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# Sadleir (Busby) Land Sale Ordinance 1997

(Reprinted under the Interpretation Ordinance 1985.)

The Sadleir (Busby) Land Sale Ordinance 1997 as amended by the Sadleir (Busby) Land Sale Ordinance 1997 Amendment Ordinance 1998 and the Sadleir (Busby) Land Sale Ordinance 1997 Further Amendment Ordinance 1998.

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## Long Title

An Ordinance to authorise the sale of certain land at Busby and the application of the proceeds of sale.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the "Property Trust") is the registered proprietor of the land being Lot 917 in Deposited Plan 223956, together with the improvements erected thereon, situated at the corner of St John's Road and Orchard Road Busby (the "Land").

B. By clause 1 of the Sadleir Variation of Trusts Ordinance 1985 the Land is held upon trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney in the Provisional Parish of Sadleir (the "Parish").

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and the proceeds applied as provided in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

## Name of Ordinance

1. This ordinance is the Sadleir (Busby) Land Sale Ordinance 1997.

## Declarations of Inexpediency

2. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held it is inexpedient to carry out and observe those trusts and it is expedient that the Land be sold and the proceeds applied as provided in this Ordinance.

## Power of Sale

3. (1) The Property Trust is empowered to sell the Land by public auction or private contract at such time and at such price upon and subject to terms and conditions as it may think fit.

(2) No such sale may be effected after the 3rd anniversary of the date on which assent is given to this Ordinance without the consent of the Standing Committee given by resolution.

## Application of Sale Proceeds

- <sup>1</sup> 4. (1) The proceeds arising from the sale of the Land shall be applied as follows -
- (a) First, to pay all outgoings to which the Land may be subject and the costs of and incidental to this Ordinance and the sale of the Land.
  - (b) Secondly, the balance (including any capitalised income referred to in clause 4(2)) must be applied in accordance with a written request from the Bishop or Archdeacon of Liverpool, made with the concurrence of a majority of the churchwardens of the Provisional Parish of Hoxton Park, towards the costs of all or any of -
    - (i) the acquisition of land for the purposes of a residence for the minister of the Parish or other person employed by the churchwardens;
    - (ii) the construction and fitting out of buildings suitable for ministry purposes in the Parish or such parochial units into which the Parish may be divided;
    - (iii) the repayment of any loan raised to meet the purposes in subclause (i) and (ii); and

- (iv) the repayment to the Finance and Loans Board of the outstanding amount in relation to 3 Tunbridge Street, Busby.
- (2) Pending application under clause 4(1) the proceeds of sale must be invested and the income applied as follows -
  - (a) 30% is to be capitalised; and
  - (b) 70% must be paid to the churchwardens of St Clement's Church Hoxton Park and applied by them for the purposes of the provisional parish of Hoxton Park.

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#### Endnotes

KEN BOWDEN  
**Assistant Diocesan Secretary**

MARK PAYNE  
**Diocesan Secretary**  
27 February 2008

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1. Amended by Ordinances Nos 14, 1998 and 17, 1998.