

ST. LUKE'S LIVERPOOL LEASE ORDINANCE (NO. 2) 1976

No. 22 1976

AN ORDINANCE to vary the trusts on which certain land at Liverpool is held, and for purposes incidental thereto.

WHEREAS

- A. The St. Luke's Liverpool Dedication and Leasing Ordinance 1961 (hereinafter called the "1961 Ordinance") authorised Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") to grant a lease of certain land at Liverpool (which land is hereinafter called "Lot A") and directed that the rents to be paid in respect of the said lease be applied in the manner indicated therein.
- B. The St. Luke's Liverpool Leasing Ordinance 1964 (hereinafter called the "1964 Ordinance") authorised the Corporate Trustee to accept surrender of the lease granted pursuant to the 1961 Ordinance (which lease is hereinafter called the "first lease") and to grant a new lease in respect of Lot A and of certain adjoining land (hereinafter called "Lot B") and directed that the rents to be paid in respect of the said new lease be applied in the manner indicated therein.
- C. Notwithstanding the provisions of the 1964 Ordinance, the first lease was not surrendered but the terms, covenants and provisions thereof were amended and a lease was granted in respect of Lot B (which lease is hereinafter called the "second lease").
- D. Disputes have arisen as to the meaning of certain of the provisions in the first lease and in the second lease.
- E. Glebe Administration Board has been appointed trustee of Lot A and of Lot B in the place of the Corporate Trustee.
- F. The St. Luke's Liverpool Lease Ordinance 1976 (hereinafter called the "1976 Ordinance") authorised and empowered Glebe Administration Board to agree to and effect amendments to the first lease and to the second lease.
- G. The 1976 Ordinance further provided that all income (not being rents to which clause 3 of that Ordinance applied) received in respect

of Lot A or Lot B should be applied in meeting certain costs and that the balance should be invested by the Glebe Administration Board pending the passing of an ordinance by the Synod or the Standing Committee thereof dealing with such balance.

H. By reason of the circumstances which have arisen subsequent to the creation of the trusts on which Lot A and Lot B are held it is expedient that the same be varied to the extent (if any) that the same are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES RULES AND DIRECTS as follows:-

1. This Ordinance may be cited as "St. Luke's Liverpool Lease Ordinance (No. 2) 1976".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts on which Lot A and Lot B are held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

3. So much of the said income as is derived on or prior to the 31st December 1976 shall be applied as follows:-

- (a) \$125,000 shall be applied towards the cost of restoration, maintenance and repair work on the Church of St. Luke, Liverpool,
- (b) \$100,000 shall be applied towards the cost of erecting a new Hall near the Church of St. Luke, Liverpool,
- (c) \$10,936.55 shall be applied in repaying an advance of that amount made by Glebe Administration Board for the purpose of repaying a debt due to the Commonwealth Savings Bank of Australia, and
- (d) the balance shall be paid to the churchwardens of the Church of St. Luke Liverpool and applied by them for the maintenance of the ministry (excluding the stipend of the rector of the Parish of Liverpool) and in the relief of need and distress.

4. So much of the said income as is derived on and from the 1st January, 1977 shall be applied as follows:-

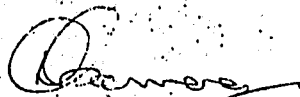
- (a) 15% shall be paid to the churchwardens for the time being of the Church of St. Luke Liverpool to be applied for the maintenance of the ministry (excluding the stipend of the rector) and relief of need and distress,

- (b) 5% shall be paid to the said churchwardens to be applied by them for payment towards such extra parochial purposes as shall be decided by resolution of the Parish Council of the Parish of Liverpool,
- (c) 5% shall be paid to Sydney Diocesan Secretariat and applied for such purposes as shall be determined by the Synod, and
- (d) 10% shall be appropriated to a special account for application towards the restoration maintenance and repair of the Church of St. Luke, Liverpool,
- (e) an amount shall be applied towards such capital purposes in any parish, provisional parish, provisional district or new housing district the area of which was part of the Parish of Liverpool, on the 1st July 1964 as may be approved from time to time by resolution of the Parramatta Anglican Regional Council which Council shall also determine the amount to be applied under this paragraph provided that no more than \$50,000 shall be applied from the said income derived during any period of twelve months commencing on the 1st January, and
- (f) The residue shall be applied for such purposes as may be determined by the Synod.

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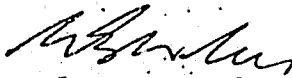
The provisions of Clauses (3) and (4) shall be reviewed during the year 1986 and any amendments to the said provisions arising out of such review shall take effect on and from the 1st January 1987. The trustee for the time being of Lot A and of Lot B shall not distribute any income derived on or from the 1st January 1987 until such time as such a distribution has been authorised by an Ordinance passed after such review. The provisions contained in Clauses (3) and (4) shall not be taken as a precedent.

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



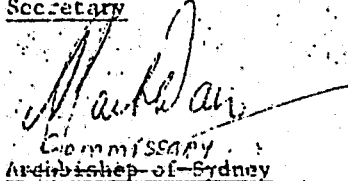
Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 26<sup>th</sup> day of July 1976.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

26/7/1976