

POTTSVILLE LAND SALE ORDINANCE 1963

WHEREAS the lands described in the Schedule hereto (hereinafter called "the said lands") are vested in the Corporate Trustees of the Diocese of Grafton (hereinafter called "the Corporate Trustees") AND WHEREAS it is expedient that the said lands be sold AND WHEREAS by Section 40 of the Church of England Trust Property Act 1917 it was enacted that during the recess of the Synod of a Diocese such committee council or other body of persons as should be constituted for the purpose by Ordinance of such Synod might exercise such of the powers and functions and do and make such of the things referred to in that Act as such Synod should from time to time by Ordinance direct AND WHEREAS by Section 42 of the Church Property Ordinance 1934 the Synod of the Diocese of Grafton appointed the Bishop-in-Council of the said Diocese to exercise within the said Diocese and during the recess of the said Synod certain powers given to the said Synod by the said Act including the powers conferred by Section 26 thereof AND WHEREAS the said Synod is now in recess NOW THEREFORE the Bishop-in-Council of the Synod of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the said Act and Ordinance and of the powers vested in the said Synod by the constitution for the management and good government of the Church of England within the State of New South Wales and by the "Church of England Trust Property Act 1917" or otherwise in the name and in the place of such Synod ordains directs and rules as follows:

OPINION

1. It has become and is inexpedient to carry out or observe the particular trust or trusts upon which the said lands comprised in the Schedule hereto is or are held and it is expedient to sell the same.

POWER TO SELL

2. The Corporate Trustees in whom the said lands are vested are hereby empowered and directed to sell the same by public auction or private contract and for such sum or sums of money and upon such terms and conditions as may be determined by the Corporate Trustees and may accept a mortgage or mortgages to secure the payment of the whole or any part of the purchase money and may transfer or submortgage such mortgage for the purpose of securing the repayment of any liability owing by the Corporate Trustees on the security of the said lands.

3. No purchaser of the said lands or any part or parts thereof under the powers hereby conferred shall be bound or concerned to inquire whether such power shall have been duly and properly exercised in accordance with the next preceding section of this Ordinance or be affected by any notice to the contrary.

4. The Corporate Trustees are hereby authorised to execute and do all necessary deeds conveyances transfers assurances and other instruments acts and things for giving full and complete effect to the provisions of this Ordinance according to its true intent and meaning and to convey transfer and assure the lands to any purchaser or purchasers of the same or to any sub-purchaser thereof by his or their direction.

5. The moneys arising from any sale or sales shall be paid to the Corporate Trustees and after provision has been made for all costs charges and expenses relative thereto shall be held by the Corporate Trustees and by them applied to such purposes as the Parochial Council of Burringbar-Upper Tweed may desire ~~or in such manner and towards such other purpose as the Bishop-in-Council shall direct.~~ subject to approval of the Bishop-in-Council.

SHORT TITLE

6. This Ordinance may be cited and known as the Pottsville Land Sale Ordinance 1963.

to the said Synod by the said Act including the powers conferred by Section 26 thereof AND WHEREAS the said Synod is now in recess NOW THEREFORE the Bishop-in-Council of the Synod of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by the said Act and Ordinance and of the powers vested in the said Synod by the constitution for the management and good government of the Church of England within the State of New South Wales and by the "Church of England Trust Property Act 1917" or otherwise in the name and in the place of such Synod ordains directs and rules as follows:

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3. No purchaser of the said lands or any part or parts thereof under the powers hereby conferred shall be bound or concerned to inquire whether such power shall have been duly and properly exercised in accordance with the next preceding section of this Ordinance or be affected by any notice to the contrary.
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SCHEDULE

ALL THAT piece of land being Lots 26 and 27 in deposited plan No 23576 in the Shire of Tweed and the Parish of Cudgen and County of Rous being part of Portion 320 granted on the 13th March, 1951, by Crown Grant Volume 6286 Folio 134 and being the whole of the lands comprised in Certificate of Title dated 4th June 1957 Registered Volume 7300 Folio 165, ALSO ALL THAT piece of land being Lot 28 in deposited plan No 23576 in the Shire of Tweed and the Parish of Cudgen and the County of Rous being part of portion 320 granted on the 13th March 1951 by Crown Grant Volume 6286 Folio 134 and being the whole of the land comprised in Certificate of Title dated the 9th January 1958 Registered Volume 7425 Folio 184.

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

Howard Wan

Chairman of Committees

I hereby certify that the Ordinance was passed by the Bishop-in-Council on the Twentieth day of June, 1963.

A. E. Singleton

Diocesan Registrar

I assent to this Ordinance.

Robert, Lupton