

Western Australia

**Roman Catholic Bunbury Church Property
Act 1955**

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Western Australia

Roman Catholic Bunbury Church Property Act 1955

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Roman Catholic Bunbury Church Property Act 1955

An Act to vest in the Roman Catholic Bishop of the Diocese of Bunbury and his successors in office the property belonging to or held in trust for or on behalf of the Roman Catholic Church within the Diocese of Bunbury, to make provision for the Bishop to deal with that property, and for other incidental purposes.

1. Short title

This Act may be cited as the *Roman Catholic Bunbury Church Property Act 1955*¹.

2. Interpretation

In this Act,

“**property**” means property of every kind whatsoever including legal and equitable, real and personal property, and choses in action.

3. Certain property vested in Bishop of Bunbury

The lands comprised in the instruments of title set out in the First Schedule and which are vested in the Roman Catholic Bishop of Perth, and all other property belonging to the Roman Catholic Church or held by any person in trust for or on behalf of that Church and situated within the Roman Catholic Diocese of Bunbury, shall from the coming into operation of this Act, and without the execution of any formal deed of assurance or transfer, vest absolutely and indefeasibly in the Roman Catholic

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Bishop for the time being of that Diocese and his successors in office, subject to the trusts, encumbrances and dispositions respectively affecting the same.

4. Bishop of Bunbury to be a corporation sole

The Roman Catholic Bishop for the time being of the Diocese of Bunbury is a corporation sole by the name of “The Roman Catholic Bishop of Bunbury” with perpetual succession and a common seal, and by and in that name may sue and be sued and has power to purchase, hold, and take property and, subject to the provisions of section 5, to sell, mortgage, lease or otherwise dispose of any property vested in him pursuant to the provisions of section 3 or acquired after the coming into operation of this Act, and in respect of any real property whether freehold or leasehold so vested or acquired, may also exercise all the powers conferred on the Bishop for the time being administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia and his successors in office, by the *Roman Catholic Church Lands Act 1895*.

5. Power to sell, mortgage and lease lands

- (1) Notwithstanding anything contained in the Acts mentioned in the Second Schedule, it is lawful for the Bishop of the Diocese of Bunbury in his corporate name as “The Roman Catholic Bishop of Bunbury” subject to any express trust or condition against alienation and to the provisions of section 7 of the *Roman Catholic Church Lands Act 1895*, —
 - (a) to sell any lands vested in him pursuant to the provisions of section 3 of this Act and transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trust or condition affecting the lands not being an express trust or condition against alienation;
 - (b) to mortgage the lands to secure moneys borrowed for the purpose of paying and discharging debts already incurred and secured by existing mortgages on lands

belonging to the Roman Catholic Church, or to secure moneys which may be lawfully borrowed after the coming into operation of this Act and by way of security to assure to a mortgagee and his assigns the lands freed and discharged from any trust or condition affecting the lands not being an express trust or condition against alienation; and

- (c) to lease the 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 the Bishop thinks fit to impose, notwithstanding any trust or condition affecting the lands not being an express trust or condition against leasing.
- (2) For the purposes of this Act, a trust or condition expressed to be for the use or purposes or benefit of the Roman Catholic Church in general or the Roman Catholic Diocese of Bunbury in particular or in words of like import is not an express trust or condition against alienation.
- (3) No purchaser, mortgagee, or lessee of any lands sold, mortgaged or leased under the provisions of this section is bound or concerned to inquire whether the power of sale, mortgage or lease was duly and regularly exercised, or to see to the application of any purchase, mortgage or other moneys, or to inquire into the necessity, regularity, or propriety of any sale, mortgage or lease, or be affected by notice that a sale, mortgage or lease is irregular, unnecessary or improper.

6. Land titles, registration and fees

The vesting of any land by this Act in “The Roman Catholic Bishop of Bunbury” shall be registered and noted in the Office of Titles, the Office of the Registrar of Deeds or the Department of Lands and Surveys², as the case may require, and on the respective instrument of title to that land, free of charge.

7. Power to appoint attorneys

The Roman Catholic Bishop of Bunbury may, from time to time, by an instrument in writing under his hand and seal, appoint one or more Priests of the Diocese of Bunbury to be his attorney or attorneys to exercise all or any of the powers conferred upon the Bishop by this Act and it shall be lawful for the attorney or attorneys so appointed, in the name and on behalf of the Roman Catholic Bishop of Bunbury, to exercise those powers accordingly, and to execute all documents required to give effect thereto.

8. Vicar Capitular to act from death of Bishop until successor appointed

Upon the death of a Roman Catholic Bishop of the Diocese of Bunbury, the Vicar Capitular duly elected by the consultors of that Diocese shall be entitled to exercise the powers and be liable to perform the duties of the Bishop until the appointment and consecration of his successor, and it shall be lawful for the Vicar Capitular to exercise those powers and to perform those duties and to execute all documents required to give effect thereto and the documents so executed shall have the same force and effect as if they had been duly executed by The Roman Catholic Bishop of Bunbury.

First Schedule

Crown Leases Nos.

3125/1913	63/1934	670/1936
6415/1913	248/1935	100/1945
785/1921	933/1935	80/1951
1092/1926	1182/1935	446/1954
1122/1927	1185/1935	447/1954
1298/1931	1224/1935	472/1955
	223/1936	

Certificates of Title

Vol.	Folio.	Vol.	Folio.	Vol.	Folio.
3	150	657	71	1047	809
4	242	728	5	1047	810
14	387	736	199	1050	814
26	245	749	43	1052	683
34	45	769	42	1052	684
34	48	794	109	1060	198
35	120	501	148	1060	730
95	87	501	149	1065	385
95	89	501	150	1068	485
102	158	684	162	1069	271
119	89	822	55	1073	575
145	28	828	70	1076	238
215	5	851	153	1080	9
221	183	856	140	1080	296
221	185	860	174	1082	101
221	186	860	175	1082	121
221	187	860	176	1089	456
230	37	921	9	1096	666
240	188	954	105	1101	803
306	14	974	83	1103	395
344	177	980	40	1104	973
351	179	1001	104	1111	463

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First Schedule

Vol.	Folio.	Vol.	Folio.	Vol.	Folio.
379	85	1001	136	1125	610
441	88	1001	153	1128	450
441	101	1004	560	1129	283
470	95	1010	480	1129	990
485	129	1010	911	1137	259
499	102	1013	603	1143	377
509	21	1014	181	1152	359
509	116	1014	852	1165	799
509	117	1020	231	1170	493
522	99	1022	271	1170	721
532	161	1025	63	1173	463
572	60	1039	794	1179	212
634	199	1043	555	1182	795
653	108	1043	955	1188	326
657	68	1047	294		

Grants Enrolled in Registry of Deeds, Perth.

No. 1291; No. 2857 and No. 2976.

Second Schedule

[Section 5]

*An Ordinance for vesting Roman Catholic Church Lands in Western Australia in the Roman Catholic Bishop Administrator and his Successors (22 Vict. No. 4.)*³

Roman Catholic Church Lands Act 1895 (59 Vict. — Private).

Roman Catholic Church Lands Amendment Act 1902 (1 and 2 Edw. VII. — Private).

Roman Catholic Church Property Act 1911 (No. 36 of 1911).

Roman Catholic Church Property Act Amendment Act 1912 (No. 32 of 1912).

Roman Catholic Church Property Acts Amendment Act 1916 (No. 4 of 1916).

[Second Schedule amended by No. 74 of 2003 s. 149(3).]

Notes

- ¹ This is a compilation as at of the *Roman Catholic Bunbury Church Property Act 1955* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Roman Catholic Bunbury Church Property Act 1955</i>	28 of 1955	15 Nov 1955	15 Nov 1955
Reprint 1: The Roman Catholic Bunbury Church Property Act 1955 as at 7 Feb 2003 (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 149(3)</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Land Information Authority Act 2006 s. 153</i> ⁵	60 of 2006	16 Nov 2006	To be proclaimed (see s. 2(1))

- ² Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this reprint the former Department of Lands and Surveys is called the Department of Land Administration..
- ³ Now cited as the *Roman Catholic Church Lands Ordinance 1858*.
- ⁴ Other relevant Acts:
- The Roman Catholic Church Lands Act 1895.*
- Roman Catholic Church Lands Amendment Act 1902.*
- ⁵ On the date as at which this compilation was prepared, the *Land Information Authority Act 2006 s. 153* had not come into operation. It reads as follows:

“

153. Roman Catholic Bunbury Church Property Act 1955 amended

- (1) The amendments in this section are to the *Roman Catholic Bunbury Church Property Act 1955*.
- (2) Section 6 is amended by deleting “in the Office of Titles, the Office of the Registrar of Deeds or the Department of Lands and Surveys” and inserting instead —

“

under the *Transfer of Land Act 1893* or the *Registration of Deeds Act 1856*

”
.”
”
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