

**ROMAN CATHOLIC CHURCH PROPERTY  
(AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 10, 1972.**

An Act to provide for the transfer of real property vested in a body corporate created by the Roman Catholic Church Trust Property Act, 1936, to another such body corporate; to authorise the alteration or substitution of a name in the Second Schedule to the Roman Catholic Church Communities' Lands Act, 1942; to validate certain matters; for these and other purposes to amend those Acts; and for purposes connected therewith. [Assented to, 16th March, 1972.]

BE

*Roman Catholic Church Property (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by No. 10, 1972 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 :—

1. This Act may be cited as the "Roman Catholic Church Short title. Property (Amendment) Act, 1972".

2. (1) The Roman Catholic Church Trust Property Act, Amendment of Act No. 24, 1936. 1936, is amended—

(a) by inserting next after subsection one of section Sec. 8. eight the following new subsection :— (Vesting of Church trust property.)

(1A) Where a boundary of a diocese is altered and any Church trust property vested in the body corporate created by this Act for that diocese is excluded from that diocese and included in some other existing diocese that property shall, on and from the day upon which that alteration takes effect—

(a) vest in the body corporate created by this Act for the diocese in which that property is then situated; and

(b) be divested from the body corporate created by this Act for the diocese from which it is excluded.

(b) by omitting section twelve and by inserting in lieu Subst. sec. 12. thereof the following section :—

12. A certificate under the common seal of a Evidence. body corporate created by this Act that the land described in the certificate is situated within the diocese for which that body corporate is created and is Church trust property shall—

(a) for the purpose of an application by that body corporate to be registered as the proprietor pursuant to a vesting by this Act,  
of

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of any land under the provisions of the Real Property Act, 1900, of which that body corporate is not the registered proprietor, be conclusive evidence of the facts so certified; and

- (b) in any action, suit or other proceeding, whether civil or criminal, be prima facie evidence of the facts so certified.

(2) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and sixty-six.

Amendment  
of Act No.  
23, 1942.

3. The Roman Catholic Church Communities' Lands Act, 1942, is amended—

Sec. 2.  
(Defini-  
tions.)

- (a) (i) by inserting next after paragraph (a) of subsection two of section two the following new paragraphs :—

(a1) The Governor may, by proclamation published in the Gazette, alter a name in the Second Schedule to this Act or substitute some other name for such a name.

(a2) Where the corporate name of a body corporate referred to in the Second Schedule to this Act is altered or some other name is substituted for that name in accordance with paragraph (a1) of this subsection, the alteration or substitution shall not—

- (i) prejudice or affect in any way the continuity of the body corporate in respect of which that alteration or substitution is made;
- (ii) affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of that body corporate:
- or

(iii)

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(iii) render defective any legal or other proceedings instituted or to be instituted by or against that body corporate, No. 10, 1972

and any legal or other proceedings may be continued or commenced by or against that body corporate by the name to which the name of that body corporate has been altered or which has been substituted for the name of that body corporate that might have been continued or commenced by or against that body corporate by the name by which that body corporate was known before that alteration or substitution.

(ii) by omitting from paragraph (b) of the same subsection the words "made thereto pursuant to the provisions of paragraph (a) of" and by inserting in lieu thereof the words ", alterations and substitutions made thereto pursuant to";

(b) by omitting from the Second Schedule the following words :— Second Schedule.

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