

# Christ Church St Ives Mortgaging Ordinance 1991 Amendment Ordinance 1995

No 14, 1995

## Long Title

An Ordinance to amend the Christ Church St Ives Mortgaging Ordinance 1991.

## Preamble

### Whereas

A. The land (the "Land") known as 21 Collins Street St Ives and being lot 6 in deposited plan 519746 is church trust property held on trust for the purposes of the parish of St Ives (the "Parish") although there are no written trusts.

B. The Christ Church St Ives Mortgaging Ordinance 1991 (the "Principal Ordinance") authorised the mortgaging of the Land and provided for the application of the moneys raised on the security of the mortgage.

C. The Land has not been mortgaged although it is now intended to do so but for a purpose not contemplated by the Principal Ordinance.

D. It is expedient to amend the Principal Ordinance to provide further for the application of moneys secured by the mortgage.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

## Citation

1. This ordinance may be cited as the "Christ Church St Ives Mortgaging Ordinance 1991 Amendment Ordinance 1995".

## Amendment of Principal Ordinance

2. The Principal Ordinance is amended as follows -

(a) in clause 1 the following words are inserted at the end thereof -

"to secure such amount which does not exceed \$200,000 or such other amount approved by the Standing Committee by resolution from time to time."

(b) Clause 2 is deleted and the following is inserted instead -

"2 (1) Any mortgage given pursuant to this ordinance must contain a clause to the following effect -

"Notwithstanding anything hereinbefore contained it is hereby expressly declared and agreed that the mortgagor will be personally liable for the payment of money hereby secured and for the performance and observance of any covenant herein contained or implied and on the part of the mortgagor to be observed and performed, only to the extent of such moneys as for the time being are in the hands or under the control of the mortgagor and applicable for the purposes of the parish of St Ives and nothing in this clause in any way affects any of the rights, powers or remedies of the mortgagee to, over, or in respect of the subject land."

(2) The churchwardens of Christ Church St Ives must disclose the amount secured by a mortgage given pursuant to this ordinance, as at the last day of each year, in every statement of assets prepared under clause 20 of the Church Administration Ordinance 1990.

(3) The proceeds of any loan or other financial accommodation secured from time to time by the mortgage must be used for such purposes of the Parish as may be determined from time to time by the committee (if any) appointed by the parish council of the Parish under clause 29A of the Church Administration Ordinance 1990 to exercise any of the functions, rights or powers referred to in that clause relating to Christ Church St Ives or if there is no such committee by the majority of the churchwardens of Christ Church St Ives."

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

N.M. Cameron  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 26 June 1995.

W.G.S. Gotley  
Secretary

## **Christ Church St Ives Mortgaging Ordinance 1991 Amendment Ordinance 1995**

I Assent to this Ordinance.

R.H. Goodhew  
Archbishop of Sydney  
11/7/1995