

ST MATTHEW'S MANLY ORDINANCE 1990

No 2, 1990

AN ORDINANCE to further amend St Matthew's Manly Ordinance 1941.

WHEREAS

A. The land described in the First Schedule of the St Matthew's Manly Ordinance 1941 (hereinafter called "the 1941 Ordinance") is vested in the Anglican Church Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") and is church trust property held for the sole benefit of the Parish of St Matthew's Manly upon the trusts and for the purposes more particularly described in the 1941 Ordinance.

B. There are erected on the said land inter alia certain shops and offices (hereinafter called "the said shops").

C. The 1941 Ordinance has been varied from time to time and was last varied by St Matthew's Manly Ordinance 1988 (hereinafter called "the 1988 Ordinance").

D. The 1988 Ordinance required the Churchwardens for the time being of St Matthew's Manly on or before the 30th day of September 1989 to present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee thereof for the purpose of varying the provisions therein contained for the period as from and including the 1st day of January, 1990 having regard to the needs of the said Parish and the Diocese of Sydney.

E. It has become inexpedient to carry out and observe the trusts hereinbefore referred to in the 1941 Ordinance as last varied by the 1988 Ordinance and it is expedient to further vary the same in the manner hereinafter appearing.

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. By reason of circumstances which have arisen subsequent to the creation of the trusts declared by the 1941 Ordinance as last varied by the 1988 Ordinance it is inexpedient to carry out and observe the same and it is expedient to further vary such trusts in the manner hereinafter provided.

2. The net income for the period of four (4) years commencing the first day of January, 1990 from the said shops after the payment of all rates, taxes, repairs and maintenance expenses, commissions and other outgoings charged, or to be charged, against the said land and/or buildings, in so far as the same are not recoverable from any tenant under any lease or leases, and, after the payment of all monies to the Diocesan Secretariat which represent the proportion of any increased assessments imposed by the Diocese and referable to monies previously received by or on behalf of the said Parish pursuant to the St Matthew's Manly Ordinance, 1986 or the 1988 Ordinance or this Ordinance as the case may be, (hereinafter called "the net income"), shall be paid to, received, held, applied and/or distributed by the Churchwardens for the time being of the said church as follows:-

(a) as to forty seven point five (47.5%) per centum thereof, such amount shall be paid to the Synod of the Diocese of Sydney or the Standing Committee thereof, for such purpose or purposes as the Synod may determine through ordinances promoted each year under clause 9 of the Assessment Authorisation Ordinance 1975.

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(b) as to forty seven point five (47.5%) per centum thereof, such amount as to capital and income thereon shall be retained and held by the said Churchwardens upon trust for, in or towards any purpose or purposes of, or in connection with, the said Parish whether within or outside the said Parish, and whether within or outside the Diocese, as the said Parish Council may determine, and without limiting the generality of the aforesaid provisions, a purpose of or in connection with the Parish shall include the remuneration and support of lay or clerical workers, wherever they may be, the support of missionary societies or organisations and the promotion of Christian education, scripture distribution, pastoral work, evangelism, counselling and Christian publications, provided that no such monies shall be paid or applied for in or towards the stipend or allowances payable to the rector for the time being of the said Parish,

(c) as to the balance, namely five (5%) per centum thereof, such amount as to the capital and income thereon shall be retained and held by the said Churchwardens upon trust for payment in or towards the costs and expenses incidental to and incurred in connection with the alteration, extension, addition, demolition and/or redevelopment of existing buildings and structures, and the construction of new buildings or structures whether inside or adjacent to, or in replacement of, the said shops and the provisions of fixtures and fittings therein, or adjacent to, or incidental to, such alteration, extension, addition, redevelopment or construction, together with all work ancillary thereto.

3. Pending any application set out in clauses (b) and (c) of clause 2 hereof the said Churchwardens shall invest the said monies.

4. Any reference to the said Parish herein shall mean and include any parochial unit into which it may subsequently be formed or form a part.

5. The said Churchwardens shall on or before the 30th day of September 1993 present an ordinance to the Synod of the Diocese of Sydney or to the Standing Committee thereof for the purpose of varying the provisions hereinbefore contained for the period as from and including the 1st day of January 1994 having regard to the needs of the Parish and the Diocese.

6. This Ordinance may be cited as the "St Matthew's Manly Ordinance 1990".

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

P.W. YOUNG
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 5th day of February 1990.

W.G.S GOTLEY
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney
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