

Regulations re Ordinances under the Church of England Trust Property Act 1917.



AN ORDINANCE to regulate the procedure in the initiation of Ordinances under the "Church of England Trust Property Act 1917" (No. 21) and to delegate certain powers and functions in pursuance of the provisions of the said Act.

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 Church of England within the State of New South Wales and by the "Church of England Trust Property Act 1917" (No. 21) and of all other powers thereunto enabling it ordains declares determines directs and rules as follows:—

1. No Rule or Ordinance shall be initiated under the provisions of the "Church of England Trust Property Act 1917" (No. 21) except upon a petition first presented with at least twenty printed or type-written copies of the proposed Ordinance which petition shall be signed by one or more of the parties applying.

2. No such petition shall be presented unless a notice containing the matters hereinafter mentioned shall, within two months immediately before the presentation thereof have been published once in at least one daily morning newspaper published in Sydney and if any parish or district affected by the proposed Ordinance be beyond the County of Cumberland also in at least one newspaper published in or nearest to such parish or district. In addition to such published notice a similar notice shall during a period of twenty-one days before the presentation of such Petition be posted at or upon the main entrance door of the principal Church of any parish affected by such proposed Ordinance and of any Branch Church of such parish which may be specially affected by the same, and the members of the congregation of such Church or Churches shall be referred to the terms of such notice by the Clergy officiating at such Church or Churches at the ordinary services held on at least one Sunday during such period of twenty-one days.

3. Every such notice shall state the intention to apply to the Synod for the proposed Ordinance and the general objects of such Ordinance and shall also contain a notification that every petition in opposition to such Ordinance shall be presented before a date mentioned in such notification and being at least eight weeks after the first publication of such notice.

Regulations re Ordinances under C.T.P. Act 1917.

4. Every such petition shall state that such notice has been given as aforesaid and the production of such newspapers as aforesaid (to be filed with the Secretary of the Standing Committee) shall be sufficient proof of such notice having been given.

5. Every such petition shall be addressed to the Synod but shall be presented to the Standing Committee on behalf of the Synod.

6. Every such Ordinance shall be reported on by the Standing Committee—"Standing Committee" in this Ordinance means the members of the Standing Committee for the time being holding office under the provisions of the "Standing Committee Ordinance of 1897" or any Ordinance amending or taking the place of the same.

7. The Standing Committee shall have power to entertain any such proposed Ordinance as aforesaid during the recess and notwithstanding that leave to bring in such Ordinance has not been obtained from the Synod and to report to the Synod at the following session.

8. Before the proposed Ordinance is read a first time such number of copies thereof as the Standing Committee or a sub-Committee thereof shall require shall be printed at the expense of the parties applying and shall be delivered to the Secretary of the Standing Committee for the use of the Synod.

9. Before any Ordinance shall be read a first time the sum of five pounds shall be paid to the Standing Committee of the Synod to meet the expenses attendant on such Ordinance and a Certificate of that sum having been paid signed by the Secretary of the Standing Committee shall be produced by the member having charge of the Ordinance.

10. Every such proposed Ordinance shall contain a preamble reciting the circumstances on which such Ordinance is founded and bringing the case within the provisions of the above-mentioned Act and stating the matters in reference to which the Ordinance is sought, and the Standing Committee shall require proof of the allegations contained in the preamble.

11. If it shall appear to the Standing Committee that the notice or the publication thereof is not in conformity with these rules the Standing Committee may allow the proposed Ordinance to be reported on after such further notice or publication of notice as the justice of the case shall in the opinion of the Standing Committee require.

12. Every petitioner in opposition to any such proposed Ordinance as aforesaid shall be addressed and may be presented in manner respectively aforesaid at any time before the date hereinbefore prescribed and shall distinctly specify the grounds of opposition, and may be received and dealt with by the Standing Committee

Regulations re Ordinances under C.T.P. Act 1917.

on behalf of the Synod. Such Petition shall state the name and address of some person upon whom and at which any notice relating to such counter Petition may be served and unless such Petition contains such name and address it shall not be considered.

13. Persons applying for a proposed Ordinance shall if required at their own expense provide a competent shorthand writer to be approved of by the Standing Committee or a sub-committee thereof appointed under this Ordinance for the purpose of taking down the evidence adduced before the Standing Committee or such sub-committee. The Standing Committee or such sub-committee shall hear the parties in person or by counsel or solicitor if it be desired and may take such oral or other evidence as they think requisite and the Standing Committee shall report to Synod whether they approve of the proposed Ordinance or think it should be amended and their report shall specify:—

- (a) Whether the preamble has been proved and if not in what respects.
- (b) What amendments (if any) are required in the Ordinance.
- (c) The Standing Committee's opinion on all matters at issue between the promoters of the Ordinance and any person opposing it, and
- (d) The reasons why the Standing Committee are of opinion that the Ordinance should or should not be passed.

14. A copy of the oral evidence given at any meeting of the Standing Committee or any such sub-committee shall within five days thereafter be furnished to the Secretary of the Standing Committee.

15. The Standing Committee shall annex to their report a transcript of the evidence taken and a copy of the proposed Ordinance as agreed to by them and the promoters showing the amendments (if any) which the Standing Committee recommend and which the promoters do not accept.

16. Provided always that if the Standing Committee shall by resolution declare any matter to be one of special urgency the Standing Committee may suspend any part of the above regulations in relation to the matter in question and the matter may thereupon proceed accordingly.

17. For the purposes aforesaid the Standing Committee may from time to time appoint a sub-committee or sub-committees and may refer either all Ordinances generally or only specified Ordinances or classes of Ordinances to such sub-committee or sub-committees respectively for enquiry and report to the Standing Committee.

Regulations re Ordinances under C.T.P. Act 1917.

18. The Standing Committee is hereby appointed for the purpose of exercising and accordingly may during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions and do and make all or any of the things referred to in Sections 26 to 31 (inclusive) constituting Part VI. of the "Church of England Trust Property Act 1917" (No. 21).

19. The procedure of the Standing Committee in acting under Section 18 hereof shall be in accordance with the Standing Orders of Synod for the time being *mutatis mutandis* and in accordance with the foregoing sections hereof except that the Standing Committee instead of reporting to the Synod as herein provided shall from time to time report specially to Synod all action by the Standing Committee under the said 18th Section.

20. The Regulations passed by the Synod on the twenty-ninth day of September One thousand nine hundred and eleven are hereby repealed.

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

E. W. MOLESWORTH,

Chairman of Committees.

We certify that this Ordinance was passed on 3rd October, 1918.

E. CLAYDON } *Secretaries*
W. R. BEAVER } *of the Synod.*

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

8th October, 1918