

**Reprint
as at 12 November 2018**



**Provincial Grand Lodge of New Zealand (Irish
Constitution) Trustees Act 1946**

Private Act 1946 No 1
Date of assent 26 September 1946
Commencement 26 September 1946

Contents

	Page
Title	2
1 Short Title	2
2 Interpretation	2
3 Vesting Masonic lands and other property of Irish Provincial Grand Lodge in trustees	3
4 Authorising the vesting of Masonic lands and other property of any Craft Lodge in trustees	3
5 Protection of persons dealing with trustees	3
6 Majority of trustees may act for all the trustees in connection with transfer or other dealings with land	4
7 Majority of trustees may act for all the trustees in connection with releases of mortgages, etc	4
8 Register of Trustees	4
9 Provisions as to vesting of lands on appointment of new trustees	5
10 Provisions as to vesting of personal property on appointment of new trustees	5
11 Provisions as to vesting of real and personal property on appointment of additional trustees	6

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

12	As to provisions in any trust deeds relating to appointment, etc, of trustees	6
13	Register to be evidence of particulars appearing therein	6
14	Provision for appointment of acting authorised representative	7
15	Private Act	7
	Schedule	8

**The Provincial Grand Lodge of New Zealand (Irish
Constitution) Register of Trustees**

An Act to provide for the holding of real and personal property by trustees on behalf of the Provincial Grand Lodge of the Province of New Zealand of the Antient Fraternity of Free and Accepted Masons under the Grand Lodge of Ireland, and lodges subject to such Provincial Grand Lodge, and to provide for the succession of title thereto

1 Short Title

This Act may be cited as the Provincial Grand Lodge of New Zealand (Irish Constitution) Trustees Act 1946.

2 Interpretation

In the interpretation of this Act the following terms shall have the meanings hereinafter respectively assigned to them, unless inconsistent with the subject or context:

authorised representative of Provincial Grand Lodge means the Provincial Grand Secretary appointed by the Provincial Grand Master and for the time being holding office; and **acting authorised representative** means such person as may be appointed to such office by the Provincial Grand Master for the time being

Craft Lodge means any one of the lodges under the authority of the Provincial Grand Lodge

Masonic lands includes all lands and premises in New Zealand of whatsoever tenure which now are or which shall at any time hereafter be held in trust for or on behalf of Provincial Grand Lodge or any Craft Lodge, together with all rights, easements, and appurtenances whatsoever relating thereto, and also includes chattels real

Provincial Grand Lodge means the Provincial Grand Lodge of the Province of New Zealand of the Antient Fraternity of Free and Accepted Masons under the Grand Lodge of Ireland.

The words **legal proceedings** shall include all proceedings whatsoever, whether preliminary, initiatory, interlocutory, or final in any court of justice or before any Registrar of Land.

3 Vesting Masonic lands and other property of Irish Provincial Grand Lodge in trustees

All lands and any estate therein, and all moneys and securities for money, and all personal property now held by Provincial Grand Lodge or by any person or persons on behalf of Provincial Grand Lodge, and all Masonic lands, and all moneys or securities for moneys and personal property which may at any time or times hereafter be acquired by Provincial Grand Lodge by gift, purchase, devise, bequest, or otherwise, shall, after the coming into operation of this Act, but subject to and without prejudice to any mortgage, charge, encumbrance, lien, lease, or trust affecting the same respectively, become vested in the trustees who shall be appointed by Provincial Grand Lodge in accordance with the constitution and laws of Provincial Grand Lodge, upon such trusts and for such purposes and subject to such conditions as shall at the time of such vesting subsist in respect thereto, and, subject to any such subsisting trusts, purposes, or conditions, then upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such constitution and laws of Provincial Grand Lodge, and shall be subject to the provisions of this Act.

4 Authorising the vesting of Masonic lands and other property of any Craft Lodge in trustees

Upon the passing of a resolution by any Craft Lodge adopting this Act, all lands and any estate therein, and all moneys and securities for money, and all personal property then held by such Craft Lodge or by any person or persons on behalf of such Craft Lodge, and all Masonic lands, and all moneys or securities for money and personal property which may at any time or times thereafter be acquired by such Craft Lodge by gift, purchase, devise, bequest, or otherwise, shall, subject to and without prejudice to any mortgage, charge, encumbrance, lien, lease, or trust affecting the same respectively, become vested in trustees who shall be appointed by such Craft Lodge in accordance with the bylaws or rules for the time being governing such Craft Lodge, upon such trusts and for such purposes and subject to such conditions as shall at the time of such vesting subsist in respect thereto, and, subject to any such subsisting trusts, purposes, or conditions, then upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such bylaws or rules, and shall be subject to the provisions of this Act. A certificate that a resolution has been passed by any Craft Lodge on a particular date adopting this Act, signed by persons purporting to be the Master and Secretary of such Craft Lodge, shall be taken as sufficient evidence that such Craft Lodge has adopted this Act upon the date named in such certificate.

5 Protection of persons dealing with trustees

So far as persons dealing with such trustees are concerned, such trustees, both of Provincial Grand Lodge and Craft Lodges, shall be deemed to have the same

power of sale, lease, mortgage, and disposition over such property as if they were the absolute owners thereof; and it shall not be incumbent upon any person to inquire whether any proposed dealing constitutes a breach of trust, nor shall any person be concerned to see to the application of any purchase, mortgage, or other moneys paid to such trustees.

6 Majority of trustees may act for all the trustees in connection with transfer or other dealings with land

Where any sale, mortgage, exchange, or lease of any Masonic land subject to the provisions of this Act shall be made, the transfer, mortgage, exchange, or lease of such land, if under the operation of the Land Transfer Act, 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 or registered proprietors thereof; and, in case such land shall not be under the operation of such statute, 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.

7 Majority of trustees may act for all the trustees in connection with releases of mortgages, etc

The signatures of the majority of the trustees for the time being in whom are vested any lands mortgaged to such trustees, or in whose names are invested any mortgages or debentures or shares in companies or any moneys in any bank or company or in any Government bonds or stock to any release or transfer shall be sufficient to reconvey, release, or transfer respectively the estate of all the trustees therein in the same manner as if such documents had been signed by the whole of such trustees.

8 Register of Trustees

The authorised representative for the time being of the Provincial Grand Lodge shall keep or cause to be kept, in duplicate, a Register of Trustees of the several lands and funds for the time being held subject to the provisions of this Act on behalf of the Provincial Grand Lodge and the respective Craft Lodges in New Zealand, and such register shall be called and inscribed as The Provincial Grand Lodge of New Zealand (Irish Constitution) Register of Trustees, and shall be in the form or to the effect contained in the Schedule; and such authorised representative shall with all reasonable despatch enter or cause to be entered in such Register of Trustees the names and addresses of the present trustees of such lands and funds respectively, with all other particulars indicated in the said Schedule; and such authorised representative shall from time to time, upon the appointment of any new trustee or trustees under the constitu-

tion and laws of Provincial Grand Lodge or bylaws or rules of Craft Lodges respectively, insert or cause to be inserted in such Register of Trustees the names and addresses of any new trustee or trustees, and how the vacancy in the trust occurred, whether by death, retirement, or otherwise, and the date of the appointment of the new trustee or trustees, and also of the date of insertion of his or their name or names in such Register of Trustees; and such authorised representative shall sign his name in such Register of Trustees in the proper column, in the same line with the name of every trustee (old and new), to authenticate the due appointment of such trustees.

9 Provisions as to vesting of lands on appointment of new trustees

On the insertion as aforesaid in the said Register of Trustees of the name or names of any new trustee or trustees of any such lands not under the provisions of the Land Transfer Act held subject to the provisions of this Act, the estate in such lands of the trustee or trustees in whose place such new trustee or trustees shall be appointed shall forthwith vest in such new trustee or trustees, solely or jointly, as the case may be, with the old continuing trustee or trustees (if any) for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever; and on the insertion as aforesaid in the said Register of Trustees of the name or names of any new trustee or trustees of lands under the provisions of the Land Transfer Act, or of any estate or interest in such lands, held as aforesaid, such new trustee or trustees, together with the former or continuing trustees (if any), shall be deemed the owner or owners of such lands or of such estate or interest, as the case may be, within the meaning of the said Land Transfer Act as if the name or names of such new trustee or trustees appeared or was or were entered as such owner or owners in the register book kept under the provisions of such Land Transfer Act, and as if a record of title or other instrument of title had been duly issued to him or them, solely or jointly, as the case may be, with the former continuing owner or owners (if any) for all the same estate and interest as the former owner or owners had therein, and subject to the same trusts without any transfer being made for the purpose.

Section 9: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

10 Provisions as to vesting of personal property on appointment of new trustees

On the insertion as aforesaid in the said Register of Trustees of the name or names of any new trustee or trustees of any personal property, moneys, securities for money, debentures, shares in companies, or other choses in action, held subject to the provisions of this Act, the estate in such property, money, securities, debentures, shares, or choses in action of the trustee or trustees in whose place such new trustee or new trustees shall be appointed shall forthwith vest in such new trustee or trustees, solely or jointly, as the case may be, with the old continuing trustee or trustees (if any), for the same estate or interest as the for-

mer trustee or trustees had therein, and subject to the same trusts, without any transfer or assignment whatsoever.

11 Provisions as to vesting of real and personal property on appointment of additional trustees

In the event of the appointment of an additional trustee, or trustees, by Provincial Grand Lodge or by any Craft Lodge, the vesting provisions contained in sections 9 and 10 shall apply, *mutatis mutandis*, on the insertion as aforesaid in the said Register of Trustees of the name or names of such additional trustee or trustees, in the same manner as if such additional appointment had been made to fill a vacancy occurring in the office of trustee.

12 As to provisions in any trust deeds relating to appointment, etc, of trustees

The provisions contained in this Act and in the laws of Provincial Grand Lodge or the bylaws or rules of any Craft Lodge respectively as to the retirement of trustees or appointment of new or additional trustees shall be in substitution for any like provisions contained in any deed or declaration or other instrument of trust affecting any real or personal property held by or in trust for Provincial Grand Lodge or any Craft Lodge respectively.

13 Register to be evidence of particulars appearing therein

A book purporting to be the Register of Trustees hereinbefore referred to shall, on production thereof by the authorised representative for the time being, or the acting authorised representative for the time being, or by any person appointed for that purpose by either of such persons in writing, be received and taken in all legal proceedings and on all occasions whatsoever as sufficient evidence (except in case of fraud or collusion) for and against not only the immediate parties, but for and against third persons, purchasers, and all others whom it may concern as to who are or were the trustees of such lands, or of any estate or interest therein, or of such personal property, moneys, securities for money, debentures, shares in companies, and other choses in action, and also of the vacancies which occurred in the trusteeship, and of the appointment of new trustees to supply such vacancies, and of the appointment of additional trustees, and of the date of the insertion of their names as aforesaid in such Register of Trustees, and of their consent to act, and of all other matters recorded therein in pursuance of section 8, and judicial notice shall be taken of such book and of the signatures of the authorised representative and acting authorised representative therein; and any extract purporting to be an extract from such Register of Trustees, and certified under the hand of such authorised representative or acting authorised representative for the time being as aforesaid, and bearing what purports to be the seal of Provincial Grand Lodge, shall be received and taken in all legal proceedings and in all dealings with Masonic lands before the Registrar-General of Land, or person or body or company whatsoever, and on all occasions whatsoever, as sufficient evidence of the several extracted matters

comprised in such extract so far as the same may relate to any particular Masonic land, or of any estate or interest therein, or of such personal property, moneys, securities for money, debentures, shares in companies, and other choses in action, without the production of such Register of Trustees, and judicial notice shall be taken of the signature of the authorised representative or acting authorised representative to every such extract and of such seal of Provincial Grand Lodge.

Section 13: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

14 Provision for appointment of acting authorised representative

In case of the death, illness, absence, incapacity, or resignation of such authorised representative as aforesaid, or of his refusal or neglect to act, some other person may be appointed by the Provincial Grand Master for the time being of Provincial Grand Lodge to act in the place of such authorised representative, but not for a longer period than the next annual meeting of Provincial Grand Lodge, and such other person shall be designated the acting authorised representative of Provincial Grand Lodge; and such acting authorised representative during the time for which he shall be so appointed shall have, perform, and execute all the powers, authorities, and duties of such authorised representative, and shall underneath his signature in the columns of the said Register of Trustees insert the word “Acting”, and shall underneath his signature to any extract to be made by him from such Register of Trustees insert the words “Acting Authorised Representative of Provincial Grand Lodge”; and a copy of the *New Zealand Gazette* containing a notification by the Provincial Grand Master for the time being of Provincial Grand Lodge of the appointment of such authorised representative, or of such acting authorised representative as aforesaid, or a certificate under the hand of the Provincial Grand Master and bearing what purports to be the seal of the Provincial Grand Lodge, as to the appointment of such authorised representative, or of such acting authorised representative as aforesaid, shall be sufficient evidence of the due appointment of such authorised representative and acting authorised representative respectively, and in the case of the appointment of an acting authorised representative it shall not be incumbent upon any person to inquire whether the next annual meeting of the Provincial Grand Lodge following the appointment has been held.

15 Private Act

This Act is hereby declared to be a private Act.

Schedule
The Provincial Grand Lodge of New Zealand (Irish Constitution)
Register of Trustees

Folio 1

Words of description, such as “[specify] Lodge Room, [specify] Road, Auckland,” comprised in conveyance registered in the Deeds Registration Office, at [location] as Number [specify]. If under the Land Transfer Act, “Comprised in record of title entered in Register Book, Vol [specify], folio [specify]”. Held on behalf of: [insert “the Provincial Grand Lodge”, or “the [name] Craft Lodge”, as the case may be].

Number of trustees [*state number*]:

Name of trustee	Address and occupation of trustee	Date of appointment of new trustee	Date of insertion of name of new trustee herein	Signature of authorised representative	How vacancy occurred in trust, such as death or the like	Signature of authorised representative
AB	Queen Street, Auckland C 1				Deceased	
CD	Queen Street, Auckland C 1				Resignation	
EF	Queen Street, Auckland C 1				Incapacitated	
GH	Queen Street, Auckland C 1				Refusal to act	
IJ	Queen Street, Auckland C 1				Withdrawal from Provincial Grand Lodge (or Craft Lodge, as the case may be)	
KL	Queen Street, Auckland C 1	31 January 1947	1 February 1947			

Schedule: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Reprints notes

1 *General*

This is a reprint of the Provincial Grand Lodge of New Zealand (Irish Constitution) Trustees Act 1946 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Land Transfer Act 2017 (2017 No 30): section 250