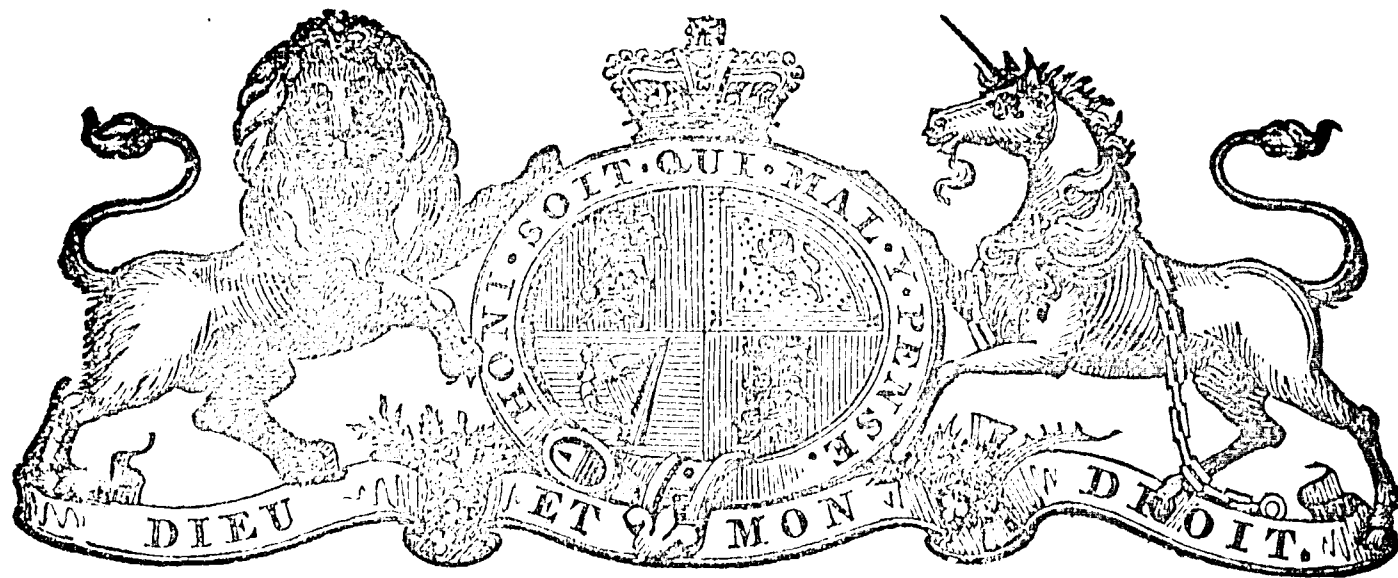


VICTORIA.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. DCCXCVII.

An Act to provide for the creation of corporate bodies of Trustees in which property belonging to the Church of England in Victoria may be vested and to make further provisions in reference thereto.

[25th November 1884.]

WHEREAS by the Act eighteenth Victoria No. XLV. intituled "*An Act to enable the Bishops Clergy and Laity of the United Church of England and Ireland in Victoria (now described as the Church of England in Victoria under the authority of the Amending Act 36 Victoria No. 454) to provide for the regulation of the affairs of said Church*" certain powers are conferred upon the members of the said Church meeting in assembly as therein mentioned of managing the property of the said Church: And whereas the members of the said Church are desirous in order the more effectively to carry out the powers so conferred that the property of the Church be vested in corporate bodies of trustees and be dealt with in manner hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and

Preamble.

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and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows:—

1. In this Act the following terms shall if not inconsistent with the context have the meanings hereinafter respectively assigned to them:—
- Interpretation clause.**
- Bishop.** “Bishop” or “bishop of a diocese” shall mean as to the term “bishop” the bishop registered under the title of “bishop” under the provisions of the “*Successory Trusts Act 1878*” as head of the Church of England in the portion of Victoria described in the certificate of registrations, and shall include the administrator of the affairs of the diocese during the vacancy of the see; and the term “diocese” shall mean the portion of Victoria described in such certificate as the diocese of the person so registered:
- Diocese.**
- Church.** “Church” shall be taken to designate and apply to the Church now known as the Church of England in Victoria:
- Property.** “Property” shall mean land promised or reserved by the Crown for any of the purposes of the said Church and all property real or personal including money or securities for money held by or vested or purporting to be vested in or claimable by any person or persons either in trust generally for the said Church or for any special purpose in connexion therewith or for the benefit or use of the members thereof as such or of any person or persons holding for the time being office therein:
- Church Assembly.** “Church Assembly” shall mean an assembly of the said Church convened under the provisions of the Act of the Legislature of Victoria passed in the eighteenth year of Her Majesty and numbered XLV. or of any Act amending the same.
- Powers of Church Assembly to pass resolution to form body corporate.**
2. The Church Assembly in any diocese may if it think fit pass a resolution expressing its desire—
- (a) That there be constituted within the diocese a corporate body of trustees for the purpose of holding property in trust for the benefit of the Church within such diocese:
 - (b) That the persons nominated in the resolution as trustees shall be the corporation:
 - (c) That such trustees be incorporated under the name specified in the resolution.
- Provided always that nothing in this section shall affect any separate trust but such trust shall continue in force after the transfer of the trust estate to a corporate body of trustees under the provisions hereinafter contained.
- Certified copy of resolution to be delivered to Registrar-General.**
3. As soon as may be after the passing such resolution the bishop of the diocese shall cause a copy thereof duly certified under his hand to be delivered to the Registrar-General, who shall retain and register the same.
4. After

4. After the registration of such resolution the Registrar-General shall notify the same in the *Government Gazette*, and thereupon the trustees named in such notice and their successors to be appointed as hereinafter provided shall be a body corporate by the name stated in such notice, and shall have perpetual succession and a common seal and may sue and be sued and may acquire take and hold any property in trust for the Church in the diocese in which such resolution shall have been passed or for any person or persons holding for the time being any office therein and may receive any moneys which have been or shall be given or contributed by any person or persons to be applied to any of the purposes of the said Church and may take over any securities for money held by any person or persons on behalf thereof and may take in the name of such corporate body any securities for money belonging to the said Church which shall be lent or advanced on account thereof, and shall deal with all such property and securities so as to give effect to the trusts to which they shall be specially subject, or when not subject to any express trust in such manner as the Church Assembly of such diocese may from time to time direct but so as not to interfere with the jurisdiction of the Supreme Court in the enforcement of trusts.

Incorporation of trustees as body corporate.

5. When any property is vested or purports to be vested in the bishop of any diocese or has prior to the passing of this Act been granted or conveyed to the bishop of any diocese in order that the same be held by him and his successors upon trust for the benefit of the person holding for the time being the office of bishop thereof or for any of the purposes of the Church in such diocese or for furthering any object in connexion therewith, all such properties shall be held to be and from the date of his appointment to have been and shall become vested in the bishop for the time being of such diocese subject to the trusts affecting the same although such bishop has not been appointed bishop of such diocese under letters patent from the Crown, and such property may be transferred by such bishop to the body corporate constituted under the provisions of this Act within the diocese of such bishop and shall thenceforth be held by such body corporate subject to the trusts originally affecting the same, and on the demise of any bishop prior to his having made such transfer the same shall become vested in such body corporate without any conveyance.

Property vested in bishop of any diocese in trust deemed to be vested in the bishop for the time being.

6. Where any persons hold any property in trust for or on the behalf of the Church in any diocese or of any person holding any office therein in which a corporate body of trustees has been constituted under the provisions of this Act, the trustees or a majority of them may if they think fit consent to a transfer of the trust property to such corporate body upon the trusts to which the same is subject, and such transfer when completed and accepted by the corporate body shall from and after its date operate as a discharge of all the trustees from the duties of the trust.

Persons holding property in trust for the Church of any diocese may transfer to body corporate.

7. In

Bishop of diocese may consent to transfer in place of trustee deceased absent or under disability.

7. In the circumstances mentioned in the next preceding section, if by reason of death absence from the colony of Victoria or any other disability the consent of any trustee to the transfer as aforesaid cannot be obtained within six months after the constitution of the corporation as aforesaid, the bishop of the diocese may by writing under his hand consent to such transfer in place of any such trustee, and if such consent be published in the *Government Gazette* and in some newspaper circulating in the place where the property to which the consent refers is situate, and if within a month from the last publication of such advertisements no proceedings be taken therein by the person in whose name such consent is given, such consent shall upon the expiration of such month be as effective for the purpose of this Act as a consent given by the person in whose place the consent is declared to have been given.

Registrar-General or Registrar of Titles to make transfers to body corporate.

8. Upon obtaining the written consent of a majority of the trustees of any property held by them on behalf of the Church in any diocese in which trustees have been incorporated under the provisions of this Act either under their own hands or that of the bishop of the diocese as hereinbefore mentioned, and also the consent of the bishop of the diocese to the transfer to the said corporate body of the trust property and the acceptance by the corporation of the transfer to it of such property, the Registrar-General or the Registrar of Titles as the case may be shall make the proper transfer thereof in his registers, and thereupon without further conveyance or transfer the whole estate and interest of the trustees of such property shall vest in such corporate body.

Appointment of trustees.

9. The trustees appointed for the purposes of this Act and their successors shall be appointed in such manner and shall hold their office for such term and upon such conditions and vacancies in such offices shall be filled in such manner as the Church Assembly of the diocese shall by any regulation or act from time to time prescribe.

Successor in office to become trustee in place of predecessor.

10. When any person who has been appointed a trustee by virtue of his office whether clerical or lay ceases to hold such office, the successor thereto shall upon the certificate in writing of the bishop of the diocese of the vacating of the office by the last holder thereof and of the appointment of the person named therein as his successor and of his acceptance of the office become a trustee under his official designation in the stead of the person last registered under such designation.

The successor of bishop vacating see to become trustee in place of predecessor.

11. When the bishop of a diocese is one of the trustees appointed under this Act under his episcopal title and vacates the see, his successor thereto who is registered as bishop thereof under the Successory Trusts Act or any Act amending the same shall on the completion of such registration become a trustee in the stead of the last preceding bishop.

12. All

12. All property becoming vested in any corporate body of trustees as hereinbefore mentioned or which shall in any manner be acquired by such corporate body shall so far as the same is subjected to any express trust be held managed and dealt with by such corporate body in conformity with such expressed trust, and shall so far as the same is not subject to any express trust be held managed and dealt with in such manner as the Church Assembly in the diocese may from time to time direct, and such property shall be subject as to the management thereof to the acts and regulations of the said Assembly in force for the time being which are applicable thereto.

Property vested in trustees to be managed in conformity with any express trust affecting the same.

13. When after the passing of this Act any land which has been granted promised or reserved by the Crown for any of the purposes of the Church in any diocese in which trustees have been incorporated under this Act shall be brought under the provisions of the Act of the Parliament of Victoria No. CCCXCI., the trustees appointed under the provisions of this Act shall be the trustees of such land.

Trustees appointed hereunder to be trustees of property hereafter brought under the provisions of Act No. 391.

14. The Church Assembly in any diocese in which trustees have been incorporated under the provisions of this Act shall from time to time make rules for the appointment of corporation trustees and the filling up of vacancies occurring in the trusteeship for the custody of the seal of the corporation and the affixing the same to any document and for verifying the affixing thereof and for carrying into effect the provisions of this Act and may from time to time alter or vary the same, and a copy of every such rule and of any alteration or variation thereof certified by the bishop of the diocese shall be deposited with the Registrar-General and advertised in the *Government Gazette*, and a duly certified copy of any such rule regulation or provision so registered and advertised shall be *prima facie* evidence of the same having been duly made.

Church Assembly in any diocese to make rules for the appointment of corporation trustees.

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.