

Use of Church Property Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Use of Church Property Ordinance 1995 as amended by the Use of Church Property Ordinance 1995 Amendment Ordinance 2000, the Use of Church Property Amendment Ordinance 2003 and the Use of Church Property Amendment Ordinance 2005.

Table of Provisions

Clause	
1	Citation
2-3	Definition and Interpretation
4	Use of Church Buildings by Other Denominations
5	Approval of the Archbishop or an Assistant Bishop
6	Archbishop-in-Council may make Guidelines
7	Lapsing of Ordinance

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Long Title

An Ordinance to provide for the use of an Anglican church building by a church of another denomination for a purpose of that church.

Preamble

Whereas

A. Section 32B of the Trust Property Act confers power upon the Synod to provide, by ordinance, for the use of church trust property by a church of another denomination (which is therein defined to include any unit of that church however designated or a body established by that church or a unit, including a body of persons worshipping regularly at a place according to the rites of that church), for a purpose of that church.

B. The power of the Synod under section 32B has been delegated to the Standing Committee under section 40 of the Trust Property Act.

C. It is appropriate to provide for the use of a church building by a church of another denomination for a purpose of that church.

Now the Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

Citation

1. This ordinance may be cited as the "Use of Church Property Ordinance 1995".

Definition and Interpretation

2. In this ordinance -

"Church Building" means a building or a part of a building of a parish duly consecrated or licensed for the celebration of divine service; and

"non-occasional use" means the use of a Church Building on more than 3 occasions in any 12 month period; and

"Other Church" means -

- (a) a church of another denomination whose profession of faith is Bible-based; or
- (b) any unit of a church referred to in (a) however designated; or
- (c) a body established by the church referred to in (a) or a unit of such a church.

3. (1) Terms which are used in this ordinance and which are not defined have, unless the contrary intention appears, the same meaning as in the Church Administration Ordinance 1990 or the Church Grounds and Buildings Ordinance 1990.

(2) The Interpretation Ordinance 1985 applies.

Use of Church Buildings by Other Denominations

4. The churchwardens of a Church Building may permit the Other Church to use that Church Building for the purposes of that Other Church if -

- (a) the Archbishop, or an Assistant Bishop on his behalf if so authorised by the Archbishop, has approved such use and any conditions of that approval have been fulfilled; and
- (b) in relation to non-occasional use, an agreement in the form of the draft agreement referred to in subparagraph (c)(ii) of subclause 5(1) has been executed by or on behalf of that Church. Any such agreement must not authorise the use of a Church Building for a term exceeding 2 years.

Approval of the Archbishop or an Assistant Bishop

5. (1) The Archbishop, or an Assistant Bishop on his behalf if so authorised by the Archbishop, may only approve the use of a Church Building by the Other Church if -

- (a) the minister and the majority of the parish council (if any) or if no parish council a majority of the churchwardens of the parish in which the Church Building is situated consent in writing to that use;
- (b) the Archbishop, or such Assistant Bishop, is satisfied that the profession of faith of the Other Church is Bible-based; and
- (c) in relation to non-occasional use, the Archdeacon –
 - (i) has reported on the basis of faith held by the group seeking use of a Church Building; and
 - (ii) is in possession of a copy of a draft agreement relating to such use in a form approved by the Property Trust.

(2) An approval under subclause (1) must be communicated in writing to -

- (a) the minister and the parish council (if any) of the parish in which the Church Building is situated; and
- (b) in relation to non-occasional use, the Property Trust.

(3) An approval under subclause (1) may be given subject to such conditions as the Archbishop, or the Assistant Bishop, as the case may be, considers appropriate.

Archbishop-in-Council may make Guidelines

6. The Archbishop-in-Council may, from time to time, make guidelines not inconsistent with this ordinance relating to the use of a Church Building by the Other Church.

Lapsing of Ordinance

7. This ordinance lapses on 31 December 2015, but so as not to prejudice any agreement approved under its provisions.

Table of Amendments

Clause 2	Amended by Ordinance No 8, 2003.
Clause 4	Amended by Ordinance No 8, 2003.
Clause 5	Amended by Ordinance No 8, 2003.
Clause 7	Amended by Ordinances Nos 30, 2000 and 50, 2005.

STEVE LUCAS
Legal Officer
15 December 2005

ROBERT WICKS
Diocesan Secretary