



CHURCH OF ENGLAND ACT 1981

[Consolidated as at 1 March 1985
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Church of England Act 1981

An Act relating to the Church of England in Norfolk Island

Short title

1. This Act may be cited as the *Church of England Act 1981*.

Interpretation

2. In this Act, unless the contrary intention appears —
“the 1902 Act” means the *Church of England Constitutions Act Amendment Act of 1902* of the State of New South Wales as from time to time in force;
“the 1961 Act” means the *Church of England in Australia Constitution Act, 1961* of the State of New South Wales as from time to time in force;
“the Trust” means the Trust constituted by section 1B of the *Church of England Land Act 1937*.

Application of the 1902 Act

3. (1) Subject to this section and to section 5, the provisions of—
 - (a) sections 4 and 5 of the 1902 Act; and
 - (b) all ordinances and rules made under or by virtue or in pursuance of the Constitutions contained in the Schedule to the 1902 Act now in force and from time to time in force in so far as they affect or relate to the Diocese of Sydney,

shall apply *mutatis mutandis* to and in respect of Norfolk Island as if references in that Act or in those ordinances and rules to the State of New South Wales included reference to Norfolk Island.

- (2) An ordinance or rule referred to in paragraph 3(1)(b) which contravenes any law in force for the time being in Norfolk Island, shall to the extent of such contravention be incapable of having any force or effect.

(3) An ordinance or rule referred to in paragraph 3(1)(b) shall not have force or effect or shall cease to have force or effect to such extent as —

- (a) the Norfolk Island Parish Council; and
- (b) the Trust,

by resolutions so direct.

(4) Subsections 3(1), 3(2) and 3(3) shall not have effect until such time as the Norfolk Island Parish Council so resolves.

Application of the 1961 Act

4. (1) Subject to this section and to section 5 the provisions of —

- (a) sections 2 and 8 of the 1961 Act; and
- (b) all canons and rules made under or by virtue or in pursuance of the Constitution contained in the Schedule to the 1961 Act now in force and from time to time in force in so far as they affect or relate to the Diocese of Sydney,

shall apply mutatis mutandis to and in respect of Norfolk Island as if references in that Act or in those canons and rules to the State of New South Wales included reference to Norfolk Island.

(2) A canon or rule referred to in paragraph 4(1)(b) shall not have force or effect or shall cease to have force or effect to such extent as —

- (a) the Norfolk Island Parish Council; and
- (b) the Trust,

by resolutions so direct.

(3) A canon or rule referred to in paragraph 4(1)(b) which contravenes any law in force for the time being in Norfolk Island shall, to the extent of such contravention be incapable of having any force or effect.

Power to change name, etc

5. (1) Subject to subsection 5(2), the Synod of the Diocese of Sydney may by ordinance change the name of the Church of England on Norfolk Island.

(2) An ordinance made for the purpose of subsection 5(1) shall not have effect unless —

- (a) the ordinance is made after the date appointed and notified under subsection 2(2) of the *Anglican Church of Australia Act 1976* of the State of New South Wales; and
- (b) the —
 - (i) Norfolk Island Parish Council; and
 - (ii) the Trust,

have each, by resolution, approved the name specified in the Ordinance.

(3) In an enactment, regulation, bylaw, canon, ordinance, rule, grant, deed, will or other instrument having effect on or after the date an ordinance made for the purpose of subsection 5(1) has effect, a reference to the Church of England in Norfolk Island, whether by that or any other name, shall be construed as a reference to the body having the name specified in the ordinance made for the purposes of subsection 5(1).

Notice of resolution to be published

6. (1) This section applies to resolutions of the Norfolk Island Parish Council and the Trust for the purposes of subsections 3(3) and 3(4), subsection 4(2) and paragraph 5(2)(b), as the case may be.

(2) Notice of the passing of a resolution to which this section applies shall be published in the Gazette and, subject to subsection 6(3) unless the contrary intention appears in the resolution, the resolution shall have effect for the purposes of this Act on the date of the publication of the notice.

(3) A resolution to which this section applies shall not have effect for the purposes of this Act on a date before the date of publication of the notice of the passing of the resolution where, if the resolution so took effect —

- (a) the rights of a person existing at the date of publication would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person in respect of anything done or omitted to be done before the date of notification.

(4) Where, in a resolution to which this section applies, a provision is made in contravention of subsection 6(3), that provision is of no effect for the purposes of this Act.

Application, etc

7. Subject to section 5, this Act shall not repeal or in any way cut down or abridge the provisions of the *Church of England Land Act 1937*.

NOTES

The *Church of England Act 1981* as shown in this consolidation comprises Act No. 17 of 1981 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Church of England Act 1981</i>	17, 1981	10.11.81	5
<i>Church of England (Amendment) Act 1981</i>	18, 1981	10.11.81	

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
inserted substituted

Provisions affected	How affected
3	am 18, 1981
4(1)	am 18, 1981
4(3)	ad 18, 1981
5	rs 18, 1981
6, 7	ad 18, 1981

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