik verorden is ingevolge die bepalings van die Wesleyaanse Metodiste Kerk (Private) Wet, 1927 (Wet No. 17 van 1927);

EN NADEMAAL die naam van die „Wesleyaanse Metodiste Kerk van Suid-Afrika” verander is na „Die Metodiste Kerk van Suid-Afrika” ingevolge die Metodiste Kerk van Suid-Afrika (Private) Wet, 1932 (Wet No. 12 van 1932);

EN NADEMAAL die Konferensie van die Metodiste Kerk van Suid-Afrika die beherende gesag van gemelde Kerk is en beheer en jurisdiksie oor al die eiendom en sake van of betreffende gemelde Kerk in die Republiek van Suid-Afrika het en uitoefen;

EN NADEMAAL die „Primitive Methodist Connexion” in Groot-Brittanje ingestel is by eensydige kontrak gedateer 5 Februarie 1830, aangegaan deur die Weleerwaardes Hugh Bourne, James Bourne en William Clowes, en daardie kontrak in die „Chancery”-hoëhof behoorlik geregistreer is;

EN NADEMAAL by gemelde eensydige kontrak 'n Jaarlikse Vergadering of Konferensie van die „Primitive Methodist Connexion” ingestel en tot stand gebring is, en gemelde Konferensie by gemelde eensydige kontrak die beherende gesag van gemelde „Primitive Methodist Connexion” gemaak is, met beheer en jurisdiksie oor al die eiendom en sake van of betreffende gemelde „Connexion”;

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foregoing property and of a religious organization to be called the Wesleyan Methodist Church of South Africa, consisting of the people called Methodists within the area of its jurisdiction, having the same doctrines and objects as the people called Methodists in Great Britain, and resolved accordingly;

AND WHEREAS the Yearly Conference was favourably disposed towards the desires of the South African Conference and by resolutions made irrevocable the said delegations, as empowered by the said Methodist Conference Act, 1876, agreed to waive the affiliation and control aforesaid and further agreed that the said constitution could thenceforth be altered by the South African Conference;

AND WHEREAS the Yearly Conference by resolution also agreed to the South African Conference becoming an independent and autonomous body as aforesaid;

AND WHEREAS the Yearly Conference passed the foregoing resolutions subject to the limitations imposed upon its powers in that behalf by its constitution and by section 7 of the said Methodist Conference Act, 1876, and to such safeguards as were necessary to ensure the maintenance by the South African Conference of the doctrines and general rules and usages of the people called Methodists;

AND WHEREAS the said South African Conference, having as its paramount object the maintenance of the doctrines and religious usages of the people called Methodists, was agreeable to the necessary safeguards in that behalf being imposed;

AND WHEREAS doubts had arisen as to whether the desires of the South African Conference, concurred in by the Yearly Conference, could be duly and properly realized and given effect to without legislative sanction in that behalf being obtained from the Parliament of the then Union of South Africa;

AND WHEREAS both the Yearly Conference and the South African Conference were agreeable that such legislative sanction be obtained;

AND WHEREAS such legislation ensuring the independence aforesaid and providing for incidental matters was duly enacted in terms of the provisions of the Wesleyan Methodist Church (Private) Act, 1927 (Act No. 17 of 1927);

AND WHEREAS the name of the "Wesleyan Methodist Church of South Africa" was altered to that of "The Methodist Church of South Africa" by the Methodist Church of South Africa (Private) Act, 1932 (Act No. 12 of 1932);

AND WHEREAS the Conference of the Methodist Church of South Africa is the governing authority of the said Church, having and exercising control and jurisdiction over all the property and concerns of, or relating to, the said Church in the Republic of South Africa;

AND WHEREAS the Primitive Methodist Connexion was constituted in Great Britain by deed poll dated 5 February 1830, executed by the Reverends Hugh Bourne, James Bourne and William Clowes, which deed was duly enrolled in the High Court of Chancery;

AND WHEREAS by the said deed poll there was constituted and set up an Annual Assembly or Conference of the Primitive Methodist Connexion, which said Conference was by the said deed poll made the governing authority of the said Primitive Methodist Connexion, with control and jurisdiction over all the property and concerns of, or relating to, the said Connexion;

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EN NADEMAAL gemelde „Primitive Methodist Connexion” in die verlede sekere sendingwerk in die destydse Unie van Suid-Afrika as ’n tak van sy werksaamhede onderneem en verrig het, watter tak as die „Primitive Methodist”-sendings bekend gestaan het, en gemelde sendings gereël, beheer en geadmini- streer is deur voormelde Konferensie van die „Primitive Methodist Connexion”, handelende deur een van sy komitees bekend as die „Primitive Methodist Missionary Society”;

EN NADEMAAL daar in gemelde Unie sekere roerende en onroerende goed was wat onder verskillende vorms van trusts gehou is, maar almal hoofsaaklik vir die gebruik en voordeel van gemelde „Primitive Methodist Connexion” vir die doeleindes van voormelde „Primitive Methodist”-sendings;

EN NADEMAAL die Konferensie van die „Primitive Methodist Connexion” besluit het om met ingang van 1 Januarie 1931 sy beheer, bestuur en administrasie van gemelde „Primitive Meth- odist”-sendings in die Unie van Suid-Afrika te staak en dienoreenkomstig besluit het;

EN NADEMAAL die Konferensie van die Wesleyaanse Metodiste Kerk van Suid-Afrika ingestem het om met ingang van 1 Januarie 1931 die administrasie en bestuur van gemelde sendings in die Unie te aanvaar en daarvoor verantwoordelik te wees, en dienoreenkomstig besluit het;

EN NADEMAAL die godsdienstige leerstellings en gebruike van die „Primitive Methodist Connexion” in alle wesenlike opsigte dieselfde is as dié van die Metodiste Kerk van Suid-Afrika, maar die onderskeie interne organisasies van die twee Kerke in sekere opsigte verskil in verband met die instelling, prosedure en bevoegdhede van hulle onderskeie Konferensies en andersins;

EN NADEMAAL die Konferensie van die „Primitive Methodist Connexion”, ingevolge sy voormelde besluit met daardie doel, die bestuur, beheer en administrasie van gemelde sendings aan die Konferensie van die Metodiste Kerk van Suid-Afrika oorhandig en oorgedra het;

EN NADEMAAL die Konferensie van gemelde Metodiste Kerk van Suid-Afrika, ingevolge sy besluit met daardie doel, sodanige administrasie en beheer van gemelde sendings aanvaar en onderneem het;

EN NADEMAAL by die Metodiste Kerk van Suid-Afrika (Private) Wet, 1932, voorsiening gemaak is om aan die Metodiste Kerk van Suid-Afrika die reg, aanspraak en belang van gemelde „Primitive Methodist Connexion” betreffende die roerende en onroerende goed in die Republiek wat vir die doeleindes van gemelde sendings besit of aangewend was, oor te dra en dit by hom te laat berus, onderworpe aan die trusts en verpligtings rakende gemelde goed, ooreenkomstig besluite van die onderskeie Konfe- rensies;

EN NADEMAAL dit wenslik is dat gemelde Kerk wetlike bevoegdheid en gesag besit om enige ander Kerk of godsdienstige liggaam of genootskap of tak daarvan, bestaande binne of buite die grense van die Republiek, by hom in te lyf of daarmee te verenig of te amalgameer;

EN NADEMAAL die werksaamhede en bedrywighede van gemelde Metodiste Kerk van Suid-Afrika tot buite die grense van die Republiek en tot in sekere naburige State strek;

EN NADEMAAL die Konferensie van gemelde Kerk, tydens sy Sittings gedurende Oktober 1975, besluit het dat dit wenslik en dienstig is dat die naam van gemelde Kerk verander word na „Die Metodistekerk van Suider-Afrika”;

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AND WHEREAS the said Primitive Methodist Connexion had undertaken and carried on as a branch of its activities certain missionary work within the then Union of South Africa, which branch was known as "The Primitive Methodist Missions", the said missions having been governed, controlled and administered by the aforesaid Conference of the Primitive Methodist Connexion functioning through one of its committees known as the Primitive Methodist Missionary Society;

AND WHEREAS there was within the said Union certain movable and immovable property held under various forms of trusts, but all essentially for the use and benefit of the said Primitive Methodist Connexion for the purposes of the Primitive Methodist Missions aforesaid;

AND WHEREAS the Conference of the Primitive Methodist Connexion decided as from 1 January 1931 to discontinue its control, conduct and administration of the said Primitive Methodist Missions within the Union of South Africa and resolved accordingly;

AND WHEREAS the Conference of the Wesleyan Methodist Church of South Africa agreed, as from 1 January 1931, to assume and be responsible for the administration and control of the said missions within the Union, and resolved accordingly;

AND WHEREAS the religious doctrines and usages of the Primitive Methodist Connexion are in all substantial respects identical with those of the Methodist Church of South Africa, but the respective internal organizations of the two Churches differ in certain respects in relation to the constitution, procedure and powers of their respective Conferences and otherwise;

AND WHEREAS the Conference of the Primitive Methodist Connexion, in pursuance of its resolution aforesaid in that behalf, has handed over and transferred to the Conference of the Methodist Church of South Africa the conduct, control and administration of the said missions;

AND WHEREAS the Conference of the said Methodist Church of South Africa, in pursuance of its resolution in that behalf, has assumed and undertaken such administration and control of the said missions;

AND WHEREAS in terms of the Methodist Church of South Africa (Private) Act, 1932, provision was made for transferring to, and vesting in, the Methodist Church of South Africa the right, title and interest of the said Primitive Methodist Connexion relating to any property, movable and immovable, within the Republic possessed or utilized for the purposes of the said missions, subject to the trusts and obligations affecting the said property, pursuant to resolutions by the respective Conferences;

AND WHEREAS it is desirable that the said Church should possess statutory power and authority to incorporate within itself, or to unite or amalgamate with, any other Church or religious body, or association, or branch thereof, whether existing within or outside the boundaries of the Republic;

AND WHEREAS the work and activities of the said Methodist Church of South Africa extend beyond the borders of the Republic into certain neighbouring States;

AND WHEREAS the Conference of the said Church, at its Sessions during October 1975, resolved that it is desirable and expedient that the name of the said Church be changed to "The Methodist Church of Southern Africa";

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EN NADEMAAL dit dienstig is dat die wetsbepalings betreffende die konstitusie, bevoegdhede en sake van gemelde Metodiste Kerk van Suid-Afrika, met sekere wysigings en veranderings, in een samevattende maatreël beliggaam word;

EN NADEMAAL dit dienstig is dat voorsiening ook vir bykomstige aangeleenthede gemaak word:

WORD DAAR DERHALWE BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Herroeping van wette.

1. Die Wesleyaanse Metodiste Kerk (Private) Wet, 1927 (Wet No. 17 van 1927), en die Metodiste Kerk van Suid-Afrika (Private) Wet, 1932 (Wet No. 12 van 1932), word hierby herroep.

„Die Metodiste Kerk van Suid-Afrika” word „Die Metodistekerk van Suider-Afrika” en verwysings na eersgenoemde word geag verwysings na laasgenoemde te wees.

2. (1) Ondanks andersluidende wetsbepalings word die Kerk, Denominasie of „Connexion” wat tans „Die Metodiste Kerk van Suid-Afrika” heet (voorheen die „Wesleyaanse Metodiste Kerk van Suid-Afrika”), vanaf en na die inwerkingtreding van hierdie Wet, vir hoegenaamd alle doeleindes genoem en aangedui as „Die Metodistekerk van Suider-Afrika” (hieronder „Die Kerk” genoem).

(2) Behoudens die bepaling van hierdie Wet word enige aanstelling wat gedoen is, of regulasie wat uitgevaardig is, of handeling wat verrig is of ding wat gedoen is, of wat geag word gedoen, uitgevaardig of verrig te gewees het, kragtens of uit hoofde van ’n bepaling van ’n wet by artikel 1 van hierdie Wet herroep, met inbegrip van alle besluite goedgekeur deur die Konferensie van Die Kerk, geag gedoen, uitgevaardig, verrig of goedgekeur te wees kragtens of uit hoofde van die ooreenstemmende bepaling van hierdie Wet, en is dit net so geldig asof hierdie Wet nie aangeneem was nie.

(3) ’n Verwysing na die „Wesleyaanse Metodiste Kerk van Suid-Afrika” of „Die Metodiste Kerk van Suid-Afrika” in enige fonds, kontrak, akte, verband, stuk, sertifikaat, obligasie, sekuriteit, kwitansie, bewys, oorkonde, deposito- of ander boek, dokument of geskrif van watter aard ook al wat voor die datum van inwerkingtreding van hierdie Wet ingestel, uitgereik, verly of gemaak is, word vir alle doeleindes uitgelê as ’n verwysing na „Die Metodistekerk van Suider-Afrika”.

Inlywing en voortbestaan van „Die Kerk”.

3. (1) Die Kerk soos oorspronklik ingestel en saamgestel ingevolge die wette in die Aanhef hierby genoem, bly, ondanks die herroeping van gemelde wette, voortbestaan onder die naam „Die Metodistekerk van Suider-Afrika”, en is ’n regspersoon met ewigdurende regsopvolging.

(2) Die Kerk kan as eiser en as verweerder in regte optree en kan sowel los- as vasgoed verkry, besit en vervreem, en kan alle ander handelinge verrig en dinge doen wat regspersone regtens kan verrig en doen, behoudens die bepaling van hierdie Wet of enige ander wetsbepaling.

Huidige eiendom, regte en laste gaan op Die Kerk oor.

4. (1) Alle los- en vasgoed van watter aard ook al, met inbegrip van alle belange by en regte op los- en vasgoed, en alle verbande, skulde, sekuriteite en verpligtings en die voordeel van alle bestaande kontrakte wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet aan Die Kerk soos voorheen saamgestel en genoem, behoort het of in sy besit was of by hom berus het, bly by die inwerkingtreding van hierdie Wet berus by, en in die besit van, en ontvangbaar, verhaalbaar en afdwingbaar deur, Die Kerk soos kragtens hierdie Wet ingestel, sonder dat ’n oordrag, transport of ander voortsettende of verbindende eiendomsreg of afsonderlike regsverlening behalwe hierdie Wet nodig is, en geen bepaling van hierdie Wet word geag die voortbestaan as regspersoon of die regte of laste van Die Kerk te verander of te raak nie.

(2) Alle skuldoorsake en regte op regsvordering, regsgedinge, verwysings, arbitrasies of ander geregtelike stappe wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het en op

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AND WHEREAS it is expedient that the laws relating to the constitution, powers and affairs of the said Methodist Church of South Africa should, with certain amendments and modifications, be embodied in one consolidating measure;

AND WHEREAS it is expedient that provision be made also for incidental matters:

BE IT THEREFORE ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The Wesleyan Methodist Church (Private) Act, 1927 (Act No. 17 of 1927), and the Methodist Church of South Africa (Private) Act, 1932 (Act No. 12 of 1932), are hereby repealed. Repeal of laws.
2. (1) Notwithstanding anything to the contrary in any law contained, from and after the commencement of this Act the Church, Denomination or Connexion now designated "The Methodist Church of South Africa" (formerly the "Wesleyan Methodist Church of South Africa") shall for all purposes whatsoever become, and be designated by the name of, "The Methodist Church of Southern Africa" (hereinafter referred to as "The Church"). "The Methodist Church of South Africa" to become "The Methodist Church of Southern Africa" and references to former to be deemed references to latter.
- 15 (2) Subject to the provisions of this Act, any appointment or regulation made or action taken or thing done or deemed to have been made, taken or done under or by virtue of any provision of any law repealed by section 1 of this Act, including all resolutions approved by the Conference of The Church, shall be deemed to have been made, taken, done or approved under or by virtue of the corresponding provision of this Act, and shall be as valid as if this Act had not been passed.
- 20 (3) Any reference to the "Wesleyan Methodist Church of South Africa" or "The Methodist Church of South Africa" in any fund, contract, deed, bond, instrument, certificate, debenture, security, receipt, voucher, record, deposit or other book, document or writing of whatsoever nature established, issued, executed or made prior to the date of commencement of this Act, shall for all purposes be construed as a reference to "The Methodist Church of Southern Africa".
- 25 3. (1) The Church as originally established and constituted under the laws referred to in the Preamble hereto shall, notwithstanding the repeal of the said laws, continue under the name of "The Methodist Church of Southern Africa", and shall be a body corporate with perpetual succession. Incorporation and continued existence of "The Church".
- 35 (2) The Church shall be capable in law of suing and being sued, and of acquiring, holding and alienating movable and immovable property, and of doing and performing such other acts and things as bodies corporate may lawfully do and perform, subject to the provisions of this Act or any other law.
- 40 4. (1) All movable and immovable property of whatsoever kind or nature, including all interests and rights in and to movable and immovable property, and all mortgage bonds, debts, securities and obligations and the benefit of all existing contracts which immediately prior to the date of commencement of this Act were owned or were held by or vested in The Church as formerly constituted and designated, shall at the commencement of this Act continue to vest in and be owned by and be receivable, recoverable and enforceable by The Church as constituted by this Act without the necessity of any transfer, conveyance or other continuing or connecting title or separate investiture other than this Act, and nothing in this Act shall be deemed to alter or affect the continued corporate existence or the rights or liabilities of The Church. Vesting in The Church of existing property, rights and liabilities.
- 50 (2) All causes and rights of action, suits, references, arbitrations or other proceedings which existed and were in any manner enforceable by or against The Church immediately prior to the
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enige wyse deur of teen Die Kerk afdwingbaar was, is en bly net so gegrond, geldig en bindend deur of vir of teen Die Kerk as wat hulle deur of vir of teen Die Kerk kon of sou gewees het indien hierdie Wet nie aangeneem was nie.

(3) Alle skulde, laste en verpligtings van watter aard ook al wat deur Die Kerk of deur sy amptenare of deur iemand anders namens en ten behoeve van die Kerk aangegaan of onderneem is en wat onmiddellik voor die inwerkingtreding van hierdie Wet geldig was en teen Die Kerk bestaan het, is en bly geldig en bestaan teen Die Kerk, en word hierby as sodanig verklaar, asof gemelde skulde, laste en verpligtings deur Die Kerk kragtens hierdie Wet aangegaan of onderneem was, en iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet op 'n reg, eis, vordering of ander verpligting teen Die Kerk aanspraak gehad het, behou daardie aanspraak.

Amptenare en werknemers bly aan.

5. Alle amptenare en werknemers van Die Kerk wat onmiddellik voor die inwerkingtreding van hierdie Wet hul ampte beklee het of in diens van Die Kerk was, bly in hul onderskeie ampte en diens as amptenare en werknemers van Die Kerk aan en is onderhewig aan dieselfde voorwaardes, verpligtings en strawwe en aan dieselfde ontslagbevoegdhede en aan dieselfde reëls, beperkings en regulasies in all opsigte asof hulle kragtens hierdie Wet aangestel was en te alle tye amptenare en werknemers van Die Kerk was.

Onafhanklikheid van Suid-Afrikaanse Konferensie van Metodiste, en gebied van sy jurisdiksie.

6. Die Suid-Afrikaanse Konferensie van die persone genoem Metodiste, anders bekend as die Konferensie van die Metodiste Kerk van Suid-Afrika, word hierby verklaar 'n onafhanklike liggaam en die beherende gesag in en vir Suider-Afrika van die Metodistekerk van Suider-Afrika (bestaande uit die persone genoem Metodiste van tyd tot tyd binne Suider-Afrika) te wees, met volle jurisdiksie oor al die Metodiste-predikante, -predikers op proef, -kerke en -sendings binne gemelde gebied.

Wysiging van konstitusie van Suid-Afrikaanse Konferensie, en bevoegdheid om reëls en regulasies uit te vaardig.

7. Behoudens die bepalings van hierdie Wet is gemelde Suid-Afrikaanse Konferensie bevoeg om sy konstitusie te verander, om reëls en regulasies uit te vaardig vir die goeie bestuur van Die Kerk en vir die behoorlike uitoefening van sy voormelde jurisdiksie, en om al die handelinge, sake en dinge te verrig wat dienstig en nodig is vir die onderhoud, bevordering en voordeel van gemelde Kerk en sy oogmerke, en die konstitusie, reëls, prosedure en organisasie van gemelde Suid-Afrikaanse Konferensie en gemelde Kerk bly, behalwe waar dit met die bepalings van hierdie Wet strydig is, van krag en geldig totdat dit verander word ingevolge die bevoegdhede hierbo verleen vir sover dit van tyd tot tyd deur sodanige verandering onaangetas bly.

Eiendom van Die Kerk berus by President van Suid-Afrikaanse Konferensie.

8. Al die roerende en onroerende goed tans geadministreer, beheer en mee gehandel deur of onder die toesig of volgens voorskrif van gemelde Suid-Afrikaanse Konferensie vir die gebruik en voordeel van Die Kerk, word by die inwerkingtreding van hierdie Wet, sonder betaling van hereregte of seëlregte die eiendom van die diensdoende President van gemelde Suid-Afrikaanse Konferensie ten bate van die Metodistekerk van Suider-Afrika, maar onderworpe altyd aan enige bestaande las, verpligting of besondere trust op of oor sodanige goed of wat dit andersins wettig raak, in trust vir die oogmerke en doeleindes wat gemelde Suid-Afrikaanse Konferensie van tyd tot tyd bepaal, en in trust om ten aansien daarvan die handelinge van volle eiendomsreg van enige aard te verrig en om dit te laat bestuur en administreer deur die verteenwoordigers of amptenare van gemelde Kerk, hetsy leke of ander persone, wat gemelde Suid-Afrikaanse Konferensie van tyd tot tyd by besluit voorskryf.

Voorbehoud.

9. Geen bepaling van hierdie Wet raak iemand wat geregtig is op 'n gevestigde of toevallende reg op enige pensioen, gratifikasie of dergelike uitkering of voordeel uit enige fonds wat op die datum van inwerkingtreding van hierdie Wet deur die Suid-Afrikaanse Konferensie geadministreer of beheer word nie.

THE METHODIST CHURCH OF SOUTHERN AFRICA
(PRIVATE) ACT, 1978.

Act No. 111, 1978

commencement of this Act shall be and remain as good, valid and effectual by or for or against The Church as they might or would have been by or for or against the Church if this Act had not been passed.

- 5 (3) All debts, liabilities and obligations of whatsoever kind incurred or undertaken by The Church or by the officers thereof or by any other person in the name and on behalf of The Church and valid and subsisting against The Church immediately prior to the commencement of this Act, shall be and are hereby declared to be
10 valid and subsisting against The Church as if the said debts, liabilities and obligations had been incurred or undertaken by The Church under this Act, and any person entitled to any right, claim, demand or other relief against The Church immediately prior to the commencement of this Act, shall continue to be so entitled.

- 15 5. All officers and employees of The Church who were in office or in the employ of The Church immediately prior to the commencement of this Act, shall continue to hold and enjoy their respective offices and employment as officers and employees of The Church, and shall be subject to the like terms, conditions,
20 obligations and penalties and to the like powers of removal and to the like rules, restrictions and regulations in all respects as if they had been appointed under this Act and had been and were at all times officers and employees of The Church.

Officers and employees to continue in office.

- 25 6. The South African Conference of the people called Methodists, otherwise known as the Conference of the Methodist Church of South Africa, is hereby declared to be an independent body and the governing authority in and for Southern Africa of the Methodist Church of South Africa (consisting of the people called Methodists from time to time within Southern Africa), with full
30 jurisdiction over all the Methodist ministers, preachers on trial, churches and missions within the said area.

Independence of South African Conference of Methodists, and its area of jurisdiction.

7. Subject to the provisions of this Act, the said South African Conference shall have power to alter its constitution, to make rules and regulations for the good government of The Church and
35 for the due and proper exercise of its jurisdiction aforesaid, and to do all such acts, matters and things as are expedient and necessary for the maintenance, advancement and benefit of the said Church and its objects, and the constitution, rules, procedure and organization of the said South African Conference and the said
40 Church shall, except where in conflict with the provisions of this Act, remain of force and effect until altered in pursuance of the powers hereinbefore conferred to the extent to which they are from time to time unaffected by such alteration.

Alteration of constitution of South African Conference, and power to make rules and regulations.

8. All the movable and immovable property presently administered, controlled and dealt with by or under the control or
45 direction of the said South African Conference for the use and benefit of The Church shall, upon the commencement of this Act, vest, without payment of transfer or stamp duty, in the President of the said South African Conference from time to time for the
50 benefit of the Methodist Church of Southern Africa, but subject always to any existing charge, obligation or special trust upon or over such property or otherwise lawfully affecting the same, in trust for such of its uses and purposes as the said South African Conference may from time to time appoint, and in trust to exercise
55 such acts of full ownership of any kind thereover and to allow the same to be managed and administered by such representatives or officials of the said Church, lay or otherwise, as the said South African Conference may from time to time by resolution prescribe.

Vesting of Church property in President of South African Conference.

- 60 9. Nothing in this Act contained shall affect any person who is entitled to a vested or accruing right to any pension, gratuity or like payment or advantage from any fund administered or controlled by the South African Conference at the date of commencement of this Act.

Saving.

Wet No. 111, 1978

PRIVATE WET OP DIE METODISTEKERK
VAN SUIDER-AFRIKA, 1978.

Metodiste-leer-
stellings en
-gebruike beskerm.

10. Ondanks enigiets in hierdie Wet vervat, het die Suid-Afrikaanse Konferensie, as die beherende gesag binne sy gebied van jurisdiksie van Die Kerk, te gener tyd die reg om enige handeling, saak of ding wat in stryd is met die leerstellings en godsdienstige gebruike van die persone genoem Metodiste te doen, te verrig, te gedoog of toe te laat nie.

Bevoegdheid om
met 'n ander kerk te
verenig of te amal-
gameer.

11. Ondanks andersluidende wetsbepalings kan Die Kerk, ingevolge 'n besluit van die Konferensie, van tyd tot tyd enige ander kerk of godsdienstige liggaam of genootskap of organisasie of tak daarvan, hetsy binne of buite die grense van die Republiek, by hom inlyf of daarmee verenig of amalgameer: Met dien verstande dat—

(a) enige sodanige inlywing, vereniging of amalgameasie geskied op die bedinge en voorwaardes wat gemelde Konferensie van Die Kerk by besluit bepaal;

(b) geen bepaling van hierdie Wet of van enige ander wet geag word die bevoegdheid en vermoë van Die Kerk (hetsy sodanige inlywing, vereniging of amalgameasie geskied al dan nie) om sy organisasie uit te brei of werk buite die grense van die Republiek te doen, te verminder of te beperk nie;

(c) geen bepaling van hierdie Wet geag word enige bepaling vervat in enige akte of ander dokument tot reëling van of wat betrekking het op enige plek van aanbidding of skool wat by Die Kerk berus of deur Die Kerk geadministreer of beheer word, op hoegenaamd enige wyse te verander of te wysig of om enige verandering of wysiging daarvan te magtig vir sover enige sodanige bepaling die leerstandaard wat volgens voorskrif van daardie akte of ander dokument by of ten opsigte van enige sodanige plek van aanbidding of skool gehandhaaf of nagekom moet word, omskryf of raak nie.

Kort titel.

12. Hierdie Wet heet die Private Wet op die Metodistekerk van Suider-Afrika, 1978.

THE METHODIST CHURCH OF SOUTHERN AFRICA
(PRIVATE) ACT, 1978.

Act No. 111, 1978

10. Notwithstanding anything in this Act contained, the South African Conference, as the governing authority within its area of jurisdiction of The Church, shall at no time be entitled to do, perform, suffer or permit any act, matter or thing which is 5 repugnant to the doctrines and religious usages of the people called Methodists.

Methodist doctrines and usages safeguarded.

11. Notwithstanding anything to the contrary in any law contained, The Church may from time to time, in pursuance of a resolution of the Conference, incorporate within itself, or unite or 10 amalgamate with, any other church or religious body or association or organization or branch thereof, whether the same shall be within or outside the borders of the Republic: Provided that—

Power to unite or amalgamate with another church.

(a) any such incorporation, union or amalgamation shall be upon such terms and conditions as the said Conference of The Church may by resolution decide;

15 (b) nothing in this Act or in any other law contained shall be deemed to curtail or restrict the power and capacity of The Church (whether with or without making any such incorporation, union or amalgamation) to extend its 20 organization or to carry on work beyond the borders of the Republic;

(c) nothing in this Act contained shall be deemed in any manner whatsoever to alter, amend or vary, or to 25 authorize or empower any alteration, amendment or variation of, any provision contained in any deed or other document governing or relating to any place of worship or school vested in or administered or controlled by The Church, in so far as any such provision 30 defines or relates to the doctrinal standards required by that deed or other document to be maintained or observed at, or in respect of, any such place of worship or school.

12. This Act shall be called the Methodist Church of Southern Africa (Private) Act, 1978. Short title.

Act No. 111, 1978

THE METHODIST CHURCH OF SOUTHERN AFRICA
REVISION ACT, 1978

10. Notwithstanding anything in this Act contained, the South African Conference, as the governing authority within its area of jurisdiction of the Church, shall at no time be entitled to do, perform, suffer or permit any act, matter or thing which is repugnant to the doctrines and religious usages of the people called Methodists.

11. Notwithstanding anything to the contrary in any law contained, the Church may from time to time, in pursuance of a resolution of the Conference, incorporate within itself, or unite or amalgamate with, any other church or religious body or association or organization or branch thereof, whether the same shall be within or outside the borders of the Republic. Provided that—

(a) any such incorporation, union or amalgamation shall be upon such terms and conditions as the said Conference of the Church may by resolution decide;

(b) nothing in this Act or in any other law contained shall be deemed to curtail or restrict the power and capacity of the Church (whether with or without making any such incorporation, union or amalgamation) to extend its organization or to carry on work beyond the borders of the Republic;

(c) nothing in this Act contained shall be deemed in any manner whatsoever to alter, amend or vary, or to authorize or empower any attached, subordinate or variation of any provision contained in any deed or other document governing or relating to any place of worship or school vested in or administered or controlled by the Church, in so far as any such provision relates or relates to the documents standards required by that deed or other document to be maintained or observed at or in respect of any such place of worship or school.

12. This Act shall be called the Methodist Church of Southern Africa (Revisions) Act, 1978.