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1984 as at 8 January 1988.

WESTERN AUSTRALIA

ANGLICAN CHURCH OF AUSTRALIA LANDS ACT 1914

AN ACT to validate grants of land made for the benefit of the Anglican Church of Australia, and to authorize and validate the disposal by sale or otherwise of lands granted by the Crown to or for the said Church.

[*Long title amended by No. 121 of 1976 s.7.*]

Short title

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

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

Validation of grants

2. 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 Anglican Church of Australia in Western Australia, 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.

[*Section 2 amended by No. 121 of 1976 s.7.*]

Power to sell, lease or mortgage

3. Subject to any Statute of the Synod of the Branch of the Anglican Church of Australia in Western Australia and to this Act, the Diocesan Trustees of the Anglican Church of Australia in Western Australia—

- (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. 121 of 1976 s.7.]

Protection of purchasers and others

4. 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.

Approval of Governor in certain cases

5. 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.

Provided that 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 in the Office of Titles.

[Section 5 amended by No. 34 of 1918 s.9.]

Confirmation of previous transactions

6. 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.

NOTES

¹. This reprint is a compilation as at 8 January 1988 of the *Anglican Church of Australia Lands Act 1914* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and year	Assent	Commencement	Miscellaneous
<i>Church of England Lands Act 1914</i>	10 of 1915	18 February 1915	18 February 1915	Short title subsequently changed (see footnote to section 1)
<i>Church of England Diocesan Trustees and Lands Act 1918</i> , section 9	34 of 1918	24 December 1918	24 December 1918	
<i>Anglican Church of Australia Act 1976</i>	121 of 1976	1 December 1976	1 December 1976	

N.B. The *Anglican Church of Australia Lands Act 1914* is affected by the *Church of England in Australia Constitution Act 1960*.

