

Parochial Church Property.

611890
 AN ORDINANCE for making provision for parochial government and for the management of Church property in Parishes and for other matters.

(Assented to 6 May, 1891. Amended 22 September, 1898.)

Preamble.

WHEREAS it is necessary to make provision for the several matters hereinafter mentioned, the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales ordains and rules as follows:—

All Church lands to be conveyed to Trustees.

1. Whenever any person or persons shall be desirous of erecting any Church, Parsonage or School House or other building for the use of the members of the Church of England, or shall be desirous of providing for the use of the members of the said Church any Glebe or Burial Ground or other lands, he or they may make application to the Bishop and having obtained his sanction he or they may further make application to the Corporate Body of Trustees of the Diocese, and if the said Corporate Body of Trustees shall give their consent, then the parties so applying shall cause to be conveyed to the said Trustees under the form of conveyance contained in Schedule A. hereto annexed or under such other form of conveyance as may be sanctioned by the Bishop and the Standing Committee, the lands or buildings so desired to be conveyed. Provided that in lieu of such application to the Corporate Body of Trustees it shall be lawful for the said person or persons to appoint as Trustees any number of persons not less than three nor more than five, and the said person or persons shall

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cause to be conveyed to the said Trustees under the form of conveyance contained in Schedule B hereto annexed or under such other form of conveyance as may be sanctioned by the Bishop and the Standing Committee, the lands or buildings so desired to be conveyed. Provided also that in any case where the land or buildings are transferred to Trustees by Memorandum of Transfer under the Real Property Act, then the Trustees shall at the same time execute a Declaration of Trust in such terms as may be sanctioned by the Bishop and Standing Committee and such Transfer and Declaration of Trust shall be delivered to the Bishop who shall forthwith lodge the same with the Registrar General of the Colony.

Qualification and Registration of Trustees.

2. Every person to be appointed a Trustee under the provisions of this Ordinance, shall be a male of the age of twenty-one years and upwards and a member of the Church of England. The names occupations and residences of all Trustees so appointed shall be registered in a Book to be kept for this purpose by the Registrar of the Diocese.

Trustees disqualified by absence or otherwise, to be removed.

3. Any Trustee of any Church property except the Corporate Body of Trustees who shall be absent from the Colony for more than twelve months in succession without the consent of his co-Trustees and the sanction of the Bishop, or whose ordinary residence shall be beyond the limits of the Diocese, or who shall be desirous to be discharged, or refuse to act, or become bankrupt or lunatic, or who shall refuse to execute a Declaration of Trust as aforesaid or who in the opinion of his co-Trustees and of the Bishop shall otherwise become incapable or unworthy of acting, may be removed from his office by the remaining Trustees or the greater

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number of them with the consent of the Bishop at a meeting held after fourteen days' previous notice to all the Trustees for the time being in the Colony.

Mode of electing a new Trustee.

4. Whenever any Trustee of any Church property held for the benefit of any particular Parish except the Corporate Body of Trustees shall die or resign his office with the consent of his co-Trustees or Trustee or shall be removed as aforesaid, the surviving or continuing Trustees or Trustee shall forthwith call a meeting of the Subscribers, if the Church shall not have been then consecrated or licensed, or of the Occupiers of seats therein after that event (as the case may require), for the purpose of electing a new Trustee in the place of the one so dying, resigning, or removed as aforesaid; and fourteen days' previous notice of the time and place of holding the meeting shall be given and as to any other Church property any vacancy occurring by the death resignation or removal of a Trustee except the Corporate Body of Trustees shall be filled up by election by the Synod or if the Synod be not in Session by the Bishop and Standing Committee.

Building to be approved by the Bishop.

5. The approval of the Bishop shall be obtained for the site plans and specifications of any Church, Parsonage, School House or other buildings for the use of the members of the Church of England to be erected or used on Church lands prior to erection or use.

Building to be consecrated or licensed as a Church.

6. So soon as may be after the erection or approval of a building for use as a Church, and upon its being provided with all things requisite for the celebration of Divine Service, the Minister or Trustees shall make

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application to the Bishop to consecrate or license the same as a Church for the celebration of Divine Service according to the law and usage of the Church of England.

Churchwardens to be elected ad interim, and disposal of seats determined.

7. The Trustees shall before, or so soon as conveniently may be after, a building has been so consecrated or licensed as a Church as aforesaid call a meeting of the Subscribers to the Church and at such meeting the Trustees, other than the Bishop or the Corporate Body of Trustees, shall appoint one qualified person, to be an *ad interim* Churchwarden until the first Annual Vestry Meeting of the Church, to be held as hereinafter mentioned and the Subscribers shall elect one of their number being duly qualified to be another such *ad interim* Churchwarden, and the Subscribers shall also determine whether the seats in the Church shall be free or partly free and partly rented, and if any part of the seats are to be rented, shall also determine the rent thereof, and shall reserve a sufficient number of the seats to be always appropriated to the gratuitous use of the Minister Provided that at least one third of the seats shall always be free And the determinations of such meeting shall be binding on all Trustees and Churchwardens, and all persons using the Church until such determinations shall be varied or altered as hereinafter mentioned. Provided that if the Church be vested in the Bishop or the Corporate Body of Trustees, the Subscribers shall elect two of their number, being duly qualified, to be such *ad interim* Churchwardens as aforesaid. Provided also that if at the time of the said meeting a Minister shall have been licensed to officiate in the Church, or as soon thereafter as a Minister shall be so licensed, such Minister shall be at liberty to appoint a qualified person as Churchwarden to act with the two Churchwardens so appointed or elected as aforesaid until the first Annual Vestry Meeting. Provided also

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that an *ad interim* Churchwarden shall not be required to be an Occupier of a seat. And at the said meeting if the said Subscribers shall so determine an *ad interim* Parochial Council shall be formed to hold office until the first Annual Vestry Meeting of the Church and the provisions hereinafter made for the election and appointment of additional Councillors at the Annual Vestry Meeting and by the Minister shall apply as far as they may be applicable to the said meeting of Subscribers and to the Minister, And the provisions hereinafter made with reference to Parochial Councils shall apply as far as they may be applicable to the said *ad interim* Parochial Council.

Powers of ad interim Churchwardens. Vacancies how to be filled up.

8. The Churchwardens so elected or appointed as hereinbefore mentioned shall have the same powers as Churchwardens elected and appointed at the Annual Vestry Meeting as hereinafter mentioned and any act done by them or the majority of them as Churchwardens shall be taken and deemed to be the act of the Churchwardens Provided that in case there be no Subscribers or if from any cause a meeting of the Subscribers cannot be held or from any cause a meeting of the Subscribers when called as hereinbefore mentioned shall not be held or the meeting when held shall not elect Churchwardens or determine with reference to the seats as hereinbefore mentioned the Trustees other than the Bishop or the Corporate Body of Trustees may appoint two of the Subscribers or if there be no Subscribers then two other qualified persons to be Churchwardens and may at their own discretion determine with reference to the seats as hereinbefore mentioned. Provided also that if the Church be vested in the Bishop or the Corporate Body of Trustees such appointment and determination shall be made by the Bishop Provided also that in case of any vacancy

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occurring in the Churchwardens so elected by the meeting or appointed by the Trustees as hereinbefore mentioned or by the Bishop before the said Annual Vestry Meeting and so often as any such vacancy shall occur the Bishop may fill up the said vacancy. And the Minister may in like manner fill up any vacancy occurring in the case of the Churchwarden appointed by him as hereinbefore mentioned.

No person to officiate unless duly licensed.

9. No person shall be permitted to celebrate Divine Service or to administer the Sacraments, or perform any other Rite or Ordinance of the Church of England or to preach any sermon in any consecrated or licensed Church unless he be first licensed or approved by the Bishop.

Rights of Ministers.

10. The Minister shall have free access and admission into the Church at all such times as he shall think fit, and may celebrate Divine Service, administer the Sacraments, and perform all other Rites and Ordinances of the Church of England therein, without any hindrance from any person whomsoever, and shall for such purposes have keys of the Church and such Minister shall during such times as aforesaid freely have, use, possess, and enjoy the Parsonage, garden, appurtenances and, except as hereinafter provided, the Glebe, and receive the rents and profits thereof. Provided that in case the Minister shall cease to hold his license he shall thereupon *ipso facto* forfeit and be absolutely deprived of all and singular his rights in or respecting the Church, Parsonage, School House, Garden, Glebe, and appurtenances.

11. The School House and other Parochial buildings may be freely used by the Minister for such Parochial purposes as he may deem desirable and he shall have keys thereof.

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Church not to be used except for celebration of Divine Service unless with the express sanction of the Bishop.

12. A Church after it has been consecrated or licensed shall not be used for any other purpose than the celebration of Divine Service, the administration of the Sacraments, or the performance of the Rites and Ordinances of the Church of England or the giving of religious instruction except with the consent of the Minister and of the Bishop, and no person except the Bishop shall be allowed to perform any clerical office in the Church whether consecrated or licensed except with the consent of the Minister or in case there shall not be a Minister with the consent of the Bishop.

Establishment of Parochial Councils.

13. Wherever there is a Church consecrated or licensed, if the Annual Vestry Meeting shall so determine there shall be a Parochial Council which shall consist of the Minister, the Churchwardens, and additional Councillors four eight or twelve in number. Of such additional Councillors three-fourths shall be elected at the Annual Vestry Meeting hereinafter mentioned, and one-fourth shall be appointed by the Minister within three days of such meeting.

Annual Vestry Meeting.

14. The Minister and Churchwardens of each consecrated or licensed Church shall by at least seven clear days public notice given in such way as they may deem best, and stating the time and place of meeting, convene a meeting of members of the Church of England of the age of twenty-one years and upwards, being Occupiers of seats, to be held in some convenient place on Easter Tuesday in every year or on any one of the fourteen days following unless the Bishop shall see fit in any case to extend this period (provided that no such meeting shall

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be held until after the thirty-first day of March) for the purpose of receiving and passing the accounts of the Churchwardens and for electing Churchwardens and (if the meeting shall have determined that there shall be a Parochial Council) three-fourths of the additional Councillors for the ensuing year, and for appointing one or more persons to audit the accounts of the Churchwardens and for other business connected with the Church; and such meeting shall be called and known as the Annual Vestry Meeting and all persons of the age of twenty-one years and upwards (who shall if required by the Chairman sign a declaration to the effect that they are members of the Church of England and Occupiers of seats within the meaning of this Ordinance) shall be qualified to vote and take part in the proceedings of such meeting. Provided that in the event of the Minister and Churchwardens neglecting to convene such meeting the Bishop shall have power to convene the same.

Meeting—when constituted.

15. The Minister, if present, shall act as Chairman of the Meeting, and as soon as five other persons being qualified as aforesaid, or if the Minister be absent, six such persons shall be present, the meeting shall be held to be duly constituted, and may proceed to business; but if the meeting shall not be constituted as aforesaid within half an hour after the time appointed for the meeting then the meeting shall stand adjourned for seven days the place and time for the adjourned meeting being the same as those for which the first meeting was convened. And as soon as at such adjourned meeting five persons duly qualified as hereinbefore mentioned or if the Minister be absent six such persons shall be present the meeting shall be held to be duly constituted, and may proceed to business; but if it shall not be so constituted within half an hour of the time ap-

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pointed the meeting shall lapse. Provided that any meeting once duly constituted may from time to time be adjourned to such time and place as the meeting may determine.

Chairman.

16. At such meeting or adjourned meeting if the Minister be not present, the meeting shall, before proceeding to business, elect a Chairman who shall preside during the absence of the Minister.

Election of Churchwardens.

17. At such meeting, or adjourned meeting, if the Church be vested in Trustees other than the Bishop or the Corporate Body of Trustees, the said Trustees or a majority of them shall appoint or signify in writing the appointment of one qualified person as a Churchwarden until the Annual Vestry Meeting next ensuing, and one other qualified person shall be elected by a majority of the votes of the persons present at such meeting to act as a Churchwarden for the same period, and the Minister shall appoint or signify in writing the appointment of one other qualified person to act as a Churchwarden for the same period. Provided that if the Church be vested in the Bishop or the Corporate Body of Trustees, or if the Trustees herein empowered to appoint a Churchwarden shall have failed to do so, two qualified persons shall be elected by a majority of the votes of the persons present at the meeting to act as Churchwardens. And the three persons so appointed and elected shall execute the office of Churchwarden, and any act done by them or the majority of them as Churchwardens shall be taken and deemed to be the act of the Churchwardens.

Election of additional Councillors.

18. At such meeting or adjourned meeting if the meeting shall have determined that there shall be a Parochial Council three-fourths of the said additional Councillors

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shall be elected by a majority of the votes of the persons present to act as members of the Parochial Council until the Annual Vestry Meeting next ensuing. Before proceeding to the election the meeting may determine whether the number of additional Councillors shall be four, eight, or twelve. If there be no such determination the number shall be four.

Lapsed Meeting,—consequences of.

19. If in consequence of the meeting lapsing or from any other cause any failure shall occur to appoint or elect the persons or any of them as hereinbefore mentioned as Churchwardens, or, (in case the meeting shall have determined that there shall be a Parochial Council) as Councillors, then the conveners of the meeting or one of them shall forthwith communicate such failure to the Bishop, and the Bishop shall appoint such qualified person or persons as he may deem best to act as Churchwarden or Churchwardens and may if he shall think fit appoint such qualified person or persons as he may deem best to act as Councillor or Councillors until the Annual Vestry Meeting next ensuing, and if any dispute shall at any time arise regarding the appointment or election of any Churchwarden or Councillor, the same shall be referred to the Bishop who shall decide the same, and his decision shall be final.

20. If the meeting shall not have determined that there shall be a Parochial Council or if the Bishop in the exercise of his discretion under the preceding clause decline to appoint a Councillor or Councillors the rights powers and duties hereinafter assigned to Parochial Councils shall belong to and be exercised by the Minister and Churchwardens.

Qualification of Churchwarden and Parochial Councillor.

21. Any person shall be qualified to be appointed or elected a Churchwarden or a member of the Paro-

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chial Council who is a male aged not less than twenty-one years, a Communicant member of the Church of England, and an Occupier of a seat but no other person shall be qualified to be so appointed or elected.

*Power to summon Vestry Meeting other than
Annual Vestry Meeting.*

22. The Minister and Churchwardens of each consecrated or licensed Church may when they shall think fit summon a Vestry Meeting other than the Annual Vestry Meeting for the transaction of business connected with the Church and the provisions herein contained regarding the method of summoning the Annual Vestry Meeting, the conduct of the same and the qualifications of persons entitled to attend and vote thereat shall apply to the case of any Vestry Meeting summoned under this clause.

Vacancies in office of Churchwarden or Councillor.

23. Whenever any person appointed Churchwarden or Councillor by the Minister or by the Trustees or by the Bishop in lieu of such Minister or Trustees shall die, resign, or become bankrupt, lunatic, or otherwise disqualified or incapable of acting during the period for which he was appointed; then, and in every such case, the person or persons having the right to appoint as hereinbefore mentioned shall within thirty days appoint a qualified person to be a Churchwarden or Councillor until the Annual Vestry Meeting next ensuing, in the place of the person so dying, resigning, or becoming disqualified or incapable of acting.

24. Whenever any person elected as a Churchwarden or Councillor or appointed as such by the Bishop through failure to elect as aforesaid shall die, resign, or become bankrupt, lunatic, or otherwise disqualified or incapable of acting during the period for

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which he was elected the Minister and Churchwardens shall within thirty days after the occurrence of such vacancy, by at least seven clear days public notice stating the time and place of meeting, convene a meeting of members of the Church qualified as aforesaid for the purpose of electing a Churchwarden or Councillor; and such meeting shall be conducted, as far as circumstances will admit, in a manner similar to the Annual Vestry Meeting, and at such meeting, or at any adjournment thereof, the persons present shall elect a qualified person to be a Churchwarden or Councillor until the Annual Vestry Meeting next ensuing in the place of the Churchwarden or Councillor who has so died, resigned, or become disqualified or incapable of acting.

25. If from any cause whatever a vacancy occurring in the number of Churchwardens or Councillors appointed or elected as hereinbefore mentioned shall not be filled up as hereinbefore provided, it shall be lawful for the Bishop to appoint a Churchwarden or Councillor to act until the next Annual Vestry Meeting, in the place of the Churchwarden or Councillor whose death, resignation, disqualification, or other incapacity has occasioned the said vacancy.

Meetings of Parochial Council.

26. The first meeting of the Parochial Council shall be called by the Minister or the Churchwardens and all subsequent meetings by such person and at such times as the Council shall determine. Provided that the Minister or a majority of the Council may call a special meeting of the Council at any time by written notice to each member thereof. If the Minister be not present the members present shall elect a Chairman who shall preside during the absence of the Minister. The Chairman shall have a casting vote only. At all meetings of the Council one-third of the existing number of members shall constitute a quorum.

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Powers, etc., of Parochial Council.

27. The rights powers and duties of Parochial Councils but without imposing on Councillors any legal liability shall be:—

1. To provide moneys for special or general Church purposes.
2. To control all Parochial Church Funds and property not by the trusts under which they are held or otherwise excluded from such control.
3. To fix and (with the consent of the Minister and Bishop or if the cure be vacant with the consent of the Bishop) from time to time to alter the stipend of the Minister. Provided that where there are two or more Churches in a Parish or District the Parochial Councils managing the affairs of such Churches shall in consultation with each other and by concurrent majorities fix and (with such consent as aforesaid) alter the amount of the stipend and the proportion to be contributed by each Church. Provided also that in the event of the Councils not agreeing upon such proportion by concurrent majorities the matter shall be referred to the Bishop whose decision shall be final.
4. To fix with the consent of the Minister the stipend of a Curate or Curates.
5. To fix, and from time to time to alter, the salaries to be paid to any lay persons holding any office in or about the Church.
6. To direct the repair and insurance of the Church its fittings fixtures and furniture, and of the Parsonage and School buildings with the appurtenances thereof.
7. To direct the expenditure or investment of any surplus funds.

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8. From time to time to fix the terms of the agreements which the Churchwardens may make with persons for the letting to them of seats, and to vary any arrangement existing with regard to seats being rented or free (provided that at least one-third of the seats shall always be free), and to increase or reduce the rent which shall have been previously fixed for such seats. Provided that three months' notice of such increase or reduction be given to existing seatholders and that such increase or reduction shall not take effect until the expiration of any then current tenancy. Provided also that if there is a debt upon the Church Parsonage or School buildings for which any persons are personally liable no such reduction shall take place nor shall the number of free seats be increased without the consent in writing of such persons.
9. To fill up any vacancy in the Auditors appointed by the Annual Vestry Meeting.

Powers, etc., of Churchwardens.

28. The rights powers and duties of Churchwardens besides those prescribed in the Book of Common Prayer shall be:—

1. To have the charge and administration of all Parochial Church Funds and Property not by the trusts under which they are held or otherwise excluded from such charge or administration.
2. To keep order in the Church and Churchyard.
3. To have the superintendence and direction of all matters connected with the arrangement assignment and letting of seats in the Church.

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4. To collect all seat rents and other moneys if any payable to the Churchwardens.
5. To have the care of the Church and its furniture and of other things appertaining to the celebration of Divine Service, and to see that everything is fit and in proper order for the due performance thereof.
6. To provide the Minister with sufficient means for the safe custody of all Parish Registers and Records.
7. To provide the Minister with funds towards the relief of the poor of the Parish or District.
8. To keep the Church, Parsonage and School and the premises attached thereto in repair.
9. To report to the Bishop any grave irregularities in the performance of Divine Service any wilful neglect of duty or any flagrant misconduct on the part of the Minister.
10. Before every Annual Vestry Meeting to prepare a statement of all moneys received and expended by them during the previous financial year, which shall be duly certified by their own signatures and by the signatures of the Auditor or Auditors duly appointed as hereinbefore mentioned and to produce at the Annual Vestry Meeting such statement so certified and to forward a copy thereof to the Diocesan Registry and to deliver to their successors the book or books containing the accounts of such moneys and likewise all vouchers for payments together with such balance as shall appear by the said accounts to be remaining in their hands. They shall also prepare and submit to the meeting an account showing any moneys which have been received by them since the termination of

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the financial year and such moneys shall without any deduction be handed over to their successors, and if the meeting shall so direct the new Churchwardens shall cause the statement of accounts herein first mentioned duly certified as aforesaid to be printed and distributed among the Occupiers of seats in the Church. Provided that it shall be lawful for any Annual Vestry meeting to direct the printing and distribution of the statement of accounts for the then ensuing financial year to be carried into effect before the next Annual Vestry Meeting. The financial year shall begin on the first day of April and end on the thirty-first day of March.

Custody of Parish Records.

29. The Minister shall have the charge and be responsible for the safe custody of all Church Registers and Records in his Parish or District. During a vacancy in the cure such custody and responsibility shall belong and attach to the Churchwardens.

Appointment and removal of officers.

30. The Organist and Choir shall from time to time be appointed and removed by the Minister and all other officers except as herein otherwise provided for by the Churchwardens with the concurrence of the Minister.

Monuments.

31. The Churchwardens with the consent of the Minister and Parochial Council may permit any Monument to be placed in any part of the Church or Churchyard upon payment of such charges and subject to such regulations as shall be prescribed or approved by the Bishop and the person so placing such Monument as aforesaid and his executors and administrators may

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maintain and keep up the same. Provided always that no Monument shall be placed within, or on the walls of the Church without a Faculty from the Bishop,

Alterations in the Church.

32. It shall not be lawful to make any alteration in the fabric or internal arrangement of the Church when consecrated or licensed except with the sanction of the Bishop to be obtained upon the application of the Parochial Council.

Ornaments.

33. No ornament which would be illegal in England shall be placed or remain in any Church nor shall any ornaments be placed in or removed from the Church except by the authority of the Minister with the concurrence of the Parochial Council, and in case of disagreement the matter shall be referred to the Bishop whose decision shall be final.

Improvement of Glebe.

34. Whenever any Glebe land may in the judgment of the Trustees thereof be improved by building upon the same or otherwise, it shall be lawful for the said Trustees, with the consent in writing of the Bishop and as to any part of the said land which may be in the possession or occupation of the Minister with the further consent of such Minister to let the said Glebe land upon leases for any term not exceeding twenty-eight years (except with the consent of the Synod which may be given for any longer period not exceeding fifty years), reserving the rents and profits thereof to the Trustees for the time being; who shall hold the said rents and profits upon trust if the net rents and profits shall not exceed one hundred and fifty pounds yearly to pay such net rents and profits to the Minister for his own use; but if such net rents and profits shall exceed one

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hundred and fifty pounds yearly then upon trust to pay thereout in the first instance to the Minister for his own use such a yearly sum as the Trustees shall think fit being not less than one hundred and fifty pounds nor more than three hundred pounds yearly, and in the next place, if it be necessary, with the consent of the Bishop, to apply the same, or any part thereof, in or towards building, repairing, improving, or enlarging any Church or Churches School or Schools or Parsonage for or of the Parish or District in connection with which such Glebe land is held, and in the next place if the Trustees shall think fit in payment of a sum not exceeding one hundred and fifty pounds yearly towards the stipend of a Curate or Catechist of the said Parish or District, and afterwards upon trust, with the consent of the Bishop, to apply the same in or towards the building of School^s or Churches elsewhere in the Diocese and Parsonages for Ministers thereof, and in the payment to such last named Ministers of annual sums not exceeding one hundred pounds for each such Minister for such term or terms as the said Trustees with the like consent shall determine. Provided that if the said Trustees shall at any time think it inadvisable to apply the said rents and profits according to the trust lastly hereinbefore contained it shall be lawful for them with the consent of the Bishop to apply the said rents and profits for any term of years they may think fit in payment to any Minister or Ministers of annual sums not exceeding one hundred pounds for each such Minister or in repairing improving or enlarging any Church or School or Parsonage or other building for the use of members of the Church of England in the Diocese. Provided also that notwithstanding anything hereinbefore contained, in cases where the Parsonage shall be situate upon the Glebe, it shall be lawful for the Trustees and they are hereby required, to reserve any portion of such Glebe not exceeding one-fifth of the whole, which shall be

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approved by the Bishop, to be appropriated to the personal use and occupation of the Minister, in addition to the amount per annum to be paid to him as aforesaid from the rents and profits of such Glebe.

Burial Ground.

35. Whenever any land shall have been conveyed to Trustees for the purpose of being used as a Burial Ground for a particular Parish application shall be made by such Trustees so soon as conveniently may be, to the Bishop to consecrate the same and it shall be placed under the charge of the Minister and Churchwardens of the Parish in which it is situated; and thenceforth it shall not be used for any other purpose than for the burial of the dead according to the rites and ceremonies of the Church of England.

Management of Burial Grounds—Monuments and Vaults.

36. It shall be lawful for such Trustees as last mentioned with the sanction of the Bishop to make Rules and Regulations for the management of the said Burial Ground, and with the like sanction to set forth a Scale of Fees to be paid for interments therein, for the enclosure of land by kerbing or otherwise, and for other matters, and it shall also be lawful for the Minister and Churchwardens subject to a right of appeal to the Bishop upon payment to the said Churchwardens of such charges as may from time to time be determined by the said Trustees with the sanction of the Bishop to permit any Monument to be erected or placed in any part of the said Burial Ground or to dig and make any Vault therein, and also to permit any alteration to be made in any such Monument or Vault or additions thereto, All fees (other than those commonly known as Surplice Fees) and charges shall be applied in the first place to the salary of the Sexton and then to the maintenance of the grounds.

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Synod may submit Trustees' accounts to Auditors.

37, The Synod shall have authority to submit the accounts of all Trustees to Auditors appointed for that purpose by the Synod.

Absence, etc., of Bishop.

38. In case of the absence from the Colony or the incapacity from any cause of the Bishop the powers by this Ordinance vested in him shall be exercised by a Commissary appointed by him and in case no such Commissary shall have been appointed or the See be vacant such powers shall be exercised by the Administrator of the Diocese.

Exemption of Cathedral.

39. Nothing in this Ordinance shall be held to refer to the Cathedral Church of St. Andrew, Sydney, or to the lands and property belonging thereto.

Interpretation Clause.

40. In this Ordinance the word "Bishop" shall be held to signify the Bishop of the Diocese of Sydney and the word "Minister" shall be held to signify the Minister of a Parish or District duly licensed thereto by the Bishop or his Commissary or the Administrator of the Diocese or (subject to such limitations as the said Minister or if the cure be vacant then as the Bishop or his Commissary or the Administrator of the Diocese may prescribe) the Minister duly licensed to officiate in the place of the said Minister or during a vacancy in the cure. The words "The Church of England" shall be held to signify the United Church of England and Ireland within the Colony of New South Wales. The word "Subscriber" shall be held to signify any member of the Church of England having subscribed and paid one pound towards the erection of the Church; and the

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words "Occupier of a seat" shall be held to signify any member of the Church of England having rented a seat in the Church for a period of not less than twelve months (and having paid the rent due upon the same up to the last quarter day) or having usually attended during the preceding three months the celebration of Divine Service in the Church.

Date of coming into operation.

41. This Ordinance shall come into operation when and not before the Act 8 William IV. No. 5, the Act 7 William IV. No. 3, (so far as the same has not already been repealed by the Act 26 Vict. No. 19) and the Act 21 Vict. No. 4, shall cease to be in force in and for the Diocese of Sydney. The said Synod hereby assents to the repeal of the said Acts.*

Short Title.

42. This Ordinance may be cited as "The Sydney Church Ordinance."

SCHEDULE—A.

CONVEYANCE TO THE CORPORATE TRUSTEES.

This Indenture made the day of 18
between A.B. of of the one part and
the Church of England Property Trust Diocese of Sydney
a body Corporate (hereinafter for brevity referred to
as the said Property Trust) of the other part Witness-
eth that at the request of the said Property Trust (and
in consideration of) He the said A.B.
doth grant and release unto the said Property Trust and
their successors All that together with
all buildings rights privileges easements and appurten-
ances to the said hereditaments or any of them apper-

*The Acts above-mentioned were repealed by the "Church Acts Repealing Act of 1897."

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taining or with the same or any of them now or heretofore enjoyed or reputed as part thereof or appurtenant thereto And all the estate right title and interest of the said A.B. in and to the said premises To Hold the said premises hereinbefore expressed to be hereby granted and released unto and to the use of the said Property Trust their successors and assigns Upon Trust to permit a (*Church, School, or as may be*) to be erected on the said land to be called _____ and to be subject to the Regulations (so far as they may be applicable) contained in "The Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the said Diocese altering or modifying the first mentioned Ordinance.

(Usual Vendor's Covenants.)

In Witness, &c.

SCHEDULE—B.

CONVEYANCE TO PRIVATE TRUSTEES.

This Indenture made the _____ day of _____ 18____
 between A.B. _____ of _____
 of the first part C.D. &c. _____ of _____
 (hereinafter called the said Trustees) of the second
 part and X _____ of _____ of the third part
 Witnesseth that at the request of the said Trustees (and
 in consideration of _____) He the said
 A.B., doth grant and release unto the said X and his
 heirs All that _____ together
 with all buildings rights privileges easements and appur-
 tenances to the said hereditaments or any of them ap-
 pertaining or with the same or any of them now or here-
 tofore enjoyed or reputed as part thereof or appurten-
 ant thereto. And all the estate right title and interest
 of the said A.B. in and to the said premises. To Hold

Parochial Church Property.

the said premises hereinbefore expressed to be hereby granted and released unto the said X and his heirs to the use of the said Trustees their heirs and assigns. Upon Trust to permit a (*Church, School, or as may be*) to be erected on the said land to be called and to be subject to the regulations (so far as they may be applicable) contained in "The Sydney Church Ordinance" or in any other Ordinance to be passed by the Synod of the Diocese of Sydney altering or modifying the first mentioned Ordinance.
(*Usual Vendor's Covenants.*)

In Witness, &c.

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