

ST. LUKE'S LIVERPOOL LEASE ORDINANCE 1976

No. 4 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. Although the rents from the first lease and from the second lease have been applied in accordance with the provisions of the 1964 ordinance, doubts have arisen as to whether such a distribution is in accordance with the provisions of the trusts on which Lot A and Lot B are held.

F. The provisions of the 1964 ordinance as to the application of rents are obscure in certain respects and difficult to apply.

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G. Glebe Administration Board has been appointed trustee of Lot A and of Lot B in the place of the Corporate Trustee.

30 H. The said disputes have been resolved and it is intended that the provisions of the first lease and of the second lease be further amended.

I. 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
35 expedient that the same be 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. By reason of circumstances which have arisen subsequent to the
40 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.

2. Glebe Administration Board is hereby authorised and empowered to agree to and effect such amendments to the first lease and to the
45 second lease as it considers appropriate.

3. Notwithstanding anything to the contrary, all rents received in respect of any lease granted over Lot A or Lot B and distributed by the Corporate Trustee or by Glebe Administration Board prior to the date on which assent is given to this Ordinance shall be deemed to
50 have been held upon trusts which permitted the same to be applied in the manner in which the same have been actually applied.

4. All income received (not being rents to which Clause 3 of this Ordinance applies) in respect of Lot A or Lot B shall be applied in meeting all costs incurred in deriving the same and then in meeting
55 all costs of and incidental to this Ordinance, the resolving of the said disputes and the preparation of all deeds and documents effecting any amendment to the first lease or to the second lease. ~~The balance~~
The balance remaining thereafter shall be invested by the Glebe Administration Board pending the passing of an ordinance by the Synod or the Standing Committee dealing with such balance.

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~~time to time, by resolution, and~~

(iv) the residue shall be paid to such persons in such proportions, to be applied for such capital purposes in any one or more New Housing Districts as the Standing Committee, in each such case, by resolution, may approve.

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5. This Ordinance may be cited as "St. Luke's Liverpool Lease Ordinance 1976".

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 23rd day of February 1976.

W.G.S. Gotley

Secretary

I ASSENT to this Ordinance.

M.L. Loane

Archbishop of Sydney

23 / 2 / 1976.