

# **Freemasons' Property Act 1956**

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## **THE TEXT OF THE LEGISLATION FOLLOWS**



Western Australia

# Freemasons' Property Act 1956

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### Notes



## Freemasons' Property Act 1956

**An Act to enable the trustees of certain respective bodies of Freemasons to acquire, hold, dispose of, and deal with, property on behalf of the respective bodies.**

**1. Short title**

This Act may be cited as the *Freemasons' Property Act 1956*<sup>1</sup>.

**2. Interpretation**

In this Act unless the context requires otherwise —

**“Constituent Lodge”** means a Lodge of Antient, Free and Accepted Masons, constituted, whether before or after the coming into operation of this Act, under the authority of, and owing allegiance to, Grand Lodge;

**“Grand Lodge”** means the body known as The Grand Lodge of Western Australia of Antient, Free and Accepted Masons;

**“Lodge”** means Grand Lodge, or, as the case requires, a Constituent Lodge;

**“personal property”** means property other than real property;

**“property”** means real and personal property of any kind;

**“real property”** means land and estates in land;

**“registration authority”** means an authority authorised by law to record transactions affecting, or relating to, property;

“Trustee” means a person appointed to, and occupying at any material time, the office of Trustee of a Lodge, in accordance with the constitution of the Lodge.

**3. Adoption of this Act by Lodges**

- (1) Where a Lodge passes, in accordance with the constitution of the Lodge, a resolution adopting this Act —
- (a) the Trustees of the Lodge are, by force of the passing of the resolution, and without the necessity of any other instrument or formality of incorporation, constituted a body corporate —
    - (i) by such corporate name as is specified in the resolution;
    - (ii) with perpetual succession;
    - (iii) with a common seal in such form, and to be kept in such custody, as is specified in the resolution;
    - (iv) with power, in the corporate name, to acquire, hold, dispose of, and otherwise deal with the property, and any estate or interest in the property, of the Lodge, whether by transfer, conveyance, lease, letting, license, mortgage, assignment, bailment, pledge, bill of sale, or otherwise howsoever, and to sue and be sued, settle or compromise claims and disputes, and enter into submissions to arbitration, in respect of the property; and
    - (v) with power to authenticate on behalf of the body corporate any document by the affixing of the common seal to the document, and by the attestation by at least 2 of the Trustees that it was so affixed in their presence;
- and
- (b) property acquired by or on behalf of the Lodge, whether before or after the coming into operation of this Act, and however acquired, whether by purchase, exchange, gift,

devise, bequest, or otherwise, is by force of the passing of the resolution adopting this Act, and without the necessity of any transfer, conveyance, or assignment, or other formality, vested in the body corporate, upon such trusts, and for such purposes, and subject to such conditions, as are, from time to time created, prescribed, or imposed, under the constitution of the Lodge, but the vesting so effected does not affect any trust, encumbrance, or other interest, to which the property so vested is subject.

(2) Where a body corporate constituted by a resolution so passed by a Lodge, makes application to a registration authority to record any vesting effected pursuant to subsection (1) —

- (a) if the application purports to be authenticated in accordance with the provisions of subsection (1)(a)(v), and is in such form and accompanied by such evidence as the registration authority, having regard to any duty imposed upon him by law, approves and is hereby authorised to approve;
- (b) if the fees prescribed by law are paid to the registration authority; and
- (c) if the registration authority is authorised by law to do so;

the registration authority shall record the vesting in accordance with the authorisation conferred upon him by law, but the express reference in this subsection to the specific power in particular to record the vesting, does not by implication exclude or prejudice the exercise by a registration authority of any power in general conferred by law to record any other transaction affecting, or relating to property of a Lodge.

(3) A certificate purporting to be signed respectively by the persons for the time being purporting to occupy, or to act in, the respective offices of Master and Secretary of a Lodge, and stating —

- (a) that the Lodge has passed, in accordance with the constitution of the Lodge a resolution adopting this Act;

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- (b) the name of the body corporate referred to in subsection (1)(a)(i);
- (c) that a document referred to and identified in the certificate has been authenticated by the body corporate in the manner referred to in subsection (1)(a)(v); and
- (d) that the respective signatures on the certificate are those of the respective persons occupying, or acting in, the respective offices of Master, and Secretary, of the Lodge;

is prima facie evidence of any of the matters so stated, and may be accepted and acted upon as such by any person or authority exercising any power, jurisdiction, or function, according to law.

- (4) A person proposing a transaction with a body corporate so constituted by a resolution so passed by a Lodge, is not required to ascertain if the transaction proposed would, if carried into effect, constitute a breach of trust, or as to the application of any consideration passing to the body corporate in connection with the transaction.



**Notes**

<sup>1</sup> This is a compilation of the *Freemasons' Property Act 1956*. The following Table contains information about that Act.

**Table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Freemasons' Property Act 1956</i>	53 of 1956	27 December 1956	27 December 1956	