
*Cathedral Compensation Fund Variation of Trusts
Ordinance 1950.*

No. 30, 1950.

AN ORDINANCE to declare trusts on part of the lands comprised in Certificate of Title Registered Volume 4804 Folio 186, and to vary the trusts as declared by the Cathedral Compensation Fund Ordinance 1946 and for purposes incidental thereto.

WHEREAS by An Act to authorise the appropriation of the Old Burial Ground or Cathedral Close in Sydney to certain municipal and other public purposes (hereinafter referred to as Act 32° Vic. No. 4), certain land as therein referred to in the Second Schedule thereto was granted to the Bishop of Sydney and his successors in trust for the purposes of the Cathedral. AND WHEREAS by An Act to amend an Act intituled "An Act to authorise the appropriation of the Old Burial Ground or Cathedral Close in Sydney to certain municipal and other public purposes" (hereinafter referred to as Act 34° Vic. No. 6) authority was given to erect certain buildings on part of the said land. AND WHEREAS by "The Cathedral Close Amending Act 1916" (hereinafter referred to as Act. No. 18, 1916) authority was given to alter the buildings referred to in Act 34° Vic. No. 6 in the manner therein referred to. AND WHEREAS the said land was granted by the Crown on the fifth day of May, 1903, to the Bishop of Sydney and his successors being the whole of the land comprised in Crown Grant Registered Volume 1467 Folio 178 and contained by admeasurement one rood and eighteen perches be the same a little more or less Upon Trust for the purpose of Saint Andrew's Cathedral and for no other purpose whatsoever and subject to the Act 32° Vic. No. 4 and also of Act 34° Vic. No. 6. AND WHEREAS by Grant from the Crown entered in the Register of Grants of the United Church of England and Ireland No. 65, Page 85, on the 31st January, 1856, all that piece or parcel of land containing by admeasurement one acre be the same more or less more fully described in such Grant was granted to the Right Reverend Frederic Barker, D.D., Lord Bishop of Sydney, and his successors subject to the conditions reservations and provisos therein contained Upon Trust for the erection thereon of the Cathedral Church known as St. Andrew's of the United Church of England and Ireland as by law established. AND WHEREAS the said lands became vested in Church of England Property Trust Diocese of Sydney (hereinafter referred to as the

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Corporate Trustees). AND WHEREAS by the "Saint Andrew's Cathedral Site Act 1935" (hereinafter referred to as Act No. 32, 1935) as amended by Act No. 15, 1936, certain lands as therein referred to were vested in the Corporate Trustees Upon Trust for all or any of the following purposes, that is to say, a site for a Cathedral Church, a residence for the Chief Officiating Minister of the Cathedral, a Church House and Offices, and otherwise in connection with the Cathedral and the administration of the affairs of the Church of England in the Diocese of Sydney. AND WHEREAS the said Act. No. 32, 1935, repealed the unrepealed portion of 32 Vic. No. 4, and the whole of Acts Nos. 34 Vic. No. 6, and 1916 No. 18. AND WHEREAS part of the lands comprised in the two Crown Grants hereinbefore referred to was resumed. AND WHEREAS the residue of the lands referred to in the said two Crown Grants and the whole of the lands referred to in Act No. 32, 1935, are comprised in Certificate of Title Register Book Volume 4804, Folio 186, and are subject to certain reservations therein contained and subject also to a caveat No. C. 489212 shown thereon. AND WHEREAS it is expedient to declare the same trusts on the whole of the lands comprised in the said Certificate of Title Volume 4804 Folio 186 as are declared by Act No. 32, 1935, on part of the said land. AND WHEREAS by the Cathedral Compensation Fund Ordinance 1946 (No. 17, 1946), the Cathedral Compensation Fund is held by the Corporate Trustees Upon Trust for the use benefit or purposes of the Church of England within the Diocese and in connection with the erection of buildings in addition to or in substitution for in enlargement or alteration of all or any of the buildings on the Cathedral Property (being the whole of the land comprised in Certificate of Title Registered Volume 4804 Folio 186) and that in the meantime the income thereof may be used for the same purposes in connection with the maintenance improvement and administration of the Cathedral Property. AND WHEREAS it is expedient that a building should be erected on part of the said land to be used for administration purposes by the Dean of Sydney or such other purposes in connection with the said Cathedral as may be determined by the Chapter of the said Cathedral subject to the approval of the Standing Committee as to the position of the same. AND WHEREAS it is expedient to vary the trusts of the Cathedral Compensation Fund.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and rules as follows:—

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1. The whole of the land comprised in Certificate of Title Registered Volume 4804 Folio 186 shall be held upon trust for all or any of the following purposes that is to say, a site for a Cathedral Church, a residence for the Chief Officiating Minister of the Cathedral, a Church House and offices and otherwise in connection with the Cathedral and the administration of the affairs of the Church of England in the Diocese of Sydney.

2. By reason of circumstances subsequent to the creation of the said trusts it is impossible or inexpedient to carry out or observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trust be varied accordingly.

3. The said trusts are hereby varied to permit part of the said land being used for the erection thereon of a building to be used for administration purposes by the Dean of Sydney in connection with the said Cathedral or such other purposes in connection with the Cathedral as the Chapter of the Cathedral Church of St. Andrew with the approval of the Standing Committee may from time to time determine.

4. By reason of circumstances subsequent to the creation of the trusts as declared by The Cathedral Compensation Fund Ordinance 1946 it is impossible or inexpedient to carry out or observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trusts be varied accordingly.

5. The said trusts are hereby varied to permit the Corporate Trustees to apply a sum not exceeding Seven thousand pounds (£7,000) out of the income of the said Cathedral Compensation Fund in and towards the erection of a building to be used for administration purposes by the Dean of Sydney in connection with the said Cathedral or such other purposes as may be determined by the Chapter of the Cathedral Church of St. Andrew Sydney, with the approval of the Standing Committee from time to time in connection with the said Cathedral on part of the land comprised in Certificate of Title Registered Volume 4804 Folio 186.

6. This Ordinance shall be styled and cited as "Cathedral Compensation Fund Variation of Trusts Ordinance 1950."

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

J. BIDWELL.

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 3rd day of November, 1950.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

3/11/1950