

Reprint
as at 1 July 2013

**Otago Boys' and Girls' High
Schools Act 1877**

Local Act 1877 No 52
Date of assent 29 November 1877

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to provide for the Control and Management of the Otago Boys' and Girls' High Schools.

Preamble

[Repealed]

The Preamble was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

1 Short Title

The Short Title of this Act shall be The Otago Boys' and Girls' High Schools Act 1877.

2 Board of Governors to be appointed and incorporated

A Board of Governors, to be composed and appointed as hereinafter provided, shall be and is hereby constituted a body corporate by the name of the Otago Boys' and Girls' High Schools Board, hereinafter called "the said Board," by which name such body corporate shall have a perpetual succession and a common seal, and may hold lands, and may sue and be sued, and may do and suffer all such things as corporate bodies may do and suffer.

3 Constitution of Board of Governors

The said Board shall consist of—

- (a) the Mayor for the time being of the City of Dunedin:
provided that the Mayor of Dunedin may at any time, by notice in writing to the Town Clerk, retire from the membership of the Board, and the Dunedin City Council may at any time thereafter by resolution appoint 1 of their number to be a member of the Board to hold office until the expiry of the then current term of office of the Mayor:
- (b) 2 members appointed by the Education Board of the District of Otago:
- (c) 2 members appointed by the Council of the University of Otago:
- (d) 1 member elected by the parents of the pupils of each of the schools under the control of the Board:
- (e) 2 members appointed by the Board itself.

The original section 3 was amended, as from 22 December 1933, by section 9 Education Law Amendment Act 1933 (1933 No 37) by inserting the proviso.

Section 3 was substituted, as from 1 June 1965, by section 2(1) Otago Boys' and Girls' High Schools Amendment Act 1961 (1961 No 92).

3A Appointment and election of members

[Repealed]

Section 3A was inserted, as from 1 December 1961, by section 3 Otago Boys' and Girls' High Schools Amendment Act 1961 (1961 No 92).

Section 3A was repealed, as from 13 December 1968, by section 2(a) Otago Boys' and Girls' High Schools Amendment Act 1968 (1968 No 98).

4 Governors to vacate office in certain cases

If any member of the said Board shall cease to reside within the Provincial District of Otago for a period of 6 months, or shall by writing under his hand resign his office, or become bankrupt, or be convicted of any offence punishable by 2 or more years' imprisonment, he shall immediately thereupon cease to be a member of such Board: Provided that, if any such member shall be absent from the Provincial District of Otago with the previous permission of the said Board, any period for which such permission is expressed to be granted shall not be included in the computation of the said period of 6 months.

In the event of any vacancy occurring by reason of the death, resignation, or otherwise of any elected member of the said Board such vacancy may be forthwith filled up by the election of a new member by the said Education Board of the District of Otago, or by the said Council of the University of Otago, or by the nomination of the Governor, according as the vacancy shall have occurred in the case of a member who had been elected by the said Education Board or the said Council, or been nominated by the Governor.

Section 4: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

5 First meeting and election of Chairman

[Repealed]

Section 5 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

6 Board of Governors may regulate proceedings

The said Board shall make and may from time to time revoke, vary, and make fresh regulations for the conduct of business at their meetings, for determining how meetings shall be convened, and what number of members shall constitute a quorum thereat, and for such other like matters as may be requisite for the conduct of the business of the said Board.

7 Proper minutes of all meetings to be kept

Minutes of the proceedings of the said Board shall be regularly entered in a proper book to be kept for that purpose, and at every meeting of the said Board the minutes of the previous meeting shall be read over and signed by the Chairman of the meeting at which the same shall be read, and the minutes when so signed shall be held to be a true statement and record of the proceedings of the Board for all purposes whatsoever.

8 Accounts to be kept and annually audited

The Board shall keep full and accurate accounts of all their receipts, disbursements, assets, liabilities, and engagements, and shall in the month of January in every year, cause the same to be audited by such person as the Governor in Council may

appoint; and copies of such accounts when audited shall be forwarded to the Minister in charge of the Department of Education, together with a report of the proceedings of the said Board during the previous year; and such report and accounts shall be laid before the Assembly at its next session.

9 Board to net only upon resolutions passed at meetings

All things required by this Act to be done by the said Board shall be done in accordance with or in pursuance of a resolution passed at a meeting of the said Board, and no act of the said Board shall be invalid or liable to be questioned on the ground that one or more of the members of the said Board was or were incapacitated or had ceased to hold office as members of the said Board.

10 Property held in trust for Otago Boys' and Girls' High Schools to vest in Board of Governors

The parcel of land described in the Schedule to this Act and all money, property, matters, and things whatsoever, vested in or acquired by the Board of the Education District of Otago, by virtue of The Education Boards Act 1876, or by any other Act or Ordinance in trust for the establishment and maintenance of the Otago Boys' and Girls' High Schools, shall, on the coming into operation of this Act, be vested in the Board hereby constituted, subject nevertheless in all respects to the same trusts and liabilities as attached to the said property in the hands of the Board of the Education District aforesaid.

Section 10 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

Section 19 Reserves and Other Lands Disposal Act 1942 (1942 No 13) provided that section 10 was revived, and that section shall continue in force and shall be deemed to have been and to have remained in force at all times since the passing of this Act as if it had never been repealed.

11 Trust property vested in Board without special trust to be for the benefit of Otago Boys' and Girls' High Schools

All real and personal estate which may be purchased by, or granted, devised, bequeathed, or given to, the said Board for the benefit of the Otago Boys' and Girls' High Schools, without any trusts of a different nature being expressed, shall be

held by the said Board upon trust for the general purposes of this Act.

12 Power to deal with and lease lands vested in Board

The said Board shall have power with respect to all lands that may be vested in them by virtue of this Act to manage and deal with the same as they may see fit, and from time to time to let the same or any part thereof for any term not exceeding 21 years from the time when such lease shall be made, at such rent and on such terms and conditions as they shall think fit: Provided that every such lease shall be put up to public competition by auction or tender, of which one month's previous notice shall have been given by public advertisement within the district in which the land about to be leased shall be situated: And provided also that no fine, premium, or foregift shall be taken by the said Board in respect of any such lease.

13 Proceeds of rents and other income how to be applied

The rents, profits, and annual income of all real and personal estate which may be vested in the said Board, together with all funds which may from time to time be derived from fees or payments made in respect of scholars or students attending the said High Schools shall be applied by them for the maintenance of the said High Schools at Dunedin, and the payment of all salaries and expenses connected therewith, and for prizes, exhibitions, and scholarships for the students therein: Provided that the said Board shall have power to set apart, if they shall see fit, out of the said rents, profits, and annual income, such part as they shall consider advisable either as an addition to the capital fund, which shall then be invested in manner hereinafter mentioned and dealt with as part of such capital fund, or as a reserve fund to meet extraordinary expenses, which shall be invested and dealt with in such manner as the said Board shall direct.

14 Board may invest moneys not required for annual expenditure

With respect to any moneys bequeathed or given to the said Board for the said High Schools, or either of them, or being

rents, profits, and annual income set apart under the preceding section, the said Board shall have power to invest the same in the purchase or upon mortgage of freehold lands in New Zealand, or upon the stocks, bonds, bills, or debentures of the Government of the Colony of New Zealand, or of any Municipal Corporation established within such colony, and from time to time to vary any such investment.

15 Application of moneys

The said Board may, out of such moneys as shall come into their hands by virtue of this Act or otherwise for the benefit of the Otago Boys' and Girls' High Schools, expend any sum or sums not exceeding on the whole twenty thousand dollars in erecting suitable buildings and premises for use as high schools, either conjointly or separately.

The reference to "twenty thousand dollars" was substituted for the reference to "ten thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

16 Board to have control of High Schools, and may make regulations for conducting the same

There shall be vested in the Board the whole control and management of the Otago Boys' and Girls' High Schools, and the said Board shall have full power to appoint and dismiss all professors, masters, teachers, lecturers, examiners, and other officers and servants for the management of the said High Schools, and also the entire management and superintendence over all the affairs, concerns, and property of the said High Schools; and, in all cases unprovided for by this Act, it shall be lawful for the said Board to act in such manner as shall appear to them best calculated to further the purposes intended to be served by the establishment of the said High Schools. And the said Board shall have full power from time to time to make by-laws and regulations for defining the course of study and education on secular subjects in the said High Schools, and also for the discipline and examination of the same, the conditions upon which scholars shall be admitted, and the fees to be paid in respect of such admission, and in general touching

all other matters, purposes, and things regarding the said High Schools.

17 Reserves how granted

It shall be lawful for the Commissioners appointed under The Education Reserves Act 1877, passed or to be passed in the present session of Parliament, or for two Commissioners appointed for that purpose by the Governor, to select out of the reserves for education in the Educational District of Otago such reserves as will give an annual income at present of \$2,500; and, on the Proclamation of the Governor that such reserves have been selected and set apart for the said Otago Boys' and Girls' High Schools, the said reserves shall absolutely vest in the Otago Boys' and Girls' High Schools Board incorporated by this Act: Provided that the reserves to be so selected shall be taken from those to be set apart within the Otago Education District for the purposes of secondary education under the provisions of The Education Reserves Act 1877.

Section 17 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40). Section 19 Reserves and Other Lands Disposal Act 1942 (1942 No 13) provided that section 17 was revived, and that section shall continue in force and shall be deemed to have been and to have remained in force at all times since the passing of this Act as if it had never been repealed.

The expression "two thousand five hundred dollars" was substituted, as from 10 July 1967, for the expression "one thousand two hundred and fifty pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

18 Inspection of schools

The said Otago Boys' and Girls' Schools shall be subject to inspection by an Inspector appointed by the Minister of Education.

Schedule

Schedule was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40). Section 19 Reserves and Other Lands Disposal Act 1942 (1942 No 13) provided that the Schedule was revived, and that it shall continue in force and shall be deemed to have been and to have remained in force at all times since the passing of this Act as if it had never been repealed.

Sections 12, 13, 47, 48, 49, 50, 51, 52, 53, and 54, Block XIII, on the record map of the City of Dunedin, and containing an area of about 2 acres and a half.

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Notes**1 General**

This is an eprint of the Otago Boys' and Girls' High Schools Act 1877. The eprint incorporates all the amendments to the Act as at 1 July 2013. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Criminal Procedure Act 2011 (2011 No 81): section 413
