

THE MODEL DECLARATION OF TRUST ORDINANCE 1985

AN ORDINANCE to revoke the provisions of the Model Trust Deed of 1969 and to provide for alternative trusts upon which land held by the Synod on behalf of churches shall be held.

WHEREAS the Synod on the 21st day of May 1969 adopted a Model Trust Deed upon which land vested in the Synod is held which said Model Trust Deed is deposited in the General Registry Office in the State of South Australia Number 197 of 1972 (herein called "the Model Trust Deed") AND WHEREAS the Model Trust Deed has been amended from time to time in accordance with the provisions therein contained from time to time AND WHEREAS trust property which has become or has continued to be vested in the Synod either pursuant to section 4 of The Church of England Trust Property Act 1971 or otherwise has, unless the Synod has otherwise determined, been held by the Synod upon the trusts of the Model Trust Deed as so amended from time to time and upon no other trusts AND WHEREAS pursuant to section 5 of The Church of England Trust Property Act is it lawful for the Synod from time to time to alter, add to or revoke the trusts of the Model Trust Deed provided that such alteration, addition or revocation is effected in conformity with the provisions in that behalf contained in the Model Trust Deed AND WHEREAS the provisions of the Model Trust Deed may be altered, revoked or added to by Ordinance of the Synod NOW THE SYNOD HEREBY DETERMINES:

Title

1. This Ordinance may be cited as "The Model Declaration of Trust Ordinance 1985".

Revocation

2. The Model Trust Deed as amended is revoked.

New Trusts

3. At the time when this Ordinance takes effect any trust property held by the Synod upon the trusts of the Model Trust Deed for the purposes of any church whether vested in the Synod pursuant to section 4 of The Church of England Trust Property Act 1971 or otherwise shall henceforth be held upon the trusts of the Model Declaration of Trust contained in the Schedule for the purpose of the parish comprising the church or of which the church forms part.

Future Property

4. Any trust property which shall become vested in the Synod for the purposes of any church congregation or parish shall, unless the Synod shall otherwise determine, be held upon the trusts of the Model Declaration of Trust contained in the Schedule.

Commencement

5. This Ordinance shall take effect on and from the 1st day of April 1986.

THE SCHEDULEModel Declaration of Trust

TO ALL TO WHOM THESE PRESENTS SHALL COME, THE SYNOD OF THE DIOCESE OF ADELAIDE OF THE ANGLICAN CHURCH OF AUSTRALIA INCORPORATED (hereinafter called "the Synod") SENDS GREETING:

WHEREAS the trust property described or referred to in the Schedule annexed hereto is now or continues to be vested in the Synod AND WHEREAS it has been considered desirable to declare the trusts upon which the Synod holds the said property NOW KNOW YE AND THESE PRESENTS WITNESS that the Synod DOTHS HEREBY ACKNOWLEDGE AND DECLARE;

1. That subject to the provisions of paragraph 2 of this deed it holds the said property solely as trustee for the purposes of the Parish of or such other parish or body as the Synod may from time to time determine in accordance with The Registration of Parishes Ordinance 1985 of the Synod.
2. That it holds the said property upon and for the several trusts conditions and purposes set forth and described in an Ordinance of the Synod passed on the twenty-second day of September 1985 and known as "The Parochial Administration Ordinance 1985" and any ordinance amending or replacing the same from time to time in force.
3. That the provisions of this deed may be altered added to or revoked by Ordinance of the Synod.

And that it holds the said property upon and for no other trusts intents or purposes whatsoever,

IN WITNESS whereof THE SYNOD OF THE DIOCESE OF ADELAIDE OF THE ANGLICAN CHURCH OF AUSTRALIA INCORPORATED hath hereunto affixed its seal this day of 19

SEALED WITH THE COMMON SEAL of)
 THE SYNOD OF THE DIOCESE OF ADELAIDE)
 OF THE ANGLICAN CHURCH OF AUSTRALIA)
 INCORPORATED) by us the undersigned being
 persons duly authorised to use the said Seal

THE SCHEDULE
 (to be attached)

Passed on 22nd September 1985.
 Amended 15th September 1991, Schedule, clause 1.