

**THE KEMPSEY PARISH  
VARIATION OF TRUST ORDINANCE 2005  
No 19 of 2005**

AN ORDINANCE to vary a Trust known as the St John's Sherwood Trust in certain particulars.

**PREAMBLE**

WHEREAS the Synod of the Diocese of Grafton on 2<sup>nd</sup> June, 1991 did pass an Ordinance entitled "Sherwood Land Sale Ordinance 1991";

AND WHEREAS the said Ordinance provided that "should be placed in Trust for any future approved building programmes in respect to St John's Church, Sherwood;"

AND WHEREAS there exists in the Trust accounts of the Corporate Trustees an amount of \$49,517.80 held as the Sherwood Hall Land Sale.

AND WHEREAS it is considered but that by reason of circumstances subsequent to the creation of the said St John's Sherwood Trust it has become impossible and inexpedient to carry out the said Trust for the sole purpose for which it was created;

AND WHEREAS by the *Anglican Church of Australia Trust Property Act 1917* and *The Church Trust Property Ordinance of 1934* the Bishop-in-Council is empowered during recess of Synod to exercise certain powers of Synod including the powers conferred by Section 32 of the said Act AND WHEREAS such recess now exists:

NOW THEREFORE the Bishop-in-Council in pursuance of such powers and in the name of the Synod directs and rules as follows:

**OPINION**

1. It has become impossible and is inexpedient, by reason of circumstances subsequent to the creation of the said St John's Sherwood Trust, to carry out the said Trust for the sole purpose for which it was created.

**VARIATION OF TRUST**

2. In lieu of the said purported Trust it is hereby directed that the funds held together with any interest further accruing less any payments made in accordance with the original Trust, are to be given to the Parish of Kempsey to be used for the purpose of repairing the Parish Church or assisting in the building of a Rectory as determined by the Parish Council of the Parish of Kempsey

**SHORT TITLE**

3. This Ordinance may be cited as the "Kempsey Parish, Variation of Trust Ordinance 2005".

**DATE OF COMMENCEMENT**

4. This Ordinance shall come into effect on the date of assent by the Bishop.

**ASSENT**

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.



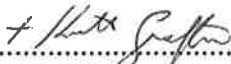
.....  
Chairman of Committees

I certify that this Ordinance was passed by Bishop-in-Council on the 21<sup>st</sup> July, 2005.



.....  
Registrar

I assent to this Ordinance.



.....  
Bishop.