

**BERRIMA CUM MOSS VALE VARIATION OF TRUSTS AND LAND SALE ORDINANCES 1983
AND 1989 AMENDMENT ORDINANCE 1990**

No. 42, 1990

AN ORDINANCE to amend the Berrima cum Moss Vale Variation of Trusts and Land Sale Ordinance 1983 and the Berrima cum Moss Vale Variation of Trusts and Land Sale Ordinance 1989 and to vary certain trusts.

WHEREAS

A. Certain lands have been sold pursuant to the Berrima cum Moss Vale Variation of Trusts and Land Sale Ordinance 1983 (the "1983 Ordinance") and the Berrima cum Moss Vale Variation of Trusts and Land Sale Ordinance 1989 (the "1989 Ordinance").

B. The proceeds from the sales are held by the Property Trust on identical trusts pursuant to clause 3 of the 1983 Ordinance and clause 3 of the 1989 Ordinance.

C. By reason of circumstances which have arisen since the creation of the trusts on which the proceeds are held, it is inexpedient to carry out and observe the same, and it is expedient to vary those trusts.

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

1. This Ordinance may be cited as the "Berrima cum Moss Vale Variation of Trusts and Land Sale Ordinances 1983 and 1989 Amendment Ordinance 1990."

2. By reason of circumstances which have arisen since the creation of the trusts on which the proceeds are held, it is inexpedient to carry out and observe the same, and it is expedient to vary those trusts as set out in clauses 3 and 4.

3. Clause 3 of the 1983 Ordinance is amended -

(a) By omitting from paragraph (c) the word "demolishing" and by inserting instead the words "repairs to" and by deleting the words "and constructing thereon a residence for a person employed by the Churchwardens"; and

(b) By omitting paragraph (d) and by inserting the following instead -

"(d) Fourthly, towards the costs of the purchase of a residence in the parish for an Assistant Minister or for a person employed by the Churchwardens;"

(c) By inserting the following paragraph -

"(e) Fifthly, the balance of the proceeds as requested from time to time by resolution of the Parish Council of the Parish and approved by the Standing Committee towards meeting the costs of renovations, restoration, repairs and/or alterations to the existing church buildings and the erection and/or renovation of Sunday school buildings within the Parish or for such other general parochial purposes as the Standing Committee may resolve at the request of the Parish Council."

(d) By inserting the following provisos at the end of the clause -

"PROVIDED that, pending application pursuant to this clause, the funds shall be invested by the Corporate Trustee and the income capitalised.

PROVIDED further that at the request of the Churchwardens the Corporate Trustee may reimburse the Churchwardens for any assessment levied in respect of the investment of funds made pursuant to this clause."

4. Clause 3 of the 1989 Ordinance is amended -

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(a) By omitting from paragraph (c) the word "demolishing" and by inserting instead the words "repairs to" and by deleting the words "and constructing thereon a residence for a person employed by the Churchwardens"; and

(b) By omitting paragraph (d) and by inserting the following instead -

"(d) Fourthly, towards the costs of the purchase of a residence in the parish for an Assistant Minister or for a person employed by the Churchwardens;"

(c) By inserting the following paragraph -

"(e) Fifthly, the balance of the proceeds as requested from time to time by resolution of the Parish Council of the Parish and approved by the Standing Committee towards meeting the costs of renovations, restoration, repairs and/or alterations to the existing church buildings and the erection and/or renovation of Sunday school buildings within the Parish or for such other general parochial purposes as the Standing Committee may resolve at the request of the Parish Council."

(d) By inserting the following provisos at the end of the clause -

"PROVIDED that, pending the application pursuant to this clause, the funds shall be invested by the Corporate Trustee and the income capitalised.

PROVIDED further that at the request of the Churchwardens the Corporate Trustee may reimburse the Churchwardens for any assessment levied in respect of the investment of funds made pursuant to this clause."

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

E.D. CAMERON
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of October 1990

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
29 / 10 / 1990