

Version No. 002
Presbyterian Trusts Act 1890
Act No. 1175/1890

Version incorporating amendments as at 23 April 2002

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1. Short title	2
2. Definitions	2
3. General Assembly may pass resolution to form corporate body of trustees	3
4. Certified copy of resolution to be delivered to Registrar-General	4
5. Corporate trustees to be constituted and may take and hold property	4
6. Certain property to vest in corporate trustees immediately	5
7. Other church properties may be transferred to corporate trustees	6
8. Moderator may consent to transfer for certain trustees	6
9. Properties for which there are no trustees to vest in corporate trustees	7
10. Registrar-General or Registrar of Titles to carry out transfers to corporate trustees	8
11. Gifts to church before incorporation to have same effect afterwards	8
12. Appointment of corporate trustees	8
13. Successor in office to become trustee in place of predecessor	9
14. Management of property vested in corporate body of trustees	9
14A. Power to Trust Corporation to invest moneys separately or in Common Fund	10
14B. Allocation of income received on investments made from Common Fund	12
14C. Trusts Corporation shall be responsible	14
15. Corporate body of trustees may convey to congregational trustees for purpose of mortgaging	14
16. Trustees appointed hereunder to be trustees of property	15
17. Enrolment of Model Trust Deeds	15
18. Certain property to be held in trusts of Model Trust Deeds	15
19. Model Trust Deeds may be adopted in other cases	16
20. Conveyances transfers etc. by majority of trustees sufficient	17
21. "Register of Trustees"	18
22. Amendment of register	19
23. Legal estate to pass to new trustees without conveyance	20

<i>Section</i>	<i>Page</i>
24. Proof of entries in register and certificates	20
25. Rules	21
<hr/>	
SCHEDULES	23
SCHEDULE 1—Certificates as to Trustees of Church Property	23
SCHEDULE 2—"The Presbyterian Register of Trustees"	24
<hr/>	
ENDNOTES	25
1. General Information	25
2. Table of Amendments	26
3. Explanatory Details	27

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An Act to provide for the creation of a Corporate Body of Trustees in which Property belonging to "The Presbyterian Church of Victoria" may be vested and for other purposes.

Preamble

WHEREAS by an Act passed in the twenty-second year of Her present Majesty numbered LXXXII as amended by Act No. CCCXXI, it was enacted that all hereditaments estates and temporal privileges and all equitable rights belonging to certain Presbyterian bodies and the congregations thereof should belong to "The Presbyterian Church of Victoria" and the several congregations thereof subject to the decisions and judicatories of the said church only:

AND WHEREAS the General Assembly of the said church has adopted Model Trust Deeds (hereinafter called "The Model Trust Deeds of the Presbyterian Church of Victoria") to the intent that certain property belonging to the said church may be held upon the trusts thereof:

AND WHEREAS the said Model Deeds were deposited with the Registrar-General on the eleventh day of March One thousand eight hundred and seventy-nine and are numbered respectively four thousand three hundred and seventy-nine and four thousand three hundred and eighty:

AND WHEREAS the members of the said church are desirous that a corporate body of trustees should be created for the purpose of holding the property of the said church, and that for the better management thereof certain property of the said

church should be vested in such corporate body, and that the trusts upon which the property of the said church is held should be assimilated so far as possible to the trusts contained in the said Model Deeds, and that the conveyance and transfer of such property should be facilitated and rendered less expensive:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. Short title

This Act shall be called and may for all purposes be cited as the **Presbyterian Trusts Act 1890**.

2. Definitions

In this Act, unless inconsistent with the subject-matter or context, the following words shall have the meanings hereinafter respectively assigned to them:

S. 2 def. of
"Church"
substituted by
No. 9344
s. 3(1).

¹"**Church**" means the Presbyterian Church of Victoria continuing to function under the name or style of the Presbyterian Church of Victoria in accordance with clause 18 of Part III of the Schedule to the **Presbyterian Church of Australia Act 1971**;

S. 2 def. of
"Common
Fund"
inserted by
No. 7310
s. 2(a).

"**Common Fund**" means the Common Fund authorized to be established and kept in the books of the Trusts Corporation pursuant to sub-section (1) of section fourteen A;

"**General Assembly**" shall mean the General Assembly of the Presbyterian Church of Victoria, convened in accordance with the rules practice and usages of the said church;

"General Assembly's Trustees" shall mean the persons who previously to the creation of the corporate body of trustees hereinafter mentioned have been appointed by the General Assembly as trustees for the property of the church;

"Moderator" shall mean the Moderator for the time being of the General Assembly of the Presbyterian Church of Victoria;

"property" shall mean land promised or reserved by the Crown for any of the purposes of the Presbyterian Church of Victoria or of any of the bodies mentioned in the said Act No. LXXXII, as amended by the Act No. CCCXXI, and all property real and personal including money or securities for money held by or vested or purporting to be vested in or claimable by any person or persons either in trust generally for the said Church or for any congregation thereof or for any special purpose in connexion therewith or for the benefit or use of the members thereof as such or of any person or persons holding for the time being office therein;

"Trusts Corporation" means the corporate body of trustees constituted under this Act under the name of the Presbyterian Church of Victoria Trusts Corporation.

S. 2 def. of
"Trusts
Corporation"
inserted by
No. 7310
s. 2(b).

3. General Assembly may pass resolution to form corporate body of trustees

The General Assembly may if it thinks fit pass a resolution expressing its desire—

- (a) that a corporate body of trustees be constituted for the purpose of holding property in trust for the church;

- (b) that the persons nominated in the resolution as trustees be the corporate body of trustees;
- (c) that such trustees be incorporated under the name specified in the resolution.

Nothing in this section shall affect any separate trust, but such trust shall continue in force after the trust estate shall have been transferred to or vested in the corporate body of trustees under the provisions hereinafter contained.

4. Certified copy of resolution to be delivered to Registrar-General

As soon as may be after the passing of such resolution the Moderator shall cause a copy thereof duly certified under his hand to be delivered to the Registrar-General, who shall retain and register the same.

5. Corporate trustees to be constituted and may take and hold property

Within one month of the registration of such resolution the Registrar-General shall give notice thereof by advertising the same at length in the Government Gazette, and thereupon the trustees named in such notice and their successors to be appointed as hereinafter provided shall be a body corporate by the name stated in such notice, and shall have perpetual succession and a common seal, and may sue and be sued, and may acquire take and hold any property in trust for the church, and may receive any moneys which have been or shall be given or contributed by any person or persons to be applied to any of the purposes of the church, and may take over any securities for money held by any person or persons on behalf thereof, and may take in the name of such corporate body any securities for money belonging to the church which shall be lent or

advanced on account thereof, and shall deal with all such property and securities so as to give effect to the trusts to which they shall be specially subject or when not subject to any express trust in such manner as this Act hereinafter provides or the General Assembly may from time to time direct, but so as not to interfere with the jurisdiction of the Supreme Court in the enforcement of trusts.

6. Certain property to vest in corporate trustees immediately

Immediately upon the incorporation of the corporate body of trustees, all property held by any person or persons for or on behalf of the church generally other than property which at the passing of this Act is held on behalf of or occupied or used by or for the purposes of any existing congregation of the church or of the minister thereof and all property held and all securities taken for money advanced by the General Assembly's trustees for and on behalf of the church, and all property situated in any place in which no congregation being or forming part of a settled charge recognised as such by the General Assembly exists at the time of such incorporation, shall without any further conveyance or transfer vest in the corporate body of trustees, and the Registrar-General or the Registrar of Titles (as the case may be) shall make the proper transfer thereof in his register. Provided that if any such property is subject to any mortgage charge or encumbrance it shall not vest in the corporate body of trustees until the mortgage charge or encumbrance has been discharged or the corporate body of trustees by memorandum in writing undertakes to answer any liability in respect of such mortgage charge or encumbrance. Provided also that the properties known as Ormond College

the Scotch College and the Presbyterian Ladies' College shall not vest in the corporate body of trustees until the General Assembly by a special vote in that behalf shall so direct.

7. Other church properties may be transferred to corporate trustees

From and after the registration of such resolution, where any persons hold any property in trust for or on behalf of the church, and in case such property is held on behalf of or occupied or used by or for the purposes of any congregation of the church with the consent of the majority of the members and adherents of such congregation present in person or by proxy at a meeting duly convened for that purpose, and with the approval of the General Assembly the trustees or a majority of them may if they think fit consent to a transfer of the property to the corporate body of trustees upon the trusts to which the same is subject, and such transfer when completed and accepted by the corporate body shall from and after the date thereof operate as a discharge of all the trustees from the duties of the trust.

8. Moderator may consent to transfer for certain trustees

In the circumstances mentioned in the last preceding section, if by reason of death absence from Victoria for six months in succession or any other disability the consent of any trustee to the transfer as aforesaid cannot be obtained, the Moderator may by writing under his hand consent to such transfer in place of any such trustee; and if such consent be published in the Government Gazette and in some newspaper circulating in the place where the property to which the consent refers is situate, and if within a month from the last publication of such advertisements no

proceedings be taken therein by the person in whose name such consent is given, such consent shall upon the expiration of such month be as effective for the purpose of this Act as a consent given by the person in whose place the consent is declared to have been given.

9. Properties for which there are no trustees to vest in corporate trustees

If in any case the person or all the persons in whom any property is vested die or be absent from Victoria for six months in succession or cannot be found or resign or be removed from office or become otherwise incapable of holding such property, of which incapacity the General Assembly shall be the sole and final judge, and if those who are lawfully authorized to elect or appoint a successor or successors to such person or persons refuse or neglect to do so for the space of one month after being called upon by the Moderator to make such election or appointment, or if there be no person lawfully authorized to elect or appoint such successor or successors, then forthwith the Moderator may by certificate in writing under his hand in the form and to the effect in Part I of the First Schedule to this Act declare that there are no trustees of such property and thereupon such property shall vest in the corporate body of trustees, and the certificate shall have the same effect as if the trustee or trustees who had died or left Victoria or could not be found or had resigned or had been removed from office or become otherwise incapable of holding such property had duly executed a conveyance or transfer of the property in the same manner and for the same estate.

10. Registrar-General or Registrar of Titles to carry out transfers to corporate trustees

Upon obtaining the written consent of the majority of the trustees of any property held by them on behalf of the church (either under their own hands or that of the Moderator as hereinbefore mentioned) to the transfer to the corporate body of trustees of such property, or upon receiving the certificate of the Moderator that there are no trustees of any property as in the last preceding section mentioned and upon receiving the acceptance by the corporate body of trustees of the transfer to it of such property, the Registrar-General or the Registrar of Titles (as the case may be) shall make the proper transfer thereof in his register, and thereupon without further conveyance or transfer the whole estate and interest of the trustees of such property shall vest in such corporate body.

11. Gifts to church before incorporation to have same effect afterwards

After the incorporation of the corporate body of trustees every donation gift and disposition of property real or personal theretofore lawfully made (but not having actually taken effect) or thereafter lawfully made by deed will or otherwise to or in favour of such church generally or the General Assembly's trustees or any person for or on behalf of the church generally shall take effect as if the same had been made to or in favour of the corporate body of trustees.

12. Appointment of corporate trustees

The corporate body of trustees appointed for the purposes of this Act and their successors shall be appointed in such manner and shall hold their office for such term and upon such conditions, and vacancies in such offices shall be filled in such

manner, as the General Assembly shall by any rule or regulation from time to time prescribe.

13. Successor in office to become trustee in place of predecessor

When any person who has been appointed a trustee by virtue of his office whether clerical or lay ceases to hold such office his successor thereto shall, upon the certificate in writing of the Moderator of the vacating of the office by the last holder thereof and of the appointment of the person named therein as his successor and of his acceptance of the office, become a trustee under his official designation in the stead of the person last registered under such designation.

14. Management of property vested in corporate body of trustees

All property becoming vested in the corporate body of trustees as hereinbefore mentioned or which shall in any manner be acquired by such corporate body shall, so far as the same is subjected to any express trust, be held managed and dealt with by such corporate body in conformity with such expressed trust and shall so far as the same is not subject to any express trust be held managed and dealt with in such manner as the General Assembly may from time to time direct, and such property shall be subject as to the management thereof to the rules or regulations of the General Assembly in force for the time being which are applicable thereto. All property which at the passing of this Act is managed and administered under the Act 8 William IV cap. 7 shall for the purposes of this section be deemed to be held upon an express trust.

S. 14A
inserted by
No. 7310 s. 3.

**14A. Power to Trust Corporation to invest moneys
separately or in Common Fund**

- (1) The Trusts Corporation may in its discretion invest any moneys in its hands whether or not they are subject to any express trust either—
 - (a) on the separate account of any trust; or
 - (b) (if the moneys are not directed to be invested in some other specified manner and investment in a Common Fund is not specifically prohibited by the terms of the trust governing the said moneys) as part of a "Common Fund" established and kept in the books of the Trusts Corporation.
- (2) The Trusts Corporation shall have power to invest moneys (whether forming part of the Common Fund or not)—
 - (a) in any manner in which trust moneys may be invested by a trustee under the **Trustee Act 1958** or any other Act;
 - (b) on deposit with any bank or State savings bank carrying on business in the Commonwealth of Australia;
 - (c) in the purchase or acquisition or improvement of freehold or leasehold land within the Commonwealth of Australia; or
 - (d) subject to such terms provisions and conditions as are prescribed by or under any general or special order of the Supreme Court or a Judge thereof, in any manner authorized by any such order.
- (3) Investments made from moneys forming part of the Common Fund shall not be made on account of or belong to any particular trust, but the Trusts Corporation shall cause to be kept in the books of the Trusts Corporation an account showing at all

times the current amount at credit in the Common Fund on account of each trust.

- (4) (a) The Trusts Corporation may in its discretion make advances from the Common Fund for any purpose of or relating to the Church.
- (b) Any sum so advanced shall be deemed an investment of moneys forming part of the Common Fund and shall bear interest at a rate fixed by the Trusts Corporation and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.
- (5) The Trusts Corporation may sell investments belonging to the Common Fund and may withdraw any of the moneys belonging to the Common Fund for any purpose of or relating to the exercise and discharge of its powers authorities duties and functions under this or any other Act or under any trust.
- (6) The Trusts Corporation may in its discretion at any time withdrawn from the Common Fund any amount at credit in the Common Fund on the account of any trust and may invest such amount on the separate account of that trust.
- (7) Amounts so withdrawn from the Common Fund shall as from the date of such withdrawal cease to have any claim for interest or otherwise from the Common Fund.
- (8) No capital appreciation or depreciation in the value of any investments made from the Common Fund shall be deemed or taken to increase or diminish the amount at credit in the Common Fund on the account of any particular trust, and on the withdrawal from the Common Fund of any amount invested therein the trust in question shall be entitled to be credited with the actual amount

which was so invested without regard to any such appreciation or depreciation.

S. 14B
inserted by
No. 7310 s. 3.

14B. Allocation of income received on investments made from Common Fund

- (1) Income received from the investment of the moneys forming part of the Common Fund shall be part of that Fund and shall be credited to an account to be called the "Income Suspense Account" and shall be allocated therefrom as hereinafter provided.
- (2) On each amount at credit in the Common Fund interest at the appropriate rate fixed from time to time by the Trusts Corporation shall at all such times and intervals as the Trusts Corporation determines be allocated and transferred from the Income Suspense Account to the credit of each other trust or account entitled for the time being to the interest on the said amount; and the Trust Corporation may fix different rates of interest according to the source and nature of the different amounts invested in the Common Fund, the periods for which they are so invested and such other factors as the Trusts Corporation considers relevant.
- (3) No trust or account shall be entitled in respect of any amount at credit in the Common Fund to any further or other interest than the interest allocated and paid as provided in the last preceding subsection.
- (4) At such time or times in each year as the Trusts Corporation determines such amount of the moneys at credit in the Income Suspense Account as the Trusts Corporation deems necessary shall, after providing for all interest to be carried to the credit of each trust and account as aforesaid, be carried to the credit of an account to be called the "Common Fund Reserve Account".

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- (5) All capital profit made upon the realization of investments from the Common Fund shall also be carried to the credit of the Common Fund Reserve Account and all capital losses incurred upon such realization carried to the debit of that account.
- (6) Moneys standing to the credit of the Common Fund Reserve Account may be withdrawn and applied for all or any of the following purposes—
- (a) payment of any costs and expenses incurred in protecting investments made from the Common Fund;
 - (b) payment of such other costs expenses and charges incurred in respect of the Common Fund or investments made therefrom as in the opinion of the Trusts Corporation are properly chargeable against the Common Fund Reserve Account;
 - (c) payment of any legal costs expenses and charges not ordered by the court to be charged against a particular trust and not otherwise properly chargeable against a particular trust;
 - (d) payment of any legal costs expenses and charges not ordered by the court to be charged against a particular trust but otherwise properly chargeable against a particular trust where the funds in the particular trust are insufficient to meet such costs expenses and charges; and
 - (e) payment of any costs expenses and charges incurred by the Trusts Corporation in obtaining legal advice or in legal proceedings to which the Trusts Corporation is or is made a party where such costs expenses and charges are such that, by reason of the general importance of the
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subject-matter of the advice or proceedings, they should not, in the opinion of the Trusts Corporation, be charged against a particular trust.

S. 14C
inserted by
No. 7310 s. 3.

14C. Trusts Corporation shall be responsible

The Trusts Corporation shall be responsible for investing and keeping invested the Common Fund.

15. Corporate body of trustees may convey to congregational trustees for purpose of mortgaging

When any property is held in trust for or on behalf of any congregation of the church by the corporate body of trustees, and in case it is desired to mortgage charge or otherwise encumber such property, the corporate body of trustees shall on a resolution being passed by the General Assembly to that effect convey and transfer such property to such trustees in this section called the congregational trustees as shall be nominated by the congregation and appointed by the presbytery to which such congregation belongs in accordance with the rules and regulations of the church, the congregational trustees shall upon such conveyance or transfer hold such property for the purpose of effecting or executing a mortgage charge or other encumbrance thereon and not otherwise, and may effect and execute such mortgage charge or other encumbrance accordingly, but upon the payment or other discharge of the moneys secured thereon the property shall without any further conveyance or transfer re-vest in the corporate body of trustees, and shall be held for all purposes as if such property had not been conveyed or transferred to the congregational trustees.

16. Trustees appointed hereunder to be trustees of property

When after the passing of this Act any land which has been granted promised or reserved by the Crown for any of the purposes of the church shall be brought under the provisions of the Act No. CCCXCI the corporate body of trustees appointed under the provisions of this Act may be the trustees of such land.

17. Enrolment of Model Trust Deeds

The Registrar-General shall enrol in the office of the said Registrar-General "The Model Trust Deeds of the Presbyterian Church of Victoria" (hereinbefore referred to) when such deeds are presented or tendered to him for that purpose by or on behalf of the Moderator.

18. Certain property to be held in trusts of Model Trust Deeds

Subject and without prejudice to any mortgage charge encumbrance lien or lease affecting the same, all property except the properties known as Ormond College the Scotch College and the Presbyterian Ladies' College which is now held or which may hereafter be acquired by any person or persons for the use or benefit of the church without any formal declaration of trust shall be held upon the trusts and subject to the provisions of "The Model Trust Deeds of the Presbyterian Church of Victoria" or either of them so far as the same may be applicable or any future alteration modification or variation thereof duly authorized by the General Assembly, which alteration modification or variation the General Assembly is hereby empowered from time to time to make.

Provided that nothing in this section shall empower the General Assembly to make any alteration modification or variation which shall be inconsistent with the provisions of the said Act passed in the twenty-second year of Her present Majesty numbered LXXXII.

19. Model Trust Deeds may be adopted in other cases

Where any property other than the properties known as Ormond College the Scotch College and the Presbyterian Ladies' College is held upon any trust or trusts other than those contained in "The Model Trust Deeds of the Presbyterian Church of Victoria" or either of them, if such property is held on behalf of or occupied or used by or for the purposes of any congregation or the minister thereof, it shall be lawful for such congregation by a vote of the majority of the members and adherents thereof present in person or by proxy at a meeting duly convened for that purpose and with the approval of the General Assembly and of the trustees or a majority of them and of the person lawfully appointed as the ordained minister of such congregation, and if such property is held for or on behalf of the church generally and is not held on behalf of or occupied or used by or for the purposes of any congregation or the minister thereof it shall be lawful for the General Assembly to resolve that such property shall from and after the passing of such resolution be held upon the trusts of the said Model Trust Deeds or one of them and thereupon the trusts upon which such property was held previously to the passing of such resolution shall absolutely cease and determine, and such property shall thenceforth, but subject and without prejudice to any mortgage charge encumbrance lien or lease affecting the same, be held by the trustee or trustees thereof upon the trusts of the said Model Trust Deeds or

one of them or any future alteration modification or variation thereof duly authorized by the General Assembly.

20. Conveyances transfers etc. by majority of trustees sufficient

When any sale mortgage exchange or lease of any church land (whether held upon the trusts of "The Model Trust Deeds of the Presbyterian Church of Victoria" or either of them or otherwise) is made in pursuance of and in conformity with such trusts or the trusts upon which the same is held—

- (1) the transfer conveyance mortgage exchange or lease shall be made with the consent in writing of the Moderator and shall have no force or effect without such consent:

Provided that this sub-section shall not apply to any mortgage or lease of any church land which the trustees thereof by virtue of the Act or deed under which the same is held have at the time of the passing of this Act power to mortgage or lease without the consent of the General Assembly, but such trustees shall nevertheless give notice in writing to the Moderator of any such mortgage or lease prior to the execution thereof;

- (2) the transfer mortgage exchange or lease of such land if under the operation of the **Transfer of Land Act 1890** shall be as effectual, if signed by a majority of the trustees for the time being of such land named in the "Register of Trustees" (hereinafter mentioned) as if such transfer mortgage exchange or lease had been duly signed by all the trustees so named; and

- (3) in case such land shall not be under the operation of the said Act, the conveyance mortgage exchange or lease thereof, if executed by a majority of the trustees for the time being thereof named in such "Register of Trustees," shall be deemed to pass the legal estate therein as fully and effectually as if all the trustees in whom the legal estate was vested had joined in executed or made such conveyance mortgage exchange or lease.

Provided that any trustee absent from Victoria may join in any contract for sale mortgage exchange or lease and may execute any such conveyance transfer mortgage exchange or lease as aforesaid by his attorney duly appointed by him in that behalf.

21. "Register of Trustees"

- (1) The Moderator shall keep or cause to be kept a "Register of Trustees" of all property other than property vested in the corporate body of trustees hereinbefore mentioned;
- (2) such register shall be called and inscribed as "The Presbyterian Register of Trustees," and shall be in the form and to the effect in the Second Schedule hereto;
- (3) the Moderator shall with all reasonable despatch enter or cause to be entered in such "Register of Trustees" the names and additions of the present trustees of such property with all other particulars indicated in the Second Schedule hereto;
- (4) the Moderator shall from time to time, upon the due appointment of any new trustee or trustees of any church property, insert or cause to be inserted in such "Register of Trustees" the name and

addition of such new trustee or trustees, together with the date of the insertion of his or their name or names in such "Register of Trustees," and how the vacancy in the trust occurred whether by death or otherwise;

- (5) the Moderator shall sign his name in such "Register of Trustees" in the proper column in the same line with the name of every trustee, whether he be an old or a new trustee, to authenticate the due appointment of such trustee;
- (6) the Moderator may at any time or times issue a certificate, in the form or to the effect in Part II of the First Schedule hereto, under his hand stating who is or are the trustee or trustees of any particular property specified therein at the date of such certificate, and who was or were such trustee or trustees at any particular date specified in such certificate; and
- (7) such "Register of Trustees" shall on all reasonable occasions be open to the inspection of the members of the said church and all others interested therein.

22. Amendment of register

The Moderator may at any time amend the "Register of Trustees" by rectifying any error or supplying any omission therein, and shall attest such amendment by writing his initials in the margin together with the date of his so writing, but shall not erase or render illegible the part so amended, and the register so amended shall have all the validity and operation by this Act conferred upon the "Register of Trustees."

S. 23
amended by
No. 18/1989
s. 13(Sch. 2
item 67) (as
amended by
No. 11/2002
s. 3(Sch. 1
item 60).

23. Legal estate to pass to new trustees without conveyance

Upon the insertion and authentication as aforesaid in the "Register of Trustees" of the name or names of any new trustee or trustees of any property not under the operation of the **Transfer of Land Act 1890**, such property shall forthwith vest in such new trustee or trustees solely or jointly (as the case may be) with the continuing trustee or trustees (if any) for all the estate or interest of the former trustee or trustees therein, and upon and subject to the same trusts without any conveyance or assignment whatsoever and upon the insertion and authentication as aforesaid in the said "Register of Trustees" of the name or names of any new trustee or trustees of property under the operation of the said Act such new trustee or trustees for the time being thereof and the trustee or trustees for the time being appearing by the "Register of Trustees" to be the trustee or trustees of any property under the **Transfer of Land Act 1958** shall be entitled to be registered at the Office of Titles as the proprietor or proprietors thereof within the meaning of the said Act without any formal transfer, and to have any necessary recordings made in the Register, but subject to any then subsisting encumbrance appearing in the Register affecting the same.

24. Proof of entries in register and certificates

The entries in the "Register of Trustees" authorized by section twenty-one of this Act to be made therein when authenticated by the signature of the Moderator, and any certificate duly signed by the Moderator under the provisions hereof shall respectively be received in evidence in all legal proceedings and in all proceedings before the Commissioner of Titles or Registrar of Titles and on all occasions whatsoever as prima facie

evidence of all matters containing or recited in such entries when the "Register of Trustees" is produced and of all matters contained or recited in such certificate whenever such certificate is produced.

25. Rules

- (1) The General Assembly may, in accordance with the rules practice and usages for the time being recognised by the church, from time to time make rules—
 - (a) for the appointment and removal of members of the corporate body of trustees and filling up vacancies occurring in the trusteeship;
 - (b) for the custody of the seal of the corporate body of trustees, and the affixing the same to any document, and for verifying the affixing thereof; and
 - (c) for the appointment and removal of the trustees and filling up of vacancies occurring in the trusteeship of any property not vested in the corporate body of trustees and not held under any Act of Parliament or deed containing any specific provision for the appointment and removal of trustees; and
 - (d) for carrying into effect the provisions of this Act—and may from time to time alter or vary the same.
- (2) A copy of every such rule and of any alteration or variation thereof certified by the Moderator shall be deposited with the Registrar-General, and advertised in the Government Gazette.

- (3) A duly certified copy of any such rule alteration or variation so deposited and advertised shall be prima facie evidence of the same having been duly made.
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SCHEDULES

FIRST SCHEDULE

Sections 9, 21.

CERTIFICATES AS TO TRUSTEES OF CHURCH PROPERTY

PART I

I hereby certify that there are no trustees of [*here specify particular church property*].

Dated this day of 189

Moderator.

PART II

I hereby certify that [*here insert names and addresses of the trustees for the time being or for the time specified (as the case may be) as shown by the Register of Trustees*] are (or were on the day of 18)
the trustees of [*here specify the particular church property*].

Dated this day of 189

Moderator.

Section 21.

SECOND SCHEDULE

"THE PRESBYTERIAN REGISTER OF TRUSTEES"

Folio 1 [*words of description such as "Scots' Church, Collins-street, Melbourne"*] comprised in conveyance registered the _____ day of _____ 189 _____ No. of Memorial _____ [insert] Book _____ " [insert]. *If under the "Transfer of Land Act 1890"* [insert] "comprised in Certificate of Title entered in Register Book, Vol. [insert]. Fol. [insert] _____." [*If Crown reservation or other title, concisely specify.*]

NUMBER OF TRUSTEES [*state number*]

<i>Name of Trustee</i>	<i>Addition of Trustee</i>	<i>Date of Appointment of new Trustee</i>	<i>Date of Insertion of name of new Trustee herein</i>	<i>How Vacancy occurred in Trust, such as death or the like</i>	<i>Date of ceasing to be a Trustee and cause</i>	<i>Signature of Moderator</i>
A.B.	Bourke-st. west, Melbourne, merchant.					
C.D.	Similar.					
E.F.	„					
G.H.	„					
I.J.	„					
K.L.	„					
M.N.	„					
O.P.	„	2 Dec., 1890.	1 Jan., 1891.	By death of A.B., a former Trustee.		

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ENDNOTES

1. General Information

The **Presbyterian Trusts Act 1890** was assented to on 6 October 1890 and came into operation on 6 October 1890.

2. Table of Amendments

This Version incorporates amendments made to the **Presbyterian Trusts Act 1890** by Acts and subordinate instruments².

Presbyterian Trusts (Common Fund) Act 1965, No. 7310/1965

Assent Date: 23.11.65
Commencement Date: 23.11.65
Current State: All of Act in operation

Presbyterian Trusts Act 1979, No. 9344/1979

Assent Date: 20.12.79
Commencement Date: 22.6.77: s. 1(3)
Current State: All of Act in operation

Transfer of Land (Computer Register) Act 1989, No. 18/1989 (as amended by No. 11/2002)

Assent Date: 16.5.89
Commencement Date: 3.2.92: Government Gazette 18.12.91 p. 3488
Current State: All of Act in operation

3. Explanatory Details

¹ S. 2 def. of "Church": Section 3(2) of the **Presbyterian Trusts Act 1979**, No. 9344/1979 reads as follows:

- (2) As on and from 22 June 1977 the Principal Act shall be read and construed and have effect, subject to the **Uniting Church in Australia Act 1977** and the **Presbyterian Church of Australia Act 1971**, as if any reference to church or to the Presbyterian Church of Victoria however described in the model trust deeds of the Presbyterian Church of Victoria or in any other instrument or document made before 22 June 1977 were a reference to the Presbyterian Church of Victoria continuing to function under that name or style in accordance with clause 18 of the Schedule to the **Presbyterian Church of Australia Act 1971**.

² Table of Amendments: The amendments proposed by section 5(1) of the **Presbyterian Church of Australia Act 1971**, No. 8102/1971 were never proclaimed. Section 5 was subsequently repealed by section 2 of the **Statute Law Revision (Repeals) Act 1982**, No. 9863/1982.