



Western Australia

# **Roman Catholic Church Lands Amendment Act 1902**

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# **Roman Catholic Church Lands Amendment Act 1902**

## **Contents**

1.	Short title	2
2.	Lands in the diocese of Geraldton vested in the Bishop of Geraldton	2
3.	Lands in any new diocese to vest in its bishop	2
4.	Lands in the diocese of Perth continue vested in the Archbishop of Perth	3
5.	Powers of bishops as to vested lands	3
6.	Purchases etc. protected from certain irregularities	3
7.	This Act to be read with 1895 Act	4
	<b>Notes</b>	
	Compilation table	5



Western Australia

## **Roman Catholic Church Lands Amendment Act 1902**

**An Act to amend the Ordinance 22<sup>nd</sup> Victoria, No. 4<sup>2</sup>, and the *Roman Catholic Church Lands Act 1895*, and to enable the bishop, for the time being, of each diocese of the Roman Catholic Church to exercise, in respect of the lands within his diocese, the powers granted by the said Act.**

### **Preamble**

Whereas at the respective times of the passing of the said Ordinance and Act there was only one Roman Catholic diocese in Western Australia embracing the whole of the State, and one bishop administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia: And whereas the State is now divided into 2 dioceses, *viz.*, the dioceses of Perth and Geraldton, and other dioceses may hereafter be created in the said State: And it is expedient that the lands and premises of the said church within each diocese should be vested in the bishop for the time being of the diocese: And that such bishop should be enabled to exercise in respect of all buildings, lands, and premises situate within his diocese and belonging to the Roman Catholic Church the powers granted by the said *Roman Catholic Church Lands Act 1895*:

Be it therefore 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 Parliament assembled, and by the authority of the same, as follows: —

**1. Short title**

This Act may be cited as the *Roman Catholic Church Lands Amendment Act 1902*<sup>1</sup>.

**2. Lands in the diocese of Geraldton vested in the Bishop of Geraldton**

All the estate and interest in all buildings, lands, and premises belonging to the Roman Catholic Church, situate within the diocese of Geraldton, shall, without the necessity of any formal deed of assurance or transfer, from the time of the passing of this Act absolutely and indefeasibly vest in the Bishop of Geraldton and his successors in the said office, subject to the trusts mentioned and contained in the several deeds or other assurances in the law affecting the same<sup>3</sup>.

**3. Lands in any new diocese to vest in its bishop**

- (1) Hereafter on the creation of a new diocese of the Roman Catholic Church, and the appointment of a bishop thereof, or an alteration of the boundaries of any diocese by adding an area thereto, whether the alteration is made before or after the coming into operation of the *Acts Amendment (Roman Catholic Church Lands) Act 1972*<sup>1</sup>, all the buildings, lands, and premises belonging to the said Church, situate within such new diocese or within the area added to a diocese, shall, without the necessity of any formal deed of assurance or transfer, vest absolutely and indefeasibly in such bishop and his successors in office or in the bishop of the diocese to which the area has been added and his successors in office, subject to the trusts in the several deeds or other assurances in the law affecting the same; and the estate and interest in all buildings, lands, and premises situate within a diocese which may hereafter be given, granted, or transferred by the Crown, or any person or persons, for Roman Catholic Church purposes, shall vest and be vested in the bishop, and his successors in office, of the diocese within which such buildings, lands, and premises are situate, under and subject to such trusts

as may be imposed by the donors, grantors, or transferors thereof.

- (2) Where a question arises as to the diocese in which any buildings, land and premises belonging to the Roman Catholic Church are situated, a certificate under the hand and seal of The Roman Catholic Archbishop of Perth certifying that the buildings, land or premises are situate in the diocese specified in the certificate shall for the purposes of this Act be conclusive evidence of the fact.

*[Section 3 amended: No. 67 of 1972 s. 3.]*

**4. Lands in the diocese of Perth continue vested in the Archbishop of Perth**

Subject to the provisions of this Act all buildings, lands, and premises situate in the diocese of Perth<sup>4</sup>, and belonging to the Roman Catholic Church, shall continue vested in the Bishop<sup>5</sup> of the diocese of Perth, or his successors in office, subject to the trusts affecting the same.

**5. Powers of bishops as to vested lands**

All or any of the powers and authorities granted by the *Roman Catholic Church Lands Act 1895*, to the bishop for the time being administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia, and his successors in office, may from time to time be exercised by the bishop of the diocese in respect of the lands vested in him within his diocese, but subject always to the provisions of the said Act and the obligations, restrictions, and exceptions therein contained.

**6. Purchases etc. protected from certain irregularities**

No purchaser, mortgagee, or lessee shall be bound to inquire whether the buildings, lands, and premises to be affected by any dealing or dealings are within the diocese of the bishop exercising, or purporting to exercise any of the aforesaid powers and authorities with respect to lands vested in him, nor as to the

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appointment of such bishop, nor be affected by notice that the person purporting to exercise any such powers or authorities has not been duly and properly appointed the bishop of the diocese.

**7. This Act to be read with 1895 Act**

This Act shall be incorporated and read together with the *Roman Catholic Church Lands Act 1895*.

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**Notes**

- <sup>1</sup> This is a compilation of the *Roman Catholic Church Lands Amendment Act 1902* and includes the amendments made by the other written laws referred to in the following table <sup>6</sup>.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Roman Catholic Church Lands Amendment Act 1902</i>	1 & 2 Edw. VII	19 Feb 1902	19 Feb 1902
<i>Acts Amendment (Roman Catholic Church Lands) Act 1972 Pt. I</i>	67 of 1972	16 Nov 1972	16 Nov 1972

- <sup>2</sup> Now cited as the *Roman Catholic Church Lands Ordinance 1858*.

- <sup>3</sup> Also see *Roman Catholic Geraldton Church Property Act 1925*.

- <sup>4</sup> Now the Archdiocese of Perth. See *Roman Catholic Church Property Acts Amendment Act 1916* s. 2.

- <sup>5</sup> Now the Archbishop of Perth. See *Roman Catholic Church Property Acts Amendment Act 1916*. Note also *Roman Catholic Church Property Act 1911* s. 12.

- <sup>6</sup> This Act is to be read as one with the following Act:

*The Roman Catholic Church Lands Act 1895*.

This Act is affected by the following Acts:

*Roman Catholic Church Property Act 1911*

*Roman Catholic Church Property Act Amendment Act 1912*

*Roman Catholic Church Property Acts Amendment Act 1916*.

Other relevant written laws:

*Roman Catholic Church Lands Ordinance 1858*

*Roman Catholic Geraldton Church Property Act 1925*

*Roman Catholic New Norcia Church Property Act 1929*

*Roman Catholic Bunbury Church Property Act 1955*

*Roman Catholic Bishop of Broome Property Act 1957*.