

APPENDIX No. 49.

21915

ORDINANCE. CHURCH ACTS CONSOLIDATION.

AN ORDINANCE to authorise application to Parliament to pass an Act to consolidate and amend the Acts relating to property held upon any trust for or for the use benefit or purposes of the Church of England in Dioceses within New South Wales and the Acts conferring powers upon the Synods of the said Dioceses with reference to the said property and for other purposes.

WHEREAS the Provincial Synod of the Province of New South Wales resolved "That this Synod is of opinion that the Church Property Acts of 1881, 1887, 1889 and 1897, and Sections 5 and 7 of the Constitutions should be consolidated, altered, added to, and amended; and that the Synod approves of the Standing Committee of the Diocese of Sydney, in conference with the Chancellors of the Dioceses of the Province promoting the necessary Bill in Parliament for such purpose; provided, however, that the draft Bill is submitted to the Diocesan Council of each Diocese in the Province for their suggestion, and, if necessary, amendment, and failing all such Councils finally approving of the same, a Section should be inserted therein to the effect that the Bill, if passed, shall not extend to, or operate in, any Diocese other than the Diocese of Sydney, unless and until the Synod of such Diocese adopts it." AND WHEREAS the Standing Committee of the Diocese of Sydney in conference with the Chancellors of the Dioceses of the Province have prepared a draft Bill a copy whereof is contained in the Schedule hereto AND WHEREAS the said draft Bill has been submitted to the Diocesan Council of each Diocese in the Province for their suggestion and if necessary amendment AND WHEREAS ("some of" or "all" as the case may be) the said Councils have approved of the said draft Bill subject to modification in certain cases AND WHEREAS it is expedient to make the provision hereinafter contained for promoting the said Bill with or without modification in the Parliament of New South Wales WHEREFORE 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 within the State of New South Wales and of all other powers thereunto enabling it ordains and rules as follows:—

1. Application shall be made to the Parliament of New South Wales to pass an Act in the terms of the draft Bill contained in the Schedule hereto with such modifications if any as shall be approved by the Standing Committee of this Diocese including if deemed expedient provision to the effect that it shall not extend to or operate in certain Dioceses to be therein named unless and until the Synods of such Dioceses shall respectively adopt it.

2. In view of a recent Conference between the Standing Committee and the Council of St. Paul's College it is hereby directed that the St. Paul's College Acts be excluded from the said Draft Bill and the Standing Committee is hereby authorised to take such steps (if any) as may be necessary to bring the said College into closer touch with the Synod and to confer with the said Council with a view to arriving at unanimity thereon.

3. The Standing Committee of this Diocese is hereby authorised and empowered to promote in the Parliament of New South Wales a Bill in the terms of the said draft Bill with such modifications if any as aforesaid and for the said purpose to confer and to act in conjunction with the Bishops and the 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 under the circumstances.

4. This Ordinance may be cited as the "Church of England Trust Property Act Ordinance 1915."

SCHEDULE.

AN ACT to consolidate and amend the Acts relating to property held upon any trust for or for the use benefit or purposes of the Church of England in Dioceses within New South Wales and the Acts conferring powers upon the Synods of the said Dioceses with reference to the said property and for other purposes.

WHEREAS the Acts relating to property held upon any trust for or for the use benefit or purposes of the Church of England in Dioceses within New South Wales and the Acts conferring powers upon the Synods of the said Dioceses with reference to the said property are numerous ambiguous and discursive and it is therefore expedient to consolidate and amend the same. Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1 This Act may be cited as the "Church of England Trust Property Act 191 " and is divided into parts as follows:—

Title and
Parts

Part 1. Repeal and Amendment.	s.s. 2-3
Part 2. Interpretation.	s. 4.
Part 3. Trustees Constitution and Succession.	s.s. 5-12.
Part 4. Vesting Trust Property.	s.s 13-15.
Part 5. Management and Investment of Trust Property.	s. 16.
Part 6. Sale, Exchange, Mortgage, Lease, etc. of Trust Property.	s.s 17-23.
Part 7. Variation of Trusts.	s.s 24-25.
Part 8. Evidence.	s.s 26-29.
Part 9. General.	s.s. 30-33.

PART I. REPEAL AND AMENDMENT.

2 (1) The Acts mentioned in the first Schedule to this Act are hereby repealed.

Repeal.

(2) The said repeal shall not affect Ordinances passed Trustees constituted as bodies politic and corporate persons elected

or appointed Trustees or members of bodies politic and corporate property vested acts and things validated or certificates given under the said Acts or any of them.

(3) Except so far as there is anything in this Act inconsistent therewith this Act shall apply to all matters and things made done or commenced under the said Repealed Acts and at the commencement of this Act of any force or effect or capable of acquiring any force or effect by virtue of the said Repealed Acts as if this Act had been in force at the time they were made done or commenced and they were made done or commenced hereunder.

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3 (1) Sections 5 and 7 of the "Church of England Constitutions Act Amendment Act of 1902" and clauses 3 and 6 of the Schedule to the said Act and all Acts and parts of Acts relating to Church Trust Property shall so far as may be necessary for the purposes of this Act be read as amended and supplemented by this Act.

(2) In the case of the Diocese of Sydney the Acts and parts of Acts mentioned in the Second Schedule to this Act are hereby declared to relate to Church Trust Property and the said Diocese to be the Diocese for which the Church Trust Property in question is held.

PART 2. INTERPRETATION.

4 In this Act unless inconsistent with the context or subject matter--

"Bishop" includes Archbishop and the Bishop or Archbishop for the time being.

"Church of England" means Church of England within New South Wales.

"Church Trust Property" includes all or any part of any real and personal property which may for the time being be subject to any Trust whether by dedication consecration trust instrument or otherwise for or for the use benefit or purposes of the Church of England in any Diocese and each such Diocese is referred to as the Diocese for which the Church Trust Property in question is held. The real and personal property subject to the provisions of the "Bishop Tyrrell Trust Act" (1910) shall be deemed to be not included in "Church Trust Property" but save as aforesaid all property which may for the time being be subject to any trust for the residence or the endowment or maintenance of the Bishop of a Diocese is included in "Church Trust Property."

"Corporate Trustees" and "Corporate body of Trustees" respectively include corporate bodies of Trustees now or hereafter

to be constituted for any Diocese under the provisions of the "Church of England Trust Property Incorporation Act 1881" hereby repealed or of this Act.

"Diocese" includes any Diocese now or hereafter to be formed and situated within New South Wales and the identity of a Diocese shall be deemed not to be affected by the formation wholly or partly thereof of a new Diocese nor by any other alteration of boundaries or area nor by any change of name.

"Parish" includes any Parish or Ecclesiastical District now or hereafter to be formed and situated within New South Wales.

"Parish Council" means the body of persons if any in which the general powers of governing the affairs of a parish are for the time being vested under the provisions of any Ordinance of the Synod of a Diocese.

"Person" includes Corporate Trustees and a Bishop.

"Purposes" includes religious educational cemetery and all other purposes of the Church of England whether such purposes are within or beyond the Diocese or the State.

"Standing Committee" includes any general governing council of a Diocese created by or under the authority of its Synod.

"Synod" includes any Synod now or hereafter to be convened or held in pursuance of the provisions of the "Church of England Constitutions Act Amendment Act of 1902" or any Act amending or taking the place of the same.

"Trust Instrument" includes Ordinances of Synod and Acts of Parliament though not expressly mentioned herein.

"Trustee" "New Trustee" respectively include corporate Trustees and a Bishop.

PART 3. TRUSTEES CONSTITUTION AND SUCCESSION.

5 The following bodies that is to say:—

- Church of England Property Trust Diocese of Sydney
- The Trustees of Church Property for the Diocese of Newcastle
- Church of England Property Trust Diocese of Goulburn.
- The Corporate Trustees of the Diocese of Grafton and Armidale
- Church of England Property Trust Diocese of Bathurst

Trustees of the Church Property for the Diocese of Riverina are hereby declared to have been duly constituted as bodies politic and corporate by the said names respectively under the provisions of the "Church of England Trust Property Incorporation

Existing
Corporate
Bodies.

Act 1881" and notwithstanding the repeal of the said Act they shall remain so constituted as aforesaid and except so far as there is anything in this Act inconsistent therewith this Act shall apply to them as if this Act had been in force at the time they were constituted and they were constituted hereunder.

The Bishop of a Diocese shall *ex officio* be a member of the corporate body so constituted as aforesaid for such Diocese and the number of members shall be increased by one for the said purpose.

- 6 The Synod of each Diocese other than the Dioceses for which the said bodies in the preceding section mentioned were and remain so constituted as aforesaid may at any time elect such persons as such Synod desires should together with the Bishop of the Diocese *ex officio* be incorporated as Trustees for such Diocese and the Bishop of such Diocese shall notify such election in the New South Wales Government Gazette and immediately upon such notification and thenceforth the said persons and such persons as may from time to time be members of such body together with the Bishop of the Diocese *ex officio* shall be and they are hereby constituted a body politic and corporate by the name of incorporation mentioned in such notification and by such name they shall have perpetual succession and a common seal and shall sue and be sued or shall otherwise appear and answer and be answered and may take and hold to them and their successors by grant will or otherwise any real and personal property and for any estate or interest therein.

- 7 It shall be lawful for the Synod of a Diocese from time to time by Ordinance to declare what shall be the number of members of the corporate body of Trustees constituted for such Diocese and in case of increase in the number such increase shall be effected by the Synod of such Diocese electing an additional member or additional members and in case of diminishment in the number such diminishment shall be effected by the Synod of such Diocese not electing a person or persons to fill a vacancy or vacancies declared under the provisions of this Act.

- 8 It shall be lawful for the Synod of a Diocese from time to time by Ordinance to change the name of the corporate body of Trustees constituted for such Diocese.

- 9 (1) The members for the time being of each corporate body of Trustees shall have the custody of the common seal of such corporate body and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body and three members for the time being of the said corporate body shall constitute a quorum.

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(2) Any deed or instrument executed or signed and any other act matter or thing done by any three members of any such corporate body as aforesaid in pursuance of a resolution of the said corporate body and under the common seal of the said corporate body shall be as effectual as if the same had been executed signed or done by all the members of the said corporate body.

Authority of Members of Corporat Bodies.

(3) It shall be lawful for the Synod of a Diocese from time to time by Ordinance to vary the provisions of subsections (1) and (2) of this section in so far as the same relate to such Diocese and the said provisions shall with reference to the said Diocese and to all the Church Trust Property matters and things of or held for or pertaining to the said Diocese be read from time to time as so varied by Ordinance as aforesaid.

Variation by Synod

10 (1) It shall be lawful for the Synod of a Diocese from time to time by resolution to declare the existence of a vacancy or vacancies in the office of member of the corporate body of Trustees of such Diocese by reason of one or more of the members for the time being of such corporate body having died resigned office refused or neglected or having become incapable to act in the said office or having for the space of six months ceased to reside within the said Diocese or by reason of some other matter to be specified in such resolution and thereupon or at any time thereafter the Synod of the said Diocese may elect a person or persons to be and such person or persons shall thereupon become a member or members of the said body in the place or places of the member or members referred to in the said resolution.

Vacancy in Membership of Corporat Bodies.

(2) It shall be lawful for the Synod of a Diocese for which any Church Trust Property is for the time being held from time to time by Ordinance to declare what shall be the number of Trustees of such property and in case of increase in the number such increase shall be effected by the Synod of such Diocese electing a new Trustee or new Trustees by way of addition and in case of diminishment in the number such diminishment shall be effected by the Synod of such Diocese not electing a person or persons to fill a vacancy or vacancies declared under the provisions of this Act.

Alteration in number of Trustees.

(3) It shall be lawful for the Synod of a Diocese for which any Church Trust Property is for the time being held from time to time by resolution to declare the existence of a vacancy or vacancies in the office of Trustee of such property by reason of one or more of the trustees having died resigned office refused or neglected or having become incapable to act in the said office or having for the space of six months ceased to reside within the

Vacancy in Office Trustee.

said Diocese or by reason of some other matter to be specified in such resolution and thereupon or at any time thereafter the Synod of the said Diocese may elect or by resolution provide for the election of a person or persons to be and such person or persons shall upon such election become a Trustee or Trustees in the place or places of the Trustee or Trustees referred to in the said resolution.

(4) The Synod of a Diocese may elect a new Trustee or new Trustees respectively for Church Trust Property which may be allocated under the provisions of this Act for such Diocese.

(5) It shall be lawful for the Synod of a Diocese for which any Church Trust Property is for the time being held by Ordinance to provide for the election of separate Trustees for any part or parts of such Property and to elect such separate Trustees.

(6) The said resolutions and elections respectively referred to in the above sub-sections shall be forthwith notified in the New South Wales Government Gazette under the hand of the Bishop of the said Diocese.

(7) The said provision contained in sub-section (3) is in addition to any other provision for the time being applicable to any Church Trust property.

A copy of every Ordinance made by the Synod of a Diocese under this part of this Act certified by the Bishop of such Diocese shall be forthwith recorded in the office of the Registrar General.

12 Every person for the time being acting and recognised as being the Bishop of a Diocese and having been consecrated according to the manner and form prescribed and used by the Church of England shall in the construction of all Statutes Acts grants deeds and other instruments be deemed to be and shall be the successor of the Bishop of such Diocese notwithstanding that such Bishop may not have been appointed under Letters Patent from the Crown or may have been consecrated in New South Wales or elsewhere without any mandate or license being issued by the Crown for such consecration and shall in all respects within such Diocese have and enjoy all and singular the same rights powers and privileges whether created by Statute Act grant deed or other instrument whatsoever as were enjoyed or possessed therein by the Bishops his predecessors and in the case of the Diocese of Sydney the Most Reverend John Charles Wright, D.D., the present Archbishop and all other persons for the time being acting and recognised and consecrated as aforesaid shall in the construction of such instruments as aforesaid be deemed to be and shall be the successors from time to time of the Bishop of Australia and the Bishop of Sydney.

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PART 4. VESTING TRUST PROPERTY.

- 13** Any Church Trust Property which may at any time belong to or be vested in any Trustee or Trustees shall upon the consent of such Trustee or Trustees or the majority of them given in writing or upon the consent of the Synod of the Diocese for which such property is held given by or under an Ordinance of the Synod of such Diocese by virtue of such consent and without other assurance in the law become vested in the corporate Trustees of such Diocese Provided that if in consequence of death or other disability the consent of any Trustee or Trustees has not been or cannot be obtained within twelve months after the constitution of such corporate body it shall be lawful for the Bishop of the Diocese to consent in the place of any such Trustee and every consent under this section shall be forthwith notified in the New South Wales Government Gazette under the hand of the Bishop of the said Diocese.
- In Corporate Trustees by consent.
- 14** All Church Trust Property which may at any time belong to or be vested in the Bishop of a Diocese shall by force of this Act vest from time to time in the person who for the time being is or is deemed to be the successor of the Bishop of such Diocese as if such property had belonged or had been originally granted or conveyed to the Bishop of such Diocese and his successors as a body corporate and notwithstanding that such person may not have been appointed Bishop of such Diocese under Letters Patent from the Crown or may have been consecrated in New South Wales or elsewhere without any mandate or license being issued by the Crown for such consecration.
- In Bishop
- 15** (1) Upon the election or appointment of a new Trustee or new Trustees under the provisions of this Act or of any Ordinance in force for the time being in any Diocese all the Church Trust Property in respect of which such election or appointment is made shall by virtue of such election or appointment and without other assurance in the law become vested in such new Trustee or Trustees either alone or jointly with the surviving or continuing Trustee or Trustees as the case may require and every new Trustee so elected or appointed as aforesaid shall have the same powers authorities and discretions and shall in all respects act as if he had been originally made a Trustee on the creation of the Trust.
- In New Trustee.
- (2) In each case where by reason of the formation or proposed formation of a new Diocese or the alteration or proposed alteration of the boundaries or area of a Diocese or otherwise it shall seem expedient to the Synod of a Diocese for which any Church Trust Property is for the time being held it shall
- In case New Dioceses, etc.

be lawful for the Synod of such Diocese by Ordinance to allocate such Church Trust Property for any other Diocese or proposed Diocese and by virtue of such Ordinance and without other assurance in the law such Church Trust Property shall from the time respectively in such Ordinance provided be held for such other Diocese or proposed Diocese instead of the Diocese making such Ordinance and be vested in the new Trustee or new Trustees respectively then or thereafter to be elected for such Church Trust Property under the provisions of this Act in the place of the Trustee or Trustees thereof for the time being and upon the trusts to which the same shall for the time being be subject but for or for the use benefit or purposes of the Church of England in the Diocese or proposed Diocese for which the same shall have been so allocated as aforesaid in the place of the Diocese making such Ordinance.

(3) Upon the election of separate Trustees under the provisions of any Ordinance in force for the time being in a Diocese the Church Trust Property mentioned in such Ordinance shall by virtue of such election and without other assurance in the law become vested in such separate Trustees in the place of the Trustees thereof for the time being and the said separate Trustees shall with respect to such Church Trust Property have the same powers authorities and discretions and shall in all respects act as if they had been originally made Trustees on the creation of the Trust.

(4) A copy of every Ordinance made by the Synod of a Diocese under section 13 or sub-section (2) of this section certified by the Bishop of such Diocese shall be forthwith recorded in the office of the Registrar General.

PART 5. MANAGEMENT AND INVESTMENT OF TRUST PROPERTY.

16 (1) It shall be lawful for the Synod of a Diocese for which any Church Trust Property is for the time being held from time to time by ordinance to provide and to vary any provision now or hereafter to be made for governing and controlling the management and user of such property for the purposes for which the same is for the time being held in trust and for all things incidental to such government and control including constitutions of councils committees and other bodies whether incorporated or not and such property shall be held managed and used under and in accordance with such ordinances accordingly the provisions of the trust instrument or instruments if any to the contrary notwithstanding.

(2) It shall be lawful for the Synod of a Diocese for which any Church Trust Property is for the time being held from time to time by Ordinance to provide and to vary any provision now or hereafter to be made for the investment of such property and for the pooling of separate Church Trust Properties and for averaging gains losses and interests and for all other matters and things incidental to such investment and pooling.

Invest-
ment.

PART 6. SALE MORTGAGE LEASE ETC. OF TRUST PROPERTY.

- 17 It shall be lawful for the Synod of the Diocese for which any Church Trust Property is for the time being held if it shall appear to such Synod expedient by reason of circumstances subsequent to the creation of the Trusts of such Property by Ordinance to direct that such Property be sold exchanged mortgaged or let on mining building occupation or other leases or otherwise dealt with in manner provided by such Ordinance and to provide for accepting the surrender of any lease thereof and for laying out and dedicating parts thereof for any purpose or purposes and to provide for the application of the real and personal property arising from any such sale exchange mortgage letting or other dealing as aforesaid. Provided that no such Ordinance in respect of property held for the sole benefit of some particular parish shall be assented to under the "Church of England Constitutions Act Amendment Act of 1902" or any Act amending or taking the place of the same without the consent in writing of a majority of the members of the Parish Council if any for the time being of the parish and in the case of property gratuitously granted or assured within twenty years preceding the time being by any private donor without the like consent of such donor if living.

Synod
direct
Sales, et

- 18 It shall be lawful for the Synod of a Diocese to direct what person or persons shall execute the deed or deeds or other instrument or instruments made for the purpose of carrying into effect the sale exchange mortgage lease or other dealing directed by Ordinance of the Synod of such Diocese under the provisions of this Act and the deed or deeds or other instrument or instruments executed by such person or persons shall take effect as if the trust instrument relating to the Church Trust Property comprised in the said Ordinance had contained a power enabling such person or persons to effect such sale exchange mortgage lease or other dealing and so as to operate if necessary by way of revocation and appointment of the use or otherwise as the said Ordinance shall direct.

Deeds o
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- 19 A corporate body of Trustees may let the Church Trust Property vested in such body on lease for such term or terms as shall from time to time be approved of by the Synod of the Diocese for which such corporate body is constituted or if the Synod be not in session then as shall be approved of by the Standing Committee of such Diocese. Provided however that until the first session of the said Synod after this Act comes into force in the said Diocese the said corporate body may let the said Church Trust Property for any term of years not exceeding seven.
- 20 No purchaser mortgagee lessee or other person upon any sale exchange mortgage lease or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or enquire into the necessity or propriety thereof or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised irregular or improper nor be concerned to see to the application or disposition of any purchase mortgage or other money or rent paid by him.
- 21 The moneys if any arising from any sale exchange mortgage lease or other dealing purporting to be made under the powers granted by or under this Act shall be paid to the Trustee or Trustees in whom the property the subject matter of such sale exchange mortgage lease or other dealing immediately theretofore vested or to such other person or persons as the Ordinance if any directing such sale exchange mortgage lease or other dealing may provide. And the receipt of the said Trustee or Trustees or other person or persons as the case may be shall be an effectual discharge therefor.
- 22 Pending the application of any moneys to arise as aforesaid the same may after payment thereof of all proper costs charges and expenses be invested in Government or real securities in New South Wales or in the Commonwealth of Australia or on fixed deposit in any Bank or otherwise as the ordinance directing such dealing or any ordinance of the Synod of the said Diocese in force for the time being and applicable thereto may provide.
- 23 A copy of every Ordinance made by the Synod of a Diocese under this part of this Act certified by the Bishop of such Diocese shall be forthwith recorded in the office of the Registrar General.

PART 7. VARIATION OF TRUSTS.

- 24 In each case where by reason of circumstances subsequent to the creation of the Trusts to which any Church Trust Property is for the time being subject it has in the opinion of the Synod of the Diocese for which such Property is held become

impossible or inexpedient to carry out or observe such trusts it shall be lawful for the Synod of such Diocese by ordinance to declare such their opinion and by the same or any subsequent ordinance to declare other trusts for or for the use benefit or purposes of the Church of England within the said Diocese instead of such first-mentioned trusts and such first-mentioned trusts shall thereupon by force of the said ordinance cease and determine and such property shall thereupon be held upon such other trusts accordingly. Provided that such property shall be dealt with and applied for the benefit of the Church of England in the parish or parishes if any for the benefit of which such property was immediately before such Ordinance held in trust and for the same purposes as nearly as may be as the purposes for which such property was immediately before such Ordinance held unless the Synod of such Diocese shall by Ordinance declare that by reason of circumstances subsequent to the creation of the first-mentioned trusts it is in the opinion of the Synod impossible or inexpedient to deal with or apply such property or some part thereof for the use or benefit of such parish or parishes or for the same or the like purposes in which case such property or such part thereof may be dealt with and applied for the use and benefit of the Church of England for such other purposes and in such other parish or parishes in the said Diocese or otherwise as shall be declared by Ordinance of the Synod of the said Diocese.

- 25 A copy of every Ordinance made by the Synod of a Diocese under this part of this Act certified by the Bishop of such Diocese shall be forthwith recorded in the office of the Registrar-General.

Ordinance
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corded.

PART 8. EVIDENCE.

- 26 A Certificate signed by the Bishop of a Diocese for which there is for the time being a corporate body of Trustees shall be *prima facie* evidence and in favour of all persons purchasing advancing moneys on leasing or otherwise acquiring or possessing any estate or interest in the Church Trust Property therein referred to shall be conclusive evidence that the persons named in such certificate are the duly constituted members of such corporate body of Trustees and that they became such members at the date or respective dates mentioned in such certificate.

Member-
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Corporate
Bodies.

- 27 A certificate signed by the Bishop of a Diocese for which any Church Trust Property in such certificate referred to is for the time being held shall be *prima facie* evidence and in favour of all persons purchasing advancing moneys on leasing or otherwise

Trustee-
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acquiring or assessing any estate or interest in such Property shall be conclusive evidence that the persons named in such certificate are duly constituted Trustees of such property and that they became such Trustees at the date or respective dates and in the manner mentioned in such certificate and in the case of lands under the operation of the Real Property Act or any Act amending or taking the place of the same shall entitle such Trustees to be registered as the proprietors thereof accordingly and to have a Certificate of Title issued to them without any formal transfer.

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A document purporting to be a copy Ordinance certified and recorded in accordance with this Act or a certified or office copy thereof shall be *prima facie* evidence and in favour of all persons purchasing advancing moneys on leasing or otherwise acquiring or possessing any estate or interest in the property therein referred to shall be conclusive evidence that an ordinance in terms of such copy was duly made and assented to and that all necessary consents and directions were duly given and that all proceedings in connection therewith were regular and in due form and that such Ordinance was not repealed or amended except if at all by such Ordinance or Ordinances as shall for the time being be certified and recorded in accordance with this Act.

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A copy of the New South Wales Government Gazette containing a notification purporting to be published in pursuance of the provisions or any of the provisions of this Act or any Act repealed by this Act shall be *prima facie* evidence of the matters therein notified and the notification of which is authorised by this Act or any such repealed Act.

PART 9. GENERAL.

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Subject and without prejudice to any past operation of any Ordinance made or to be made under the provisions of this Act or any Act hereby repealed and subject and without prejudice to any estate right privilege obligation or liability vested acquired accrued or incurred under any such Ordinance the Synod of a Diocese may repeal or from time to time amend any Ordinance made or to be made by the Synod of such Diocese.

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(1) During the absence from New South Wales of a Bishop of a Diocese.

A Commissary appointed by such Bishop may exercise all the powers and functions and do and make all the things referred to in this Act or such of them as shall be referred to in such appointment as the case may be in the place of such Bishop.

- (2) During the absence of a Bishop as aforesaid and in cases where no Commissary is appointed as aforesaid or some only of such powers functions and things are referred to in the appointment of such Commissary, or

During the incapacity of a Bishop of a Diocese arising from illness or any cause other than such absence as aforesaid, or

During a vacancy in the See,

the person or persons appointed for the purpose or purposes by Ordinance of the Synod of such Diocese or in default of such Ordinance or so far as the same shall not extend to any of such purposes the person next in Ecclesiastical rank or degree in such Diocese and resident therein may exercise all the powers and functions and do and make all the things referred to in this Act or such of them as are not referred to in any such appointment of a Commissary as aforesaid as the case may be in the place of such Bishop.

- 32 During the recess of the Synod of a Diocese such Committee Council or other body of persons if any as shall from time to time be constituted or appointed for the purpose by or under Ordinance of the Synod of such Diocese may in the place of the Synod of such Diocese exercise such of the powers and functions and do and make such of the things referred to in this Act as shall from time to time be determined by Ordinance of the Synod of such Diocese and the Synod of such Diocese may for the purposes aforesaid from time to time by Ordinance regulate the procedure of such Committee Council or other body of persons Provided that no Ordinance passed by any such Committee Council or other body of persons as aforesaid shall take effect or have any validity unless within one month after the passing thereof the same shall be assented to under the "Church of England Constitutions Act Amendment Act of 1902" or some Act amending or taking the place of the same.

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etc., of
Synod.

- 33 The preceding provisions of this Act shall so far as applicable apply to all powers functions and things so exercised done and made in the place of the Bishop of the Diocese and in the place of the Synod of the Diocese as in this part respectively provided for as if such powers functions and things had been validly exercised done and made by the Bishop of the Diocese or by the Synod of the Diocese as the case may be.

Validity
Acts, et
under
Delegat

FIRST SCHEDULE.

(Enumerate Acts as in example under.)

Date of Assent.	Title or Short Title.	Reference to Act.
31st March, 1881	Church of England Trust Property Incorporation Act, 1881	44th Vic.
22nd June, 1887	Sydney Bishopric and Church Property Act, 1887	51st Vic.
21st May, 1889	Church of England Property Act of 1889	52nd Vic.
28th Oct., 1892	Church of England Property Act of 1889 Amendment Act of 1892	56th Vic.
24th July, 1896	Church of England Property Act of 1889 further Amendment Act of 1896	60th Vic.
24th Nov., 1897	Church Acts Repealing Act of 1897	61st Vic.
11th Dec., 1906	Bathurst Cathedral Validating Act, 1906	
15th Oct., 1913	Ch. of E. T.P.I.A.A.A., 1913	

SECOND SCHEDULE.

Date of Assent.	Title or Short Title.	Act or Parts of Act.
31st Jan., 1893	The King's School Council Act	56th Vic. The whole Act except Sections 1, 2, 3 and 14
20th Dec., 1894	The K.S.C.A.A.A. of 1894	58th Vic. The whole Act

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

E. W. MOLESWORTH,

Chairman of Committees.

We certify that this Ordinance was passed on 8th September, 1915.

E. CLAYDON } *Secretaries of*
W. R. BEAVER } *the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

23rd September, 1915.