

ROTHBURY CEMETERY LAND SALE ORDINANCE 2020

AN ORDINANCE to authorise the sale of certain lands at **Rothbury** in the Parish of **Rothbury** in the County of **Northumberland** and to provide for the disposition of the proceeds of that sale.

BE IT THEREFORE Ordained by the Diocesan Council of the Diocese of Newcastle as follows: -

BACKGROUND

- A. The Trustees of Church Property for the Diocese of Newcastle is the registered proprietor of the Land at Rothbury.
- B. The Land is Church Trust Property for the Parish of Cessnock.
- C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that part of the Land be sold and that the proceeds be applied in the manner set out in this Ordinance.
- D. The Land contains the Rothbury Cemetery.
- E. Burial rights that have been historically granted at the cemetery are recognised under the *Cemeteries and Crematoria Act 2013* as having been granted in perpetuity. Additionally, reservations that have been accepted for future burial rights can only be revoked after a period of 50 years from when they are granted.
- F. Cessnock City Council has operated and maintained for a period of at least 11 years.
- G. Cessnock City Council has agreed to the transfer of the land and to classify the land as operational providing for its continued use and care as a cemetery.
- H. The Synod has conferred on the Diocesan Council the authority to exercise the powers contained in the *Anglican Church of Australia Trust Property Act 1917 (NSW)*.

PART 1 – PRELIMINARY

Title

1. This Ordinance may be cited as the ***Rothbury Cemetery Land Sale Ordinance 2020***

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PART 2 – DEFINITIONS

2. In this Ordinance, unless the contrary intention appears:

Church Trust Property	means Churches, Rectories, Parish Halls and other buildings vested in the Trustees of Church Property and used for Church purposes.
GST	means Goods and Services Tax as defined in <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i> .
Land	means the land contained in Folio Identifier 1/1142814.

PART 3 – OPERATIVE PART

Sale of Land

3. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is expedient that the Land be sold and that the proceeds be applied in the manner set out in section 10 of this ordinance.

Authority to Sell

4. The Trustees of Church Property shall sell the part of the Land shown in Attachment 1 by private contract, on such terms and conditions as may be determined by the Newcastle Anglican Church Corporation.
5. The Land shall be freed from any trusts which shall by force of this ordinance cease.

Authority to Execute

6. The Trustees of Church Property shall execute all necessary deeds, conveyances, transfers, assurances and other instruments, acts and things for giving full and complete effect to the provisions of this ordinance according to its true intent and meaning.

Disposition of proceeds

- (1) The proceeds of sale are to be paid to the Trustees of Church Property and allocated to the costs of and incidental to this Ordinance and the disposal of the Land;

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I HEREBY CERTIFY the Ordinance as printed is in accordance with the Ordinance as reported.

PASSED BY DIOCESAN COUNCIL on the 28th May 2020.



Mrs Linda Wilson
Secretary, Diocesan Council



ASSENT by
Peter, Bishop of Newcastle
28th May 2020

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