
*Church of England Trust Property Act Provincial Ordinance
1970 No. 2, Adopting Ordinance 1970*

No. 52, 1970

AN ORDINANCE for adopting a certain Ordinance of the Provincial Synod of N.S.W. entitled "Church of England Trust Property Act Provincial Ordinance 1970 No. 2".

WHEREAS a certain Ordinance entitled "Church of England Trust Property Act Provincial Ordinance 1970 No. 2" a copy of which is contained in the Schedule hereto was passed by the Synod of the Province of New South Wales on the 14th day of April, 1970 AND WHEREAS it is expedient that the said Ordinance should be adopted by the Church in this Diocese NOW the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England in Australia within the State of New South Wales HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. The said Ordinance contained in the Schedule hereto is hereby adopted and so far as the same is applicable shall be applied to the management and good government of the Church in this Diocese.
2. This Ordinance may be cited as "Church of England Trust Property Act Provincial Ordinance 1970 No. 2 Adopting Ordinance 1970".

SCHEDULE

CHURCH OF ENGLAND TRUST PROPERTY ACT
PROVINCIAL ORDINANCE 1970, No. 2

AN ORDINANCE to authorise application to the Parliament of New South Wales to pass an Act to make further provisions with respect to the mortgaging of Church trust property under "Church of England Trust Property Act 1917".

WHEREAS the Provincial Synod of the Province of New South Wales at a duly convened meeting held in the City of Sydney on the twenty-fourth day of August, 1965, resolved:

THAT this Synod requests the Government of New South Wales to make such amendments as may be necessary to the Church Trust Property Act of 1917, Section 26, to enable the synod of any diocese, which desires to do so to authorise its trustees to mortgage or agree to mortgage if called upon to do so, any church property of which they are trustees without the passing of ordinances from time to time as at present required.

AND WHEREAS the Standing Committee of this Provincial Synod has received from the Chancellors of the dioceses in the Province a draft Bill to provide for such amendments to the said Act, a copy whereof is contained in the Schedule hereto

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AND WHEREAS this Provincial Synod considers it expedient to provide that the said further amending provisions shall apply to the Diocese of Sydney but shall not apply to the remaining dioceses in the said Province until the synod of such a diocese shall pass an ordinance declaring a desire to be bound by and to have the benefit of the same and shall in the name and under the hand of the Bishop of the said diocese notify such ordinance in the Gazette and to provide also that immediately upon such notification and thenceforth the same shall apply to the said diocese and to all the trust property matters and things of or pertaining to the said diocese AND WHEREAS it is expedient to make the provision hereinafter contained for promoting the said Bill in the Parliament of New South Wales WHEREFORE the Provincial Synod in the Province of New South Wales in pursuance of the powers in that behalf conferred upon it by the constitution for the management and good government of the Church of England in Australia within the State of New South Wales and of all other powers thereunto enabling it **ORDAINS PRESCRIBES AND RULES** as follows:

1. Application shall be made to the Parliament of New South Wales by the Standing Committee of this Provincial Synod to pass an Act in terms of the Bill contained in the Schedule hereto.
2. The said Standing Committee is hereby authorised and empowered to promote in the Parliament of New South Wales a Bill in terms of the said Bill contained in the Schedule hereto or to the like effect and for the said purpose to confer and to act in conjunction with the Bishops and Chancellors of the dioceses of the Province or any of them or any other person or persons and to do all such things and incur all such expense as may seem expedient in the circumstances.
3. This Ordinance may be cited as "Church of England Trust Property Act Provincial Ordinance 1970, No. 2".

SCHEDULE

A BILL to make further provisions with respect to the mortgaging of Church trust property held under Church of England Trust Property Act 1917; and for this purpose to amend that Act; and for purposes connected therewith.

WHEREAS by an Ordinance duly passed by the Provincial Synod of the Province of New South Wales of the Church of England in Australia it was ordained and directed that application be made for the enactment of an Act in or to the effect of the provisions herein contained BE it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly

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of New South Wales in Parliament assembled, and by the authority of the same as follows:

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| Short
Title | 1. This Act may be cited as "Church of England Trust Property (Amendment) Act 1970". |
| Amendment
of Act
No. 21 1917 | 2. The Church of England Trust Property Act 1917 is amended by inserting next after Section 27 the following new section: |
| New
Sec. 27A
Power of
Synod of
certain
Dioceses to
direct
mortgage by
resolution | 27A (1) The synod of a diocese or its standing committee or in the case of the Diocese of Sydney its Finance and Loans Board may give by resolution any direction for or in respect of the mortgage of any church trust property if that direction might have been given in pursuance of Sections 26 or 27 of this Act by ordinance.

(2) A direction shall not be given by resolution in pursuance of sub-section 1 of this section where, if that direction were given by ordinance, that ordinance would not, by reason of Section 26 of this Act, be assented to as referred to in that section.

(3) A resolution made in pursuance of this section shall be certified by the registrar of the diocese or by a secretary of the synod or by a person acting as registrar of the diocese or as a secretary of the synod.

(4) The provisions of Sections 35, 37 and 43 of this Act shall apply mutatis mutandis to and in respect of a resolution made in pursuance of sub-section 1 of this section in the same manner as they apply to and in respect of an ordinance made in pursuance of Sections 26 or 27 of this Act.

(5) This section shall apply to the Diocese of Sydney but shall not apply to the remaining dioceses in the Province of New South Wales until the synod of such a diocese shall pass an ordinance declaring a desire to be bound by and to have the benefit of this section and shall in the name and under the hand of the Bishop of the said diocese notify such ordinance in the Gazette and immediately upon such notification and thenceforth the provisions of this section shall apply to the said diocese and to all the trust property matters and things of or pertaining to the said diocese. |

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

ATHOL RICHARDSON,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney on this 15th day of October, 1970.

W. L. J. HUTCHISON,
K. N. SHELLEY,
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

15/10/1970.