

ST PETER'S COOK'S RIVER ORDINANCE 1982

No. 47 1982.

AN ORDINANCE to repeal the St. Peter's Cook's River Variation of Investment and Trusts Ordinance 1960 and to vary the trusts relating to certain property held on behalf of the Parish of St. Peter's, Cook's River.

WHEREAS -

A. Certain property referred to in the St. Peter's Cook's River Variation of Investment and Trusts Ordinance 1960 (hereinafter called "the 1960 Ordinance") is vested in the Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee").

B. The property is church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 as amended, and is held on the trusts declared in the 1960 Ordinance.

C. Pursuant to the 1960 Ordinance, a loan was made out of the property to the Churchwardens of St. Peter's, Cook's River, to be applied towards the renovation and repair of the Church, Parish Hall and Rectory of the Parish of St. Peter's, Cook's River (hereinafter called "the Parish").

D. The arrangements contained in the 1960 Ordinance as to repayment of the loan have not been observed.

E. By reason of the circumstances referred to in Recital D and other circumstances which have arisen subsequent to the creation of the trusts upon which the property is held it is inexpedient to carry out or observe those trusts and it is expedient that those trusts be varied in the manner set out in this Ordinance. NOW the Standing Committee of the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. This Ordinance may be cited as the "St. Peter's Cook's River Ordinance 1982".

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the property is held it is inexpedient to carry out or observe those trusts and it is
 30 expedient that those trusts be varied in the manner set out in clauses 3, 4 and 5.

3. The Corporate Trustee is hereby authorised to sell, call in and convert any investment or investments in which the whole or any part of the property vested in it under the 1960 Ordinance is
 35 or are held and to pay the proceeds of the sale, calling in and conversion, together with such part of that property, if any, as comprises money which is not so invested, to the Churchwardens for the time being of St. Peter's, Cook's River.

4. All moneys received by the Churchwardens for the time being
 40 of St. Peter's, Cook's River, pursuant to clause 3 shall be applied by them towards the renovation or repair of the Church, Parish Hall or Rectory in the Parish.

5. The 1960 Ordinance is hereby repealed.

6. No legal proceedings or remedy may be instituted, continued
 45 or endorsed in order to impose or recover any debt, damages, liability or penalty as a consequence of anything done or omitted to be done under the 1960 Ordinance at any time before the day on which clause 5 takes effect.

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

W. B. A. M.

Deputy Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the *22nd* day of *November* 1982.

W. B. A. M.

Secretary

I ASSENT to this Ordinance

Donald Robinson

Archbishop of Sydney

22 / 11 / 1982