



Church Grounds and Buildings Ordinance 1990 Amendment Ordinance 1996

No 38, 1996

An Ordinance to amend the Church Grounds and Building Ordinance 1990 and for other purposes.

The Synod of Diocese of Sydney Ordains -

Name

1. This is the Church Grounds and Buildings Ordinance 1990 Amendment Ordinance 1996.

Definitions

2. In this ordinance, "church property" means church trust property held upon trust for the Anglican Church of Australia in the Diocese or in any part of the Diocese.

Operation

3. In the case of church property held upon a trust which is inconsistent with a provision of part 7 of the Church Grounds and Buildings Ordinance 1990 (as amended by clause 4 of this ordinance), it is inexpedient to carry out or observe the trust to the extent of the inconsistency and the trust is varied so as to be consistent with every provision of part 7.

Amendments

4. Part 7 of the Church Grounds and Buildings Ordinance 1990 is deleted and the following is inserted instead -

"Part 7 - Burial Grounds and Columbaria

Definitions

14. In this part -

"burial ground" means land (including church grounds) being church trust property consecrated for or being used as a burial ground;

"columbarium" means any building, wall or other improvement of any description, or part thereof, in which ashes of a deceased person are placed or stored or are intended to be placed or stored.

Burial Grounds

14A. (1) A burial ground is under the charge and administration of the minister and the churchwardens of the parish in which the burial ground is situated.

(2) Subject to clause 14B(2), a burial ground must not be used for any other purpose other than the burial of the dead according to the rites and ceremonies of the Anglican Church of Australia.

Columbaria

14B. (1) A columbarium erected on land which is church trust property is under the charge and administration of the minister and churchwardens of the parish in which that land is situated.

(2) From 1 January 1997 a columbarium must not be erected on land which is church trust property unless, the land -

(a) comprises a separate lot in a plan registered at the Land Titles Office; and

(b) is a burial ground, unless an exemption for good reason is granted by the Property Trust.

Regulations, Fees, etc

14C. (1) The Archbishop and the trustees of a burial ground together may make and from time to time alter rules, regulations and scales of fees -

(a) for the management of the burial ground and any columbarium on the burial ground;

(b) for interments in the burial ground and the placing of any ashes in a columbarium on the burial ground;

(c) for the enclosure of land in the burial ground by kerbing or otherwise; and

(d) for any other matters including the application of any such fees.

(2) The Archbishop and the trustees of church trust property, not being a burial ground, upon which is erected a columbarium together may make and from time to time alter rules, regulations and scales of fees -

(a) for the management of the columbarium;

(b) for the placing of any ashes in the columbarium; and

(c) for any other matters including the application of any such fees."

Application

5. (1) Clause 14B(2) of the Church Grounds and Buildings Ordinance 1990, as amended by this ordinance, applies subject to any legally binding arrangement made prior to 1 January 1997.

(2) Any rules, regulations and scales of fees made under clause 14(3) of the Church Grounds and Buildings Ordinance 1990 prior to 1 January 1997 continue to have effect, until altered, as if they were made under clause 14C of the Church Grounds and Buildings Ordinance 1990, as amended by this ordinance.

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

N.M. CAMERON

Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 29 October 1996.

W.G.S. GOTLEY

B.G. MARSH

Secretaries of Synod

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

29/10/1996