

ST. AIDAN'S BLACKHEATH ORDINANCE 1974

No. 18. 1974

AN ORDINANCE to vary the trusts of certain land at Great Western Highway, Mount Victoria in the Parish of Hartley County of Cook to authorise the sale of such land and to provide for the application of the proceeds thereof.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the whole of the lands comprised in Certificates of Title Volume 958 Folio 174 and Volume 1094 Folio 75 more particularly described in the Schedule hereto AND WHEREAS the said lands are church trust property held by the said Corporate Trustee upon trust to permit the same to be used for the benefit of the Parish of St. Aidan Blackheath AND WHEREAS no trusts have been declared in writing concerning the said lands AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands are held it is inexpedient to carry out and observe the same AND WHEREAS it is expedient that the said lands be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the Schedule hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be sold.
2. The Corporate Trustee is hereby empowered to sell the said lands by public auction or private contract at such time or times and at such price or prices and upon such terms and conditions as it may think fit freed from any trusts whatsoever.
3. The proceeds arising from the sale or sales of the said lands shall after paying thereout all outgoing and all other debts to which the said lands are subject be applied as follows:-

- (a) In payment of the costs of and incidental to this Ordinance and of the sale or sales and any conveyance or transfer in pursuance thereof.
- (b) Subject to the foregoing the balance thereof shall be paid to the Churchwardens for the time being of the said church and applied by them subject to the payment of all outstanding arrears of diocesan assessments and then for such purpose or purposes as may be determined from time to time by a majority of the members of the Parish Council and by formal resolution and with the approval by resolution of Standing Committee

PROVIDED HOWEVER that the said proceeds shall pending such application by the said Churchwardens be invested on their behalf by the Corporate Trustee in accordance with the Investment of Church Trust Property Ordinance 1944 as amended and the income arising therefrom shall be paid firstly in reduction of any outstanding arrears of diocesan assessments and subsequently:

- (i) as to ten per cent (10%) thereof or such lesser percentage as shall be determined from time to time by resolution of the Standing Committee at the request of a majority of the members of the Parish Council and by formal resolution the same shall be added to the principal sum of the investment as aforesaid.
- (ii) Subject thereto paid to the said Churchwardens at regular intervals and applied by them for such purpose or purposes and in such manner within the said Parish as may be approved from time to time by a majority of the members of the Parish Council and by formal resolution.

4. This Ordinance may be cited as the "St. Aidan's Blackheath Ordinance 1974".

SCHEDULE

ALL THAT piece or parcel of land situate at Mt. Victoria in the City of the Blue Mountains Parish of Hartley and County of Cook comprising 1 acre 1 rood 13 perches being part of Lot 1A of Section 3 in Deposited Plan No. 350 and comprising the whole of the land in Certificate of Title Volume 958 Folio 174 together with ALL THAT piece or parcel of land situate at Mt. Victoria in the City of the Blue Mountains Parish of Hartley and County of Cook comprising 16 perches being part of Lot 1A of Section 3 in Deposited Plan No. 350 and comprising the whole of the land in Certificate of Title Volume 1094 Folio 75.

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

E.D. CAMERON  
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 24th day of June, 1974.

W.G.S. GOITLEY  
Secretary

I ASSENT to this Ordinance.

M.L. LOANE  
Archbishop of Sydney  
24/6/1974