

CHURCH OF ENGLAND (DIOCESAN TRUSTEES).

No. 101 of 1975.

AN ACT to amend the Church of England (Diocesan Trustees) Act, 1888.

[Assented to 1st December, 1975.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Church of England (Diocesan Trustees) Act Amendment Act, 1975*.

Short title
and citation.

(2) In this Act the Church of England (Diocesan Trustees) Act, 1888 as amended by Acts Nos. 34 of 1918, 81 of 1966, 66 of 1969, and 55 of 1973 is referred to as the principal Act.

Act 52 Vict.,
No. 2, as
amended
by Acts Nos.
34 of 1918, 81
of 1966, 66
of 1969, and
55 of 1973.

(3) The principal Act as amended by this Act may be cited as the Church of England (Diocesan Trustees) Act, 1888-1975.

Section 3A
amended.

2. Subsection (3) of section 3A of the principal Act is amended by inserting after the word "shall", in line eight, the passage " , after deducting fees and commissions charged pursuant to section 3BA of this Act,".

Section 3BA
added.

3. The principal Act is amended by adding after section 3B a section as follows—

Fees and
commissions.

3BA. (1) In addition to all moneys properly expended by the Trustees and chargeable against trusts administered by them, the Trustees may, subject to subsection (2) of this section, from time to time charge fees and commissions—

- (a) in respect of the capital of any such trust created after the coming into operation of this section; and
- (b) in respect of the income of any such trust created before or after the coming into operation of this section,

and retain those fees and commissions or receive them against, from or out of such capital or income, as the case requires.

(2) The fees and commissions charged from time to time pursuant to subsection (1) of this section—

- (a) shall not exceed the fees and commissions which Trustee Companies may from time to time lawfully charge, retain or receive against, from or out of the capital or income, as the case requires, of estates, trusts, or funds committed to their administration; or

(b) if those last mentioned fees and commissions differ, shall not exceed the average thereof.

(3) Any act, matter, or thing, for or with respect to which provision is made in this section, made, done, or executed before the coming into operation of this section which would have been lawful if this section had been in force at the time such act, matter, or thing was made, done, or executed is hereby validated.

(4) In subsection (2) of this section "Trustee Companies" means the companies on which powers are conferred respectively by The Perpetual Executors, Trustees and Agency Company (W.A.) Limited Act, 1922 and The West Australian Trustee Executor and Agency Company Limited Act, 1893. .

4. Section 3C of the principal Act is amended by deleting the passage "or 3B", in line one, and inserting in lieu thereof the passage ", 3B, or 3BA".

Section 3C
amended.
