



**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA**

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**CHURCH OF CEYLON (INCORPORATION)  
ACT, No. 43 OF 1998**

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**[Certified on 6th August, 1998]**

*Printed on the Order of Government*

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*Church of Ceylon (Incorporation)*  
*Act No.43 of 1998*

[Certified on 06th August, 1998]

L.D.—O. 20/96.

AN ACT TO PROVIDE FOR THE ADMINISTRATION AND REGULATION OF THE CHURCH OF CEYLON; FOR THE INCORPORATION OF THE BISHOP OF EVERY DIOCESE; FOR THE INCORPORATION OF THE TRUSTEES OF THE CHURCH OF CEYLON; FOR THE REPEAL OF THE CHURCH OF ENGLAND ORDINANCE, THE EPISCOPAL CHURCHES ORDINANCE AND THE CHURCH OF CEYLON ACT, NO. 6 OF 1972 AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS by Church of England Ordinance No. 6 of 1885 as amended from time to time, provision was made to enable the Bishop, clergy and the laity of the Church of England to make arrangements for the management of their ecclesiastical property and affairs as they think fit and necessary :

Preamble.

AND WHEREAS by the Church of Ceylon Act, No. 6 of 1972, provision was made for the constitution of the Church of Ceylon and certain amendments were made to the Church of England Ordinance to establish the identity of the Church of Ceylon with the church of England in Ceylon (by whatsoever name called) and to grant legal validity to the Church of Ceylon with two Bishops and two Dioceses and to enable the said Church of Ceylon to regulate its own affairs:

AND WHEREAS with the passage of time, it is felt expedient to repeal the said Church of England Ordinance, the Episcopal Churches Ordinance and the Church of Ceylon Act, No. 6 of 1972 and to make other provision in lieu thereof which would enable the Church of Ceylon to regulate its own affairs:

BE it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

*Church of Ceylon (Incorporation)  
Act No.43 of 1998*

Short title.

1. This Act may be cited as the Church of Ceylon (Incorporation) Act, No. of 1998.

The constitution  
of the Church of  
Ceylon.

2. (1) The Church of Ceylon shall consist of—

- (a) the Diocese of Colombo and the Bishop of Colombo;
- (b) the Diocese of Kurunegala and the Bishop of Kurunegala ; and
- (c) such other Dioceses as may be created from time to time in accordance with the provisions of the Constitution of the Church of Ceylon relating to the same, and the Bishops appointed for such Dioceses.

(2) Where a new Dioceses is created under the provisions of the Constitution of the Church of Ceylon, the territorial limits of such Diocese shall be defined by setting out the metes and bounds of the area comprising such Diocese, and shall be published in the Gazette and in a daily newspaper each in the Sinhala, Tamil and English languages within three calendar months of the creation of such new Diocese.

Church of Ceylon  
deemed to be a  
continuation of  
and identical with  
the Church of  
England in  
Ceylon, &c.

3. Subject to the provisions of this Act, the Church of Ceylon constituted under this Act shall, for all intents and purposes be deemed to be a continuation of the Church of Ceylon constituted under the Church of Ceylon Act, No. 6 of 1972 and identical with the Church of England in Ceylon sometimes called or known as the—

- (a) United Church of England and Ireland;
- (b) Episcopal Church in the island of Ceylon;
- (c) Church of England in the Diocese of Colombo and in the Diocese of Kurunegala; or
- (d) Diocese of Colombo of the Ecclesiastical Province of the Church of India, Burma and Ceylon, or of India, Pakistan, Burma and Ceylon ; or

- (e) Diocese of Kurunegala of the Ecclesiastical Province of the Church of India, Burma and Ceylon or of India, Pakistan, Burma and Ceylon,

and all property, rights and privileges which belong to, and all duties and liabilities which have been imposed upon the Church designated by the expressions Church of Ceylon, and by any of the expressions set out in paragraphs (a) to (e) shall devolve upon the said Church of Ceylon constituted under this Act, and the expressions set out in paragraphs (a) to (e) and all other expressions relating to the said Church of Ceylon and the Church of England in Ceylon heretofore used in all enactments, rules, regulations, deeds, contracts and any other documents of whatsoever name or description, shall henceforth be deemed to refer to the Church of Ceylon constituted under this Act.

4. (1) The Church of Ceylon shall have the power to hold General Assemblies.

Power to hold  
General  
Assemblies.

(2) The manner and times at which such General Assemblies shall be held and the powers to be exercised thereat shall be as specified in the Constitution of the Church of Ceylon.

5. A Diocese of the Church of Ceylon shall have the power to hold Diocesan Councils, Diocesan Synods and Diocesan Assemblies for the purposes of ordering and managing its ecclesiastical and administrative affairs, in such manner and at such times and exercise such powers as shall be specified in the Constitution of the Diocese.

Holding of  
Diocesan  
Councils.

6. (1) Every Bishop of a Diocese shall be a body corporate, and by the name of the Bishop of that Diocese shall have perpetual succession and full power and authority to acquire, purchase, accept, take, hold, take on lease or enjoy movable and immovable property of every description, and, subject to such provisions as may be made from time to time

Bishop of a  
Diocese to be a  
body corporate.

in that behalf in the Constitution of the Church of Ceylon, to sell, mortgage, let, lease, exchange or otherwise dispose of or deal in any manner whatsoever with the same and may sue and be sued in its corporate name.

(2) All property, whether movable or immovable, which by virtue of any deed or instrument or otherwise was, or is now, or shall hereafter be vested in any Bishop of a Diocese and his successors, whether appointed by Royal Letters Patent under the Great seal of the United Kingdom of Great Britain and Northern Ireland or admitted under the provisions of any other enactment or the Constitution, Canons and Rules of the Church of India, Pakistan, Burma and Ceylon shall, subject to any trusts or conditions affecting the same, devolve on and be vested in the Bishop of such Diocese for the time being, and his successors as such Bishops.

Incorporated  
Trustees.

7. (1) There shall be established a corporation under the name and style of the "Incorporated Trustees of the Church of Ceylon" consisting of such number of members as may be appointed by the Diocesan Councils of the Church of Ceylon in accordance with the provisions of the Constitution of the Church of Ceylon relating to the same, which shall have perpetual succession and a common seal and sue or be sued in its corporate name.

(2) The Corporation established under subsection (1) shall have power and authority to acquire, purchase, accept, take, hold, take on lease, or enjoy, movable or immovable property and to sell, mortgage, alienate, let, lease, exchange or otherwise dispose of or deal with the same in any manner whatsoever and be competent to act as trustees for any fund of the Church of Ceylon and to borrow or raise money on its behalf.

Constitution of the  
Church of Ceylon  
to have binding  
effect.

8. The provisions of the Constitution of the Church of Ceylon shall be binding upon all the Dioceses of the Church of Ceylon and in the event of any inconsistency between the provisions of the Constitution of the Church of Ceylon and the Constitution of a Diocese of the Church of Ceylon, the provisions of the Constitution of the Church of Ceylon shall prevail.

**9.** (1) The territorial limits of the Diocese of Colombo and the Diocese of Kurunegala shall be the existing territorial limits of these two Dioceses as on the date of commencement of this Act.

Variation of territorial limits of a Diocese.

(2) The territorial limits of the Diocese of Colombo and the Diocese of Kurunegala may be varied or altered in the manner set out in the Constitution of the Church of Ceylon, and the new territorial limits of such Diocese shall be defined by setting out the metes and bounds of the area comprising the Diocese and shall be published in the Gazette and in a daily newspaper each in Sinhala, Tamil and English languages within three calendar months of such variation or alteration of the territorial limits.

**10.** The Church of Ceylon shall, until the adoption of the Constitution of the Church of Ceylon, continue to be bound by the Constitution, Canons and Rules of the Province of India, Pakistan, Burma and Ceylon.

Constitution, Canons and Rules of the Province apply.

**11.** It shall be lawful for the Bishop of Colombo and the Bishop of Kurunegala to fix the time and place for the holding of the first General assembly (hereinafter referred to as the 'Constituent Assembly') of the Church of Ceylon and summon such Assembly.

Holding the first General Assembly.

**12.** (1) The Constituent Assembly shall consist of the following :—

Constituent Assembly.

- (a) the Bishop of Colombo;
- (b) the Bishop of Kurunegala;
- (c) five Clergy and five laity as representatives from the Diocese of Colombo elected for such purpose by the Diocesan Council of the Diocese of Colombo;
- (d) five Clergy and five laity as representatives from the Diocese of Kurunegala elected for such purpose by the Diocesan Council of the Diocese of Kurunegala;

- (e) ten persons from among the Clergy and the laity of the Church of Ceylon, nominated as members jointly by the Bishop of Colombo and the Bishop of Kurunegala.

(2) The more senior by consecration of the two Bishops, shall be the Chairman of the Constituent Assembly and the other Bishop shall be it's Vice-Chairman.

(3) The Chairman shall preside at all meetings of the Assembly and in the absence of the Chairman, the Vice-Chairman shall preside at such meeting.

(4) All questions for decision at any meeting of the Constituent Assembly shall be decided, by the vote of the majority of the clergy elected and nominated to the Assembly and by the vote of the majority of the laity elected and nominated to the Assembly and with the consent of the Bishop of Colombo and the Bishop of Kurunegala.

13. (1) The Constituent Assembly shall draft and adopt the Constitution of Church of Ceylon which shall consist of Declarations declaring its principles, and Canons and Rules embodying those principles which will provide for the regulation of the ecclesiastical practices of the Church of Ceylon and for matters pertaining to its general administration.

(2) The Constituent Assembly shall hold as many sessions as may become necessary for the purpose of performing its duty under subsection (1), and shall cease to function as a Constituent Assembly from and after the day of the adoption of Constitution of the Church of Ceylon.

(3) The Constitution of the Church of Ceylon once adopted may be amended, repealed or replaced in such manner as may be provided for in the said Constitution.

14. In this Act, unless the context otherwise requires "Constitution of the Church of Ceylon" means the constitution adopted by the Constituent Assembly under section 13 of this Act.

Duty of the  
Constituent  
Assembly.

Interpretation.

15. (1) the Church of England Ordinance (Chapter 334), the Episcopal Churches Ordinance (Chapter 335) and Church of Ceylon Act, No. 6 of 1972 are hereby repealed.

Repeal and  
savings.

(2) Notwithstanding the repeal of the enactments referred to in subsection (1) —

- (a) The corporation called and known as the Incorporated Trustees of the Church of England in Ceylon established under section 9 of the Church of England Ordinance, shall continue to function until the constitution of the corporation called and known as the Incorporated Trustees of the Church of Ceylon established under section 7 of this Act, and the provisions of Chapter X of the Constitution of the Diocese of Colombo relating to Incorporated Trustees shall apply in respect of it's constitution;
- (b) the properties, both movable and immovable howsoever acquired and vested, and in possession of the Bishop of Colombo and the Bishop of Kurunegala respectively, on the day immediately preceding the date of commencement of this Act, shall continue to be the property of the Bishop of Colombo and the Bishop of Kurunegala, respectively ;
- (c) the properties, both movable and immovable howsoever acquired and vested and in the possession of the Incorporated Trustees of the Church of England in Ceylon shall be deemed to be the property of the Incorporated Trustees of the Church of Ceylon established under section 7 of this Act with effect from the date of constitution of the Incorporated Trustees of the Church of Ceylon ;
- (d) the rules and regulations made under any or all of the repealed enactments and in operation on the day immediately preceding the date of commencement of this Act, shall in so far as such rules and regulations are not inconsistent with any provisions of this Act or any rule made thereunder, shall continue to be valid.



(3) the Constitution of the Diocese of Colombo and the Constitution of the Diocese of Kurnunegala in force on the day immediately preceding the date of commencement of this Act, shall continue to be the Constitution of the Diocese of Colombo and the Constitution of the Diocese of Kurunegala respectively, and all acts done and all decisions duly taken under the said Constitutions shall continue to be in force and such Constitutions may be amended in the manner as provided for that purpose in the respective Constitutions, subject however to any provisions that may be contained in the Constitution of the Church of Ceylon relating to the amendment of the Constitution of a Diocese.

Saving of the  
rights of the  
Republic and  
others.

**16.** Nothing in this Act contained shall prejudice or affect the right of the Republic or of any body politic or corporate or of any other person except such as are mentioned in this Act and those claiming by, from or under, them.

Sinhala text to  
prevail in case of  
inconsistency.

**17.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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