



Western Australia

# **Perth Diocesan Trustees (Special Fund) Act 1944**

**Reprint 2: The Act as at 7 August 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  - removed (because it was repealed or deleted from the law); or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 3<sup>rd</sup> 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 7 August 2015

Western Australia

## **Perth Diocesan Trustees (Special Fund) Act 1944**

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Western Australia

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*Reprints Act 1984* as  
at 7 August 2015

## **Perth Diocesan Trustees (Special Fund) Act 1944**

**An Act relating to a certain trust fund vested in The Perth Diocesan Trustees and to the disposition of the income derived therefrom.**

### **Preamble**<sup>2,3</sup>

Whereas Samuel Evans Burges of Perth in the State of Western Australia, Esquire, died on 25 May 1885, having made and duly executed his last will and testament and a codicil thereto dated respectively 3 October 1883, and 14 July 1884; and probate of the said will and the said codicil was duly granted by the Supreme Court of Western Australia to the executors therein named; and whereas by his said will the said Samuel Evans Burges charged all his real property at York devised to his son Richard Goldsmith Burges with the payment by the said Richard Goldsmith Burges, his heirs and assigns, to the Standing Committee of the Synod of the West Australian Branch of the Church of England for or towards the support of the Church of England clergyman from time to time stationed at York in the said State, of an annual sum of £10 during the life of the said Richard Goldsmith Burges and after the decease of the said Richard Goldsmith Burges with the payment to such Committee for the like purpose, of an annual sum of £20 for ever; and whereas the said Richard Goldsmith Burges died on 25 September 1905 and by an Order of His Honour, Mr. Justice McMillan, made 19 April 1910, pursuant to the provisions of the *Redemption of Annuities Act 1909*, it was ordered (*inter alia*) that the cash surrender value of the perpetual charge of the annual sum of £20 aforesaid as created by the abovementioned will of the

late Samuel Evans Burges, deceased, over the lands therein charged be fixed at £500 and that on payment of such sum to the Diocesan Trustees of the Church of England in Western Australia within the time fixed in the said Order the said perpetual charge should be discharged and the said lands should thereupon be freed and discharged from the said perpetual charge; and whereas by the said Order it was further ordered that the said Diocesan Trustees should invest the said sum of £500 in the securities mentioned in the said Order and that the income accruing therefrom to the extent of £20 per annum should be applied for the benefit of the Church of England clergyman for the time being stationed at York and that any surplus income over £20 per annum be capitalised with power for the Trustees from time to time to draw thereon to make good any deficiency; and whereas the said sum of £500 was duly paid as directed by the said Order and the said sum of £20 per annum has been regularly paid and the surplus income capitalised, with the result that the annual income from the capital sum is in excess of the amount required to pay the said sum of £20 per annum; and whereas by Act 52 Victoria No. 2<sup>4</sup> it was enacted that all land and other property vested in the Standing Committee of the Synod of the Western Australian Branch of the Church of England should be vested in the corporation to be known as “The Diocesan Trustees of the Church of England in Western Australia for the time being” and by the *Church of England Diocesan Trustees and Lands Act 1918*<sup>5</sup>, it was enacted that the name and style of the corporation constituted by the said Act, 52 Victoria No. 2<sup>4</sup>, should thenceforth be “The Perth Diocesan Trustees” and whereas the said The Perth Diocesan Trustees is desirous that it be empowered at its discretion to capitalise the surplus income arising from the said capital sum or to pay such surplus income to the Church of England clergyman for the time being stationed at York:

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 present Parliament assembled, and by the authority of the same, as follows: —

**1. Short title**

This Act may be cited as the *Perth Diocesan Trustees (Special Fund) Act 1944*<sup>1</sup>.

*[Section 1 amended by No. 74 of 2003 s. 145.]*

**2. Terms used**

In this Act, unless the context otherwise requires —

***Special Fund*** means the capital sum with accretions thereof vested in The Perth Diocesan Trustees for or towards the support of the Anglican Church of Australia clergyman from time to time stationed at York pursuant to the provision in that behalf created by the will of Samuel Evans Burges, deceased, mentioned in the Preamble.

***Trustees*** means The Perth Diocesan Trustees.

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

**3. Capitalisation or payment of surplus income**

The surplus income arising from the special fund remaining in the hands of the Trustees in any year after payment to the Anglican Church of Australia clergyman for the time being stationed at York of the sum of £20 may, at the discretion of the Trustees, be capitalised or paid to the Anglican Church of Australia clergyman for the time being stationed at York.

*[Section 3 amended by No. 121 of 1976 s. 7.]*



## Notes

- <sup>1</sup> This reprint is a compilation as at 7 August 2015 of the *Perth Diocesan Trustees (Special Fund) Act 1944* 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>The Perth Diocesan Trustees (Special Fund) Act 1944</i> <sup>6</sup>	25 of 1944 (8 and 9 Geo. VI No. 25)	23 Dec 1944	23 Dec 1944
<i>Anglican Church of Australia Act 1976 s. 7</i>	121 of 1976	1 Dec 1976	24 Aug 1981 (see s. 2(2) and <i>Gazette</i> 30 Jan 1981 p. 441)
<b>Reprint of <i>The Perth Diocesan Trustees (Special Fund) Act 1944</i> as at 3 May 2002</b> (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 145</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<b>Reprint 2: <i>The Perth Diocesan Trustees (Special Fund) Act 1944</i> as at 7 Aug 2015</b> (includes amendments listed above)			

- <sup>2</sup> The name of the “Church of England” was changed to “Anglican Church of Australia” by the *Anglican Church of Australia Act 1976 s. 7*. References in the Preamble to “Church of England” have not been changed due to the context.
- <sup>3</sup> References in this Act to the old currency are of historical interest only and so have not been amended under the *Decimal Currency Act 1965*.
- <sup>4</sup> Now known as the *Anglican Church of Australia (Diocesan Trustees) Act 1888*.
- <sup>5</sup> Now known as the *Anglican Church of Australia (Diocesan Trustees and Lands) Act 1918*.
- <sup>6</sup> Now known as the *Perth Diocesan Trustees (Special Fund) Act 1944*; short title changed (see note under s. 1).



## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Special Fund .....	2
Trustees .....	2