

# CONGREGATIONAL CHURCH (LANDS).

6° GEO. VI., No. XVII.

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No. 17 of 1942.

**AN ACT to amend Ordinance 18 Victoriae No. 16.**

[Assented to 9th December, 1942.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Congregational Church (Lands) Amendment Act, 1942*, and shall be read as one with the Ordinance 18 Victoriae No. 16 hereinafter referred to as the Ordinance. Short title.

Amendment  
of s. 2.

2. (1) Section two of the Ordinance is amended as follows:—

(a) by adding at the end thereof a proviso as follows:—

Provided that no transfer or exchange of land granted by the Crown to or for the use or benefit of the said societies without pecuniary consideration shall be valid unless countersigned as approved by the Governor.

(b) by adding to the section a new subsection as follows:—

(2) Any transfer or exchange of land given or effected by the said societies under the authority of subsection (1) of this section shall operate to pass all the estate and interest of the said societies in the said land to the purchaser thereof freed and absolutely discharged from any trusts to which the said land may be subject.

(2) Subsection (1) of this section shall have effect and shall be deemed to have had effect as from the date of the commencement of the Ordinance, and in any case in which any approval of the Governor was required and was not obtained prior to the commencement of this Act, such approval shall be deemed to have been duly obtained.

Amendment  
of s. 4.

3. (1) Section four of the Ordinance is amended as follows:—

(a) by adding at the end thereof a proviso as follows:—

Provided that no mortgage of land granted by the Crown to or for the use or benefit of the said societies without pecuniary consideration shall be valid unless countersigned as approved by the Governor.

(b) by adding to the section a new subsection as follows:—

(2) Any mortgage given by the said trustees or trustee under the authority of subsection (1) of this section shall for the purposes of the security operate so as to assure such lands to the mortgagee and his assigns freed and discharged from any trusts to which the said lands may be subject.

(2) Subsection (1) of this section shall have effect and shall be deemed to have had effect as from the date of the commencement of the Ordinance, and in any case in which any approval of the Governor was required and was not obtained prior to the commencement of this Act, such approval shall be deemed to have been duly obtained.

4. A section is inserted in the Ordinance after section four as follows:— New section.

4A. (1) That it shall be lawful for the respective trustees or trustee for the time being in whom any estate or estates in any lands or premises of such societies may be vested respectively at any time or times or from time to time, and notwithstanding any trusts to which such lands and premises may be subject, to lease any such lands and premises for any term, with or without right of renewal, and either by way of building lease or otherwise, and subject to such covenants, conditions, and agreements as the trustees or trustee may think fit, and a lessee shall not be bound or concerned to inquire whether this power to lease has been duly and regularly exercised or in anywise to see to the application of any rent or other moneys paid by him as lessee, or to inquire into the necessity, regularity, or propriety of the lease, or be affected by notice that the same is irregular, unnecessary, or improper: Provided that no lease for a term exceeding twenty-one years of land granted by the Crown to or for the use or benefit of the said societies without pecuniary consideration shall be valid unless countersigned as approved by the Governor. Trustees may lease.

(2) Subsection (1) of this section shall have effect and be deemed to have had effect as from the date of the commencement of this Ordinance.

5. The Ordinance as amended by this Act may be cited as the Congregational Church Lands Act, 1855-1942. Citation of Ordinance as amended by this Act.