

No. 19 of 1940.

CATHEDRAL CHURCH  
(AMENDMENT)\*.

AN ORDINANCE TO AMEND THE CATHEDRAL CHURCH (COLOMBO)  
ORDINANCE, 1911, AND FOR OTHER PURPOSES CONNECTED  
THEREWITH.

[8th August, 1940.]

Short title.

1. This Ordinance may be cited as the Cathedral Church  
(Amendment) Ordinance, No. 19 of 1940.

Repeal of  
section 4 of the  
principal  
Ordinance and  
substitution of  
new section.

2. The following section shall be substituted for section 4  
of the Cathedral Church (Colombo) Ordinance, 1911, hereinafter  
referred to as the principal Ordinance—

Application  
of the  
proceeds of  
sale to building  
of Cathedral Church  
or maintaining,  
&c., of  
such Church

4. Upon such sale the trustees of the said grant shall  
forthwith pay the net proceeds of the sale, after payment of  
the expenses thereof, to the Incorporated Trustees of the  
Church of England in Ceylon, and the said Incorporated  
Trustees shall stand possessed of such moneys in trust to  
apply such moneys and any income which may arise from  
the investment thereof—

(a) in and towards the erection, upon the sites mentioned  
in sections 5 and 6 or upon any other land which  
may lawfully be exchanged for the said sites,  
of a Cathedral Church and such other buildings  
as in the opinion of the Bishop of Colombo should  
be erected in connection with or for the service of  
such Cathedral Church ; or

(b) if, at the date of such sale, a Cathedral Church shall  
have been erected upon the said sites or upon any  
other land which may lawfully be exchanged for  
the said sites, in and towards additions, improve-  
ments, maintenance, decoration or equipment of  
such Cathedral Church and of other buildings  
erected in connection with or for the service of  
such Cathedral Church.

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\* The Cathedral Church (Colombo) Ordinance, 1911, has been  
omitted from the Revised Edition (1938) under section 4 (2) of the  
Revised Edition of the Legislative Enactments Ordinance. See noti-  
fication published in *Gazette* No. 8,441 of March 24, 1939.

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3. Section 5 of the principal Ordinance is hereby amended as follows—

Amendment of section 5 of principal Ordinance.

(1) by the substitution for the words "any subsidiary buildings which may be erected in connection with or for the service of such Cathedral Church" of the words "any other buildings which in the opinion of the Bishop of Colombo should be erected in connection with or for the service of such Cathedral Church"; and

(2) by the substitution for the words "of any subsidiary buildings erected in connection with or for the service of the Cathedral Church" of the words "of any other buildings erected in connection with or for the service of the Cathedral Church."

4. The following new sections shall be inserted immediately after section 5 and shall have effect as sections 6, 7, 8 and 9 of the principal Ordinance—

Addition of new sections.

6. (1) The Crown grant bearing date the 27th day of March, 1925, whereby the allotment of land described in the schedule hereto was granted and assigned unto the Incorporated Trustees of the Church of England in Ceylon, is hereby made and declared to be henceforth null and void.

Crown grant of 27th March, 1925, rendered void, and land comprised in the grant vested in the Incorporated Trustees.

(2) The allotment of land mentioned in sub-section (1) and described in the schedule hereto shall, after the commencement of this Ordinance, be vested in the Incorporated Trustees of the Church of England in Ceylon and the said Incorporated Trustees shall hold the said allotment of land subject to the same trusts, terms and conditions under which the said trustees now hold the two allotments of land mentioned in section 5.

7. (1) Notwithstanding anything in the Cemeteries and Burials Ordinance or in any other written law, it shall be lawful for the Governor to acquire the allotments of land mentioned in sections 5 and 6 under the Land Acquisition Ordinance upon such conditions as may be agreed upon between the Governor and the Incorporated Trustees of the Church of England in Ceylon.

Power of Governor to acquire lands mentioned in sections 5 and 6.

Cap. 161.

Cap. 203.

(2) If and when proceedings are taken to acquire the said allotments of land under sub-section (1), it shall be lawful for the Incorporated Trustees of the Church of

England in Ceylon to agree as to the compensation which may be allowed therefor and to sign any agreement connected therewith.

(3) If the said allotments of land are acquired under sub-section (1), the said allotments of land shall vest absolutely in His Majesty free and discharged from all the trusts, conditions and provisions concerning the same enacted by sections 5 and 6 and of all other incumbrances whatsoever; and in the event of the consideration for the said acquisition being exchange of other land the property of the Crown instead of pecuniary compensation, the said Crown land so given in exchange shall be subject to the same trusts, terms and conditions as are contained in sections 5 and 6, so far as the same are capable of taking effect, as though the said Crown land were the allotments referred to in sections 5 and 6.

Power of the Incorporated Trustees to remove any human remains on the land mentioned in section 5.

8. Notwithstanding anything in the Cemeteries and Burials Ordinance, the Incorporated Trustees of the Church of England in Ceylon may cause to be removed any tombstones, monuments or human remains in the allotments of land referred to in section 5.

Cap. 181.

Provided that all human remains so removed shall be re-interred in consecrated ground.

Saving of the rights of His Majesty, &c.

9. Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, His Heirs and Successors 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.

Repeal of section 6 and renumbering of section 7 of principal Ordinance.

5. (1) Section 6 of the principal Ordinance is hereby repealed.

(2) Section 7 of the principal Ordinance is hereby renumbered as section 10.

Insertion of Schedule to the principal Ordinance.

6. The following Schedule shall be added immediately after section 7 (renumbered as section 10) to the principal Ordinance and shall have effect as Schedule to that Ordinance.

#### SCHEDULE.

##### *Section 6.*

All that allotment of land in Galle Face, Ward No. 1, within the Municipality of Colombo, Colombo District, Western Province, bounded on the north by Military Land, East by

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Military Land and land claimed on T. Ps. 39,868½ and 20,551, South by Military Land and Gallo Face Lake Road, West by Gallo Face Central Road, Reservation along the Gallo Face Central Road and Military Land, containing in extent one acre, three roods, and ten perches and seventy-five hundredths of a perch, (A1. R3. P10·75.), according to the survey and description thereof authenticated by W. C. S. Ingles, Surveyor-General, bearing date the 14th day of July, 1923, and Number 355314.

7. Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, His Heirs and Successors 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 His  
Majesty, &c.

Presidential Secretariat Library

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