

Rosemeadow (Hodkinson Estate) Variation of Trusts Ordinance 2016

No 54, 2016

Long Title

An Ordinance to vary the trusts of a bequest from the late James Hodkinson and for matters incidental thereto.

Preamble

A. By his Will dated 13 August 2015, the late James Hodkinson gave one third of the residue of his estate upon trust to the “wardens for the time being of Anglican Church Property Trust Diocese of Sydney to be applied for such purposes of the parish in which the church building is situated or any ecclesiastical district of which it may subsequently form part as may be determined from time to time by a majority of the parish council of the parish” (the “Sum”).

B. The late Mr Hodkinson was a parishioner of the provisional Parish of Rosemeadow.

C. By reason of circumstances which have arisen after the creation of the trusts on which the Sum is held, it is inexpedient to carry out and observe those trusts, and it is expedient that the trusts be varied.

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

1. Name

This Ordinance is the Rosemeadow (Hodkinson Estate) Variation of Trusts Ordinance 2016.

2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Sum is held, it is inexpedient to carry out and observe those trusts, and it is expedient that the trusts be varied in the manner set out in clause 3.

3. Variation of Trusts

The Sum is held on trust for the purposes of the provisional parish of Rosemeadow as an addition to the capital of the ACPT – Rosemeadow Trust held under the Rosemeadow Trust Ordinance 2001.

4. Amendment to the Rosemeadow Trust Ordinance 2001

The Rosemeadow Trust Ordinance 2001 is amended by –

- (a) inserting the matter “ACPT –” in the Long Title before the word “Rosemeadow”,
- (b) inserting the matter “ACPT –” in clause 4 before the word “Rosemeadow”,
- (c) deleting each occurrence of the words “Property Trust” and inserting instead “ACPT”,
- (d) deleting each occurrence of the words “churchwardens” and inserting instead “wardens”,
- (e) deleting the matter “.” in clause 6(2)(d) and inserting instead the following matter –
“, provided that any such purposes directed by resolution must be purposes within the purposes of the Parish in accordance with clause 5.”,
- (f) inserting a new clause 7(2) as follows –
“(2) The income of the trust fund arising from a lease or licence granted pursuant to clause 9(1) is to be applied in accordance with clause 7(1)(b).”,
- (g) deleting the number “13” in clause 8(2) and inserting instead the number “20”,
- (h) inserting a new clause 8(3) as follows –
“(3) Any review of the application of income under clause 7(1)(b) must take into account the repair and maintenance of the building or other improvement situated on any real property which forms part of the trust fund in order to comply with the Heritage Act 1977.”,
- (i) deleting the matter after the word “if” in clause 9(1) and inserting instead –

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- (a) the term of the lease or licence (when aggregated with the term of any option to renew such lease or licence) does not exceed 5 years; and
 - (b) the rental payable by the lessee or licensee is not more than \$50,000 per annum (including GST), or such other amount as may be determined by the Standing Committee by resolution from time to time.”, and
- (j) inserting the words “Diocese of Sydney” before the word “Ordinance” in clause 9(2).

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

P COLGAN
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 5 December 2016.

R WICKS
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney

6/12/2016