

ST. MATTHEW'S MANLY ORDINANCE 1974

No. 10, 1974

AN ORDINANCE to further amend St. Matthew's Manly Ordinance 1941 as amended by St. Matthew's Manly 1941 Amendment Ordinance 1968 by varying the appropriation and application of the rents arising from certain buildings erected on portion of certain church trust property situated in the Parish of St. Matthew Manly.

WHEREAS the land described in the First Schedule of the St. Matthew's Manly Ordinance 1941 (hereinafter called "the 1941 Ordinance") is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") and is church trust property held for the sole benefit of the Parish of St. Matthew Manly upon the trusts and for the purposes more particularly described in the 1941 Ordinance AND WHEREAS there are erected on the said land inter alia certain shops and offices (hereinafter called "the said shops") AND WHEREAS in pursuance of the provisions of the 1941 Ordinance the Corporate Trustee was authorised to mortgage the said land to let the said shops and to apply the net income from the said shops upon the terms conditions restrictions and in the manner respectively therein appearing AND WHEREAS St. Matthew's Manly Ordinance 1941 Amendment Ordinance 1968 Ordinance No. 50, 1968 (hereinafter called "the 1968 Ordinance") provided for a variation in the manner therein mentioned of the appropriation and application of the said net income AND WHEREAS the 1968 Ordinance required the Churchwardens for the time being of St. Matthew's Manly on or before the 31st day of March 1974 to present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee thereof for the purpose of varying the provisions therein appearing as to the allocation of the net income from the said shops having regard to the needs and commitments of the respective Churches and the other organisations therein referred to AND WHEREAS it has become inexpedient to carry out and observe the trusts as aforesaid in their entirety and it is expedient to further vary the same in the manner hereinafter appearing NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts declared by the 1941 Ordinance as varied by the 1968 Ordinance it is inexpedient to carry out and observe the same and it is expedient to further vary such trusts in the manner hereinafter provided.

2. The Churchwardens for the time being of St. Matthew's Manly shall out of the accumulated income held by them in pursuance of paragraph (b) of Clause 2 of the 1968 Ordinance pay the following sums, namely:-

- (a) To the Bank of New South Wales Savings Bank Limited the sum of Eighteen thousand nine hundred and seventy nine dollars (\$18,979) being the balance of sums borrowed in pursuance of the provisions of St. Matthew's Manly Sale and Mortgaging Ordinance 1969 (No. 30 of 1969).
- (b) The cost, not exceeding a total of Fifteen thousand dollars (\$15,000) as and when expended by the said Churchwardens, of repairing and reconditioning the Pipe Organ in St. Matthew's Church Manly and work incidental thereto.

The balance of the said accumulated income shall be applied in accordance with paragraph (b) of Clause 3 of this Ordinance.

3. Subject to the provisions hereinafter appearing the net income from the said shops after the payment of all rates, taxes and other outgoing charges or to be charged against the said land and/or buildings insofar as the same are not recoverable from any tenant under any lease or leases, shall be applied each year by the Corporate Trustee on and from the 1st day of April, 1974 as follows:-

- (a) As to the sum of Thirty thousand dollars (\$30,000) by annual payments to each of the following that is to say:
- (i) The Sydney Anglican Home Mission Society for the purposes of the said Society the sum of One thousand dollars (\$1,000).
  - (ii) The Sydney Anglican Home Mission Society in the name of St. Matthew's Manly auxiliary of the Chesalon Parish Nursing Home of the said Society for the purposes of the said Home at North Manly the sum of One thousand dollars (\$1,000).
  - (iii) The Sydney Church of England New Areas Committee for the purposes of the said Committee the sum of Three thousand dollars (\$3,000).
  - (iv) The Council of Moore Theological College for the purpose of assisting students formerly parishioners of St. Matthew's Manly and/or other students of the said College preparing for ordination to serve in the Diocese of Sydney the sum of One thousand dollars (\$1,000).
  - (v) The Inner-City Committee Sydney for the purposes of the said Committee the sum of One thousand dollars (\$1,000).
  - (vi) The Board of Diocesan Missions Sydney for the purposes of the said Board the sum of One thousand dollars (\$1,000).
  - (vii) The Archbishop of Sydney's Overseas Relief Fund the sum of One thousand dollars (\$1,000).
  - (viii) The Churchwardens for the time being of St. Matthew's Manly the sum of Six thousand dollars (\$6,000) to be apportioned or allotted by them between or to all or any one or more of the parishes provisional parishes or provisional districts within the Rural Deanery of Warringah in accordance with the needs from year to year as may be determined by the Rector and wardens of the said Parish of St. Matthew's Manly after consultation with the Archdeacon of the Archdeaconry within which the said Parish of St. Matthew Manly is situated and with the approval of Standing Committee and moneys so apportioned shall be applied to general Church purposes in connection with the respective recipients PROVIDED THAT any such annual payment wholly or in part not distributed in any one year may be carried forward by the said Churchwardens for distribution in a succeeding year or years.
  - (ix) The Churchwardens for the time being of St. Matthew's Manly the sum of Twelve thousand five hundred dollars (\$12,500) for general Church purposes in connection with the said Church.
  - (x) The Churchwardens for the time being of St. Matthew's Manly for the support of such missionaries either within or without the Diocese as the Rector and wardens may determine from time to time the sum of One thousand five hundred dollars (\$1,500).
  - (xi) The Churchwardens for the time being of St. Matthew's Manly for the creation and operation of a Free Fund to be accumulated or distributed annually or from time to time at the discretion of the Rector and Churchwardens for the time being of such Church for such urgent diocesan or parochial purpose or purposes as the said Rector and Churchwardens in their absolute discretion shall see fit the sum of One thousand dollars (\$1,000).

- (b) As to the balance of the said net income the Corporate Trustee shall after deducting therefrom all amounts payable to the Corporate Trustee for commission or other charges in respect of any collection of income as aforesaid pay the same to the Churchwardens for the time being of St. Matthew's Church. aforesaid to be applied by them in the creation of an equalisation fund and operation thereon for the purpose of making good any deficit which may arise from time to time in the annual amount proposed to be distributed in pursuance of the provisions of paragraph (a) of this clause and thereafter towards effecting any repairs alterations or additions to existing improvements on the land described in the First Schedule of the 1941 Ordinance, demolishing any such improvements and erecting any new improvements on the said land.

4. The Churchwardens for the time being of St. Matthew's Manly shall on or before the 31st day of March 1977 present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee thereof for the purpose of varying the provisions hereinbefore appearing as to the allocation of the net income from the said shops having regard to the needs and commitments of the said Parish and organisations within the Diocese of Sydney.

5. This Ordinance may be cited as "St. Matthew's Manly Ordinance 1974".

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

K.R. HANDLEY  
Acting Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of April, 1974.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

M.I. LOANE  
Archbishop of Sydney  
29/4/1974