

Western Australia

## **Anglican Church of Australia Lands Act 1914**

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## Anglican Church of Australia Lands Act 1914

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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<sup>2</sup>, and to authorise and validate the disposal by sale or otherwise of lands granted by the Crown to or for the said Church.**

**1. Short title**

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

*[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 Australia<sup>3</sup>, 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 State<sup>4</sup> and to this Act, The Perth Diocesan Trustees<sup>5</sup> —

- (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;

**s. 4**

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- (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. 34 of 1918 s. 11; 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**

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 Department within the meaning of the *Transfer of Land Act 1893*.

*[Section 5 amended by No. 34 of 1918 s. 9; No. 81 of 1996 s. 153(2).]*

**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.

### Notes

- <sup>1</sup> This is a compilation 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 <sup>8</sup>.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Church of England Lands Act 1914</i> <sup>6</sup>	10 of 1915	18 Feb 1915	18 Feb 1915
<i>Church of England Diocesan Trustees and Lands Act 1918</i> s. 9 and 11 <sup>7</sup>	34 of 1918	24 Dec 1918	24 Dec 1918
<i>Church of England in Australia Constitution Act 1960</i> s. 5	4 of 1960	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)
<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)

- <sup>1a</sup> 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</i> s. 124 <sup>9</sup>	60 of 2006	16 Nov 2006	To be proclaimed (see s. 2(1))

- <sup>2</sup> The name “Church of England” was changed to “Anglican Church of Australia” by No. 121 of 1976 s. 7. This reference to the former name is left unamended because of the context.



<sup>3</sup> Under the *Anglican Church of Australia Constitution Act 1960* s. 5 a reference to “the Branch of the Church of England in Western Australia” is to be construed as a reference to the Church of England in Australia so far as it is in the State. The name of the “Church of England” was changed to the “Anglican Church of Australia” by No. 121 of 1976 s. 7. This reference to the former name has not been changed due to its context.

<sup>4</sup> Formerly referred to the “Branch of the Church of England in Western Australia”. See note 3. Reference changed under the *Reprints Act 1984* s. 7(3)(h).

<sup>5</sup> 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 No. 34 of 1918 s. 11. Reference changed under the *Reprints Act 1984* s. 7(3)(h).

<sup>6</sup> Now cited as the *Anglican Church of Australia Lands Act 1914*; short title changed by No. 121 of 1976 s. 7.

<sup>7</sup> Now cited as the *Anglican Church of Australia Diocesan Trustees and Lands Act 1918*. Short title changed by No. 121 of 1976 s. 7.

<sup>8</sup> Other relevant Acts are:

*Hale School Act 1876*

*Perth Anglican Church of Australia Collegiate School Act 1885*

*Anglican Church of Australia (Diocesan Trustees) Act 1888*

*Anglican Church of Australia Lands Vesting Act 1892*

*Anglican Church of Australia School Lands Act 1896*

*Anglican Church of Australia Diocesan Trustees and Lands Act 1918*

*Anglican Church of Australia (Diocese of North West Australia) Act 1961*

*Anglican Church of Australia (Swanleigh land and endowments) Act 1979*

<sup>9</sup> On the date as at which this compilation was prepared, the *Land Information Authority Act 2006* s. 124 had not come into operation. It reads as follows:

“

**124. Anglican Church of Australia Lands Act 1914 amended**

- (1) The amendments in this section are to the *Anglican Church of Australia Lands Act 1914*.
- (2) Section 5 is amended by deleting “in the Department within the meaning of the *Transfer of Land Act 1893*.” and inserting instead —

“

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

”

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