

# **Berrima cum Moss Vale Amendment Ordinance 2003**

No 43, 2003

## **Long Title**

An Ordinance to vary the application of sale proceeds arising from and insurance proceeds held under the Berrima cum Moss Vale Ordinance 2002.

## **Preamble**

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land (the "Land") specified in Part 1 of Schedule 2 of the Berrima cum Moss Vale Ordinance 2002 (the "Principal Ordinance") and holds the same upon the trusts set out in the Principal Ordinance.

B. The Property Trust is the trustee of funds arising from the sale of the land specified in Part 1 of Schedule 1 of the Principal Ordinance (the "Sale Proceeds") and holds the same upon the trusts set out in the Principal Ordinance.

C. The Property Trust is the trustee of funds held in Property Trust Client Fund 442 known as the Glebe Cottage Property Fund (the "Proceeds of Insurance") and holds the same upon the trusts set out in the Principal Ordinance.

D. By reason of circumstances which have arisen after the creation of the trusts on which the Land, the Sale Proceeds and the Proceeds of Insurance (the "Property") are held, it is inexpedient to carry out or observe those trusts or to apply the Property for the same or like purposes as those trusts and it is expedient to vary those trusts to the extent set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### **1. Name**

This Ordinance is the Berrima cum Moss Vale Amendment Ordinance 2003.

### **2. Declaration**

By reason of circumstances which have arisen after the creation of the trusts on which the Property is held, it is inexpedient to carry out or observe those trusts or to apply the Property for the same or like purposes as those trusts and it is expedient to vary those trusts to the extent set out in this Ordinance.

### **3. Amendment to Principal Ordinance**

The Principal Ordinance is amended as follows –

- (a) in clause 4(2)(e) –
  - (i) delete the first occurrence of the word "purposes" and insert instead the words "capital purposes of the Parish", and
  - (ii) delete the words "for capital purposes of the Parish", and
- (b) insert the matter "(1)" before the words "The Proceeds" in clause 7, and
- (c) delete the words "to be invested and the income arising therefrom" in clause 7(b) and insert instead the matter " ,", and
- (d) insert a new clause 7(2) as follows –

“(2) Pending the application of the Proceeds of Insurance, the Proceeds of Insurance (or the balance remaining from time to time) are to be invested and the income capitalised.”, and
- (e) delete item 4 in Schedule 3.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

R TONG  
Deputy Chairman of Committees

**Berrima cum Moss Vale Amendment Ordinance 2003**

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 29 September 2003.

MA PAYNE  
Secretary

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
30/9/2003