

Hunters Hill Congregational Church Act 1977 No 30

[1977-30]



New South Wales

Status Information

Currency of version

Repealed version for 14 December 2001 to 17 September 2013 (accessed 2 October 2024 at 15:11)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 50 of the [Hunters Hill Congregational Church Property Trust Act 2013 No 67](#) with effect from 18.9.2013.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 18 September 2013

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Hunters Hill Congregational Church Act 1977 No 30



New South Wales

An Act to vest land in certain persons in trust for the Hunters Hill Congregational Church.

1 Name of Act

This Act may be cited as the *Hunters Hill Congregational Church Act 1977*.

2 Commencement

- (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the *Uniting Church in Australia Act 1977*.

3 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

appointed day means the day referred to in section 2 (2).

Church means the Hunters Hill Congregational Church, being a Church which, prior to the appointed day, was affiliated with The Congregational Union of New South Wales and whose members hold as their general tenets the doctrines set forth in Schedule 1.

conveyance includes transfer, assignment and assurance.

meeting means a meeting called as provided by clause 1 of Schedule 4 and conducted as provided by clauses 2 and 3 of that Schedule.

Trustees means the trustees for the time being holding office as such for the purposes of this Act.

4 Trustees

- (1) The persons specified in Schedule 3 are hereby appointed trustees for the purposes of this Act.

- (2) A person holding office as a trustee for the purposes of this Act may be removed from office as such by a meeting of the Church.
- (3) A person may be elected as a trustee for the purposes of this Act by a meeting of the Church, whether in the place of a removed trustee or otherwise.
- (4) It is hereby declared that the *Trustee Act 1925* applies to and in respect of the Trustees.
- (5) Subject to this Act, the Trustees may:
 - (a) acquire, hold, deal with and dispose of property of any kind,
 - (b) mortgage, charge or otherwise encumber any of its property, or
 - (c) borrow money for the purposes of the Church.

5 Vesting of land on appointed day

- (1) The land described in Schedule 2 that, immediately before the appointed day, was vested in The Congregational Union of New South Wales is hereby divested from that Union and is, to the extent that it was so vested, hereby vested (without conveyance) in the Trustees.
- (2) The land vested by subsection (1) in the Trustees is freed and discharged from the provisions and trusts of *The Congregational Union Incorporation Act*.
- (3) The vesting effected by subsection (1) shall be without prejudice to any reservation, mortgage, charge, encumbrance, lien, or lease, that, immediately before the appointed day, affected the land vested.

6 Construction of certain instruments

To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any land:

- (a) is devised, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trustees) for, or for the benefit of, or in trust for the Church for the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trustees) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church, or
- (b) is recoverable by the Church or by any person (not being the Trustees) for the Church,

the deed, will or other instrument shall be construed and take effect as if the reference therein to the Church or, as the case may be, to that person, were a reference to the Trustees.

7 Duties of Trustees

- (1) The Trustees shall hold property vested in or acquired by it in trust for the Church and upon any other trust affecting the property.
- (2) Subject to subsection (1), the Trustees shall hold property vested in or acquired by it in accordance with the directions and resolutions of meetings of the Church.

8 Co-operative use of property

- (1) Where the Church has, at a 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 Trustees, the Trustees 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 Church, at a meeting, determines or prescribes.
- (2) The conditions that the Church may determine or prescribe under subsection (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a co-operating church or congregation upon such terms as to the giving of security or charges upon property vested in the Trustees 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 the Church or towards assets of or held on behalf of the Church are, to the extent so determined at the time of the contributions, hereby so charged.
- (3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in the Trustees shall be bound to inquire whether any security or charge referred to in subsection (2) 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 to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed 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.
- (4) The proceeds of the sale, mortgage or other dealing with property referred to in this section and all money collected or held in respect of a scheme of co-operation may be applied in such manner as the Church, at a duly convened meeting, determines or prescribes.

- (5) 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.
- (6) Where the Church has entered into a scheme of co-operation, the committee of management of the 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.
- (7) The provisions of subsections (1), (2), (3), (4), (5) and (6) shall apply to and in relation to all property at any time held on behalf of the Church 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.
- (8) Subsection (7) shall not apply to prevent the use or administration of property in a manner referred to in subsections (1), (2), (4), (5) and (6) 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 or of the Church.

9 Union

- (1) Notwithstanding anything in this Act, it shall be lawful for the Church, at a meeting:
 - (a) to resolve that the Church enter into union with other branches of the Christian Church, and
 - (b) to authorise the Trustees to convey any property vested in them to any person or body for purposes connected with its entering into that union.
- (2) The Trustees may convey any property vested in them in accordance with such an authorisation, and the property so conveyed is freed and discharged from the provisions and trusts of this Act.

Schedule 1

(Section 3)

- 1** The existence of one only God, Father, Son and Holy Spirit.
- 2** The Incarnation of the Divine Word as our Lord and Saviour Jesus Christ, Who lived, died and rose again, enabling man to enter into full communion with God, redeeming him from sin and death, and making him an inheritor of Life Eternal.
- 3** Man's moral responsibility; the free invitation of the Gospel; man's ability to respond to the Gospel through the grace of God; and the influence and teaching of the Holy Spirit.
- 4** The Holy Scriptures as the record of God's revealed Will and Word, and as containing all truth

needful to make us wise unto salvation.

- 5 The Church of Jesus Christ, "Which is His Body" to which belong all who acknowledge Him as Lord and Saviour; the divinely appointed means for the preaching of the Word; the ministry of the Sacraments and the promotion of the Kingdom of God.
- 6 The right of every local Church to manage its own affairs.
- 7 The baptism of infants and of adult believers who were not baptised in infancy.
- 8 The open confession of discipleship in the observance of the Lord's Supper.

Schedule 2 Land vested by section 5

(Section 5)

The land described in deed registered No 694 Book 364, situated in the County of Cumberland Parish of Hunters Hill.

Schedule 3 Trustees

(Sections 3, 4)

Angus Bristow
Robert Bowen Laing
Elizabeth Laing
Romeo Josephson
Thelma Josephson
Alfred Crane
Effie Stokes
Eric Pearce

Schedule 4 Meetings of the Church

(Section 3)

- 1 Every meeting of the Church to be convened for directing or fulfilling any of the purposes of this Act shall be called by a notice of the object of such meeting together with the day, hour and place of holding of such meeting which notice shall be signed by the pastor for the time being or in case of his neglect for fourteen days or absolute refusal after request in writing made by five members of the Church or in case of there being no pastor then by the same number of members and be posted on the door of the church building used for public worship on the hereditaments hereby vested or hereafter acquired on at least two successive Sundays immediately preceding the day on which such meeting shall be appointed to take place and shall if practicable be read during some part of each of the public services held on the same two Sundays in the church building and no direction shall be considered to have been given until such meeting shall have been called in the way prescribed and the majority of the church members present and voting at such meeting shall have passed a vote or votes in accordance with the proposed object and presented a request in writing under the signature of the chairman of the meeting so held to the Trustees.
- 2 Only the members present at any such meeting of the age of eighteen years and upwards shall be allowed to vote and no person who shall not have been a member of the Church and shall not have

been so inscribed on the church books for the space of three calendar months immediately prior to such meeting shall be entitled to vote or take any part in any of the church matters aforesaid.

- 3** The chairman of every such meeting as aforesaid shall be the pastor of the Church or in the case of his refusal absence or incapacity or of there being no pastor then a person chosen by the major part of the members present at the meeting and the chairman of such meeting shall not have a deliberative vote but in case of an equality of votes on any question shall have a casting vote.