

# **Presbyterian Church of New Zealand Act 1901**

Private Act 1901 No 3  
Date of assent 19 September 1901

## **Contents**

	Page
Title	1
Preamble	1
1 Short Title	2
2 Synod of Presbyterian Church of Otago and Southland to exist on same basis as to trusts and management and administration of property	2
3 Union not to affect property or trusts of Presbyterian Church of Otago and Southland	3
4 Union not to affect property belonging to congregations of either Church	3
5 Words "General Assembly" in The Presbyterian Church Property Act 1885, to mean General Assembly of united Church	4

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**An Act to make certain Provisions in reference to the Presbyterian Church of Otago and Southland, and the Presbyterian Church of New Zealand, respectively, and to define the Rights in respect of the Property of such Churches, and for other Purposes.**

### **Preamble**

WHEREAS The "Presbyterian Church of Otago and Southland", referred to in The Presbyterian Church of Otago Lands Act 1866 [Repealed], and the other Acts amending the same, and the several Ordinances of the late Provincial Council of Otago relating to such Church, and The "Presbyterian Church of New Zealand", referred to in The Presbyterian Church Property Act 1885, have agreed to

unite and to form one body or denomination of Christians under the name of “The Presbyterian Church of New Zealand”: And whereas the Synod of the Presbyterian Church of Otago and Southland is the highest Church Court of and represents the Church referred to in the said Act of the year one thousand eight hundred and sixty-six and amending Acts, and the said Ordinances, and the General Assembly of the Presbyterian Church of New Zealand is the highest Court of and represents such Church: And whereas the said Churches, by an agreement signed by the Moderator of the said Synod and the Moderator of the said General Assembly, have agreed to unite upon certain terms: And whereas, in order to remove any doubt as to the effect of such union on the property or rights of such respective Churches, and for other purposes, it is desirable to make provision in manner hereinafter appearing:

**BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—**

**1 Short Title**

The Short Title of this Act is The Presbyterian Church of New Zealand Act 1901.

**2 Synod of Presbyterian Church of Otago and Southland to exist on same basis as to trusts and management and administration of property**

For the purpose of carrying out and giving effect to the various powers, trusts, and provisions relating to the property now or which may hereafter be vested in or held by or on behalf of the Otago Presbyterian Church Board of Property, or the Presbyterian Church of Otago and Southland, exercisable under any Act or Ordinances by the said Synod of the Presbyterian Church of Otago and Southland, such Synod shall continue on the same basis as it existed prior to the said union, and in regard to the management or administration of such property shall, notwithstanding such union, continue to have all the powers, rights, and privileges now or hereafter possessed by or vested in such Synod under any Act,

Ordinances, regulation, or otherwise, with supreme authority in such matters.

**3 Union not to affect property or trusts of Presbyterian Church of Otago and Southland**

Neither the said union nor anything contained in this Act shall in any wise affect the property referred to in the last preceding section, or the trusts affecting the same, and such property shall continue to be held exclusively for the purposes and by or on behalf of the persons respectively now or for the time being entitled thereto in the Provincial District of Otago, and all the rents and income from such property, or any proceeds therefrom, shall be held or applied for the purposes and by or on behalf of such parties respectively, in accordance with the trusts or provisions for the time being affecting the same respectively; and for the purposes aforesaid, the persons, bodies of persons corporate or otherwise, and Church Courts for the time being in the Provincial District of Otago, and forming part of or connected with the said united Church, shall have, enjoy, and exercise the same rights, interests, and powers, and be subject to the same duties and responsibilities, in relation to the said property and the income thereof, as the persons, bodies of persons, Church Courts constituting or connected with the said Presbyterian Church of Otago and Southland, respectively had enjoyed, exercised, and were subject to before the said union; and in the construction of the statutory provisions relating to the qualification and appointment of new Trustees the name of the said united Church, that is to say, the Presbyterian Church of New Zealand, shall be substituted for that of the Presbyterian Church of Otago and Southland.

**4 Union not to affect property belonging to congregations of either Church**

Neither the said union nor anything contained in this Act shall be deemed to affect the law or the trusts relating to property belonging for the time being to congregations connected with either of the said uniting Churches; but where, in any deed declaring the trusts similar to those contained in a trust deed

affecting a property belonging to any congregation connected with either of the said uniting Churches, reference is made to such Church, such reference after the said union shall be read as meaning the Presbyterian Church of New Zealand, united as aforesaid.

**5 Words “General Assembly” in The Presbyterian Church Property Act 1885, to mean General Assembly of united Church**

On and after the said union taking effect, the words “General Assembly”, or any similar expression in The Presbyterian Church Property Act 1885, shall mean the said General Assembly of the said united Church.