

Leichhardt Variation of Trusts and Mortgaging Ordinance 2004 Amendment Ordinance 2011

No 18, 2011

Long Title

An Ordinance to vary the trusts of certain funds and to amend the Leichhardt Variation of Trusts and Mortgaging Ordinance 2004.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

Preamble

A. The Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of certain land at Leichhardt comprised in certificate of title folio identifier 1/502105 and known as 126A Norton Street, Leichhardt (the "Land").

B. The recitals to the All Souls Leichhardt Leasing Ordinance 1962 declare that the Land is church trust property held for the sole benefit of the parish of Leichhardt (the "Parish").

C. By the Leichhardt Leasing Ordinance 1993 the Property Trust is authorised to lease or licence the Land for such purposes as may be determined from time to time but is to apply the rental income from the leasing or licensing of the Land in the manner set out in the Leichhardt Variation of Trusts and Mortgaging Ordinance 2004 (the "2004 Ordinance").

D. By clause 3 of the 2004 Ordinance the trusts have been varied to the extent necessary to permit the application of rental income in the manner set out in clause 4 of the 2004 Ordinance.

E. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out or observe such trusts or to deal with or apply part of the income derived from the Land for the same or like purposes as those trusts and it is expedient to further vary the trusts of the Land to permit the application of part of the income from the Land in the manner set out in this Ordinance.

1. Name

This Ordinance is the Leichhardt Variation of Trusts and Mortgaging Ordinance 2004 Amendment Ordinance 2011.

2. Declaration

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out or observe such trusts or to deal with or apply part of the income derived from the Land for the same or like purposes as those trusts and it is expedient to further vary the trusts of the Land to permit the application of part of the income from the Land in the manner set out in this Ordinance.

3. Variation of trusts

The trusts on which the Land is held are further varied to permit part of the rental income from the Land to be applied in the manner specified in clause 4(c).

4. Amendment

The Leichhardt Variation of Trusts and Mortgaging Ordinance 2004 is amended as follows –

- (a) delete the matter "5" in clause 4(1)(b)(i) and insert instead the matter "10",
- (b) delete clause 4(1)(b)(ii) (and renumber the remaining paragraphs),
- (c) substitute the matter in the renumbered clause 4(1)(b)(ii) with the following –
"5% to the Church Missionary Society NSW for its general purposes;
and",
- (d) delete the matter ", (iii)" where it appears in clauses 3(2) and 4(2),
- (e) delete the matter "(iv)" in clause 4(2)(b) and insert instead the matter "(iii)",
- (f) delete clauses 4(4) and 4(5), and
- (g) delete the word "seventh" in clause 7 and insert instead the word "twelfth".

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2011**

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the
Diocese of Sydney on 27 June 2011.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
14/07/2011