

**CONGREGATIONAL UNION INCORPORATION
(AMENDMENT) ACT.**

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 49, 1969.

An Act to authorise schemes for the use, in co-operation with a church or congregation of a denomination other than that of the religious body known as Congregationalists or Independents, of property vested in The Congregational Union of New South Wales; for this purpose and for other purposes to amend The Congregational Union Incorporation Act and The Congregational Union Incorporation (Amendment) Act, 1938; and for purposes connected therewith. [Assented to, 3rd October, 1969.]

BE

Congregational Union Incorporation (Amendment).

No. 49, 1969 **BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Congregational Union Incorporation (Amendment) Act, 1969".

Amendment of The Congregational Union Incorporation Act. **2.** (1) The Congregational Union Incorporation Act is amended—

Sec. 2. (Trust property now held.) (a) by omitting from section two the words "the Principal" wherever occurring and by inserting in lieu thereof the word "this";

Sec. 3. (Saving.) (b) by omitting from subsection two of section three the words "the Principal" and by inserting in lieu thereof the word "this";

New sec. 7. (c) by inserting next after section six the following new section :—

Application of Act. **7.** Nothing contained in this Act shall apply to lands now or hereafter vested in the body corporate upon any express trusts or now or hereafter vested in the President and Fellows of Camden College or held upon trust for or in connection with such college.

Schedule C. (d) (i) by inserting in clause ten of Schedule C after the words "trust premises" the words "or the receipt of the duly appointed agent of the said body corporate for rent so payable";

(ii) by omitting from clause eleven of the same Schedule the words "be required to pay any money for which they" and by inserting in lieu thereof the words "pay any money for which they or any other person";

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(iii) by inserting in clause sixteen of the same Schedule after the words "land to" the words "or the vesting of the land in"; No. 49, 1969

(iv) by omitting from clause seventeen of the same Schedule the words "from the date hereof or if the said church" and by inserting in lieu thereof the words "from the vesting of the land in the body corporate or if any Church".

(2) The Congregational Union Incorporation (Amendment) Act, 1938, shall be deemed always to have had effect as if—

- (a) sections four, five and six inserted by section two of that Act had been omitted therefrom; and
- (b) there had been inserted next after section two of that Act the following words :—

3. The Congregational Union Incorporation Act is further amended by omitting Schedule A and by inserting in lieu thereof the following Schedule :—

(3) The amendments made by subsection one of this section shall be deemed to have taken effect immediately after the commencement of The Congregational Union Incorporation (Amendment) Act, 1938.

3. (1) The Congregational Union Incorporation Act is further amended by inserting next after section three the following section :—

4. (1) In this section—

"Assembly" means Assembly referred to in Schedule B to this Act;

"Congregational Church" means church affiliated with The Congregational Union of New South Wales ;
"meeting"

Further
amendment
of Act.

Further
amendment
of The
Congrega-
tional Union
Incorpora-
tion Act.

Co-operative
use of
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“meeting” means meeting called as provided by clause twelve of Schedule C to this Act for the calling of meetings and conducted as provided by clauses thirteen and fourteen of that Schedule.

(2) Where with the consents for the time being and from time to time prescribed by the Assembly a Congregational Church has, at a duly convened meeting, resolved to enter into a scheme of co-operation with, or involving, a church of another denomination or any congregation or activity of such a church, being a scheme that involves the use of property vested in the body corporate, the body corporate may, while the scheme of co-operation continues in force, permit that property to be used, managed and administered in connection with that scheme in such manner and upon such conditions as the Assembly determines or prescribes.

(3) The conditions that the Assembly may determine or prescribe under subsection two of this section include conditions with respect to the making of contributions of money for the acquisition, construction, alteration or repair of assets vested in or held on behalf of a co-operating church or congregation upon such terms as to charges upon other assets and charges upon property vested in the body corporate for any such contributions from other denominations and otherwise as may be so determined or prescribed, and any such contributions by or on behalf of a Congregational Church or towards assets of or held on behalf of a Congregational Church are, to the extent so determined at the time of the contributions, hereby so charged.

(4) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in the Trust shall be bound to enquire whether any security or charge referred to in subsection three of this

section

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section exists or be deemed to have notice thereof or be bound thereby by virtue only of this Act or the existence of any scheme of co-operation under this section and—

- (a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this subsection, be subject thereto; and
- (b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

(5) The proceeds of the sale, mortgage or other dealing with property referred to in this section, and all moneys collected or held in respect of a scheme of co-operation may be applied in such manner as the Assembly determines or prescribes.

(6) The minister or other person in charge of the religious services of a congregation that has entered into a scheme of co-operation may be of a denomination other than that of the religious body known as Congregationalists or Independents and, if that minister or other person is of another denomination he shall, so long as he is in charge of the religious services and so long as that scheme of co-operation is in force, have the rights of a minister that are specified in clause four of Schedule C to this Act.

(7) Where a Congregational Church has entered into a scheme of co-operation the committee of management of that Church may include members of any other congregation that is a party to the scheme of co-operation and those members may be of a denomination other than that of the religious body known as Congregationalists or Independents.

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(8) The provisions of subsections two, three, four, five, six and seven of this section shall apply to and in relation to all property at any time held on behalf of a Congregational Church that has entered into a scheme of co-operation except to the extent that the property is held subject to any express trust expressly forbidding its use or administration in any manner referred to in those subsections.

(9) Subsection eight of this section shall not apply to prevent the use or administration of property in a manner referred to in subsections two, three, five, six and seven of this section if the property is merely directed to be held on trust for worship according to the usages of the Congregational denomination commonly called Independents or the purposes of that denomination.

(2) The amendment made by subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.