

T A S M A N I A.

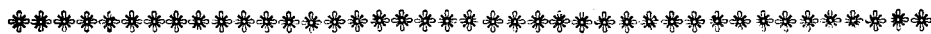


1882.

ANNO QUADRAGESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 2.



AN ACT to amend "An Act to enable the Bishop, Clergy, and Laity of the United Church of *England* and *Ireland* in *Tasmania* to regulate the Affairs of the said Church." A.D. 1882.

[21 August, 1882.]

WHEREAS it is expedient to amend the Act of the Parliament of *Tasmania* intituled "An Act to enable the Bishop, Clergy, and Laity of the United Church of *England* and *Ireland* in *Tasmania* to regulate the Affairs of the said Church:" PREAMBLE.
22 Vict. No. 20.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 The Act of the Parliament of *Tasmania* of the 22nd *Victoria*, No. 20, may be cited as "The Church of *England* Constitution Act," and this Act may be cited as "The Church of *England* Constitution Amendment Act." Citation of
22 Vict. No. 20
and this Act.

2 In this Act, unless the context otherwise determines, the expression "the said Act" means "The Church of *England* Constitution Act." Interpretation.

3 Upon the commencement of this Act the name of the United Church of *England* and *Ireland* in the Diocese of *Tasmania* referred to in the First Section of the said Act shall be "the Church of *England* in *Tasmania*;" and whenever in any enactment or document the words Name of Church.

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“The United Church of *England* and *Ireland* in *Tasmania*” are or hereafter may be mentioned or referred to, the same shall be read and construed as meaning and referring to the name conferred on the said Church by this Act.

Power to appoint,
&c. Bishops.

4 It shall be lawful for the Synod by Act or Resolution to make provision for the appointment and resignation of Bishops, and of all persons bearing office in the said Church of whatsoever order or degree, and generally to regulate their tenure of office, and their retirement or removal therefrom.

Synod may
appoint person,
or Archdeacon,
&c. may act for
Bishop during
vacancy of office
or absence.

5 During any vacancy in the office of the Bishop of the said Church by death, resignation, or otherwise, or in case the Bishop shall be absent from *Tasmania*, then, and in any such case, it shall be lawful for any person duly appointed in that behalf from time to time by Act or Resolution of Synod, or, if there be no such person so appointed, or none who is living and capable and willing to act, then for the senior Archdeacon for the time being in *Tasmania*, or in his absence the junior Archdeacon, and in the absence or inability of either of them to act, then for the Dean of the Cathedral Church, during such vacancy in the office of the Bishop, or during such absence of the Bishop, to have and exercise all the powers conferred by the said Act upon the Bishop, and to assent to the Acts and Resolutions of Synod, as fully and effectually as if he were Bishop of such Church: Provided, that nothing contained in this Section shall prejudice or affect any spiritual right, power, or prerogative belonging or appertaining to the office of a Bishop of the said Church.

Property vested
in Bishop to
vest in Church
Trustees.

6 All real and personal property now held by or vested in the present holder of the office of Bishop of the said Church as a Corporation Sole, or as a Trustee for the said Church, or for any purposes connected therewith, shall be and the same is hereby vested in the Trustees of the property of the said Church, for the estate and interest that the Bishop and his successors as such Corporation Sole, or as such Bishop otherwise may now have therein: Provided that, wherever in any deed or document relating to such property any act is required to be done, or any consent or approbation to be given by the Archbishop of *Canterbury*, such act may be done, and such consent and approbation given, by the Bishop of the said Church for the time being, anything contained in any such deed or document to the contrary notwithstanding: Provided also, that in the event of a sale or exchange of any such real property, the lands and hereditaments purchased or taken in exchange shall be vested in the said Trustees, and all interim investments shall be made in the names of such Trustees, anything contained in any such deed or document to the contrary notwithstanding: Provided further, that the said Trustees shall hold and manage all such property so vested or to become vested in them as aforesaid upon the special trusts, if any, affecting the same, and with and subject to the special powers, provisoes, and declarations, if any, applicable thereto; and, save as aforesaid, the said property shall be held, managed, and dealt with in such manner in all respects as the Synod may by Act or Resolution direct.

Property vested
in Archdeacon,
&c. to vest in
Church Trustees.

7 All real and personal property now vested in or held by the Archdeacons or any Archdeacon or retired Archdeacon of the said Church, or in the representatives of any deceased Archdeacon, upon

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trust for the said Church or for any purposes connected therewith, shall be and the same is hereby vested in the Trustees of the property of the said Church for such estate and interest as any such Archdeacon or retired Archdeacon, or the representatives of any such deceased Archdeacon, may have therein; and the said Trustees shall hold and manage such property upon the special trusts, if any, affecting the same, and with and subject to the special powers, provisoes, and declarations, if any, applicable thereto; and, save as aforesaid, the said property shall be held, managed, and dealt with in such manner in all respects as the Synod may by Act or Resolution direct: Provided, that nothing in this Section contained shall deprive the Bishop of any legal right he may have as to the disposition or mode of application of any such property.

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8 The Synod may, by Act or Resolution, direct that any property which, after the passing of this Act, is or may be vested in any person or persons upon trust for the Church, shall be vested in the Trustees of the property of the said Church, provided that the consent of such person, if acting in the trust, or the majority of such persons acting in the trust, be obtained; and upon the registration of such Act or Resolution in the Office of the Registrar of Deeds, together with a certificate signed by the Church Advocate, or such other person as the Synod may appoint, that the proper consent has been obtained, or that no consent is necessary, the property mentioned in such Act or Resolution shall vest accordingly: Provided, that the said Trustees shall hold and manage such property upon the special trusts, if any, affecting the same, and with and subject to the special powers, provisoes, and declarations, if any, applicable thereto. And, save as aforesaid, the said property shall be held, managed, and dealt with in such manner in all respects as the Synod may, by Act or Resolution, direct.

Property in trust for Church may be vested in Church Trustees.

9 In the case of property of the said Church which now is or hereafter may be vested in the Trustees of the property of the said Church being subject to the provisions of *The Real Property Act*, the Act or Resolution of Synod appointing any Trustee or Trustees of such property may be registered in the Office of the Recorder of Titles in like manner as is provided by *The Real Property Act* for the registration of instruments, and upon the registration of such Act or Resolution the provisions of Section Fifteen of "*The Church of England Constitution Act*" shall apply to such property.

As to trust property subject to *The Real Property Act*.

25 Vict. No. 16.

10 It shall be lawful for the Synod, subject to the special trusts, if any, affecting the same, and subject to the special powers, provisoes, and declarations, if any, applicable thereto, from time to time, by Act or Resolution, to direct the sale, lease, exchange, mortgage, or other disposition, on such terms and in such manner as the Synod thinks fit, of any lands now vested or to become vested in the said trustees; and the said trustees shall thereupon have full power to do, enter into, and execute all necessary acts, deeds, leases, mortgages, contracts, and assurances for carrying into legal effect any such sale, lease, exchange, or disposition. The said trustees shall hold, manage, and deal with the moneys arising from any such sale, lease, exchange, mortgage, or disposition, and shall hold, manage, and deal with any lands so taken into exchange upon the trusts (if any) declared by the instrument affecting such land, and if there are no such trusts, then in such manner

Powers to sell, lease, &c.

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as the Synod may, by Act or Resolution, direct: Provided always, that this Section shall not be deemed to authorise the sale or other disposition of any Cemetery or place for the interment of the dead which may belong to the said Church or be vested in any person or persons in trust for the same.

Certified copy of Act or Resolution to be evidence.

11 A copy of any Act or Resolution of Synod purporting to be certified by the Bishop, or by the Secretary of the Synod, to be a true copy of such Act or Resolution, shall be received in all Courts and in all legal proceedings whatever as *prima facie* evidence of such Act or Resolution, and of the same having been duly made.

Acts read together.

12 The said Act, as amended by this Act, and this Act, shall be read and construed together as one Act.