

ST. ANNE'S RYDE VARIATION OF TRUSTS ORDINANCE 1976

No. 51 1976

AN ORDINANCE to amend "St. Anne's (Ryde) Glebe Leased Lands Sale (Further Amendment) and Variation of Trusts and Mortgaging Ordinance 1968".

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is registered proprietor of the lands comprised in Certificates of Title Volume 11034 Folio 219 and Volume 11034 Folios 220/221 which lands are more particularly described in the schedule hereto AND WHEREAS the said lands are church trust property held for the sole benefit of the Parish of St. Anne Ryde (hereinafter called "the said parish") to permit the same to be used for the erection thereon of shop and residential flat buildings which erections have been completed AND WHEREAS in pursuance of the provisions of "St. Anne's (Ryde) Glebe Leased Lands Sale (Further Amendment) and Variation of Trusts and Mortgaging Ordinance No. 27 of 1968 (hereinafter called "the 1968 Ordinance") it has become necessary to declare the date of practical completion of erection of the said buildings AND WHEREAS it is expedient to vary the trusts declared by the 1968 Ordinance as amended by St. Anne's Ryde Further Mortgaging and Amending Ordinance No. 21 1969 AND WHEREAS in pursuance of the provisions of the 1968 Ordinance the Corporate Trustee was directed and authorised to sell and convert into money the investments representing certain accumulated funds and any other moneys then held by the Corporate Trustee upon trust for the said parish in pursuance of the provisions of the Investment Ordinances referred to in the 1968 Ordinance and to pay the same as well the capital as the income thereof to the churchwardens for the time being of the church of St. Anne Ryde to be applied by them for or towards the costs of the erection of the said buildings AND WHEREAS the said funds were applied by the said churchwardens towards the costs of the erection of the said buildings as aforesaid AND WHEREAS it is expedient to authorise the reinstatement of certain liquidated invest-

ments amounting to Forty one thousand and seventy four dollars (\$41,074) and interest amounting to Twenty thousand five hundred and thirty seven dollars (\$20,537) for the benefit of the said parish as hereinafter provided out of the amount of the net income in hand from the said buildings as at 31 December 1975 AND WHEREAS it is expedient that other provisions be made for the management of the said lands and that the trusts on which the said lands are held be varied to the extent (if at all) 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 DIRECTS AND RULES as follows:-

1. (1) This ordinance may be cited as "St. Anne's Ryde Variation of Trusts Ordinance 1976".

(2) The 1968 Ordinance as amended by the "St. Anne's Ryde Further Mortgaging and Amending Ordinance 1969" and this Ordinance may be cited as "St. Anne's Ryde (Kirkby Gardens) Ordinance 1968 - 1976".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the said lands are held it is expedient that the trusts be varied to the extent (if at all) that the same are hereby varied.

3. For the purposes of sub-clause (ii) of Clause 8 of the 1968 Ordinance the date of practical completion of erection of the said buildings shall be deemed to be 31 December 1970.

4. The Corporate Trustee shall out of the amount of the net rents in hand as at the 31 December 1975 pay to the said churchwardens the sum of Sixty one thousand six hundred and eleven dollars (\$61,611) being the total of the said sums of Forty one thousand and seventy four dollars (\$41,074) and Twenty thousand five hundred and thirty seven dollars (\$20,537) and the said churchwardens shall invest the said sum in the Sydney Anglican Property Fund or in such other investment or investments as shall be approved by the Standing Committee and shall apply the net income arising therefrom to the restoration

and maintenance of the church rectory church halls and church
60 grounds of the said parish and for general church purposes in
connection with the said parish or for any one or more of any
such purposes as the Parish Council shall determine.

5. The 1968 Ordinance is hereby amended as follows:-

(a) By the omission of paragraphs (b) and (c) of sub-clause
65 (i) of Clause 8 and by the insertion in lieu thereof the
following new paragraphs:-

"(b) Twenty eight thousand dollars (\$28,000) shall be
credited to the fund described in paragraph (iii).

(c) Ten thousand two hundred dollars (\$10,200) shall be
70 paid to the said churchwardens and applied by them
in meeting the assessment on the said parish raised
by the Synod in 1976.

(d) Subject to the payments provided in paragraphs (a)
(b) and (c) of this sub-clause and the payment to the
75 said churchwardens of the sum of Sixty one thousand
six hundred and eleven dollars (\$61,611) referred to
in the St. Anne's Ryde Variation of Trusts Ordinance
1976 the then net balance in the hands of the Corporate
Trustee as at 31 December 1975 (including income from
80 any sums invested) shall be divided into four equal
parts which the Corporate Trustee shall.

(1) As to three of such four equal parts pay or
apply thereout:-

(i) To the said churchwardens the sum of One
85 thousand dollars (\$1,000) for the Ghana
(Africa) Project

(ii) To the Sydney Church of England New Areas
Committee the sum of Ten thousand dollars

90 (\$10,000) to be applied towards the stipends
of clergymen in the new housing districts of
the said diocese.

(iii) As to the resultant balance of the said
three (3) equal parts to pay the same to the
said churchwardens to be allocated and distributed
95 by them for such extra-parochial purposes as the
Parish Council shall determine and for such
parochial purposes as may be requested by the
Parish Council and approved by resolution of
the said Standing Committee.

100 (2) As to the remaining equal part to allocate and
distribute the same in accordance with the next
ordinance of the Synod dealing with special purpose
assessments".

(b) By the omission of sub-clause (ii) of Clause 8 and by the
105 insertion in lieu thereof the following new sub-clause:-

"(ii) At the expiration of each year commencing from 1st
January 1976 the Corporate Trustee after paying or
making provision for the payments referred to in
paragraph (a) of sub-clause (i) hereof and crediting
110 to the fund described in paragraph (iii) such amount
as may be agreed upon by the said churchwardens and
the Corporate Trustee shall divide the balance of
such income into four equal parts and

(a) As to three (3) of such four (4) equal parts
115 shall pay the same to the said churchwardens
to be allocated and distributed by them for such
extra-parochial purposes as the Parish Council
shall determine and for such parochial purposes

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as may be requested by the Parish Council
and approved by resolution of the said Standing
Committee

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(b) As to the remaining equal part to allocate and
distribute, the same in accordance with the
ordinances of the Synod assented to hereafter
and dealing with special purpose assessments."

(c) By the insertion of the following sub-clause after sub-
clause (ii):-

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"(iii) Moneys held under this sub-clause shall be applied
for such repairs renovations and maintenance of the
said shop and residential flat buildings as the
Parish Council considers appropriate and any moneys
to be so applied shall be paid to the churchwardens
as required by them for these purposes."

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6. The 1968 Ordinance is amended by the omission of Clause 9 and by
the insertion of the following new clause:-

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"9. The said churchwardens shall within seven (7) days of the date
of holding the annual vestry meeting during such time as any
money is owing to any mortgagee pursuant to this ordinance cause
an account to be forwarded to the Secretary of the Corporate
Trustee giving details of the original amount borrowed the
amounts paid off and the balance owing at the 31st day of
December preceding such annual vestry meeting."

Clause 6 of the St. Anne's Ryde Further Mortgaging and Amending
Ordinance 1969 is hereby repealed.

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7. The 1968 Ordinance is amended by the insertion of the following
new clause:-

"8A. The provisions of Clause 8 of this ordinance shall be
revised as soon as reasonably possible after 31 December 1979".

SCHEDULE

ALL THAT piece of land situate in the Municipality of Ryde Parish of Hunters Hill and County of Cumberland having a frontage of 206 feet 4 1/8 inches to Church Street by a depth of 263 feet 9 3/4 inches on one side with a rear dimension of 247 feet 9 3/8 inches and irregular dimensions on the other side being Lot 1 in Deposited Plan No. 225913 and the whole of the land comprised in Certificate of Title Volume 11034 Folio 219 AND ALL THAT piece of land situate as aforesaid having a frontage of 9 feet to Church Street by a depth of 129 feet and a rear dimension of 10 feet containing 4 1/4 perches being Lot 2 in the said Deposited Plan and the whole of the land comprised in Certificate of Title Volume 11034 Folio 220 AND ALL THAT piece of land situate as aforesaid having a frontage of 51 feet to Church Street with depths of 78 feet 11 1/4 inches/79 feet 9 1/4 inches and a rear dimension of 51 feet 1 1/4 inches containing 15 perches being Lot 3 in the said Deposited Plan and the whole of the land comprised in Certificate of Title Volume 11034 Folio 221.

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

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 13th day of December 1976.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

M.L. LOANE
Archbishop of Sydney
13/12/76