

**Version
as at 28 October 2021**

Rhodes Memorial Convalescent Home Act 1924

Private Act 1924 No 5
Date of assent 29 September 1924

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An Act to incorporate the Committee of Management of the Rhodes Memorial Convalescent Home.

Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

Preamble

WHEREAS Robert Heaton Rhodes, of Christchurch, died on the first day of June, eighteen hundred and eighty-four: And whereas the widow and family of the said Robert Heaton Rhodes, being desirous of perpetuating the memory of the said Robert Heaton Rhodes, contributed certain sums of money for the purpose of establishing a convalescent home to be known as the Rhodes Memorial Convalescent Home, and for that purpose acquired a leasehold interest in all that property more particularly described in the Schedule hereto, being a lease for ninety-nine years computed from the first day of January, eighteen hundred and eighty-two, and erected upon the said land certain buildings which have been and are now being used for the purpose of a convalescent home: And whereas the said lease is vested in trustees who by deeds-poll bearing date the twenty-third day of November, eighteen hundred and eighty-five, and the eleventh day of December, eighteen hundred and ninety-four, declared the trusts upon which the said property was held: And whereas the trustees have agreed to purchase the reversion of the lease of the said property for the purposes of the said home: And whereas it has been deemed advisable to incorporate the Committee of Management of the said Rhodes Memorial Convalescent Home as a body corporate with perpetual succession and a common seal: And whereas the incorporation of the said Committee as a body corporate with perpetual succession and common seal is not attainable otherwise than by legislation:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

This Act may be cited as the Rhodes Memorial Convalescent Home Act, 1924.

2 Interpretation

In this Act, except where a different intention appears from the context or subject-matter,—

Home means the Rhodes Memorial Convalescent Home

Committee means the persons for the time being entrusted with the management and control of the home, and until their successors are appointed refers to the persons named in the next succeeding section.

3 Incorporation of Rhodes Memorial Convalescent Home

The following being the present Committee of Management—namely, Henderson, William; Jameson, George; McKellar, Cecil George; Rhodes, John Heaton; Rhodes, Sir Robert Heaton; Way, George Edward; Wood, Walcot—they and their successors in office shall be and are hereby constituted a body corporate by the name of the Rhodes Memorial Convalescent Home, and by such name they shall have perpetual succession and a common seal, with full power and authority by the same name and style to sue and be sued, plead and be

impleaded, answer and be answered, defend and be defended, in all Courts of law whatsoever, and shall be able and capable in law to purchase, receive, possess, and enjoy to them and their successors any goods, chattels, and personal property whatsoever, and any messuages, lands, buildings, tenements, and hereditaments situate within the Dominion of New Zealand; and they and their successors shall be able and capable in law to mortgage, grant, devise, alienate, or otherwise dispose of all or any of the property, real or personal, belonging to the said body corporate, and also to do all other matters and things incidental or appertaining to a body corporate constituted for charitable purposes.

4 Provision for successors

The successors in office of the Committee shall be appointed in manner provided from time to time by regulations made for (*inter alia*) that purpose.

5 Validity of acts of Committee notwithstanding vacancies or defective appointments

The Committee may act notwithstanding any vacancy in its membership, and the validity of any act of the Committee shall not be affected or called in question by reason of any defect or informality in the appointment of a member of the Committee to an office which qualifies him for a seat on the Committee, nor by reason of any defect or informality in the appointment of a substitute during the absence or incapacity of a member of the Committee.

6 Committee may accept and administer other charitable bequests, &c

The Committee may accept and receive any gift, bequest, or devise of any money or property in trust for charitable purposes generally or for any specified charitable purposes, and may execute and administer any trust of such money or property in accordance with the provisions of the instrument constituting such trust, and may exercise with reference to such trust all the powers and authorities given to or vested in the Committee by this Act or any regulations made hereunder so far as the same are or can be made applicable to the administration of such trust.

7 Additional powers of Committee

The Committee shall have and may exercise all and singular the powers and authorities given to or exercisable by the trustees under the said deeds-poll dated the twenty-third day of November, eighteen hundred and eighty-five, and the eleventh day of December, eighteen hundred and ninety-four, and in addition to and without derogating from such powers and authorities shall have and may exercise the powers and authorities given to it by regulations from time to time made pursuant to the provisions of this Act.

8 Power to make regulations

- (1) The Committee shall, in addition to making regulations for the election of its successors in office, have power to make all such regulations as it may deem necessary for the continuity, maintenance, improvement, and good government of the home, and on such regulations being approved by the Governor-General in Council the same shall have the same force and effect as if they had been incorporated in this Act.
- (2) Regulations under this section—
 - (a) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); but
 - (b) commence in accordance with subsection (1), even if they are not yet published.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 8(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

9 Vesting of land, &c

As from the date of the passing of this Act all that the moneys, goods, furniture, chattels, and effects belonging to the said Rhodes Memorial Convalescent Home, and all that the estate and interest of the trustees in the land referred to in the Schedule hereto, shall be vested in the said body corporate without further transfer or assurance.

Schedule

ALL that parcel of land, containing by admeasurement 26 acres 1 rood 34 perches, more or less, being part of rural sections numbered 562 and 1335, situate in the Christchurch district, in the Provincial District of Canterbury: commencing at a point on the south-east side of the Hill Road, the said point being the northernmost corner of rural section numbered 562; thence easterly along the north-eastern boundary of that section a distance of 7 chains 93.5 links to its junction with the Dyer's Pass Road; and thence following south-westerly along that road distances on an average of 25 chains 65 links; and from thence through section numbered 1335 at a bearing of $166^{\circ} 03'$, 11 chains 20.2 links; and from thence at a bearing of $164^{\circ} 04'$, 6 chains 31.4 links; and from thence north-westerly along section numbered 551 to the Hill Road before mentioned; and from thence by a line in continuation of the last-mentioned line to the River Heathcote Road; and from thence returning along the north-eastern boundary of section numbered 562 to the commencing-point: be all the aforesaid linkages more or less.

And also all that parcel of land, situate in the Christchurch district aforesaid, containing by admeasurement 16 perches, more or less, being the rural section numbered 815 on the map of the Chief Surveyor setting out and describing the rural land in the Christchurch district aforesaid.

Consolidation notes**1 *General***

This is a consolidation of the Rhodes Memorial Convalescent Home Act 1924 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this consolidation*

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3