

**Reprint
as at 30 January 2021**

**Wellington Methodist Charitable and Educational Trusts
Act 1916**

Local Act 1916 No 13
Date of assent 7 August 1916
Commencement 7 August 1916

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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.

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	The Wellington Methodist Charitable and Educational Trusts Act 1916.	

An Act to incorporate and confer certain powers on the trustees of the Wellington Methodist Charitable and Educational Endowments

Preamble

Whereas the pieces or parcels of land described in Schedule 1 were granted by the Crown to the persons named, and have been held upon the trusts and for the purposes expressed in the said Schedule 1:

And whereas the said trusts have been administered by the trustees thereof under the general supervision of the authorities from time to time (now the Conference) of what is now called or known as the Methodist Church of New Zealand:

And whereas it is considered that the general efficiency of administration of the trusts will be increased, and the endowments of the trusts turned to better account, if such provisions are made concerning the premises as are hereinafter set forth.

1 Short Title

This Act may be cited as the Wellington Methodist Charitable and Educational Trusts Act 1916.

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.

3 Incorporation of trustees

- (1) The present trustees of the said lands (now incorporated under the Religious, Charitable, and Educational Trusts Act 1908, under the name of “The Wellington Methodist Educational Trust Board”), and all new members appointed to the Board, whether by way of succession or addition, shall be and are hereby constituted a body corporate under the name of “The Board of the Wellington Methodist Charitable and Educational Endowments,” 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 the provisions of this Act.
- (2) The present trustees hereby constituted members of the Board are the persons following—that is to say, William James Harland, accountant; John Kershaw, foreman gasfitter; William Clement Hemery, accountant; Robert Hosie, watchmaker; George Tiller, settler; Ernest William Abraham Kellow, accountant; William Wallace Moxham, factory manager; William Edwin Redstone, insurance agent; James Kellow, accountant; James Gates Chapman, Methodist minister: all of Wellington.

4 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.

5 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 other reason there is no Chairman, the members of the Board may appoint 1 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 be not present at the time appointed for holding the same, the members present may choose one of their number to be 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.

6 Number of members

The Board may from time to time consist of any number of members, not exceeding 15 and not less than 8, including the Chairman.

7 Appointment of new members

- (1) All members of the Board hereafter appointed (whether by way of succession or addition) shall be appointed by resolution of the Conference on the nomination of the trustees.
- (2) If the number of existing members is reduced below 8, and the Board shall fail to nominate a person or persons eligible to be a member or members, the Conference shall have power to appoint a member or members without the nomination of the Board. No person shall be eligible to become or act as a member of the Board who is not an adherent of the Methodist Church of New Zealand.

8 President of Conference to make declaration of new members appointed

Upon the appointment of a new member or members the President of the Conference shall make a declaration in or to the effect of the form in Schedule 2, 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 on record in the office of the Registrar of the Supreme Court, at Wellington, 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 Wellington, shall be evidence in all Courts and for all other purposes of the matters and things stated therein, without any proof of the seal or signature of such Registrar.

10 Vacancies, how they may occur

The office of a member of the Board shall become or 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, or if he or she removes to an inconvenient distance from the Board's office—the Board shall be the sole judges of these facts;
- (d) if he or she becomes a bankrupt;
- (e) if he or she becomes incapacitated to act by reason of lunacy or otherwise;

(f) 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.

11 Vacancies, how to be filled

Every vacancy occurring in the membership of the Board shall be forthwith reported to the Secretary of the Conference.

12 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 in its situation shall be published in the *Gazette*.

13 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 6.

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 of the Board shall upon the requisition in writing of any 3 members, summon a meeting of the Board. 5 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 given from time to time by the Board.

18 Bylaws

The Board shall have power from time to time to make bylaws for the governance of the committees, or with respect to the general management of any home, school, college, or institution established and controlled by the Board, or with respect to 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 and disbursements, liabilities, and engagements, and shall within 3 months after the last day of June in each year cause the said accounts to be made up to the last day of June in each year 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 and operations of the Board in respect of the trust estate, shall be produced at a meeting of the Board to be held within 3 months after the last day of June 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 by the Secretary of the Conference to be laid before the Conference at its next session.

Section 19: amended, on 19 July 1974, by section 2(a) of the Wellington Methodist Charitable and Educational Amendment Act 1974 (1974 No 2 (P)).

Section 19: amended, on 19 July 1974, by section 2(b) of the Wellington Methodist Charitable and Educational Amendment Act 1974 (1974 No 2 (P)).

20 Common seal and 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 or acting chairman and 2 of the members.

21 Lands to vest in Board

All the said lands described in Schedule 1, and also all moneys now under the control of or invested by the trustees of the said lands, 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 hereinafter mentioned.

22 Trusts and purposes for which lands are held

The trusts and purposes upon and for which the said lands and moneys are and shall henceforth be held, and upon and for which any lands or moneys 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 for the benefit, maintenance, or education of—

- (a) children and youth being descendants of the Native or Maori race of New Zealand;
- (b) orphan and needy children and youth of any other race being British subjects;

and the support and upkeep of any home, school, college, or institution which the Board may, with the sanction and approval of the Conference, acquire or establish for the purposes aforesaid or either of them; and the trusts and purposes expressed in the said Crown grants are hereby modified and assimilated accordingly; and the revenues derived or to be derived from the said lands, and from the said moneys or investment of moneys as aforesaid, shall be applied in aid of the said purposes and in the administration of the said trusts, and for no other trusts and purposes.

23 Selection of beneficiaries

The selection of any children or youth being descendants of the Native race or Maori race of New Zealand, or orphan or needy children and youth of any other race being British subjects, to receive the benefits of the trusts and purposes on which the said lands and moneys are to be held as hereinbefore provided, or to be admitted to any home, school, college, or institution acquired or established by the Board for the purposes aforesaid, and the term for which they or either of them may enjoy the benefits, shall be at the discretion of the Board; and the Board may charge moderate and reasonable fees for maintenance and tuition in such home, school, college, or institution in cases where there is ability on the part of the parents or guardians (if any) to pay the same; the amount of such fees to be determined in each case by the Board.

24 Course of instruction

The course of instruction, if undertaken by the Board in any home, school, college, or institution acquired or established by the Board, may include—

- (a) a general course of instruction similar to that for the time being given in the public primary schools of the Dominion, and, for such scholars as are sufficiently advanced to receive it, a further general course of instruction similar to that for the time being given in the continuation, technical, or high schools of the Dominion;
- (b) industrial training, including (in addition to domestic work as adapted for boys and girls respectively) instruction and practice in 1 or more of the following groups of subjects:—
 - (i) gardening, orchard-work, beekeeping, and poultry-management;
 - (ii) agriculture, dairying, and feeding and treatment of stock;
 - (iii) technical and mechanical trades and crafts;

and shall provide for such religious education as is approved and directed by the Conference.

25 Appointment of instructor

All instructors, overseers, and general employees necessary for the working of any home, school, college, or institution shall be appointed by the Board.

26 Visitor

The President of the Conference for the time being (or his or her duly appointed deputy) shall be the visitor of any home, school, college, or institution established by the Board, 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.

27 Powers of leasing

In order to render the lands described in Schedule 1, and any other lands the Board may hereafter acquire, productive of revenue in aid of the purposes and trusts herein provided, 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 the said Act.

28 Powers

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

- (a) To sell in such manner and on such terms as it thinks fit any part or parts of the land imposed on it by any other enactment or any instrument:
provided that the net proceeds of the sale shall be expended—
- (i) in the purchase or acquisition in the name of the Board any freehold, leasehold, or stratum estate in other land in New Zealand; or
 - (ii) in the purchase or acquisition jointly with any other trust or agency of the Methodist Church with the prior approval of the Conference of any freehold, leasehold, or stratum estate in other land in New Zealand; or
 - (iii) 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 lands; or
 - (iv) 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

- (v) on deposit with any Trust, Association, or Savings Society established by or with the consent of the Methodist Conference; or
- (vi) in any investments, in the name of the Board, authorised by section 31:

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

provided further that 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.

- (b) power to mortgage any part or parts of its land:

provided 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 the exercise of any of the powers of the Board conferred by this Act in relation to and in respect of any of the lands and property of the Board, 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 pay off 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.

- (c) 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 lands exchanged, and to pay or receive money as equality of exchange, but so that money received as such equality of exchange shall be expended only in the manner provided by this Act for the disposal of net proceeds of sale of land.

- (d) 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 27.

Section 28(a): replaced, on 19 July 1974, by section 3 of the Wellington Methodist Charitable and Educational Amendment Act 1974 (1974 No 2 (P)).

29 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 to lay off, make, form, and dedicate roads and streets thereon, and to make and carry out arrangements with local authorities with regard to the construction of and other matters connected with such roads and streets.

30 Gifts, etc, to the Board

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 or for any specific purpose connected with the trusts of the said lands; and shall be competent and entitled to hold and administer such land, money, or other property upon the trusts of 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.

31 Investment of money

- (1) All money held by the Board may be invested in the name of the Board in accordance with the Trusts Act 2019.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) Before making any investment in the financial products of any company that is a listed issuer, the Board shall first obtain and consider proper advice in writing as to the suitability of the proposed investment from a person—
 - (a) who is reasonably believed by the Board to be qualified by his or her ability in and practical experience of financial matters; and
 - (b) who is not a member of the Board, or an officer or employee of the Board or of the company in which it is proposed to make such investment.
- (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 preference shares, stock, debentures, or notes and to seek, exchange, vary, or transmute 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** and **listed issuer** have the same meanings as in section 6(1) of the Financial Markets Conduct Act 2013.

Section 31: replaced, on 19 July 1974, by section 4 of the Wellington Methodist Charitable and Educational Amendment Act 1974 (1974 No 2 (P)).

Section 31(1): replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 31(2): repealed, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 31(3): repealed, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 31(4): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 31(6): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 31(7): inserted, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

31A Application of income from investments

The income from investments authorised under section 31 shall be available and be used in aid of any home, school, college or institution established or supported with the sanction and approval of the Conference by the Board and in aid of the purposes declared in the principal Act and otherwise in the administration of the trusts and purposes aforesaid but upon and for no other trust or purpose.

Section 31A: inserted, on 19 July 1974, by section 4 of the Wellington Methodist Charitable and Educational Amendment Act 1974 (1974 No 2 (P)).

32 Board may acquire land

If at any time it shall appear that the interests of any home, school, college, or institution established by the Board 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 sanction of the Conference, have power to 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 of and for the purposes of any such home, school, college, or institution established by the Board, and otherwise in the administration of the trusts and purposes aforesaid, and for no other purpose.

33 Consent of Conference, how given

Any sanction, approval, or consent required or authorized 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.

34 Protection of purchaser, etc

It shall not be incumbent upon any purchaser, vendor, mortgagee, or lessee, or other person to whom any such sale, exchange, purchase, mortgage, or lease as aforesaid shall be made under this Act, to inquire as to the authority or power in any respect of the Board to make 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 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 on any such sale, exchange, lease, or mortgage.

Schedule 1

1

All that parcel of land, containing 73 acres 1 rood 22 perches, more or less, situated in the Town of Wellington, in New Zealand, being the land comprised in grant from the Crown to Reverend James Watkin, Superintendent of Wesleyan Missions, dated 27 October 1852, and registered in the Deeds Registry Office, at Wellington, under No 3497, in trust for the use of and towards the maintenance of a school therein mentioned so long as religious education, industrial training, and instruction in the English language shall be given to the youth educated therein or maintained thereat: excepting thereout the land conveyed by deed of conveyance registered in the Deeds Registry Office, at Wellington, under No 19466, and comprising 70 acres and 14 perches, more or less.

2

All that piece of land in the Provincial District of Wellington, containing 2 acres, more or less, being the suburban sections numbered 42 and 43 on the plan of the Township of Foxton, in the Manawatu District: as the same is more fully described in grant from the Crown dated 23 November 1868, to James Entwizle Watkin and others, and registered in the Deeds Registry Office, at Wellington, under No 10798.

3

All that piece of land in the Province of Wellington, containing 261 acres 1 rood 36 perches, more or less, being the suburban section numbered 81 and a part of the suburban section numbered 82 on the plan of the Motoa Block, in the Township of Foxton, in the Manawatu District: excepting always the public road, 100 links wide, running through the part of the said Section 82, the said land being the land comprised in grant from the Crown dated 10 July 1869, to

James Entwizle Watkin and others, registered in the Deeds Register Office, at Wellington, under No 10799.

Schedule 2
The Wellington Methodist Charitable and Educational Trusts Act
1916.

Declaration of the President of the Conference of the Methodist Church of New Zealand as to Election of Members of the Board of the Wellington Charitable and Educational Endowments.

I, the undersigned, President for the time being of the Conference of the Methodist Church of New Zealand, do hereby certify and declare that on *[date]* *[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]*,

Countersigned: *[Secretary]*,

of the Conference of the Methodist Church of New Zealand.

Reprints notes

1 *General*

This is a reprint of the Wellington Methodist Charitable and Educational Trusts Act 1916 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*

Trusts Act 2019 (2019 No 38): section 161

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

Wellington Methodist Charitable and Educational Amendment Act 1974 (1974 No 2 (P))