

**Reprint  
as at 1 November 1992**



**Otaki and Porirua Trusts Act 1943**

Private Act    1943 No 4  
Date of assent    26 August 1943  
Commencement    see section 1

**Contents**

	Page
Title	2
Preamble	2
1 Short Title and commencement	2
2 Interpretation	3
3 Incorporation of Otaki and Porirua Trusts Board	3
4 Members of Board	3
5 Vacancies in membership of Board	4
6 Local Authorities (Members' Contracts) Act to apply [ <i>Repealed</i> ]	5
7 Meetings of Board	5
8 Chairman and Deputy Chairman	6
9 Procedure of Board	6
10 Contracts of Board	6
11 Vesting of trust property in Board	7
12 Application of trust moneys	7
13 Scholarships	9
14 Powers of Board to sell or lease lands	10

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**Note**

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

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

14A	Power of Board to farm lands	11
15	Investment of trust funds	12
16	Travelling expenses	13
17	Accounts of Board	13
18	Annual report, including statement of accounts	13
19	Members of Board not personally liable	13
20	Repeals and savings	13
21	Private Act	14
	<b>Schedule</b>	15
	<b>Lands vested in the Otaki and Porirua Trusts Board by this Act</b>	

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**An Act to incorporate a new Board to hold the property now held  
by the Porirua College Trust Board under the Otaki and Porirua  
Empowering Act 1907 and to vary the trusts upon which that  
property is held**

**Preamble**

Whereas certain property, including the lands described in the Schedule, is vested in the Porirua College Trust Board (incorporated under the Religious, Charitable, and Educational Trusts Act 1908) upon the trusts declared in the Otaki and Porirua Empowering Act 1907:

And whereas it has been found that the income available to the Porirua College Trust Board is insufficient for the maintenance of a school in accordance with the said trusts, and the school established by that Board was closed at the end of the year 1939:

And whereas, for the purpose of making the best practicable use of the available income in furthering the education contemplated by the trusts, it is expedient to extend and vary the trusts as hereinafter provided and to establish a new Board to administer the amended trusts.

**1 Short Title and commencement**

This Act may be cited as the Otaki and Porirua Trusts Act 1943 and shall come into force on 1 October 1943.

## **2 Interpretation**

In this Act, unless the context otherwise requires,—

**Board** means the Otaki and Porirua Trusts Board established under this Act

**Church of England** means the Church of the Province of New Zealand, commonly called the Church of England

**financial year** means a period of 12 months ending on 31 March in any year

**Minister** means the Minister of Education

**scholarship** means a scholarship granted under this Act, and includes a bursary.

Section 2 **financial year**: amended, on 1 November 1946, by section 2 of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

## **3 Incorporation of Otaki and Porirua Trusts Board**

- (1) There is hereby established for the purposes of this Act a Board, to be called the Otaki and Porirua Trusts Board.
- (2) The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.
- (3) All references to the Porirua College Trust Board in any Act, or in any agreement, deed, instrument, will, or other document (whether dated before or after the commencement of this Act), shall, unless inconsistent with the context or with the provisions of this Act, be deemed to be references to the Otaki and Porirua Trusts Board.

## **4 Members of Board**

- (1) The Board shall consist of 10 members to be appointed by the Governor-General, of whom—
  - (a) 5 members (one of whom shall be a Maori or the descendant of a Maori and a member of the Ngatiraukawa Tribe, the Ngatiawa Tribe, or the Ngatitua Tribe) shall be appointed on the recommendation of the Diocesan Trusts Board of the Diocese of Wellington established under Canon of the General Synod of the Church of England:

- (b) 4 members (of whom all shall be Maoris or the descendants of Maoris and at least 1 shall be a member of the Ngatittoa Tribe) shall be appointed on the recommendation of the Raukawa Marae Trustees constituted under section 10 of the Maori Purposes Act 1936:
- (c) 1 member shall be appointed on the recommendation of the Minister.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) The members of the Board shall come into office on the date on which their appointments take effect, and, unless their offices are sooner vacated, shall continue in office until their successors come into office. Retiring members of the Board shall be eligible for reappointment.

Section 4(1): amended, on 1 November 1946, by section 3(a) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 4(1)(a): amended, on 1 November 1946, by section 3(b) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 4(1)(b): amended, on 27 November 1947, pursuant to section 9(1) of the Maori Purposes Act 1947 (1947 No 59).

Section 4(1)(b): amended, on 1 November 1946, by section 3(c) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 4(2): repealed, on 1 November 1946, by section 3(d) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 4(3): repealed, on 1 November 1946, by section 3(d) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

## 5 Vacancies in membership of Board

- (1) The office of any member of the Board shall be vacated if the member—
  - (a) dies; or
  - (b) resigns his office by notice in writing to the Board; or
  - (c) is absent without leave from 4 consecutive meetings of the Board; or
  - (d) becomes a bankrupt; or
  - (e) is received or detained as a mentally disordered person in any hospital under the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
  - (f) becomes a person subject to a property order under the Protection of Personal and Property Rights Act 1988; or

- (g) is convicted of any crime punishable by imprisonment for a term of 1 year or upwards.
- (2) On the occurrence from any cause of a vacancy in the office of a member of the Board another person shall be appointed in the same manner as the vacating member to be a member of the Board in his place. Every such appointment shall be made for the unexpired portion of the term for which the vacating member was appointed.
- (3) The powers of the Board shall not be affected by any vacancy in the membership of the Board.

Section 5(1)(e): amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Section 5(1)(e): amended, on 1 April 1970, pursuant to section 129(4) of the Mental Health Act 1969 (1969 No 16).

Section 5(1)(e): amended, on 1 April 1970, pursuant to section 129(5) of the Mental Health Act 1969 (1969 No 16).

Section 5(1)(f): amended, on 1 October 1988, pursuant to section 117(3) of the Protection of Personal and Property Rights Act 1988 (1988 No 4).

## **6 Local Authorities (Members' Contracts) Act to apply** *[Repealed]*

Section 6: repealed, on 29 September 1954, by section 7(1) of the Local Authorities (Members' Contracts) Act 1954 (1954 No 49).

## **7 Meetings of Board**

- (1) Meetings of the Board shall be held at such times and places as the Board or the Chairman from time to time determines.
- (1A) Any 3 members of the Board may at any time by notice given in writing to the Chairman of the Board require the Chairman to call a special meeting of the Board, and thereupon the Chairman shall call a special meeting of the Board to be held not later than 1 month after the day on which he received the notice.
- (2) At any meeting of the Board 6 members shall form a quorum.
- (3) All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

Section 7(1A): inserted, on 1 November 1946, by section 5(a) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 7(2): amended, on 1 November 1946, by section 5(b) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

## **8 Chairman and Deputy Chairman**

- (1) The Board shall from time to time appoint from among such of its members as have been appointed on the recommendation of the Diocesan Trusts Board a Chairman and a Deputy Chairman of the Board. During any vacancy in the office of Chairman or whenever the Chairman is unable to act, whether by reason of absence or otherwise, the Deputy Chairman may exercise and perform all the powers and duties of the Chairman.
- (2) The Chairman shall preside at every meeting of the Board at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Board the members present shall select one of their number to be the Chairman for the purposes of that meeting, and the person so selected may exercise and perform all the powers and duties of the Chairman accordingly.
- (3) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

## **9 Procedure of Board**

Subject to the provisions of this Act, the Board may regulate its procedure in such manner as it thinks fit.

## **10 Contracts of Board**

- (1) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board.
- (2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either in writing under the seal of the Board or in writing signed by 2 members of the Board on behalf of and by direction of the Board.
- (3) Any contract which if made between private persons may be made orally may be similarly made by or on behalf of the Board by any member acting by direction of the Board, but

no oral contract shall be made involving the payment by the Board of a sum exceeding \$20.

- (4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it is not made in the manner prescribed by this section if it is made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

### **11 Vesting of trust property in Board**

- (1) On the commencement of this Act all property, whether real or personal, then belonging to the Porirua College Trust Board shall be deemed to be vested in the Otaki and Porirua Trusts Board subject to all encumbrances, contracts, and equities then affecting the same.
- (2) All contracts made by the Porirua College Trust Board before the commencement of this Act shall from the commencement of this Act be deemed to have been made by the Otaki and Porirua Trusts Board.
- (3) All debts and liabilities incurred by the Porirua College Trust Board before the commencement of this Act shall on the commencement of this Act become the debts and liabilities of the Otaki and Porirua Trusts Board.
- (4) All proceedings by or against the Porirua College Trust Board that are pending on the commencement of this Act may be continued, completed, and enforced by or against the Otaki and Porirua Trusts Board.
- (5) Where any estate or interest in any land subject to the Land Transfer Act 1915 is vested in the Board by virtue of this Act the District Land Registrar for the land registration district in which the land is situated shall, on receiving a written application under the seal of the Board, register the Board as proprietor of that estate or interest.
- (6) The Porirua College Trust Board is hereby dissolved.

### **12 Application of trust moneys**

- (1) After the Board has set aside, out of the accumulations of income as shown by the books of the Porirua College Trust Board as at the commencement of this Act, such reserves as

the Board may consider necessary to provide for the depreciation of its real and personal property, and for the stabilisation of its future income, the Board may apply the whole or any part of the remainder of those accumulations of income to augmenting the annual income available in any financial year or years for division under subsection (3).

- (2) For the purposes of this section the net income of the Board for any financial year shall be deemed to be the income of the Board for that year after allowing for all expenses for that year and for the setting aside of such reasonable reserves as the Board may consider necessary, and shall be deemed to include any amount by which the income for that year is augmented under subsection (1).
- (3) The Board shall appropriate two-thirds of its net income for each financial year to a fund to be called the Church of England Schools Scholarship Fund, which fund shall be available only for the purposes specified in paragraphs (a) and (b) of subsection (4). The remaining one-third of the net income of the Board for each financial year shall be available for all the purposes specified in the said subsection (4).
- (4) Subject to the foregoing provisions of this section, the Board may from time to time apply its net income towards all or any of the following purposes:
  - (a) the provision of scholarships for the post-primary education of children of British subjects of all races, and for children of other persons being inhabitants of islands in the Pacific Ocean, but so that preference is given to boys and girls of the Ngatiraukawa, Ngatiawa, and Ngatittoa Tribes:
  - (b) the provision of books, clothing, and other equipment for the holders of such scholarships; and the making of grants for any such purpose and generally for the purpose of assisting the parents or guardians of any holders of such scholarships to provide for their education:
  - (c) the provision of books, clothing, and other equipment for any other such children; and the making of grants for any such purpose and generally for the purpose of assisting the parents or guardians of any such children to provide for their education:

- (d) the provision, furnishing, maintenance, and management of residential accommodation for any such children in relation to their education:
  - (e) the making of grants, with the consent of the Minister, to the governing bodies of any schools at which any such scholarships are tenable or at which any such children are educated.
- (5) The Minister shall not consent to the making of any grant under paragraph (e) of subsection (4) unless the Raukawa Marae Trustees have first consented thereto. The fact that the Minister grants any consent as aforesaid shall be conclusive evidence that the provisions of this subsection have been duly complied with.
- (6) With the consent of the Minister, the Board may from time to time apply any moneys belonging to it in or towards the establishment, furnishing, maintenance, and management of a school or schools at or near Otaki for such children as aforesaid, including provision for residential accommodation, so that in the admission of pupils preference is given as provided in paragraph (a) of subsection (4).

Section 12(4)(a): amended, on 1 November 1946, by section 6(a) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 12(4)(a): amended, on 1 November 1946, by section 6(b) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 12(5): amended, on 1 November 1946, by section 6(c) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 12(5): amended, on 1 November 1946, by section 6(d) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

### **13 Scholarships**

- (1) The conditions of tenure of every scholarship shall be determined by the Board, which shall select the recipient of every scholarship and the school at which it may be held.
- (2) Every scholarship shall be of such value as the Board in its discretion determines, and may in such discretion be renewed from year to year, with or without modification in value or conditions of tenure.
- (3) Scholarships awarded out of the Church of England Schools Scholarship Fund shall be held only at schools conducted by

the Church of England; and, unless there is in any case reason to the contrary, preference shall be given in the case of other scholarships to schools conducted by the Church of England.

- (4) In selecting the school at which any scholarship may be held in accordance with the last preceding subsection the Board shall give consideration to the wishes of the parents or guardians of the recipient.
- (5) Where any parent or guardian of a selected recipient of a scholarship requests the Board to select a particular school and the Board refuses or fails to select that school, the parent or guardian may apply to the Maori Land Court for an order determining the school at which the scholarship may be held, and (subject to subsection (3)) the court may make an order accordingly. Every such order shall be final, without any right of appeal or review. The costs of all parties of and incidental to any such application and order (as between solicitor and client) shall be paid by the Board out of its income.

Section 13(5): amended, on 27 November 1947, pursuant to section 9(2)(a) of the Maori Purposes Act 1947 (1947 No 59).

Section 13(5): amended, on 1 November 1946, by section 7(b) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 13(5): amended, on 1 November 1946, by section 7(c) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

#### **14 Powers of Board to sell or lease lands**

- (1) The Board may from time to time—
  - (a) with the consent of the Minister, sell the lands vested in the Board or any part thereof, either by public auction or by private contract, and upon such terms and conditions as the Board thinks fit, with power to buy in or rescind or vary any contract of sale:
  - (b) lease any lands vested in the Board, for which purpose the Board shall be deemed to be a leasing authority within the meaning of the Public Bodies Leases Act 1969, and shall be subject to the provisions of that Act.
- (2) The Minister shall not consent to the sale by the Board of any land that was originally acquired from any Maori tribe or hapu unless the Raukawa Marae Trustees have first consented thereto. The fact that the Minister grants any consent as afore-

said shall be conclusive evidence that the provisions of this subsection have been duly complied with.

- (3) Notwithstanding the foregoing provisions of this section, the Board may, without the consent of the Minister, sell any land in accordance with any consents granted by the General Synod and the Governor-General in Council under section 6 of the Otaki and Porirua Empowering Act 1907 and subsisting on the commencement of this Act.

Section 14(1)(b): amended, on 1 January 1970, pursuant to section 28(1)(a) of the Public Bodies Leases Act 1969 (1969 No 141).

Section 14(2): amended, on 1 November 1946, by section 8(a) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

Section 14(2): amended, on 1 November 1946, by section 8(b) of the Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P)).

#### **14A Power of Board to farm lands**

- (1) The Board may in its discretion carry on upon any of the Otaki lands described in the Schedule, and upon any other lands acquired by the Board, the business of farming in all or any of its branches, and may improve and develop the said lands for that purpose.
- (2) For the purposes of this section, the Board may—
- (a) enter into contracts with sharemilkers in respect of the carrying on of dairy farming operations:
  - (b) enter into contracts with any person or body corporate in respect of town milk supply and in respect of the supervision or management on behalf of the Board of any farming operations:
  - (c) employ such managers, agents, supervisors, and other employees as it thinks fit:
  - (d) grant pensions and allowances to former employees or subscribe to any scheme for retirement support or superannuation of employees or former employees of the Board:
  - (e) buy stock, machinery, plant, implements, and chattels:
  - (f) erect and maintain such farm buildings and houses as may be necessary or expedient for the efficient carrying on of any farming operations:
  - (g) do all such other acts and things as may be necessary for or incidental to the foregoing purposes.

- (3) For the purpose of the efficient carrying out of farming operations on the lands to which this section applies, the Board may if it thinks fit accept leases or subleases of other lands to be used by it in conjunction with all or any of the lands to which this section applies, and may thereupon exercise in respect of such other lands as aforesaid the powers conferred by this section.
- (4) For the purposes of this section, the Board may—
- (a) expend any capital or income of the Board:
  - (b) borrow money, and mortgage or charge any of its real or personal property:
- provided that the Board shall not in any case, without the consent of the Minister, borrow on the security of any real property an amount exceeding two-thirds of the value of the property as stated in a valuation made for the purposes of the loan by a person competent and qualified to make the valuation, being a person who is not an employee or agent of the Board.
- (5) Nothing in this section shall limit the powers of the Board under this Act or the Trustee Act 1956 or any other enactment.
- Section 14A: inserted, on 10 September 1969, by section 2 of the Otaki and Porirua Trusts Amendment Act 1969 (1969 No 2 (P)).
- Section 14A heading: amended, on 30 June 1977, by section 2 of the Otaki and Porirua Trusts Amendment Act 1977 (1977 No 1 (P)).
- Section 14A(1): amended, on 30 June 1977, by section 2 of the Otaki and Porirua Trusts Amendment Act 1977 (1977 No 1 (P)).

## **15 Investment of trust funds**

- (1) Any moneys belonging to the Board and available for investment may be invested in any investments for the time being authorised by law for the investment of trust funds, or, with the consent of the Minister, in the purchase of lands. Subject to the last preceding section, any such investments may be varied from time to time.
- (2) Notwithstanding the foregoing provisions of this section, the Board may, without the consent of the Minister, exercise the right reserved by Memorandum of Lease Number 20542, from the Porirua College Trust Board to Arthur Emmett, of Titahi Bay, farmer, to repurchase from the said Arthur Emmett, his

executors, administrators, or assigns part of Lot 65 on Deposited Plan Number 7627.

**16 Travelling expenses**

The members of the Board shall be entitled to receive from the funds of the Board a refund of all moneys reasonably expended by them in respect of their attendance at meetings of the Board or otherwise in transacting the business of the Board.

**17 Accounts of Board**

The Board shall cause proper books of account to be kept for all matters relating to the trust estate.

**18 Annual report, including statement of accounts**

- (1) At the end of each financial year the Board shall cause to be prepared a report of the operations of the Board for the year.
- (2) The report shall contain a statement of the total assets and liabilities as at the end of the year, together with an account of receipts and payments and of income and expenditure showing the financial transactions for the year.
- (3) Copies of the report shall be furnished to the Minister, to the Synod of the Diocese of Wellington, and to the General Synod of the Church of England.

**19 Members of Board not personally liable**

No member of the Board shall be personally liable for any act done or omitted by the Board or by any member thereof in good faith in the course of the operations of the Board.

**20 Repeals and savings**

- (1) The Otaki and Porirua Empowering Act 1907 and section 24 of the Finance Act (No 2) 1940 are hereby repealed.
- (2) All scholarships awarded and retiring allowances granted by the Porirua College Trust Board, and generally all acts of authority that originated under the enactments hereby repealed, that are subsisting or in force on the commencement of this Act, shall enure for the purposes of this Act as fully and effec-

tually as if they had duly originated under this Act, and accordingly shall, where necessary, be deemed to have so originated.

- (3) All matters and proceedings commenced under that Act, and pending or in progress on the commencement of this Act, may be continued, completed, and enforced under this Act.

**21 Private Act**

This Act is hereby declared to be a private Act.

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**Schedule**  
**Lands vested in the Otaki and Porirua**  
**Trusts Board by this Act**

Otaki lands

- 1 All that piece of land containing 23 acres 2 roods and 34.8 perches, more or less, situate in the Borough of Otaki, being Piritaha No 4 Block and part of the English Church Mission and School Grant, and being also Lots 1, 2, 3, 4, 5, 6, 7, and 8 on Deposited Plan No 12156, and being the whole of the land comprised in certificate of title, Vol 484, folio 44, Wellington Registry.
- 2 All that piece of land containing 306 acres 3 roods and 4 perches, more or less, situate partly in Block VIII of the Waitohu Survey District and partly in the Borough of Otaki, being part of the Church Mission and School Grant and part of Moutere Block, and being also Lots 1, 2, 3, and 4 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 237, Wellington Registry.
- 3 All that piece of land containing 82 acres, more or less, situate in Block VIII of the Waitohu Survey District, being part of the Church Mission and School Grant, and being also Lot 5 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 236, Wellington Registry.
- 4 All that piece of land containing 33 acres 3 roods and 20 perches, more or less, situate in Block VIII of the Waitohu Survey District, being part of the Church Mission and School Grant, and being also Lot 6 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 238, Wellington Registry.
- 5 All that piece of land containing 5 acres, more or less, situate in Block VIII of the Waitohu Survey District, being part of the Church Mission and School Grant, and being also Lot 7 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 233, Wellington Registry.
- 6 All that piece of land containing 34 acres and 2 roods, more or less, situate in Block VIII of the Waitohu Survey District,

- being part of the Church Mission and School Grant, and being also Lot 8 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 240, Wellington Registry.
- 7 All that piece of land containing 5 acres, more or less, situate in Block VIII of the Waitohu Survey District, being part of the Church Mission and School Grant, and being also Lot 9 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 234, Wellington Registry.
- 8 All that piece of land containing 5 acres, more or less, situate in Block VIII of the Waitohu Survey District, being part of the Church Mission and School Grant, and being also Lot 10 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 235, Wellington Registry.
- 9 All that piece of land containing 8 acres 2 roods and 3.3 perches, more or less, situate in the Borough of Otaki, being part of the Church Mission and School Grant, and being also Lot 11 on Deposited Plan No 3364, and being the whole of the land comprised in certificate of title, Vol 461, folio 239, Wellington Registry.
- 10 All that piece of land containing 31 acres 2 roods and 27 perches, more or less, situate in Block IX of the Waitohu Survey District, and being all the land in Deposited Plan No 3608, and being the whole of the land comprised in certificate of title, Vol 247, folio 67, Wellington Registry.

#### Porirua lands

- 11 All that piece of land containing 375 acres, more or less, situate in Block XI of the Paekakariki Survey District, and being part of the College Reserve, together with a right of way reserved by Transfer No 226931 over part of the land in Deposited Plan No 10900, being the whole of the land comprised in certificate of title, Vol 447, folio 193, Wellington Registry.
- 12 All that piece of land containing 3 acres 1 rood and 10.19 perches, more or less, situate in the Town of Titahi Bay Extension No 5, being part of the College Reserve and part of

Section 110 of the Porirua District, and being also Lots 5, 6, 7, 8, 9, 10, 14, 15, 30, 31, 35, 60, and 69 on Deposited Plan No 7626, and parts of the said Section 110, Porirua District, being also marked “Right of way” on the said plan, being the balance of the land comprised in certificate of title, Vol 434, folio 164, Wellington Registry.

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**Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
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**Notes****1 General**

This is a reprint of the Otaki and Porirua Trusts Act 1943. The reprint incorporates all the amendments to the Act as at 1 November 1992, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46): section 137(1)

Protection of Personal and Property Rights Act 1988 (1988 No 4): section 117(3)

Otaki and Porirua Trusts Amendment Act 1977 (1977 No 1 (P))

Public Bodies Leases Act 1969 (1969 No 141): section 28(1)(a)

Mental Health Act 1969 (1969 No 16): section 129(4), (5)

Otaki and Porirua Trusts Amendment Act 1969 (1969 No 2 (P))

Local Authorities (Members' Contracts) Act 1954 (1954 No 49): section 7(1)

Maori Purposes Act 1947 (1947 No 59): section 9(1), (2)(a)

Otaki and Porirua Trusts Amendment Act 1946 (1946 No 4 (P))

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**Otaki and Porirua Trusts Act 1943**

Notes

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