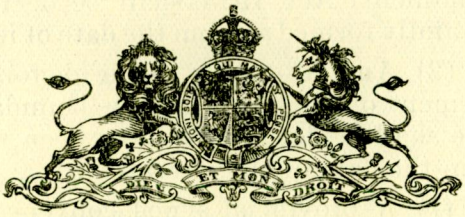
New South Wales.



ANNO QUARTO DECIMO

GEORGII V REGIS.

* *

Act No. 28, 1923.

An Act to amend the Church of England Trust Property Act, 1917, in certain respects; to validate the formation of existing dioceses, and to sanction the existing boundaries thereof; to provide for the formation of new dioceses, and for the alteration of boundaries of dioceses; to validate conveyances of trust property of the Church of England in certain cases; to waive conditions of forfeiture in Crown grants of trust property of the Church of England; and for purposes connected therewith. [Assented to, 14th December, 1923.]

BE

BE it 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 :—

Short title.

1. This Act may be cited as the "Church of England Trust Property (Amendment) Act (No. 2), 1923."

Amendment of Act.

2. The Church of England Trust Property Act, 1917, is hereby amended by inserting after section forty-three thereof the following new sections :—

Existing dioceses.

44. (1) Every diocese existing at the commencement of the Church of England Trust Property (Amendment) Act, 1923, shall be deemed to have been validly formed as from the date of its formation.

(2) Any alteration made before the commencement of that Act in the boundaries of any diocese shall be deemed to have been validly made as from the date of the alteration.

New dioceses.

45. (1) A provincial synod convened or held in pursuance of the provisions of the Church of England Constitutions Act Amending Act of 1902, or any Act amending or taking the place of the same, may make ordinances for and with respect to—

(a) the formation of new dioceses; and

(b) the alteration of boundaries of dioceses.

(2) A new diocese shall not be formed by separation of any area from a diocese unless the synod of the diocese consents by an ordinance to the separation.

(3) A new diocese shall not be formed by the union of two or more dioceses, or parts of dioceses, unless the synod of each of those dioceses consents by an ordinance to the union.

(4) The boundaries of a diocese shall not be altered unless the synod of the diocese consents by an ordinance to the alteration.

(5) In the case of the Diocese of Sydney the consent shall not be valid unless the ordinance is passed with an absolute majority in each order.

Validation of conveyances.

46. No title to any land granted by the Crown for or for the use, benefit, or purposes of the United Church of England and Ireland or the Church of England shall be held bad either at law or in equity by reason of any breach or non-performance before or after the commencement of the Church of England Trust Property (Amendment) Act, 1923, of any condition, trust, or proviso contained in the Crown grant of the land, and any right of forfeiture or reverter in respect of any such condition, trust, or proviso shall be deemed to have been waived by the Crown as from the date of the Crown grant.

By Authority:
ALFRED JAMES KENT, Government Printer, Sydney, 1923.
[3*d*.]

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 11 *December*, 1923.

New South Wales.

ANNO QUARTO DECIMO

GEORGII V REGIS.

* *

Act No. 28, 1923.

An Act to amend the Church of England Trust Property Act, 1917, in certain respects; to validate the formation of existing dioceses, and to sanction the existing boundaries thereof; to provide for the formation of new dioceses, and for the alteration of boundaries of dioceses; to validate conveyances of trust property of the Church of England in certain cases; to waive conditions of forfeiture in Crown grants of trust property of the Church of England; and for purposes connected therewith. [Assented to, 14th December, 1923.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Church of England Trust Property (Amendment) (No. 2).

BE it 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:—

Short title.

1. This Act may be cited as the "Church of England Trust Property (Amendment) Act (No. 2), 1923."

Amendment of Act.

2. The Church of England Trust Property Act, 1917, is hereby amended by inserting after section forty-three thereof the following new sections:—

Existing dioceses.

44. (1) Every diocese existing at the commencement of the Church of England Trust Property (Amendment) Act, 1923, shall be deemed to have been validly formed as from the date of its formation.

(2) Any alteration made before the commencement of that Act in the boundaries of any diocese shall be deemed to have been validly made as from the date of the alteration.

New dioceses.

45. (1) A provincial synod convened or held in pursuance of the provisions of the Church of England Constitutions Act Amending Act of 1902, or any Act amending or taking the place of the same, may make ordinances for and with respect to—

(a) the formation of new dioceses; and

(b) the alteration of boundaries of dioceses.

(2) A new diocese shall not be formed by separation of any area from a diocese unless the synod of the diocese consents by an ordinance to the separation.

(3) A new diocese shall not be formed by the union of two or more dioceses, or parts of dioceses, unless the synod of each of those dioceses consents by an ordinance to the union.

(4) The boundaries of a diocese shall not be altered unless the synod of the diocese consents by an ordinance to the alteration.

(5) In the case of the Diocese of Sydney the consent shall not be valid unless the ordinance is passed with an absolute majority in each order.

46.

Validation of conveyances.

46. No title to any land granted by the Crown for or for the use, benefit, or purposes of the United Church of England and Ireland or the Church of England shall be held bad either at law or in equity by reason of any breach or non-performance before or after the commencement of the Church of England Trust Property (Amendment) Act, 1923, of any condition, trust, or proviso contained in the Crown grant of the land, and any right of forfeiture or reverter in respect of any such condition, trust, or proviso shall be deemed to have been waived by the Crown as from the date of the Crown grant.

In the name and on behalf of His Majesty I assent to this Act.

W. P. CULLEN,
Lieutenant-Governor.

Government House,
Sydney, 14*th December*, 1923.

1923.

Legislative Council.

Church of England Trust Property (Amendment) Bill, 1923.

EXPLANATORY NOTE.

THE Bill proposes to introduce three new sections into the Church of England Trust Property Act, 1917, viz., sections 44, 45, and 46.

44—Deals with the formation of existing dioceses, and alterations of the boundaries made prior to the passing of this Act are validated.

45—Confers on a provincial synod the power to make ordinances with respect to the formation of new dioceses and the alteration of the boundaries of dioceses; and prescribes the conditions which shall govern the formation of a new diocese and the alteration of the boundaries of a diocese.

46—Grants were made for specified purposes of the Church of England "and for no other purpose whatsoever" in conformity with the old Church Acts which were afterwards repealed by the Church Acts Repealing Act of 1897. Provision was made in the grants for forfeiture and reverter to the Crown on breach or non-performance of the "trusts, conditions, reservations, and provisoes."

Synods have since been given statutory power to direct sales of lands of the Church (see Acts of 1887, 1889, and 1917), but the conditions for forfeiture and reverter to the Crown give rise in some cases to difficulties with purchasers.

The proposed section is to get rid of these questions.

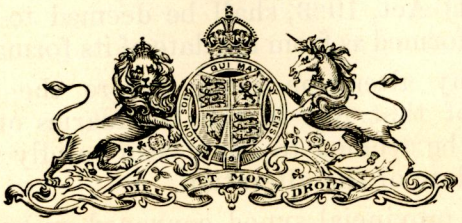
28577 76—

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 4 *December*, 1923.

New South Wales.



ANNO QUARTO DECIMO

GEORGII V REGIS.

* *

Act No. , 1923.

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Church of England Trust Property (Amendment) (No. 2).

BE it 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 (Amendment) Act (No. 2), 1923." Short title.

2. The Church of England Trust Property Act, 1917, is hereby amended by inserting after section forty-three thereof the following new sections:— Amendment of Act.

44. (1) Every diocese existing at the commencement of the Church of England Trust Property (Amendment) Act, 1923, shall be deemed to have been validly formed as from the date of its formation. Existing dioceses.

(2) Any alteration made before the commencement of that Act in the boundaries of any diocese shall be deemed to have been validly made as from the date of the alteration.

45. (1) A provincial synod convened or held in pursuance of the provisions of the Church of England Constitutions Act Amending Act of 1902, or any Act amending or taking the place of the same, may make ordinances for and with respect to— New dioceses.

(a) the formation of new dioceses; and

(b) the alteration of boundaries of dioceses.

(2) A new diocese shall not be formed by separation of any area from a diocese unless the synod of the diocese consents by an ordinance to the separation.

(3) A new diocese shall not be formed by the union of two or more dioceses, or parts of dioceses, unless the synod of each of those dioceses consents by an ordinance to the union.

(4) The boundaries of a diocese shall not be altered unless the synod of the diocese consents by an ordinance to the alteration.

(5) In the case of the Diocese of Sydney the consent shall not be valid unless the ordinance is passed with an absolute majority in each order.

46.

Validation of conveyances.

46. No title to any land granted by the Crown for or for the use, benefit, or purposes of the United Church of England and Ireland or the Church of England shall be held bad either at law or in equity by reason of any breach or non-performance before or after the commencement of the Church of England Trust Property (Amendment) Act, 1923, of any condition, trust, or proviso contained in the Crown grant of the land, and any right of forfeiture or reverter in respect of any such condition, trust, or proviso shall be deemed to have been waived by the Crown as from the date of the Crown grant.

Sydney: Alfred James Kent, Government Printer—1923.

[4*d*.]