

**Reprint
as at 30 January 2021**

Methodist Charitable and Educational Trusts Act 1911

Local Act 1911 No 1
Date of assent 21 September 1911
Commencement 21 September 1911

Contents

	Page
Title	2
Preamble	
1 Short Title	3
2 Interpretation	3
3 Incorporation of trustees	3
4 The present trustees	3
5 Appointment of Chairman	4
6 Acting Chairman	4
7 Number of members	4
8 Appointment of new members	4
9 Evidence of appointment	4
10 The Board to have an office	5
11 Meetings	5
12 Vacancies, how they may occur	5
13 Vacancies, how to be filled	5
14 Questions determined by majority at meeting	5
15 Powers of meeting	6
16 Meeting may be called by Chairman or at request of members	6
17 Delegation of powers to committees	6

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

17A	Delegation of powers	6
18	Bylaws	6
19	Keeping of minutes and accounts	6
20	Common seal and execution of deeds	7
21	Lands to vest in Board	7
22	Powers of leasing	7
23	Power to dedicate roads and streets	7
24	Revenues to be applied in aid of institution	7
25	Power to acquire new site for institution	7
26	New site to vest in Board	8
27	Power to take land under lease	8
28	Sale and purchase of land	8
28A	Power to enter into integration agreement	9
29	Gifts and bequests	9
30	Investment of money	9
30A	Application of income from investments	10
31	Trusts and purposes for which assets are held	10
32	Course of instruction	11
33	Appointment of Principal or Director of institution	11
34	Visitor	12
	Schedule 1	12
	Schedule 2	13
	Schedule 3	14
	Schedule 4	15

An Act to incorporate and confer certain powers on the Trustees of the Three Kings Institution, and to make other provisions in regard thereto

Preamble

Whereas the pieces or parcels of land described in Schedules 1, 3, and 3 were granted by the Crown to the persons named, and to be held upon the trusts and for the purposes expressed in those Schedules:

And whereas an institution or school established on the land secondly described in Schedule 1, and known as the Three Kings Institution, has been carried on for the past 50 years and upwards under the general superintendence of the authorities from time to time (now the Conference) of what is now called or known as the Methodist Church of Australasia in New Zealand, and the rents and profits from all the said lands have been used in aid of the said institution or school (hereinafter referred to as the **said institution**):

And whereas it is considered that the efficiency and development of the said institution will be promoted if a site for the same be provided that will be better adapted for agriculture and be otherwise more suitable for the purposes of the said institution, and

if provision be made enabling all the lands granted as aforesaid to be turned to better account as endowments in aid of such institution:

And whereas it is also desirable that such other provisions should be made concerning the premises as hereinafter appear:

And whereas such objects and provisions are not attainable otherwise than by legislation.

1 Short Title

This Act may be cited as the Methodist Charitable and Educational Trusts Act 1911.

2 Interpretation

In the construction of this Act, unless the context shall otherwise require,—

the Conference means the Conference of the Methodist Church of New Zealand

the Board means the Board constituted by this Act.

Section 2 **the Conference**: amended, on 27 September 1971, by section 2 of the Methodist Charitable and Educational Trusts Amendment Act 1971 (1971 No 2 (P)).

3 Incorporation of trustees

The present trustees of the said lands, and all new members appointed to the Board, whether by way of succession or addition, shall be and they are hereby constituted a body corporate under the name of the “Board of the Wesley Training College”, having a perpetual succession and a common seal, and capable in law, for the purposes of the trusts to be administered by them and of this Act, of doing and suffering all such things as corporate bodies may do and suffer, and with power to take and hold lands subject to this Act.

4 The present trustees

The present trustees hereby constituted members of the Board are the persons following, that is to say: Frederick Lambert Prime, of Auckland, agent; John Edson, of Auckland, chemist; Thomas Buddle, of Auckland, solicitor; Thomas Allen, of Auckland, gentleman; Thomas McMaster, of Auckland, draper; George Winstone, of Auckland, coal merchant; Stephen James Ambury, of Auckland, dairyman; Andrew Clarke Caughey, of Auckland, draper; Francis Angus White, of Auckland, mining agent; Frederick Walter Wilson, of Auckland, journalist; James Henry Gunson, of Auckland, grain merchant; Joseph Henry Simmonds, of Auckland, Methodist minister; George Alfred Buttle, of Auckland, broker; James Edward Wheeler, of Auckland, merchant; Archibald Peak, of Auckland, solicitor; John Veale, of Auckland, settler; William Gittos, of Devonport, Methodist minister.

5 Appointment of Chairman

The Conference may annually appoint some person, whether a member of the Board or not, as Chairman of the Board, who if not already a member shall be *ex officio* a member of the Board. Anyone so appointed shall be eligible for reappointment, but if not otherwise a member of the Board shall cease to be a member upon ceasing to be Chairman. In the event of the Conference not appointing a Chairman, the Board shall appoint one from their number, and, with the consent of the Conference, may continue to make such appointment annually.

6 Acting Chairman

The Chairman shall preside at all meetings of the Board at which he or she is present. If and while by reason of death or otherwise there is no Chairman, the members of the Board may appoint one of their number to be Acting Chairman, who shall preside at all meetings at which he or she is present, and shall have the same powers as if he or she were Chairman of the Board. If at any such meeting such Chairman or Acting Chairman is not present at the time appointed for holding the same, the members present may choose one of their number to be the Chairman of such meeting, and the member so chosen shall have the same powers at that meeting as if he or she were Chairman of the Board.

7 Number of members

The Board may from time to time consist of any number of members from 10 to 20, including the Chairman.

8 Appointment of new members

All members of the Board hereafter appointed, whether by way of succession or addition, shall be appointed by resolution of the Conference. Upon the appointment of any new member or members the President of the Conference shall make a declaration in or to the effect of the form set forth in Schedule 4, countersigned by the secretary of the Conference, stating the name or names of the person or persons so appointed, and every such declaration shall be exempt from stamp duty, and without payment of any fee shall be filed of record in the office of the Registrar of the Supreme Court at Auckland within 60 days after such declaration shall have been made, and when so filed shall be conclusive evidence of the matters and things therein stated without proof of any signature thereto.

9 Evidence of appointment

A copy of any such declaration certified under the hand and seal of the Registrar of the Supreme Court at Auckland shall be evidence in all Courts or for the purpose of evidencing title to any property, and for all other purposes,

of the matters and things stated therein, without any proof of the seal or signature of such Registrar.

10 The Board to have an office

The Board shall have an office at such place as they shall from time to time fix, and any notice to or legal process against the Board shall be deemed to be duly served if left at such office. Notice of the situation of such office and of any change of its situation shall be published in the *Gazette*.

11 Meetings

The members of the Board may meet together for the despatch of business, adjourn, or otherwise regulate their meetings and proceedings as they may think fit. The quorum of a meeting shall be 7.

12 Vacancies, how they may occur

The office of a member of the Board shall become and be vacant in each or any of the following cases in addition to death, that is to say:

- (a) if the member resigns by notice in writing under his or her hand:
- (b) if he or she refuses to act further:
- (c) if he or she ceases to be an adherent of the said Methodist Church:
- (d) if he or she removes to an inconvenient distance (of which the Board are to be the sole judges) from the Board's office:
- (e) if he or she becomes bankrupt:
- (f) if he or she becomes incapacitated to act by lunacy or otherwise:
- (g) if he or she is absent without leave from 4 successive meetings of the Board:

and if in each or any such case a resolution is passed by the Board at a meeting thereof declaring the office of such member vacant.

13 Vacancies, how to be filled

Every vacancy occurring in the membership of the Board shall be forthwith reported to the secretary of the Conference, and shall be filled by the Conference at its first session thereafter.

14 Questions determined by majority at meeting

Questions arising at any meeting of the Board shall be determined by a majority of votes, and in case of equality of votes the Chairman presiding shall have a second or casting vote.

15 Powers of meeting

A meeting of the members of the Board for the time being, at which a quorum is present, shall be competent to exercise all or any of the powers, authorities, and discretions for the time being vested in the Board.

16 Meeting may be called by Chairman or at request of members

The Chairman or Acting Chairman may at any time, and the secretary shall upon the request in writing of any 3 members, summon a meeting of the Board. Five clear days' notice of every meeting shall be sent by post to each member who is for the time being in New Zealand. The day of posting the notice shall not be reckoned in the 5 days.

17 Delegation of powers to committees

The members of the Board may delegate any of their powers to committees consisting of such member or members of their body as they shall think fit. Any committee so appointed shall in the exercise of its powers conform to any directions from time to time given by the Board.

17A Delegation of powers

The Board may also delegate and agree to delegate all or any of its powers, duties, and responsibilities in accordance with the provisions of any integration agreement that may be entered into by the Board.

Section 17A: inserted, on 11 December 1976, by section 4 of the Methodist Charitable and Educational Trusts Amendment Act 1976 (1976 No 2 (P)).

18 Bylaws

The Board shall have power from time to time to make bylaws for the governance of committees, or with respect to the management and staff of the said institution, or any other matter under the control of the Board.

19 Keeping of minutes and accounts

The Board shall keep, or cause to be kept, exact minutes of all their proceedings, and also full and accurate accounts of all their receipts, disbursements, liabilities, and engagements, and shall within 3 months after 31 January in every year cause the said accounts, made up to 31 January, to be audited by 1 or more competent auditors. A statement of such accounts signed by the auditor or auditors, together with a report of the year's working, in respect both to the Trust Estate and the said institution, shall be produced at a meeting of the Board to be held within 3 months after 31 January in each year. Such statement and report, if and when adopted at such meeting, shall be signed by the Chairman, and a copy of each certified by the Chairman shall be forwarded to the secretary of the Conference to be laid before the Conference at its then next session.

Section 19: amended, on 11 December 1976, by section 3(a) of the Methodist Charitable and Educational Trusts Amendment Act 1971 (1971 No 2 (P)).

Section 19: amended, on 11 December 1976, by section 3(b) of the Methodist Charitable and Educational Trusts Amendment Act 1971 (1971 No 2 (P)).

Section 19: amended, on 11 December 1976, by section 3(c) of the Methodist Charitable and Educational Trusts Amendment Act 1971 (1971 No 2 (P)).

20 Common seal and execution of deeds

The common seal of the Board shall be in the custody of the Board's secretary, and all deeds and instruments executed under the common seal of the Board shall be executed at a meeting of the Board, and be authenticated by the signatures of the Chairman and 2 of the members.

21 Lands to vest in Board

All the said lands described in the first 3 Schedules are hereby vested in and shall be held by the Board, and shall continue to be used and administered by the Board under the general control and superintendence of the Conference, upon the trusts and for the purposes expressed in the Crown grants mentioned in the first 3 Schedules as modified and supplemented by this Act.

22 Powers of leasing

In order to render the lands described in the first 3 Schedules, and any other lands the Board may hereafter acquire, productive of revenue in aid of the said institution, the Board shall have and may exercise in regard thereto all such powers of leasing as are set forth in the Public Bodies Leases Act 1908; and for that purpose the Board shall be deemed a leasing authority duly constituted under that Act.

23 Power to dedicate roads and streets

For the more beneficial exercise of the powers hereby conferred, the Board shall have power from time to time to subdivide all or any of the lands vested in them into portions or allotments, and lay off and dedicate roads and streets thereon, and make and carry out arrangements with local authorities with regard to the construction of and other matters connected with such roads and streets.

24 Revenues to be applied in aid of institution

The revenues derived or to be derived from the said lands shall be applied in aid of the said institution, and otherwise in the administration of the trusts and purposes aforesaid as modified and supplemented by this Act, and upon or for no other trust or purpose.

25 Power to acquire new site for institution

Subject to the approval of the Conference, the Board shall have power at any time hereafter, when in the opinion of the Conference sufficient funds have

been raised and are available for the purpose, to acquire by purchase or otherwise an area of land in the Provincial District of Auckland as a site for the said institution and the agricultural and other operations carried on in connection therewith, and to transfer the said institution to the site so acquired and carry on the same there, and to erect all necessary buildings on such site and equip the same, and to fence, drain, and otherwise improve the said site for the purposes of the said institution and its operations, and to carry out all such other works in connection therewith as shall be requisite or desirable.

Section 25: amended, on 12 September 1914, by section 3 of the Methodist Charitable and Educational Trusts Act Amendment Act 1914 (1914 No 2 (P)).

26 New site to vest in Board

The site so acquired shall be vested in the Board, and the same, together with the buildings and equipment thereof and the improvements upon and appurtenances to the said site, shall be held, used, and administered by the Board, subject to the control and superintendence of the Conference, upon the trusts and for the purposes expressed in the said Crown grants as modified and supplemented by this Act.

27 Power to take land under lease

If at any time it shall appear that the interests of the said institution would be promoted by the acquisition of land under lease, with or without the right of purchasing the reversionary freehold, the Board shall, with the prior sanction of a resolution passed by the Conference, have power to so acquire land, upon and subject to such covenants and conditions as shall be thought fit, and to provide for and pay the rent and carry out all the other obligations of the lease:

provided that the land so acquired shall be used in aid and for the purposes of the said institution and for no other purpose.

28 Sale and purchase of land

- (1) Notwithstanding anything hereinbefore contained, the Board, with the prior sanction of a resolution passed by the Conference, may sell, in such manner and on such terms as it thinks fit, any part or parts of any land held by it under any trust imposed on it by this or any other enactment or any instrument.
- (2) Where any land is sold pursuant to subsection (1), the net proceeds of the sale shall be—
 - (a) expended in the purchase or acquisition in the name of the Board of other land in New Zealand or in making permanent improvements to or upon other land held by the Board on the same trusts as that from which the sale money has been derived including any buildings or other improvements on any such land or in the execution of any works connected with the subdivision, development, improvement, or maintenance of any such land held by the Board including (without in any way limiting the generality of the foregoing) the construction, alteration, repair,

renovation, demolition, or reconstruction of or addition to any buildings or other improvements erected or intended to be erected thereon; or

- (b) invested in the name of the Board in any investments authorised by section 30:

provided that all land so purchased and any such investments shall be held by the Board on the same trusts that affected the land sold.

- (3) Nothing in this section shall authorise the sale of any land held by the Board in trust for any particular purpose, if the sale of the land is prohibited by the instrument creating the trust.

Section 28: replaced, on 27 September 1971, by section 4(1) of the Methodist Charitable and Educational Trusts Amendment Act 1971 (1971 No 2 (P)).

28A Power to enter into integration agreement

The Board shall have power to enter into an integration agreement in respect of such part or parts of the institution and upon such terms as it thinks fit and shall also have power to enter into supplementary agreements varying the terms of that integration agreement.

Section 28A: inserted, on 11 December 1976, by section 5 of the Methodist Charitable and Educational Trusts Amendment Act 1976 (1976 No 2 (P)).

29 Gifts and bequests

The Board shall be competent to take and receive in its corporate name, either by way of gift *inter vivos*, or by way of devise or bequest, any land, money, or other property, either generally for the purposes of the said institution, or for any specific purpose connected therewith; and shall be competent and entitled to hold and administer such land, money, or other property upon the trusts and for the purposes upon and for which the same was given, devised, or bequeathed, and upon and for no other trust or purpose. But the Conference may at any time by resolution require that such land, money, or other property, so far as the same is undisposed of, shall be vested in trustees appointed by the Conference, to be nevertheless held by such trustees upon and for the same trusts and purposes. And the Board shall, upon such requisition, convey, transfer, and make over such land, money, or other property, so far as the same is undisposed of, accordingly.

30 Investment of money

- (1) The Board may invest any money held by the Board for and on behalf of the institution in accordance with the Trusts Act 2019.

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

- (5) The Board shall have power to exercise all of the options and other rights to which the Board may become entitled as the holder of any ordinary or prefer-

ence shares, stock, debentures, or notes, and to sell, exchange, vary, or trans-
pose any investments, from time to time held by the Board.

- (6) Nothing contained or implied in this section shall authorise the investment of any part of the said money in the shares or other financial products of any company whose business and objects, in the judgment of the Board, conflict with the general rules and usage of the Methodist Church of New Zealand and which are likely to bring reproach upon the Church.
- (7) In this section, **financial products** has the same meaning as in section 6(1) of the Financial Markets Conduct Act 2013.

Section 30: replaced, on 14 May 1988, by section 2 of the Methodist Charitable and Educational Trusts Amendment Act 1988 (1988 No 3 (P)).

Section 30(1): replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 30(2): repealed, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 30(3): repealed, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 30(4): repealed, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 30(6): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 30(7): inserted, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 30(7): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

30A Application of income from investments

The income from investments authorised under section 30 shall be available and be used in aid of the said institution and otherwise in the administration of the trusts and purposes aforesaid, but upon or for no other trust or purpose.

Section 30A: inserted, on 27 September 1971, by section 5 of the Methodist Charitable and Educational Trusts Amendment Act 1971 (1971 No 2 (P)).

31 Trusts and purposes for which assets are held

- (1) The Trusts and purposes upon and for which the said land described in the first 3 schedules are and shall be held, and upon and for which the said new site when acquired and any other lands and assets now, previously or hereafter acquired by the Board for the purposes of this Act and so as to be subject thereto shall be held, are and shall be the support and upkeep of the institution as a multiracial boarding school or as a multiracial combined day and boarding school catering especially for the maintenance and education of as many Maori pupils and of as many disadvantaged pupils (whether orphan, needy, or otherwise disadvantaged and whether male or female) as the Board shall consider proper and expedient:

provided that selection of applicants for admission either as a pupil of the institution or as a boarder at any hostel provided at the institution, and the term during which they may enjoy the benefits thereof, shall be at the discretion of the Board.

- (2) Moderate and reasonable fees may be charged and taken in cases where there is ability on the part of parents or guardians to pay the same, and the amount of such fees shall be determined in each case by the Board.
- (3) The trusts and purposes severally expressed in the said Crown grants are hereby modified and assimilated accordingly:
provided always that if the Board shall have entered into an integration agreement the eligibility of pupils for enrolment at the school forming part of the institution and the right of the Board to charge dues for attendance at the school shall be determined in accordance with that integration agreement.
- (4) The Registrar of Deeds or the District Land Registrar as the case may be shall do all such things as are necessary to give effect to this section.

Section 31: replaced, on 11 December 1976, by section 7 of the Methodist Charitable and Educational Trusts Amendment Act 1976 (1976 No 2 (P)).

32 Course of instruction

- (1) The course of instruction provided at the institution shall be in accordance with the foundation curriculum policy statements and the national curriculum statements issued under section 90 of the Education and Training Act 2020:
provided that the general school programme of the institution shall reflect the special character of the institution as it may be established from time to time.
- (2) If the Board enters into an integration agreement the special character shall be that described in that integration agreement.
- (3) As part of such special character the Board shall ensure that religious observances and religious instruction are provided at the institution in such form and in such manner as shall be approved and directed by the Conference.

Section 32: replaced, on 11 December 1976, by section 8 of the Methodist Charitable and Educational Trusts Amendment Act 1976 (1976 No 2 (P)).

Section 32(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

33 Appointment of Principal or Director of institution

The Conference may from time to time appoint a Principal or Director of the said institution, or may delegate the power to make such appointment to the Board. Any vacancy occurring in that office may be temporarily filled by the Board pending a permanent appointment by the Conference or by the Board. All other masters, instructors, overseers, and employees generally shall be appointed by the Board, who shall also in respect to the said institution make all necessary arrangements for keeping records and accounts, and for audit, inspection, public functions, and reports to the Conference.

provided that from and after the date of any integration agreement entered into by the Board the principal or director and all other staff of the school forming part of the institution shall be appointed in the manner prescribed by that integration agreement or by the Private Schools Conditional Integration Act 1975

should that manner of appointment be different or in conflict with the foregoing provisions of this section, but in the absence of any such difference or conflict then in accordance with the foregoing provisions of this section.

Section 33 proviso: replaced, on 11 December 1976, by section 9 of the Methodist Charitable and Educational Trusts Amendment Act 1976 (1976 No 2 (P)).

34 Visitor

The President of the Conference for the time being, or his or her duly appointed deputy, shall be the Visitor of the said institution, and shall have full power and authority to do all those things that pertain to Visitors as often as to him or her shall seem meet.

Schedule 1

- (1) All that allotment or parcel of land being Lot 20 of Section 3 of the Suburbs of Auckland, in the Parish of Waitemata, in the County of Eden:
- (2) All that allotment or parcel of land being Lots 86, 87, 88, 89, 90, 91, and 92 of Suburban Farms, situated in the Parish of Waitemata, in the County of Eden:

Which lands are situated in the Provincial District of Auckland, and are comprised in Crown grants dated 7 October 1844, and 1 April 1845, whereby such lands were granted in trust for the general purposes of the Wesleyan Native Institution therein mentioned to Walter Lawry, Superintendent of the Wesleyan Mission in New Zealand, and to his successors in the superintendence of the said mission.

Schedule 2

- (1) All those allotments or parcels of land situated in the Parish of Waitemata, in the County of Eden, being No 124 of Section 10 and No 14 of Section 13, in the Parish of Waitemata, in the County of Eden:
- (2) All that allotment or parcel of land situated in the Parish of Titirangi, in the County of Eden, being No 87:
- (3) All those allotments or parcels of land situated in the Suburbs of Auckland, in the Parish of Waitemata, in the County of Eden, being Nos 93, 118, 119, 122, and 123 of Section 10.

All which lands are in the Provincial District of Auckland, and are comprised in Crown grants dated respectively 15 October 1850, 31 August 1850, 19 June 1852, and 22 June 1854, whereby such lands were granted to the Superintendent of the Wesleyan Mission in New Zealand to be held by him and his successors, in trust nevertheless, and for the use and towards the support and maintenance of the school or institution therein mentioned, so long as religious education, industrial training, and instruction in the English language should be given to youth educated therein or maintained thereat.

Schedule 3

- (1) All that piece or parcel of land situated at Aotea, in the Parish of Aotea, in the County of Rutland, in the Provincial District of Auckland, and being Allotment No 1 on the plan of the said parish, comprised in a Crown grant dated 28 June 1859, whereby the same was granted to Thomas Buddle, his heirs and assigns, upon trust for the site and endowment of a school for the education of aboriginal Natives and half-castes of New Zealand in connection with the religious society denominated Wesleyan Methodists.
- (2) And all that piece or parcel of land situated at Kawhia, being Lot 1, in the Parish of Waiharakeke, in the County of Grey, in the Provincial District of Auckland, and bounded as described in a Crown grant dated 21 July 1859, whereby the said land was granted to Thomas Buddle, his heirs and assigns, upon trust for the site and endowment of a school for the education of aboriginal Natives and half-castes of New Zealand in connection with the religious society denominated Wesleyan Methodists.

Schedule 4

The Methodist Charitable and Educational Trusts Act 1911

Declaration of the President of the Conference of the Methodist Church of Australasia in New Zealand as to Election of Members of the Board of Wesley Training College.

I, the undersigned, President for the time being of the Conference of the Methodist Church of Australasia in New Zealand, do hereby certify and declare that at a session of the Conference of the said Church held at on the day of [*here insert name or names, residence, and occupation of member or members now elected*] was (were) duly elected a member (members) of the above-named Board, and that the following persons are now the members of the said Board:

[*Here insert names, residences, and occupations of all members of the Board*].

Date:

Signed:

President of the Conference of the Methodist Church of Australasia

Countersigned:

Secretary in New Zealand.

Methodist Charitable and Educational Trusts Act Amendment Act 1914

Private Act 1914 No 2

1 Short Title

This Act may be cited as the Methodist Charitable and Educational Trusts Act Amendment Act 1914.

2 Interpretation

In this Act, if not inconsistent with the context,—

the principal Act means the Methodist Charitable and Educational Trusts Act 1911

the Board means the Board of the Wesley Training College constituted by the principal Act

the Conference means the Conference of the Methodist Church of New Zealand.

5 Power

Subject to the approval of the Conference being obtained in every case, the Board shall have and may exercise these further powers, viz.—

(a) Power to mortgage any part or parts of its land:

provided, however, that such power shall be exercised only for the purposes and in the manner hereinafter mentioned, that is to say—

(i) To pay the purchase-money or any part thereof for land acquired or to be acquired by purchase, or any money by way of equality of exchange payable for land acquired or to be acquired by exchange, by mortgaging the land so acquired or any other land held on the same trusts.

(ii) To borrow money to be expended in carrying out such works as the Board is authorized by sections 23 and 25 of the principal Act to carry out and effect, or in otherwise effecting improvements to the Board's lands or any part thereof, but so that the money borrowed shall be expended upon the land mortgaged or upon other land held on the same trusts.

(iii) To payoff any existing mortgage effected over any part or parts of the Board's lands by mortgaging such land or any other land held on the same trusts.

(b) Power to exchange any part or parts of its lands for other freehold land in New Zealand, to be held on the same trusts as the land exchanged, and to payor receive money as equality of exchange, but so that money

received as such equality of exchange shall be expended only in the manner provided for the disposal of net proceeds of sales.

- (c) Power to lease any part or parts of its lands for any term not exceeding 21 years or if leased for building purposes, for any term not exceeding 60 years. Every such lease shall take effect in possession or within 6 calendar months from the date thereof, and shall reserve such rent and contain such covenants and provisions as the Board may deem reasonable. This power is in addition to the powers given by section 22 of the principal Act.

6 Consent of Conference

Notwithstanding anything contained in the principal Act or in this Act, any sanction, approval, or consent required or authorized by the principal Act or by this Act to be given by the Conference may be given either by the Conference itself or by any person, body, or committee authorized by the Conference either generally or expressly in that behalf.

7 Purchaser, vendor, mortgagee, lessee, or other person not bound to inquire

It shall not be incumbent upon any purchaser, vendor, mortgagee, lessee, or other person to or with whom any such sale, exchange, purchase, mortgage, or lease as aforesaid shall be made under the principal Act or this Act to inquire as to the authority or power in any respect of the Board to make any such sale, exchange, purchase, mortgage, or lease; and in particular it shall not be incumbent upon any such person to inquire whether the proposed dealing is consistent with the trusts on which the lands or other hereditaments proposed to be dealt with are held, or whether the authority of the Conference, or any person, body, or committee authorized by it, has been given where required by the principal Act or by this Act, or to inquire otherwise as to the propriety or regularity of the transaction, or as to the application of any money received by the Board upon any such sale, exchange, or mortgage.

8 Power to lease an area of land to Mount Roskill Road Board

The Board shall have power, subject to the approval of the Conference, to lease that area of land described in the Schedule, and hereinafter called **the reserve**, to the Mount Roskill Road Board for use in connection with Waikowhai Park for a term of 50 years at a nominal rental. Upon the execution of the said lease the reserve shall be deemed for the said term of 50 years to form part of the Waikowhai Park and to be subject, *mutatis mutandis*, to the provisions of the Waikowhai Park Act 1911.

9 Mount Roskill Road Board empowered to take area on lease, and expend money thereon

The Mount Roskill Road Board, its successors or assigns, is or are hereby empowered to take on lease as aforesaid and hold the reserve for a term of 50

years, and to pay therefor to the Board, its successors or assigns, such nominal rent as may be agreed upon, and also out of ordinary revenue to expend money in improving and maintaining the reserve for the benefit of the public in connection with Waikowhai Park.

Schedule

All that piece of land In the Provincial District of Auckland, containing 12 acres 2 roods 12 perches, more or less, being part of Allotment 14 of Section 13 of the Suburbs of Auckland; as shown on a plan deposited in the Survey Office at Auckland under Number 17687.

Methodist Charitable and Educational Trusts Amendment Act 1976

Private Act 1976 No 2

1 Short Title

This Act may be cited as the Methodist Charitable and Educational Trusts Amendment Act 1976, and shall be read together with and deemed part of the Methodist Charitable and Educational Trusts Act 1911 (hereinafter referred to as “the principal Act”).

2 Interpretation

In this Act, unless the context otherwise requires,—

Agreement or **integration agreement** means an integration agreement made pursuant to the provisions of the Private Schools Conditional Integration Act 1975

Board means the Wesley College Trust Board described in section 3(1) of this Act

Conference means the Conference of the Methodist Church of New Zealand

Institution means that institution administered by the Board.

3 Change of name

- (1) As from the date on which this Act comes into force the body corporate constituted under section 3 of the principal Act as the Board of the Wesley Training College shall be called Wesley College Trust Board.
- (2) All real and personal property whatever held by the Board under its former name is hereby vested without conveyance, transfer, or assignment in the Board under its changed name, subject to all debts, liabilities, encumbrances, charges, liens, and interests (if any) affecting the same. The Board under its changed name shall hold the said real and personal property for the same estate or interest and upon the same trusts and the same functions, rights, powers, duties, and obligations as it held such property under its former name.
- (3) The change of name of the Board shall not affect any powers, rights, interests, securities, investments, or obligations of the Board, or render defective any legal proceedings by or against the Board.
- (4) On application by the Board under its changed name under seal on such instruments or forms as the Registrar shall approve relating to any estate or interest in any land held by the Board under its former name immediately before the passing of this Act, the Registrar shall record the change of name on all the

relevant registers and titles and shall do all other things as are necessary to give effect to this Act:

provided that it shall not be necessary to record the change of name against any outstanding duplicate of title.

Reprint notes

1 *General*

This is a reprint of the Methodist Charitable and Educational Trusts Act 1911 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this reprint*

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this reprint*

Education and Training Act 2020 (2020 No 38): section 668

Trusts Act 2019 (2019 No 38): section 161

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Methodist Charitable and Educational Trusts Amendment Act 1988 (1988 No 3 (P))

Methodist Charitable and Educational Trusts Amendment Act 1976 (1976 No 2 (P))

Methodist Charitable and Educational Trusts Amendment Act 1971 (1971 No 2 (P))

Methodist Charitable and Educational Trusts Act Amendment Act 1914 (1914 No 2 (P))