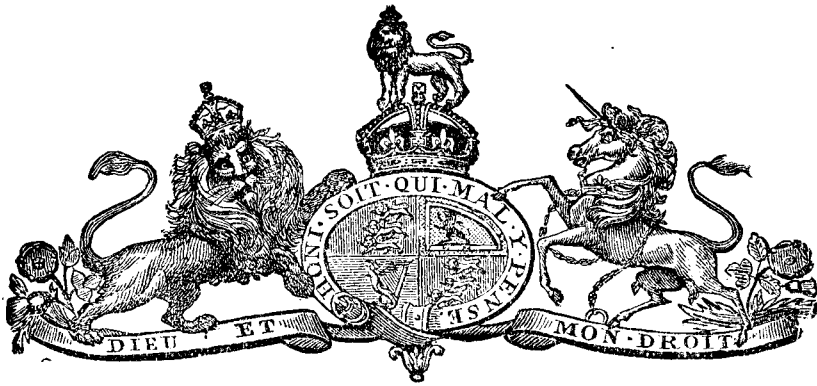


TASMANIA.



1932.

ANNO VICESIMO TERTIO
GEORGI V. REGIS.
 No. 51.

ANALYSIS.

1. Short title.
2. Repeal.
3. Interpretation.
4. Constitution of the Trustees of the property of the Church as a body corporate.
5. Vesting of Church property in Trustees.
6. Power to sell, &c., land vested in Trustees.
7. Trusts for Church purposes.
8. Directions, &c., by Archbishop.
9. Reference to Church and Archbishop.

 AN ACT to consolidate and amend the Law
 relating to the Property of the Roman
 Catholic Church in Tasmania.

A.D.
 1932.
 —

[23 December, 1932.]

WHEREAS it is desirable that the Trustees of the property of the Roman Catholic Church in Tasmania should be constituted a body corporate and that the Trustees should be empowered to dispose of any property vested in them without obtaining the authority of Parliament for that purpose: PREAMBLE.

And whereas it would be convenient to consolidate and set forth in one enactment the law relating to the property of the said Church in this State:

4d.]

Roman Catholic Church Property.

A.D. 1932.

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:—

Short title.

1 This Act may be cited as “The Roman Catholic Church Property Act, 1932.”

Repeal.

2 The Acts set forth in the schedule are hereby repealed.

Interpretation.

3 In this Act, unless the contrary intention appears—

“The Archbishop” means the Roman Catholic Archbishop of Hobart for the time being; and in the case of the absence of the Archbishop from the Commonwealth or of a vacancy in the office of Archbishop includes the Chief Ecclesiastical Authority of the Roman Catholic Church in this State:

“The Trustees” means the Trustees of the property of the Roman Catholic Church in Tasmania constituted under this Act.

Constitution of the Trustees of the property of the Church as a body corporate.

4—(1) For the purposes of this Act there shall be constituted a body to be known as “The Trustees of the Property of the Roman Catholic Church in Tasmania.”

(2) The Trustees shall be a body corporate with perpetual succession and a common seal and may hold land and sue or be sued in their corporate name.

(3) The body corporate shall consist of three Trustees appointed by the Archbishop.

(4) The Archbishop may at any time remove any Trustee, and may appoint another Trustee in the place of a Trustee who has been removed or may die.

(5) The seal of the body corporate shall only be affixed to any instrument in the presence of two at least of the Trustees who shall sign their names to the instrument to which the seal has been affixed.

Vesting of Church property in Trustees.

27 Vict. No. 16.

5—(1) All real and personal property of every description now vested in or held by—

i. The Trustees of the property of the Roman Catholic Church in Tasmania appointed under the Church of Rome Trustee Act; or

ii. Any person upon trust for the said Church—

shall, by force of this Act and without any conveyance, transfer or assignment, be vested in the Trustees for all the estate and interest therein respectively of the Trustees or person by whom the same was held before the commencement of this Act, and shall be held by the Trustees, together with any property vested in or acquired by them after the commencement of this Act, subject to any special trusts affecting the same or any part thereof, on trust for the said Church.

Roman Catholic Church Property.

(2) The Trustees shall be deemed to be the registered proprietors of such portions of the said property as are subject to the provisions of the Real Property Act, and the Recorder of Titles, upon the application of the Trustees under their common seal, and upon proof to his satisfaction of the identity of any such portion of the said property shall issue to the Trustees such instruments of title as are by the said Act provided for.

A.D. 1932.

25 Vict. No. 16.

6—(1) The Archbishop may, on such terms and conditions and in such manner as he thinks fit, from time to time direct the sale, lease, exchange, mortgage, or other disposition of any property vested in the Trustees, and may alter or revoke any such direction.

Power to sell, &c.,
land vested in
Trustees.

(2) The Trustees shall have power to do, enter into, and execute all necessary acts, deeds, leases, mortgages, contracts, and assurances for carrying into effect any such sale, lease, exchange, mortgage, or other disposition.

(3) The Trustees shall stand possessed of the proceeds of the sale or other disposition referred to in this section of any property vested in them, subject to any special trusts affecting the same, upon trust for the said Church.

(4) This section shall not be deemed to authorise the sale, lease, or other disposition of that part of any cemetery or place for the interment of the dead which may belong to the Roman Catholic Church in Tasmania, or be vested in any person or persons in trust for the said Church, in which any interment shall have taken place.

7 Where any property is vested in the Trustees to be held on trust for the said Church, and such property is not subject to any special trust, that property shall be held, dealt with, and managed by the Trustees in such manner as the Archbishop may from time to time direct.

Trusts for
Church pur-
poses.

8—(1) Where by this Act the Archbishop is empowered to give any direction, or to appoint or remove any person as a trustee, any such direction, appointment, or removal shall be by instrument in writing under his hand and seal.

Directions, &c.,
by Archbishop.

(2) The production of any such instrument shall be evidence in all legal proceedings of the direction, appointment, or removal, as the case may be.

9 Where in any Act or in any document any reference is made to—

(a) "The Church of Rome"; or

(b) "The Bishop of the Church of Rome"—

Reference to
Church and
Archbishop.

or any expression of similar meaning is used, such reference or expression shall be construed as a reference to—

(c) The Roman Catholic Church in Tasmania; or

(d) The Archbishop—

as the case may be.

Roman Catholic Church Property.

A.D. 1932.

SCHEDULE.

Regnal Year and Number.	Title of Act.
27 Vict. No. 16	The Church of Rome Trust e Act
53 Vict. No. 46	The Roman Catholic Church Trustee Amendment Act, 1889
55 Vict. No. 70	An Act to authorise the Trustees of the Roman Catholic Church in Tasmania to dispose of Land in the Townships of Oatlands and Devonport, and to lease Land in Glebe Town
6 Ed. VII. (Private)	The Roman Catholic Church Property Disposal Act, 1906
9 Ed. VII. (Private)	The Roman Catholic Church Property Disposal Act, 1909
6 Geo. V. (Private).....	The Roman Catholic Church Property Disposal Act, 1915
9 Geo. V. (Private)..	The Roman Catholic Church Property Disposal Act, 1918
11 Geo. V. (Private).....	The Roman Catholic Church Property Disposal Act, 1920
14 Geo. V. (Private).....	The Roman Catholic Church Property Disposal Act, 1923
19 Geo. V. No. 47	The Roman Catholic Church Property Disposal Act, 1928