

Mittagong Sale Ordinance 1981

(Reprinted under the Interpretation Ordinance 1985.)

The Mittagong Sale Ordinance 1981 as amended by the Anglican Church Property Trust Diocese of Sydney (Change of Name) Ordinance 1982, the Mittagong Sale Ordinance 1981 Amendment Ordinance 1983, and the Mittagong Land Sale Ordinance 1981 Amendment Ordinance 1997 and the Mittagong Land Sale Amendment Ordinance 2002.

Long Title

An Ordinance to authorise the sale of certain land at Mittagong.

Preamble

Whereas

- A. Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the proprietor of the land described in the Schedule hereto.
- B. The said land, being church trust property within the meaning of the Anglican Church Trust Property Act 1917 (as amended), is held upon trust to permit the same to be used for any purpose in connection with the Anglican Church of Australia in the Parish of Mittagong, but no trusts have been declared in writing.
- C. By reason of circumstances which have arisen it is expedient that the said land be sold.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Declares Ordains Directs and Rules as follows:

1. This Ordinance may be cited as "Mittagong Sale Ordinance 1981".
2. By reason of circumstances which have arisen subsequent to the creation of the trusts it is expedient that the land described in the Schedule hereto be sold.
3. (1) The Corporate Trustee is hereby authorised to sell the said land in one or more parcels by public auction or by private contract at such time for such price and upon such terms and conditions as it may think fit freed from the trusts upon which the said land is held.
 - (2) The proceeds from the said sale of land shall be applied as follows -
 - (a) first, to meet all costs of and incidental to this Ordinance and to the sale of the said land; and
 - (b) secondly, the balance shall be applied toward such purpose or purposes as the Standing Committee may determine by resolution at the request of a majority of the members of the Parish Council of the Parish.
 - (3) Pending their application under clause 3(2) the proceeds of sale shall be invested and the income earned thereon applied as follows -
 - (a) two thirds must be paid to the parish council of the Parish to assist with the costs of an assistant minister or stipendiary lay worker in the Parish; and
 - (b) one third must be capitalised.
 - (4) The authority to apply the proceeds of sale under clause 3(2) and the income under clause 3(3) terminates on 30 June 2007 and the churchwardens of St Stephen's Church Mittagong must, by 31 December 2006, promote an ordinance providing for the application of the proceeds of sale and income earned thereon after 30 June 2007.

Schedule

All That piece or parcel of land situate at Mittagong in the town of Mittagong Shire of Wingecarribee Parish of Mittagong County of Camden being Lot 9 in Deposited Plan 613534 and being the whole of the land in Certificate of Title Volume 14316 Folio 82.

Table of Amendments

Preamble	Amended by Ordinance No 36, 1982 and in accordance with the Interpretation Ordinance 1985.
Clause 1	Amended by Ordinances Nos 14, 1983 and 19, 1997.
Clause 3	Amended by Ordinances Nos 14, 1983; 19, 1997 and 30, 2002.

ROBERT WICKS
Legal Officer

MARK PAYNE
Diocesan Secretary

23 July 2002