

THE COUNCIL OF ST. ANDREW'S CATHEDRAL SCHOOLINCORPORATION ORDINANCE 1978NO. 55 1978

AN ORDINANCE to authorise the incorporation of "The Council of St. Andrew's Cathedral School" as a body corporate pursuant to the provisions of the Church of England (Bodies Corporate) Act, 1938

WHEREAS the Council of St. Andrew's Cathedral School was constituted by the Cathedral Ordinance 1969-71 for the purpose of managing and controlling the St. Andrew's Cathedral School AND WHEREAS it is expedient that the Council of St. Andrew's Cathedral School should be constituted a

body corporate under the Church of England (Bodies Corporate) Act, 1938 AND WHEREAS by the Church of England (Bodies Corporate) Act, 1938

Delegation of Powers and Ordinance Procedure Ordinance 1973-1977 the Synod delegated certain of the powers, authorities, duties and functions of the Synod under the said Act to the Standing Committee NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod

HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. This Ordinance may be cited as "The Council of St. Andrew's Cathedral School Incorporation Ordinance 1978".

2. The Standing Committee hereby declares that it is expedient for the purpose of managing, governing and controlling the institution or organisation known as St. Andrew's Cathedral School that the persons who, for the time being, are members of the unincorporated body known as the Council of St. Andrew's Cathedral School should be constituted a body corporate under the name of "The Council of St. Andrew's Cathedral School".

3. ^{Without prejudice} ~~In addition to~~ the powers, authorities, duties and functions conferred or imposed upon the body corporate hereby constituted by virtue of the Cathedral Ordinance 1969-1971, the body corporate hereby constituted may -

(a) buy, sell, lease, mortgage, charge or otherwise deal with real ^{or grant leases in respect of} ~~or~~ personal property, and

(b) manage and control all property, real and personal, from time to time acquired by or vested in it,

PROVIDED always and it is hereby agreed and declared that if any estate or interest, whether legal or equitable or freehold, leasehold or otherwise, in any part of the land described in the First Schedule to the St. Andrew's Cathedral Site Development Ordinance 1970-1971 or in any improvements erected thereon is acquired by or vested in the body corporate hereby constituted at any time, nothing contained in this Ordinance or in the Cathedral Ordinance 1969-1971 or in any other Ordinance shall confer or be deemed to confer upon the body corporate hereby constituted:-

- (i) any power to convey, transfer or assign that estate or interest or any part thereof or any estate or interest therein or in any part thereof,
- (ii) any power to lease that estate or interest or any part thereof without the consent of the Standing Committee or of the Glebe Administration Board, or
- (iii) any power to mortgage, charge, or otherwise deal with that estate or interest or any part thereof without the consents of the Standing Committee and of the Chapter.

The consents of the Standing Committee or of the Chapter may be given by resolution thereof and may be given subject to such terms and conditions as the body giving the same considers fit. Where any such consent to the exercise of any such power is given subject to terms and conditions, the power shall be exercised on and subject to such terms and conditions in all respects.

4. (1) The Council shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.

(2) The Council and its members and each of them shall not represent to any person or corporation that the Archbishop of Sydney or the Synod of the Diocese of Sydney or the Standing Committee thereof or any person or persons or any other corporate body or corporation holding church trust property for the Church of England in the Diocese of Sydney or any other corporate body constituted by or pursuant to the Church of England (Bodies

Corporate) Act 1938 shall or may meet or discharge all or any part of any liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Council except as provided by and to the extent of any express commitment in writing given by any of the said named persons, bodies, corporate bodies or corporations.

(3) The Council shall not exercise any power to borrow moneys if the amount which it proposes to borrow, when added to the amount of all moneys borrowed by it prior thereto and not repaid prior thereto, exceeds ~~Three million eight hundred and ninety two thousand dollars (\$3,892,000)~~ or such ^{such} ~~other~~ amount as may have been last approved by resolution of Standing Committee.

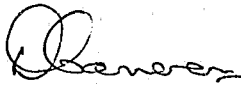
(4) The Council shall not execute or deliver and shall not have power to execute or deliver any mortgage, charge, debenture, guarantee, indemnity or promissory note unless the following clause is included therein:-

'Notwithstanding anything contained herein to the contrary, each of the parties hereto acknowledges and agrees that the Council of St. Andrew's Cathedral School shall not be liable to any other party hereto for any amount whatsoever (whether by virtue of any express or implied obligation) beyond such amount (if any) as the Council of St. Andrew's Cathedral School may be able to pay to that party in the event of the Council of St. Andrew's Cathedral School being wound up'

and such clause is not made subject to any qualification.

(5) The Council shall not execute or deliver any bill of exchange or other negotiable instrument other than a cheque drawn on the Council's bank account.

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



Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 11th day of December 1978.



Secretary

I ASSENT to this Ordinance.

M. L. Drane

Archbishop of Sydney

11/12/1978