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Telford Farm Training Institute Act 1963

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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.

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An Act to constitute and incorporate the Telford Farm Training Institute, and to declare the purposes of the said Institute, and to vary the trusts of the wills of the late William Telford and Doris Emmerson Telford both deceased, and to vest certain lands and live and dead stock subject to the trusts of the said wills in the said Telford Farm Training Institute, and to provide for various incidental matters

Preamble

Whereas William Telford, late of Otanomomo, farmer, deceased, died on 11 July 1947, leaving a will dated 16 December 1946, which will was duly proved by Jane Telford, Doris Emmerson Telford, Henry Lawrence Cook, and Norman William Allan, the executors therein named, in the Supreme Court of New Zealand, and probate thereof was granted to them by and out of the said court at Dunedin in the Otago and Southland District on 25 July 1947:

And whereas by his said will the said testator bequeathed certain life interests in his residuary estate to his wife and his sisters the said Jane Telford and Doris Emmerson Telford (*inter alia*), and expressed the wish that on the termination of such prior trusts the portions of the Otanomomo Estate described in Schedules 1 and 2 in which the deceased was entitled to an equal undivided one-third share and interest as tenant in common with his sisters the said Jane Telford and Doris Emmerson Telford should be used as a stud farm for the purpose of encouraging and promoting the breeding of pure-bred Romney sheep and Hereford cattle, and in order to give effect to his said wishes he empowered and authorised his trustees, but not so as to impose a binding trust upon them and so far only as they could do so while keeping within the scope of charitable objects, to join with the owners of the other shares of the said portion of the Otanomomo Estate hereinbefore referred to in transferring and assigning the same and the live and dead stock thereon at the date of such transfer and assignment to the Government of New Zealand, or to any incorporated society or body of persons in New Zealand, to be held and used by the said Government or by any such society or body of persons for the purposes of a stud farm, and on and subject to such trusts, terms, and conditions as his trustees in their absolute and uncontrolled discretion should think fit to impose in order to give effect to his said wishes, and he declared that if his trustees should make and give any transfer and assignment of the said land and live and dead stock in pursuance of the power and authority and discretion thereby conferred upon and vested in them they should not thereafter be responsible for the

trust property so transferred and assigned or to see that the trusts established in respect thereof were duly performed and observed by the transferee and assignee thereof, and he further directed his trustees to hold the ultimate residue of his trust estate, including all his property both real and personal in respect of which the foregoing trusts of his said will should for any reason fail or should not be legally capable of taking effect or should not be carried into effect and the investments for the time being representing the same, upon trust to apply the net annual income which should arise therefrom for both or either as his trustees should think fit of the following purposes that is to say:

Firstly for the purpose of encouraging and promoting improvement in sheepbreeding in New Zealand, and secondly for the purpose of promoting and assisting research work which might be carried on by or under the supervision or control of any public hospital or University or University College in New Zealand into the causes and cure of diseases and ailments of the human body, and he further expressed the wish to his trustees that if the said portion of the Otanomomo Estate and the live and dead stock thereon should be transferred and assigned to the Government of New Zealand or to any such society or persons in accordance with the power, authority, and discretion vested in his trustees as aforesaid, and if his trustees should be satisfied that the trusts on which the said property was held were being faithfully performed, then his trustees in distributing the income from the ultimate residue of his estate should regard the continuance and the proper carrying on of the said property as being of primary importance and should give favourable consideration (but not so as to impose any trust or obligation on his trustees) to the making of the annual grants to assist in the carrying on of the said property and in the importing of stud Romney sheep from Kent in England for use on the said property and generally for assisting and promoting the trusts in respect thereof, and he expressed the further wish that, notwithstanding the foregoing trusts and provisions of his will, the dispositions and trusts which his trustees were empowered and authorised to make and establish as aforesaid should be made and established as soon as possible after his death, and he accordingly authorised and empowered his trustees, but with the consent in writing of his said wife so long as she should remain his widow, to join with his said sisters or their personal representatives in making and establishing the said dispositions and trusts at any time after his death whenever they should think fit so to do:

provided always and he declared that, if the said dispositions and trusts should be made and established during the lifetime of his said sisters or either of them the residence and the gardens and adjoining portions of the said Otanomomo Estate at the time of the execution of his said will occupied or used by his said sisters, being the land described in Schedule 2 should be excluded from any dispositions or trusts so made or established by his trustees, and should be held by his trustees in trust for his said sisters as joint tenants and for their own use and benefit absolutely:

And whereas the said Doris Emmerson Telford died on 12 April 1956, leaving a will dated 18 August 1947, which will was duly proved by the said Jane Telford and Norman William Allan (2 of the executors and trustees therein named) in the Supreme Court of New Zealand, and probate thereof was granted to them by and out of the said

court at Dunedin in the Otago and Southland District on 12 June 1956, full power and authority being reserved to the said court to grant like probate and administration to the said Henry Lawrence Cook, the other executor in the said will named, whenever he should appear before the said court and sue for the same, but no such application has been made by the said Henry Lawrence Cook to the said court:

And whereas by her said will the said testatrix bequeathed a life interest in her residuary estate to her sister the said Jane Telford, and on the death of her said sister (*inter alia*) she empowered and authorised her trustees, but not so as to impose a binding trust upon them and so far only as they could do so while keeping within the scope of charitable objects, to join with the owners of the other shares of a certain portion of the Otanomomo Estate (being the said lands described in Schedule 1 and 2) in transferring and assigning the same and the live and dead stock thereon at the date of such transfer and assignment to the Government of New Zealand or to any incorporated society or body of persons in New Zealand to be held and used by the said Government or by any such society or body of persons as a stud farm for the purpose of encouraging and promoting the breeding of pure-bred Romney sheep and Hereford cattle and on and subject to such trusts, terms, and conditions as her trustees in their absolute and uncontrolled discretion should think fit to impose in order to give effect to the premises, and she declared that if her trustees should make and give any transfer and assignment of the said land and live and dead stock in pursuance of the power and authority and discretion thereby conferred upon and vested in them they should not thereafter be responsible for the trust property so transferred and assigned or to see that the trusts established in respect thereof were duly performed and observed by the transferee and assignee thereof, and she directed her trustees to hold the ultimate residue of her trust estate including all her property both real and personal in respect of which the foregoing trusts of her said will should for any reason fail or should not be legally capable of taking effect or should not be carried into effect and the investments for the time being representing the same upon trust to apply the net annual income which should arise therefrom for both or either as her trustees should think fit of the following purposes that is to say:

Firstly for the purpose of encouraging and promoting improvement in sheepbreeding in New Zealand, and secondly for the purpose of promoting and assisting research work which might be carried on by or under the supervision or control of any public hospital or University or University College in New Zealand into the causes and cure of diseases and ailments of the human body, and she expressed the wish to her trustees that if the said portion of the Otanomomo Estate and the live and dead stock thereon should be transferred and assigned to the Government of New Zealand or to any such society or persons in accordance with the said power, authority, and discretion vested in her trustees, and if her trustees were satisfied that the trusts on which the said property was held were faithfully performed, then her trustees, in distributing the income from the ultimate residue of her estate, should regard the continuance and the proper carrying on of the said property as being of primary importance and should give favourable consideration (but not so as to impose any trust or obligation on her trustees) to the making of annual grants to assist in the carrying on of the said proper-

ty and in the importing of stud Romney sheep from Kent in England for use on the said property and generally for assisting and promoting the trusts in respect thereof, and she further declared that it was her wish that, notwithstanding the foregoing trusts and provisions of her said will, the dispositions and trusts which her trustees were empowered and authorised to make and establish as aforesaid should be made and established as soon as possible after her death, and she accordingly authorised and empowered her trustees to join with her said sister or her personal representatives and the executors of the will of her said brother in making and establishing the said dispositions and trusts at any time after her death when they should think fit so to do, and she declared that, if the said dispositions and trusts should be made or established during the life of her said sister, her share and interest in the said residence and the gardens and adjoining portions of the said Otanomomo Estate at the time of the execution of her said will occupied and used by her said sister and herself (being the land described in Schedule 2) should be excluded from any dispositions or trusts so made or established by her trustees, and should be held by her trustees in trust for her said sister for her own use and benefit absolutely:

And whereas in the events which happened it has now become impossible to establish a stud farm for the purpose of encouraging and promoting the breeding of pure-bred Romney sheep and Hereford cattle on the said portion of the Otanomomo Estate in strict conformity with the wishes expressed by the said William Telford deceased in his said will, and the trustees of the said will have been advised and believe that the establishment of a stud farm on the said property for the purpose of encouraging and promoting the breeding of pure-bred Romney sheep and Hereford cattle would not be in the best interests of the farming industry in New Zealand:

And whereas the said Jane Telford as the owner of an equal undivided one-third share and interest in the said lands and the said live and dead stock thereon is anxious that a trust should be established on the said lands and with the said live and dead stock thereon which will be of benefit to the farming industry in the Provincial District of Otago and Southland and has represented to the trustees that such purpose could best be achieved by vesting the said land and the live and dead stock thereon in the Telford Farm Training Institute established under this Act:

And whereas the trustees and Nettie Irene Telford, the widow of the said William Telford deceased, are of opinion that the aims and objects of the Telford Farm Training Institute established under this Act are desirable in the interests of the farming industry and are in keeping with the spirit of the wishes expressed and authorities contained in the wills of the said William Telford deceased and Doris Emmerson Telford deceased and are desirous that the title to the said land and live and dead stock should be vested in the said Telford Farm Training Institute as provided and on the conditions set out in this Act, and that the terms of the wills of the said William Telford and Doris Emmerson Telford should be varied as in this Act provided.

1 Short Title

This Act may be cited as the Telford Farm Training Institute Act 1963.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Board of Management of the Institute appointed in accordance with the provisions of this Act

Institute means the Telford Farm Training Institute established under this Act

Minister means the Minister of Agriculture

secretary means the secretary to the Board or other person for the time being carrying out the duties which should properly be performed by the secretary to the Board

trust property means the land described in Schedule 1 and any other property real or personal (including the land described in Schedule 2) which may at any time after the passing of this Act be purchased or otherwise acquired by or vested in the Institute by any means whatsoever for the purposes of the trusts and objects hereby declared.

3 Constitution of Institute

There is hereby established a body corporate to be called the Telford Farm Training Institute, which shall have perpetual succession and a common seal, and may hold real and personal property for the purposes of this Act, and sue and be sued, and do and suffer all such acts and things as bodies corporate may do and suffer and which shall have the objects and powers and generally shall conduct its affairs in the manner set forth in this Act.

4 Objects of Institute

The objects set forth in the First Part of Schedule 3 shall be the objects of the Institute.

5 Board of Management

- (1) The Institute shall be under the control and management of a Board of Management appointed in accordance with the provisions of this Act.
- (2) The Board may, subject only to any restrictions imposed under this Act, exercise all the powers and authorities conferred on or vested in the Institute under this Act.
- (3) The Board may from time to time, if it thinks fit, delegate any of its powers and authorities to a committee of not less than 3 members of the Board, but no such committee shall have power to use the common seal of the Board or to enter into any agreement for the sale or purchase or leasing or other disposal or acquisition of any land.

6 Constitution and rules of the Board

The constitution and rules set forth in the Second Part of Schedule 3, together with such amendments, modifications, and additions thereto as may be lawfully

made in manner set forth therein, shall be the constitution and rules governing the operations and functions of the Board.

7 Vesting of property in the Institute

- (1) On 30 March 1964, the land described in Schedule 1 with the live and dead stock thereon or used in connection therewith is hereby vested in the Institute, charged so far as the said land is concerned with the payment of the annuities mentioned in section 9.
- (2) Upon the death of the said Jane Telford the land described in Schedule 2 is hereby vested in the Institute.

8 Registration of title to land

- (1) Upon the passing of this Act the District Land Registrar of the Otago Lands Registry and all other persons having charge of any register showing the ownership of any land shall, at any time after 30 March 1964, on the written application of the Board and on the deposit with him of such plans and documents as he may require, register the Institute as the registered proprietor or owner of the land described in Schedule 1.
- (2) Upon the death of the said Jane Telford the said Registrar and all such other persons shall, on the written application of the Board and on production of proper evidence of death and on the deposit with him of such plans and documents as he may require, register the Institute as the registered proprietor or owner of the land described in Schedule 2.

9 Annuities issuing out of land

- (1) The Institute shall, during the lifetime of the said Nettie Irene Telford and so long as she remains the widow of the said William Telford, deceased, pay to the trustees of the will of the said William Telford deceased as from 30 March 1964, an annuity at the rate of 1,500 pounds a year, such annuity to be payable to the said trustees or as they may in writing direct by equal quarterly instalments. The said annuity shall for the purposes of the administration of the estate of the said William Telford deceased be deemed to be income arising from the investment of assets subject to the trusts of the will of the said deceased.
- (2) The Institute shall also during the lifetime of the said Jane Telford pay to the trustees of the will of the said Doris Emmerson Telford deceased as from 30 March 1964, an annuity at the rate of 1,500 pounds a year, such annuity to be payable to the said trustees or as they may in writing direct by equal quarterly instalments. The said annuity shall for the purposes of the administration of the estate of the said Doris Emmerson Telford deceased be deemed to be income arising from the investment of assets subject to the trusts of the will of the said deceased.

10 Variation of trusts of wills of William Telford deceased and Doris Emmerson Telford deceased

For the purposes of the trusts of the wills of the said William Telford deceased and Doris Emmerson Telford deceased as hereinbefore respectively recited the Institute shall be deemed to be an incorporated society to which the trustees of the said wills are empowered and authorised under the said recited trusts to transfer and assign the land described in Schedule 1 and the live and dead stock thereon; and the trusts of the said wills are hereby accordingly varied so far as any such variation may be necessary to empower and authorise the trustees of the said wills respectively to concur in the vesting of the land described in Schedules 1 and 2 in the Institute in accordance with the provisions of this Act; and in distributing the income from the ultimate residue of the estates of the said William Telford deceased and Doris Emmerson Telford deceased, subject always to the rights of any life tenant or life tenants under such wills respectively to give favourable consideration (but without imposing any trust or obligation on them) to the making of annual grants out of such income to assist in the carrying on of the Institute generally for assisting and promoting the trusts in respect thereof.

11 Power to hold real and personal property

The Institute may accept, receive, and hold in its corporate name, either by way of gift, devise, bequest, purchase, lease, bailment, or otherwise, any real or personal property either upon its general trusts or for any specific purpose connected therewith.

12 Special powers conferred

- (1) Subject to any specific trust affecting any particular property, the Institute may, in addition to all other powers it enabling, exercise the following powers and authorities:
 - (a) to farm, develop, and manage any estates or interests in land:
 - (b) to subdivide all or any of its land, and dedicate roads thereon, grant or acquire easements, and make and carry out arrangements with local authorities with regard thereto:
 - (c) to lease land in accordance with the Public Bodies Leases Act 1969; and for that purpose the Institute shall be deemed a leasing authority duly constituted under that Act:
 - (d) to borrow money with or without security over its real or personal property or any part thereof, and upon and subject to such terms and conditions as it may deem suitable:
 - (e) to sell, exchange, or otherwise deal with any of its real or personal property upon such terms and subject to such conditions as it may determine:

- (f) to purchase, lease, bail, or otherwise acquire upon such terms and conditions as the Institute may determine any real or personal property for its general purposes or for any specific purpose or by way of investment:
- (g) to erect, add to, or alter such buildings and other works on any lands of the Institute as may be deemed necessary, expedient, incidental, or conducive to the objects of the Institute:
- (h) to maintain and keep in good order, condition, and repair all buildings, works, and other improvements forming part of the property of the Institute:
- (i) to grant pensions or gratuities to any employees or ex-employees of the Institute and to establish or assist in the establishment of an employee pension and provident fund by making contributions thereto from time to time, or to co-operate with or support financially any association, institution, or fund formed for the purpose of providing staff pensions or gratuities:
- (j) to insure against public liability, loss, or damage by fire or earthquake or such other risks as the Institute may from time to time deem necessary or expedient:
- (k) to pay the costs and expenses of and incidental to the promotion of this Act:
- (l) to take and act upon the opinion of any barrister of the High Court of New Zealand whether in relation to the interpretation of this Act or any other Act or document or as to the administration of any trusts declared and authorised by this Act:

provided nevertheless that nothing in this paragraph shall prohibit the Institute from applying to the court if it thinks fit, or prohibit any other person who may claim to be beneficially or otherwise interested from so doing.

- (2) Notwithstanding the provisions of subsection (1), no part of the land described in Schedules 1 and 2 shall be sold, exchanged, leased, mortgaged, or otherwise encumbered without the prior consent in writing of, and on terms approved by, the Minister.
- (3) Subject as provided in subsection (2), the provisions of section 42 of the Companies Act 1955 shall apply to contracts entered into by or on behalf of the Institute to all intents and purposes as if the Institute were a company incorporated under the said Act.

Section 12(1)(c): amended, on 1 January 1970, pursuant to section 28(1)(a) of the Public Bodies Leases Act 1969 (1969 No 141).

Section 12(1)(l): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

13 Action of members

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

14 Discontinuance of trusts

If the Institute ceases for the space of 1 year to use the land described in the said Schedule 1 for the purposes of the objects set forth in the First Part of Schedule 3, the trustees for the time being of the wills of the said William Telford and Doris Emmerson Telford deceased and the said Jane Telford or the trustees for the time being of her will may either thereupon or at any time thereafter by notice in writing to the Institute elect that the land described in Schedules 1 and 2, or so much thereof as shall have been vested in the Institute and the live and dead stock thereon shall revert in the trustees for the time being of the wills of the said William Telford deceased and Doris Emmerson Telford deceased and in the said Jane Telford or the trustees of her will as tenants in common in equal shares, but subject to all mortgages or other charges affecting the same; and thereupon the Institute shall execute all such transfers and do all things necessary on its part to retransfer the title to the said land and live and dead stock to them.

15 Private Act

This Act is hereby declared to be a private Act.

Schedule 1

Otanomomo Estate farm lands

- (a) All that piece of land containing 2 roods and 6 poles, more or less, being part of Section 6, Block XXI, Clutha Survey District, and being the whole of the land described in certificate of title, Volume 119, folio 147, Otago Lands Registry.
- (b) All that piece of land containing 50 acres and 30 poles, more or less, being part of Sections 1 and 2, Block XXII, Clutha Survey District, and being the whole of the land described in certificate of title, Volume 156, folio 135, Otago Lands Registry.
- (c) All that piece of land containing 1 acre 1 rood and 19 poles, more or less, being part of Section 444R, Clutha Survey District, and being the whole of the land described in certificate of title, Volume 197, folio 208, Otago Lands Registry.
- (d) All that piece of land containing 18 acres 3 roods and 13.6 poles, more or less, being part of Section 12, Block XVII, Clutha Survey District, and being the balance of the land described in certificate of title, Volume 347, folio 56, Otago Lands Registry.
- (e) All those pieces of land containing together 4 acres 2 roods and 20.8 poles, more or less, being closed road between Section 11, Block XX, and Section 11 and part Section 12, Block XVI, Section 1, Block XXI, and part Sections 1 and 2, Block XVII, Clutha Survey District, and being the whole of the land described in certificate of title, Volume 383, folio 121, Otago Lands Registry, subject to Order in Council Number 5343 exempting part of the road frontages from section 128 of the Public Works Act 1928 subject to a condition as to building line.
- (f) All that piece of land containing 20 acres 3 roods and 7 poles, more or less, being Lot 3 on Deposited Plan No 4785, and being part sections 2 and 4, Block XXI, and part Section 377R, Clutha Survey District, and being the whole of the land described in certificate of title, Volume 400, folio 236, Otago Lands Registry.
- (g) All that piece of land containing 1,493 acres and 2 roods, more or less, being parts of Sections 2, 4, 6, 8, 10, and 12, Block XII, and part Sections 5, 7, 9, 10, 11, and 12 Block XVI, part of Sections 1, 2, 3, 4, 5, 6, 8, and 10, Block XVII, Section 11 and part of Sections 7, 9, 10, and 12, Block XX, Sections 1, 7, 8, 9, 10, 11, and 12, and part of Sections 3, 5, and 6, Block XXI, Sections 7, 8, 9, and 11, and part of Sections 3, 4, 5, 6, 10, and 12, Block XXVI, part of Section 2, Block XXVII, and part of Sections 5, 7, and 9, Block XXXI, Clutha Survey District, and being the whole of the land described in certificate of title, Volume 383, folio 122, Otago Lands Registry, together with the easements created under outstanding Deed of Grant Licence and Covenant Registered Number 96867, and subject to Orders in Council Numbers 4424 and 5343 exempting roads from the provisions of section 128 of the Public Works Act 1928 subject

to condition as to building line but excluding and excepting out of the said certificate of title those portions of the said Sections 3 and 4, Block XVII, Clutha District, described in Schedule 2.

- (h) The equal undivided sixth share of each of them the said Jane Telford and the trustees of the will of the said William Telford deceased and the trustees of the will of the said Doris Emmerson Telford deceased in all that piece of land containing 26 acres and 1 rood, more or less, being part of Section 1, Block XXVII, Clutha Survey District, and being the balance of the land described in certificate of title, Volume 61, folio 94, Otago Lands Registry.

Schedule 2

Otanomomo Estate homestead block

All that piece of land containing 5 acres 1 rood 20 poles, more or less, being those parts of Sections 3 and 4, Block XVII, Clutha Survey District, bounded towards the north-north-east by the road intersecting the said sections and on the other boundaries by the land delineated in Deposited Plan No 8380 and being part of the land described in certificate of title, Volume 383, folio 122 (Otago Lands Registry), subject to Order in Council No 5343 exempting road frontage from the provisions of section 128 of the Public Works Act 1928 and imposing condition as to building line.

Schedule 3
**Objects of Institute, and constitution, proceedings, powers and
duties of Board**

First Part
Objects of the Institute

The objects of the Institute are:

- (a) to provide such students as shall from time to time be selected by the Board with a basic training in the arts and skills of farming:
- (b) to conduct experiments and research into the breeding, handling, and management of sheep, cattle, and pigs, and into the growing, control, and management of pastures and crops.

Second Part

Part 1—Constitution of the Board

1 Constitution of Board

- (1) The Board shall consist of—
 - (a) 1 representative to be appointed by the Minister of Agriculture:
 - (b) the Director-General of Education or his nominee:
 - (c) 1 representative to be appointed by the Provincial Executive of Otago Federated Farmers (Incorporated):
 - (d) 1 representative to be appointed by the Provincial Executive of Southland Federated Farmers (Incorporated):
 - (e) 1 representative to be appointed by the Otago/Southland Region of Young Farmers Clubs (Incorporated):
 - (f) 1 representative to be appointed by the Royal Agricultural Society of New Zealand (Incorporated):
 - (g) 1 representative to be appointed by the National Farm Workers' Association:
 - (h) 1 representative to be appointed by the Lincoln University Council on the recommendation of the Professorial Board:
 - (i) 1 representative to be appointed by the Executive of the Telford Farm Training Institute Old Students' Association:
 - (j) 2 members to be appointed by vote of the majority of the members of the Board:
 - (k) not more than 2 other members having specialised knowledge as the Board from time to time co-opts for a period not exceeding 1 year.

- (2) *[Repealed]*
- (3) If any corporation or body of persons having the right under subclause (1) to appoint a member to the said Board ceases to exist or for any reason fails to make the appointment within 3 months after the vacancy occurs the appointment shall be made as if it were an appointment under paragraph (j) of subclause (1).
- (4) The terms of office of members of the Board appointed under paragraphs (a), (c), (e), and (g) of subclause (1) shall expire with 30 June 1980, and the new appointees and their successors shall thereupon hold office for periods of 3 years commencing from that date.
- (5) The terms of office of members of the Board appointed under paragraphs (b), (d), (f), and (h) of subclause (1) shall expire with 30 June 1981, and the new appointees and their successors shall thereupon hold office for periods of 3 years commencing from that date.
- (6) The terms of office of members of the Board appointed under paragraphs (i) and (j) of subclause (1) shall expire with 30 June 1982, and the new appointees and their successors shall thereupon hold office for periods of 3 years commencing from that date.
- (7) Any member of the Board appointed to fill a casual or extraordinary vacancy shall vacate office on the date on which the member whom he replaces would have vacated office had he remained a member of the Board.
- (8) Any member who vacates office shall be eligible for reappointment unless he is a member appointed under paragraph (j) of subclause (1) in which case he may be appointed for 1 further term of 3 years at the expiration of which period he shall vacate office and not be eligible for reappointment until he has ceased to be a member of the Board for a period of not less than 1 year.

Schedule 3 Second Part, Part 1 clause 1 heading: inserted, on 9 July 1979, by clause 2 of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(1): replaced, on 9 July 1979, by clause 2(1) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(1)(h): amended, on 1 January 1990, pursuant to section 49(6) of the Education Amendment Act 1989 (1989 No 156).

Schedule 3 Second Part, Part 1 clause 1(2): repealed, on 9 July 1979, by clause 2(2) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(3): amended, on 9 July 1979, by clause 2(3) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(4): replaced, on 9 July 1979, by clause 2(4) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(5): inserted, on 9 July 1979, by clause 2(4) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(6): inserted, on 9 July 1979, by clause 2(4) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(7): inserted, on 9 July 1979, by clause 2(4) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Schedule 3 Second Part, Part 1 clause 1(8): inserted, on 9 July 1979, by clause 2(4) of the Telford Farm Training Institute Order 1979 (SR 1979/149).

2 Extraordinary vacancies

- (1) The office of any member of the Board shall be vacated if the member:
 - (a) is adjudged a bankrupt; or
 - (b) is convicted of any offence punishable by imprisonment; or
 - (c) becomes a mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
 - (d) becomes a person subject to a property order within the meaning of the Protection of Personal and Property Rights Act 1988; or
 - (e) resigns his office by notice in writing to the Board; or
 - (f) is absent without leave from 4 consecutive meetings of the Board; or
 - (g) becomes a full-time employee of the Institute.
- (2) On the occurrence from any cause of a vacancy in the office of a member of the Board, the said vacancy shall be filled by an appointment made in the same manner and by the same person or persons as that of the person whose place on the Board has become vacant.
- (3) The Board may act notwithstanding any vacancy in its membership, and the validity of any act of the Board shall not be affected or called in question by reason of any defect or informality in the appointment of any member of the Board.

Schedule 3 Second Part, Part 1 clause 2(1)(c): amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Schedule 3 Second Part, Part 1 clause 2(1)(c): amended, on 1 April 1970, pursuant to section 129(4) of the Mental Health Act 1969 (1969 No 16).

Schedule 3 Second Part, Part 1 clause 2(1)(d): amended, on 1 October 1988, pursuant to section 113 of the Protection of Personal and Property Rights Act 1988 (1988 No 4).

Schedule 3 Second Part, Part 1 clause 2(1)(d): amended, on 1 October 1988, pursuant to section 117(3) of the Protection of Personal and Property Rights Act 1988 (1988 No 4).

Schedule 3 Second Part, Part 1 clause 2(1)(g): replaced, on 9 July 1979, by clause 3 of the Telford Farm Training Institute Order 1979 (SR 1979/149).

Part 2—Proceedings of the Board

1 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.
- (2) At any meeting of the Board 5 members of the Board shall form a quorum.
- (3) All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

- (4) Notice in writing of every meeting stating the place, date, and hour of the meeting shall be delivered or sent through the post to each member by the secretary or by some other person acting under the direction of the Board 7 days at least before the date of the meeting. No notice of an adjourned meeting shall be necessary except to members of the Board who were not present when the meeting was adjourned.
- (5) The accidental failure to give notice of a meeting to any member of the Board shall not invalidate the proceedings at the meeting.

2 Chairman of the Board

- (1) The Board shall from time to time appoint from among its members 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.
- (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.

3 Board may regulate its procedure

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

4 Travelling expenses of members

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

Part 3—Powers and duties of the Board

1 Rules of the Institute

- (1) The Board may, with the prior consent of the Minister, by writing under its seal from time to time make, amend, and rescind rules and regulations not inconsistent with the provisions of this Act, including this schedule, as to the management and conduct of the affairs of the Institute, and as to the admission to and tuition, control, and discipline of students at the Institute and all incidental matters.
- (2) Any such rules or amendments thereof or additions thereto shall, within 14 days after the making thereof, be published in the *Gazette*.

2 Banking of money

- (1) All money belonging to the Institute shall, within 7 days after it comes to the hand of the proper officer of the Board be paid into the account of the Board with such bank or stock and station agency company as the Board from time to time appoints.
- (2) No money shall be drawn from any such account except by authority of the Board and by cheque or order signed by any one member of the Board and countersigned by an officer of the Board appointed by the Board for that purpose.

3 Accounts of the Board

The Board shall cause proper books of account to be kept for all matters relating to its affairs, and at the end of each financial year the Board shall cause to be prepared a report of the operation of the Board for that year. 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 the income and expenditure showing financial transactions for that year. A copy of the report with accounts duly audited by an auditor appointed for the purpose by the Board shall be furnished to the Minister. No person shall be qualified for appointment as an auditor of the Board who would not be qualified for appointment as auditor of a company under the Companies Act 1955.

4 Secretary

The Board shall appoint a secretary to the Board.

5 Common seal

- (1) The Board shall provide safe custody for a common seal and may from time to time by resolution change, alter, or adopt any new common seal as it may deem proper.
- (2) The common seal shall not be affixed to any documents except by the authority of the Board, and shall be so affixed in the presence of 3 members or of 2 members and the secretary, who shall affix their signatures to every document so sealed.

6 Minutes of proceedings of the Board

- (1) A minute book shall be provided and kept by the Board, and a record of all proceedings of the Board shall be entered therein.
- (2) Any minute of such proceedings, if purporting to be signed by the chairman of the meeting to which such minute relates or by the chairman of the next succeeding meeting, shall be conclusive evidence of the proceedings of the meeting to which the minutes relate until the contrary is proved.
- (3) Where such minutes of any proceedings of the Board at any meeting have been made in accordance with the provisions of this rule, then, until the contrary is

proved, the meeting shall be deemed to have been duly convened and held and all proceedings had thereat to have been duly had.

- 7 The Second Part of this schedule may be rescinded amended or added to by Order in Council but so that no such rescission, amendment, or addition shall conflict with any of the provisions of this Act.

Contents

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
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- 5 List of amendments incorporated in this reprint (most recent first)

Notes**1 General**

This is a reprint of the Telford Farm Training Institute Act 1963. 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)

Education Amendment Act 1989 (1989 No 156): section 49(6)

Protection of Personal and Property Rights Act 1988 (1988 No 4): sections 113, 117(3)

Telford Farm Training Institute Order 1979 (SR 1979/149)

Judicature Amendment Act 1979 (1979 No 124): section 12

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

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