

**Reprint  
as at 6 September 1955**



**Church of England (Missionary  
Dioceses) Act 1955**

Private Act    1955 No 1  
Date of assent    5 September 1955  
Commencement    5 September 1955

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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.

**An Act to declare the powers of the General Synod of the Church of the Province of New Zealand, commonly called the Church of England, to define the extent, nature, and terms of the Association of Missionary Dioceses formed and to be formed among the other islands of the Pacific Ocean with the General Synod of the said Church**

**Preamble**

Whereas by clause 5 of the constitution of the Church of the Province of New Zealand, commonly called the Church of England, and hereinafter referred to as **the Church**, it is provided that there shall be a representative governing body for the management of the affairs of the Church (therein described as the Branch of the United Church of England and Ireland, in the Colony of New Zealand) which shall consist of 3 distinct orders, viz, the Bishops, the clergy, and the laity, the consent of all of which orders shall be necessary to all acts binding upon the Synod, and upon all persons recognizing its authority:

And whereas by clause 18 of the said constitution it is provided “That the General Synod of this Branch of the United Church of England and Ireland may associate with itself any missionary dioceses which may be formed among the other islands of the Pacific Ocean”:

And whereas doubts have from time to time arisen as to the meaning of the word “associate” as used in the said clause 18 and certain interpretations have been given to it by the Standing Commission established by the General Synod pursuant to clause 27 of the said constitution as the tribunal to which any doubts arising in the interpretation of the constitution for the time being of the Church are to be submitted for final decision:

And whereas further doubts have arisen and may from time to time arise as to the interpretation of the said clause 18 and as to its application to particular existing and future circumstances: And whereas the General Synod has already in exercise of the power conferred upon it by the said clause 18 associated with itself the Missionary Dioceses of Melanesia and Polynesia and the Bishops and representatives of the clergy and laity of the

said dioceses have attended meetings of the General Synod and on some occasions have voted and on other occasions have not voted at those meetings:

And whereas it is desirable to empower the General Synod to define from time to time the extent, nature, and terms of association under the said clause 18.

## 1 Short Title

This Act may be cited as the Church of England (Missionary Dioceses) Act 1955.

## 2 Interpretation

For the purposes of this Act:

- (a) the expression **the Church** shall be deemed to extend to, mean, and include the Church of the Province of New Zealand, commonly called the Church of England, which in the constitution of such Church is described as “the (or this, or a) Branch of the United Church of England and Ireland in New Zealand” and as “this branch of the Church of England”:
- (b) the expression **the General Synod** shall, except where inconsistent with the context thereof, mean the representative governing body of the Church, including the Bishops and clerical and lay representatives of the missionary dioceses from time to time declared by canon or statute of the General Synod to be associated with the General Synod:
- (c) the expression **missionary diocese** shall mean the Bishop, clergy, and laity in a missionary diocese constituted or to be constituted, or recognized or to be recognized, or the boundaries of which may have been or may from time to time be defined or varied, by a canon or statute, or with the concurrence, of the General Synod, among the islands of the Pacific Ocean other than New Zealand, and shall be deemed and taken to include the mission field among those islands of any Missionary Bishop in communion with the Church, whether such mission field shall be formally defined by territorial limits or not.

**3 Power of General Synod to declare extent, etc, of association of missionary dioceses**

It shall be lawful for the General Synod, by statute or canon thereof, from time to time to declare what shall be the extent, nature, and conditions of the association of the missionary dioceses with itself, both as to dioceses already so associated and as to dioceses which may in future be so associated. It shall not be necessary that the extent, nature, and conditions of association of all such dioceses be identical or that they shall remain unchanged in respect of any such diocese.

**4 Further powers of General Synod**

In defining the extent, nature, and conditions of such association the General Synod shall not be bound to adhere to the interpretations placed upon the said clause 18 by the said Standing Commission. In particular, and without limiting the generality of the power hereby conferred upon it, the General Synod may declare—

- (a) that any particular missionary diocese, or missionary dioceses in general, while so associated with the General Synod, shall or shall not be an integral part of the Ecclesiastical Province of New Zealand;
- (b) that any particular statute, canon, resolution, or decision of the General Synod or of any person or persons or body lawfully acting under its authority, or such statutes, canons, resolutions, or decisions in general, shall or shall not wholly or in part apply to any missionary diocese or dioceses, or to real or personal property held upon trust for the benefit of the work of such missionary diocese or dioceses, whether or not locally situated therein;
- (c) that on any matter or matters the Bishops and the clerical and lay representatives or any of them of any particular missionary diocese or dioceses, or of missionary dioceses in general, shall have or shall not have the right to vote or the right to speak in the General Synod or in any body established by it or under its authority;

- (d) in what manner the association of any particular missionary diocese or dioceses, or of missionary dioceses in general, with the General Synod may be terminated.

**5 Declaration that nothing in Act shall derogate from existing powers**

Nothing in this Act shall derogate from the power conferred by clause 27 of the constitution upon the General Synod or some tribunal to be established by it in that behalf to give final decisions upon doubts arising in the interpretation of the constitution, or any power which the General Synod may have conferred, or may in future confer, upon any tribunal or may have exercised, or may in future exercise, to interpret any of its canons or statutes, or any trust deeds of property held on its behalf, but any determination of such tribunal relating to the extent, nature, and conditions of the association of any missionary diocese or missionary dioceses shall be liable at any time or times to be subject to subsequent legislation by canon or statute of the General Synod pursuant to this Act, and such legislation shall not be regarded as an alteration of any fundamental or non-fundamental clause of the constitution.

**6 Declaration that nothing done previously shall be liable to be called in question**

- (1) No statute, canon, or resolution or other act of the General Synod, or of any person or persons or body acting under its authority, enacted, passed, or done before the passing of this Act, nor the title to any property to which the same may relate, shall be liable to be called in question on the ground that the Bishops and the clerical and lay representatives or any of them of any missionary dioceses did or did not vote upon, or otherwise participate in the same; nor shall any such statute, canon, or resolution or other act after the passing of this Act, or any such title, be for any of those reasons liable to be called in question unless so voting or not voting, or so participating or not participating, shall be contrary to any canon or statute hereafter passed by the General Synod in exercise of the power conferred upon it by this Act.

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- (2) The Missionary Diocese of Melanesia since the year 1862 and the Diocese of Polynesia since the year 1925 shall for all purposes be deemed to have been and now to be validly associated with the General Synod in accordance with the said clause 18 of the said constitution.
- (3) The continuous identity of the Church shall not be deemed to have been or to be affected by any past or future association of any missionary diocese or dioceses with the General Synod.

**7 Statute or canon passed in anticipation deemed valid**

Any statute or canon passed by the General Synod in anticipation of the passing of this Act and in accordance with its provisions shall be deemed to have been as valid as if this Act had been passed immediately before and been in operation at the time of the passing of such statute or canon.

**8 Private Act**

This Act is hereby declared to be a private Act.

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## **Notes**

### **1 *General***

This is a reprint of the Church of England (Missionary Dioceses) Act 1955. The reprint incorporates all the amendments to the Act as at 6 September 1955, 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)*

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