

Mr. Chapman

ROMAN CATHOLIC BISHOPS EMPOWERING

[PRIVATE BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to Extend the Provisions of the Roman Catholic Lands Act, 1876, and the Roman Catholic Lands Extension Act, 1890, and for Other Purposes. Title.

WHEREAS by the Roman Catholic Lands Act, 1876, as extended by the Roman Catholic Lands Extension Act, 1890, the Roman Catholic Bishops and Archbishop of the several dioceses existing in New Zealand were each created a corporation sole with power to hold lands, tenements, and hereditaments to themselves and their successors in the said dioceses respectively, subject to the powers and provisions of the aforesaid first mentioned Act: And whereas it is expedient for the purposes of the trusts of real property belonging to the Roman Catholic Church within each diocese of such Church in New Zealand that Co-Adjutor and Auxiliary Bishops and Archbishops and Apostolic Administrators of the said Church should be entitled to exercise the like powers on Preamble.

behalf of the said Bishops and Archbishops, and also that the said Bishops and Archbishops Co-Adjutors and Apostolic Administrators should have further power to delegate their authorities in respect of the same lands, tenements, and hereditaments.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Roman Catholic Bishops Empowering Act, 1951.

Interpretation.

2. In this Act—

“ Bishop ” includes any Archbishop:

“ Co-Adjutor Bishop ” includes any Co-Adjutor Archbishop any Bishop Auxiliary or Archbishop Auxiliary and any Apostolic Administrator:

“ Diocese ” includes any archdiocese.

Co-Adjutor Bishop may act regarding land.

3. (1) Where in any diocese of the Roman Catholic Church in New Zealand there is a Co-Adjutor Bishop holding office, such Co-Adjutor Bishop shall, on behalf of the Bishop of the diocese, be entitled to exercise in regard to lands, tenements, and hereditaments belonging to the said Church within the said diocese all the powers, authorities, and discretions of the Bishop of the diocese for whom he acts, including the power granted by the Roman Catholic Lands Act, 1876, in addition to any other powers, authorities, and discretions affecting the said lands, tenements, and hereditaments:

Provided that nothing in this Act contained shall be construed as limiting the right of the said Bishop to exercise the said powers, authorities, and discretions in person.

(2) Every deed, act, matter, or thing done or executed by such Co-Adjutor Bishop in relation to the said lands, tenements, and hereditaments shall be as valid and effectual as if it had been done or executed by the said Bishop.

(3) The fact that any person acts as such Co-Adjutor Bishop in relation to the said lands, tenements, and hereditaments shall be conclusive evidence of his authority so to act.

(4) All deeds and instruments which if executed by the Bishop would be signed by him and sealed with his seal of office shall when executed by a Co-Adjutor Bishop be signed by him in his official capacity as such Co-Adjutor Bishop, and such execution shall be attested in the following words or words to a like effect:—

“ Signed by the Bishop of [*Name of Diocese*] by the Co-Adjutor Bishop for the said diocese and sealed with the former’s seal of office in the presence of.”

4. (1) The Bishop for any diocese of such Church may by power of attorney executed under his hand and under the seal of his office as a corporation sole created by virtue of the Roman Catholic Lands Act, 1876, and the Roman Catholic Lands Extension Act, 1890, delegate to any Vicar-General or Administrator for the said diocese or any Priest in the said diocese all or any of the powers, authorities, and discretions vested in such Bishop so far as the said powers, authorities, and discretions affect or are capable of being exercised over any lands, tenements, or hereditaments within the said diocese.

Bishop or Co-Adjutor may appoint Vicar-General or Administrator to act regarding land.

(2) The Co-Adjutor Bishop for any diocese of such Church may by power of attorney executed under his hand and under seal in manner prescribed by the last preceding section delegate to any Vicar-General or Administrator for the said diocese or any Priest in the said diocese all or any of the powers, authorities, and discretions which the said Co-Adjutor Bishop is entitled to exercise by virtue of this Act.

(3) Every deed, act, matter, or thing done or executed by any person under such delegated powers, authorities, and discretions shall be as valid and effectual as if it had been done or executed by the said Bishop of the said diocese.

5. If at the time of the passing of this Act, or at any time thereafter, there is a vacancy in the office of Bishop for any diocese of such Church and there is a Co-Adjutor Bishop for the said diocese, the said Co-Adjutor Bishop shall be deemed to be the Administrator of such diocese for the purposes of section three of the Roman Catholic Lands Act, 1876.

In vacancy in Bishopric Co-Adjutor deemed Administrator.

6. This Act is hereby declared to be a private Act.

Private Act.