



Western Australia

Anglican Church of Australia Lands Act 1914

Reprint 3: The Act as at 12 June 2015

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 12 June 2015

Western Australia

Anglican Church of Australia Lands Act 1914

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Western Australia

Reprinted under the
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Anglican Church of Australia Lands Act 1914

An Act to validate grants of land made for the benefit of the Church of England, and to authorise and validate the disposal by sale or otherwise of lands granted by the Crown to or for the said Church².

1. Short title

This Act may be cited as the *Anglican Church of Australia Lands Act 1914*¹.

[Section 1 amended by No. 121 of 1976 s. 7.]

2. Validation of grants of land to Church

All grants of land heretofore made or purporting to be made of lands of the Crown to or for the benefit of the Branch of the Church of England in Western Australia³, or to any person or body in trust or for the purposes of such church, whether such grants were expressed or intended to be made for church sites or for ecclesiastical purposes or otherwise howsoever, are hereby validated and confirmed.

3. Trustees may sell, mortgage or lease lands

Subject to any Statute of the Synod of the Anglican Church of Australia so far as it is in the State⁴ and to this Act, The Perth Diocesan Trustees⁵ —

- (i) may sell any lands granted by the Crown and held in trust for the said Church or for any of the purposes

thereof, and transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trusts to which the said lands may be subject;

- (ii) may mortgage such lands to secure moneys lawfully borrowed, and for the purposes of such security assure such lands to the mortgagee and his assigns freed and discharged from any such trusts as aforesaid;
- (iii) may, notwithstanding any such trusts, lease any such lands 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 they may think fit.

[Section 3 amended by No. 4 of 1960 s. 5; No. 121 of 1976 s. 7.]

4. Protection of purchasers and others

No purchaser, mortgagee, or lessee of any such lands shall be bound or concerned to inquire whether any power of sale, mortgage, or lease was duly and regularly made or exercised, or in anywise to see to the application of any purchase, mortgage, or other moneys or to inquire into the necessity, regularity, or propriety of any such sale, mortgage, or lease, or be affected by notice that the same is or are irregular, unnecessary, or improper, subject, however, to the provisions of the next following section.

5. Approval of Governor in certain cases

- (1) No assurance on sale or mortgage or lease for a term exceeding 21 years of lands granted by the Crown without pecuniary consideration therefor shall be valid unless approved by the Governor and countersigned by him as approved.
- (2) In the case of a subdivision of any such lands for the purpose of sale, it shall be sufficient compliance with this section if such approval be endorsed on the plan of such subdivision deposited or to be deposited with the Western Australian Land

Information Authority established by the *Land Information Authority Act 2006* section 5.

[Section 5 amended by No. 34 of 1918 s. 9; No. 81 of 1996 s. 153(2); No. 60 of 2006 s. 124; No. 19 of 2010 s. 51.]

6. Previous sales etc. of land validated

All sales, mortgages, leases, and assurances of any such lands as aforesaid heretofore made or intended to be made in good faith by the said Trustees are hereby validated and confirmed.

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Notes

- ¹ This reprint is a compilation as at 12 June 2015 of the *Anglican Church of Australia Lands Act 1914* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Short title | Number and year | Assent | Commencement |
|---|------------------------------------|-------------|---|
| <i>Church of England Lands Act 1914</i> ⁶ | 10 of 1915 (5 Geo. V No. 37) | 18 Feb 1915 | 18 Feb 1915 |
| <i>Church of England Diocesan Trustees and Lands Act 1918</i> s. 9 and 11 | 34 of 1918 (9 Geo. V No. 24) | 24 Dec 1918 | 24 Dec 1918 |
| <i>Church of England in Australia Constitution Act 1960</i> s. 5 | 4 of 1960 (9 Eliz. II No. 4) | 6 Oct 1960 | 1 Jan 1962 (see s. 2 and <i>Gazette</i> 24 Nov 1961 p. 3223) |
| <i>Anglican Church of Australia Act 1976</i> s. 7 | 121 of 1976 | 1 Dec 1976 | 24 Aug 1981 (see s. 2(2) and <i>Gazette</i> 30 Jan 1981 p. 441) |
| Reprint of the Anglican Church of Australia Lands Act 1914 as at 8 Jan 1988 (includes amendments listed above) | | | |
| <i>Transfer of Land Amendment Act 1996</i> s. 153(2) | 81 of 1996 | 14 Nov 1996 | 14 Nov 1996 (see s. 2(1)) |
| Reprint of the Anglican Church of Australia Lands Act 1914 as at 3 May 2002 (includes amendments listed above) | | | |
| <i>Land Information Authority Act 2006</i> s. 124 | 60 of 2006 | 16 Nov 2006 | 1 Jan 2007 (see s. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369) |
| <i>Standardisation of Formatting Act 2010</i> s. 51 | 19 of 2010 | 28 Jun 2010 | 11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341) |
| Reprint 3: The Anglican Church of Australia Lands Act 1914 as at 12 Jun 2015 (includes amendments listed above) | | | |

- ² Under the *Anglican Church of Australia Act 1976* s. 7, a reference in a law of the State to “Church of England” or “Church of England in Western Australia” is to be construed as a reference to the “Anglican Church of Australia”, and that construction shall, unless the context otherwise requires, be and be deemed to be a direct amendment to that law. The reference in this provision has not been changed due to its context.

- ³ Under the *Church of England in Australia Constitution Act 1960* s. 5 (now known as the *Anglican Church of Australia Constitution Act 1960*), a reference to “the Branch of the Church of England in Western Australia” is to be read and construed as if it were a reference to the “Church of England in Australia so far as it is in the State”. Also see note 2. The reference in this provision has not been changed due to its context.
- ⁴ Formerly referred to the “Branch of the Church of England in Western Australia”. Also see notes 2 and 3. The reference was changed under the *Reprints Act 1984* s. 7(3)(h).
- ⁵ Formerly referred to “The Diocesan Trustees of the Church of England in Western Australia”, the name of which was changed to “The Perth Diocesan Trustees” by the *Church of England Diocesan Trustees and Lands Act 1918* s. 11 (now known as the *Anglican Church of Australia Diocesan Trustees and Lands Act 1918*). The reference was changed under the *Reprints Act 1984* s. 7(3)(h).
- ⁶ Now known as the *Anglican Church of Australia Lands Act 1914*; short title changed (see note under s. 1).