

**Reprint
as at 1 January 2004**



**Church of Jesus Christ of
Latter-Day Saints Trust Board
Empowering Act 1957**

Private Act 1957 No 1
Date of assent 29 July 1957
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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.

Schedule

14

An Act to declare the trusts upon which certain real and personal property is now held by the Church of Jesus Christ of Latter-Day Saints Trust Board, a Trust Board duly incorporated under the provisions of the Religious, Charitable, and Educational Trusts Act 1908 and having its registered office at Scotia Place in the City of Auckland (hereinafter referred to as the Board), and to declare the trusts upon which real and personal property hereinafter vested in or acquired by the Board is to be held and to confer certain necessary powers upon the Board and to provide rules for the Board and for other incidental matters to facilitate the management and administration of such real and personal property vested in the Board

Preamble

Whereas in or about the year 1830 a number of persons of certain religious convictions constituted the religious denomination commonly known as the Church of Jesus Christ of Latter-Day Saints as originally organised in the State of New York, United States of America, and thereafter established and constituted as a church body and fully organised in Salt Lake City, State of Utah in the United States of America, and elsewhere (such religious body as so constituted and established being hereinafter referred to as **the Church**):

And whereas in the year 1854 two members of the Church, being the Elders Augustus Farnham and William Cooke, came at the request and with the approval of Brigham Young, the then President of the Church, to the then Colony of New Zealand as missionaries on behalf of the Church and undertook as missionaries the teaching of the doctrine and beliefs of the Church in New Zealand, and in due course of time there was established and constituted a branch of the Church in New Zealand, but more commonly designated a **mission** by the members of the Church, and for furtherance of the work of the Church in New Zealand there was acquired

in the name of one Joseph F Smith, of the City of Salt Lake, State of Utah in the United States of America, the then President of the Church, a certain parcel of land in Queen Street, Auckland, upon which was erected a chapel for public worship after the manner and in accordance with the usages and beliefs of the Church, and also other lands were from time to time acquired as sites for chapels and homes for officers and elders and generally for the purposes of the Church in New Zealand:

And whereas the said Joseph F Smith died on or about 19 November 1918, and letters of administration *cum testamento annexo* of his estate in New Zealand were granted by the Supreme Court of New Zealand at Auckland on 21 February 1921, to one George Shepard Taylor, then residing in the City of Auckland:

And whereas it being desirable to constitute in New Zealand a corporate trustee in which could be vested all property both real and personal then held for the purposes of the Church in New Zealand and all property real and personal subsequently for those purposes acquired, Heber Jeddy Grant, Charles Wilson Nibley, George Albert Smith, Joseph Fielding Smith, Stephen L Richards, Richard Roswell Lyman, and Melvin Joseph Ballard, being officers and members of the said Church, and all residing in the State of Utah in the United States of America, and acting at the request and with the consent and approval of the First Presidency as the governing authority of the said Church, filed in the Supreme Court of New Zealand at Auckland on 9 May 1921, a memorial executed pursuant to the provisions of the Religious, Charitable, and Educational Trusts Act 1908 (New Zealand) and obtained as and from 9 May 1921, incorporation of the Board and thereafter the said parcel of land at Auckland and all other lands then so vested in the aforesaid Joseph F Smith were, at the request of the said Board, by conveyance and transfer duly executed by the said George Shepard Taylor (and with the recital that all such lands and premises as so previously vested in the said Joseph F Smith had been purchased with the funds of the Church) conveyed or transferred to the Board and all property

subsequently acquired by or for the Church in New Zealand has been duly acquired by and vested in the Board:

And whereas the incorporation of the Board was not, as far as can be ascertained by search and inquiry, preceded by the execution of a declaration of trust specifically declaring the trusts, powers, and authorities of the incorporating trustees and the Board, and that, apart from the general recognised trust for the religious, charitable, and educational purposes of the Church in New Zealand, there exists, so far as diligent search and inquiry can ascertain, no declared trusts regarding the said lands and funds so vested in the Board and subsequently to the incorporation acquired by and vested in the Board:

And whereas since the incorporation of the Board the governing authority of the Church has provided extensive funds for the furtherance of the work of the Church in New Zealand, and these funds have been placed at the disposal of the Board, and have in large measure been employed by the Board in the purchase of many properties comprising chapel sites, homes for the officers of the Church, hostels, colleges, temples, and for the general purposes work and extension of the Church in New Zealand:

And whereas, in view of the inability to locate or discover any declaration of trust declaring the trusts upon which the Board now holds the real and personal property vested in it and the trusts upon which property real and personal subsequently acquired or vested in the Board is to be held, it is desirable that the said trusts be declared, that certain necessary provisions be made to the constitution of the Board, that appointment of the existing trustees be confirmed, that provision be made for the appointments of successive trustees, and that certain essential and necessary powers be conferred upon the Board and that other administrative matters be defined.

1 Short Title

This Act may be cited as the Church of Jesus Christ of Latter-Day Saints Trust Board Empowering Act 1957.

2 Interpretation

In this Act the term **the Board** means the Trust Board incorporated under the provision of the Religious, Charitable, and Educational Trusts Act 1908 under the name and title of the Church of Jesus Christ of Latter-Day Saints Trust Board; and the descriptive term the Church of Jesus Christ of Latter-Day Saints means the religious denomination or Church as originally established in New York in the United States of America in or about the year 1830 and thereafter established and constituted as a church body in the State of Utah in the United States of America, which said Church is constituted upon the fundamental statement of belief as is set forth in the First Part of the Schedule, the governing controlling authority being the First Presidency of the Church of Jesus Christ of Latter-Day Saints, and as so constituted and established is hereinafter referred to as **the Church**.

3 Rules of the Board

The rules set forth in the Second Part of the Schedule, together with such amendments, modifications, and additions thereto as may be lawfully made in the manner set forth therein shall be the rules governing the operation and function of the Board as a Trust Board.

4 Vesting of property and trusts thereof

As from the date of the passing of this Act, all real and personal property whatsoever as now vested in the Board, subject to all liabilities, charges, and obligations (if any) affecting the same and all such property as may thereafter be acquired or vested in the Board by any means whatsoever, shall be held by the Board, firstly, subject to the provisions of any specific trust respecting the same evidenced by any testamentary disposition, deed, or other writing or minutes of the Board; secondly, in all other cases where no such evidence exists of any specific trust then for the general religious, charitable, and educational purposes of the Church in New Zealand, subject to the provisions that all buildings under the control and management of the Board shall be used:

- (a) for the public worship of God according to the usages of the Church under the direction of the duly appointed officers or agents of the above-named Church in New Zealand, and for the instruction of children and adults, in such worship and usages;
- (b) for the purposes of homes or hostels for the designated officers and ministers of the Church;
- (c) for educational purposes; or
- (d) for such purposes as may appear to the Board to be necessary or expedient for the exercise and carrying out by the Board of any powers and authorities:

provided, however, that upon the sale or other disposition of any real or personal property held by the Board it shall be lawful for the Board, if in its opinion the whole or any part of the moneys received by the Board on any such sale, transfer, or other disposition are not immediately required for the furtherance of the work of the Church in New Zealand or in the performance of the objects and purposes of these presents, to repay or return to the governing body of the Church, out of the money so received and not required as aforesaid, the whole or part of such sum or sums which the governing body of the Church may have provided for the purpose or purposes of the acquisition of any such property or properties or from time to time for the improvement thereof whether by way of the erection of buildings thereon or otherwise howsoever.

5 Confirmation of appointment of present trustees

The appointment as members of the Board of Ariel Smith Ballif, George Ross Biesinger, William Shakespeare Dalton, Joseph Hay, and William Perrott, all of Auckland, New Zealand (they being the present trustee members of the Board), is hereby confirmed and the personnel of the Board and the successors of the existing trustee members shall be after the manner provided by and subject to the rules as set forth in the Second Part of the Schedule:

provided, however, that the power of appointment of trustees and removal of trustees shall always rest with the First Presidency of the Church.

6 Power to hold land, money, or other property

The Board shall be competent to accept and receive and hold in its corporate name, either by way of gift or by way of devise or bequest, any land, money, or other property, either generally for the purposes of the Church in New Zealand or for any specific purpose connected therewith; and shall be competent and entitled to hold and administer such lands and other property upon the trusts and for the purposes for which the same was accepted, received, given, devised, or bequeathed:

provided that the Board shall keep the property comprised in any such trust and the revenue to be derived therefrom separate and distinct from the general properties of the Board, and in the execution of any such specific trusts the Board shall have and be subject to such powers and duties as are conferred and imposed by the instrument creating such trust and such other powers and duties as may be conferred and imposed upon trustees by law:

provided further that such property so vested in the Board upon general religious, charitable, and educational trusts in New Zealand, and subject to the provisions imposed by this Act, shall not be available nor in any manner applied to make good any deficiency, loss, or damage or breach of trust which may occur in or about the execution of any other trust accepted by the Board under the powers conferred upon it by this provision.

7 Special powers conferred

Subject to any specified trust terms and conditions to the contrary affecting any particular property of the Board real or personal vested in the Board for administration, the Board shall have and may exercise the following special powers and authorities:

- (a) in order to render the lands vested in the Board at the date of this Act or any land the Board may hereafter acquire productive of revenue in furtherance of the work of the Church in New Zealand, firstly, to enter into farming, developing, and managing without any restrictions whatsoever; and, secondly, in regard thereto all such powers of leasing as are set forth in the Public Bodies

Leases Act 1969, and for that purpose the Board shall be deemed a leasing authority duly constituted under that Act, and for the more beneficial exercise of the powers hereby conferred the Board shall have power to subdivide all or any of the lands vested in it into portions or allotments, and lay off necessary reserves 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:

- (b) to borrow or raise money by way of mortgage on the security of its property or any part thereof upon and subject to such conditions it may deem suitable:
- (c) to sell or exchange any of its lands upon such terms and subject to such special conditions as it may specify, and to hold the proceeds of such sale or exchange upon the same trust affecting the lands so sold or exchanged:
provided always that any money obtained from the sale or exchange of any such lands may be employed by the Board at its discretion in the purchase of other lands to be held upon the same general or specific trust (if any) as the lands so sold or exchanged:
- (d) to purchase or otherwise acquire on any tenure, and upon such terms thereof as it may determine, any lands or hereditaments for the purpose of the Church in New Zealand:
- (e) to invest money not immediately required to be held to the extent and in the manner permitted to trustees in New Zealand or in the purchase of real or leasehold property in New Zealand:
- (f) to acquire by gift, bequest, transfer, or purchase the shares, stock, or debentures of any company or building society incorporated in New Zealand:
- (g) to erect buildings and works on any lands of the Board as may be necessary expedient incidental or conducive to the exercising or the carrying out by the Board of any of its purposes:
- (h) to take all reasonable and proper care to keep in a state of good order and repair all buildings and other perman-

ent improvements forming part of the Board's property, and to procure and maintain such policy or policies of insurance as may be reasonable against public liability, loss or damage by fire or earthquake, and such other policy or policies of insurance as the Board may from time to time deem expedient to protect the Board against any other insurable liability:

provided, however, that in the event of any buildings or other structures situated on any land vested in the Board being destroyed or damaged by fire the Board may rebuild or not as it may determine, and the insurance money arising from any policy of insurance, proving in the opinion of the Board to be insufficient for the purpose of rebuilding or repairing in a manner satisfactory, the Board may employ any other funds vested in the Board for the general religious, charitable, and educational purposes of the Church in New Zealand towards satisfactorily rebuilding or repairing such buildings:

- (i) to use any money or funds held by the Board for the general religious, charitable, and educational purposes of the Church in New Zealand for such purposes as may appear to the Board to be desirable for the better achieving of the purposes of the Board and the carrying out of any of the aforesaid powers:
- (j) from time to time to appoint 1 or more advisory committees consisting of such persons whether members of the Board or not as the Board thinks fit, and from time to time to regulate and determine the manner of appointment of every such committee, to define its powers and functions, and to provide any such committee with such clerical and other professional assistance as may be reasonably required, and to pay out of its funds any proper expenditure in connection with such committee or the work and meetings thereof:
- (k) 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 document or any statute or as to the administration of any of the trusts de-

clared and authorised by this Act, without being liable to any person who may claim to be in any way beneficially interested in respect of any act done in accordance with such opinion:

provided, nevertheless, that nothing in this provision contained shall prohibit the Board from applying to the court if it should think fit or prohibit any other person who may so claim to be so beneficially interested from so doing.

Section 7(a): amended, on 1 January 1970, pursuant to section 28(1)(a) of the Public Bodies Leases Act 1969 (1969 No 141).

Section 7(k): amended, on 1 January 2004, by section 48(1) of the Supreme Court Act 2003 (2003 No 53).

8 Power to petition High Court

In any case where the Board desires to exercise any power which can only be otherwise exercised with the consent of a Judge of the High Court, then the Board may apply by petition in a summary way to a Judge of the High Court for an order granting such consent, and an application for the consent of the Judge of the High Court may be made either in respect of some particular transaction or in respect of any scheme proposed by the Board in relation to any particular hereditament and involving the exercise of 1 or more of the powers which can only be exercised by the Board with the consent of a Judge. Where the consent is given to any such scheme then it shall not be necessary for the Board to make further application in respect of any particular transaction or transactions entered into in accordance with the terms of such scheme, and unless otherwise required by the Judge it shall not be necessary for the Board to serve notice of such application on any other person or persons. If the Judge is satisfied in all the circumstances of the case that it is desirable in the interest of the trust property and the revenue derived therefrom that such application be granted, then the Judge shall grant his consent to such application with or without such conditions or modifications as he shall think fit, but unless the Judge is satisfied as aforesaid he shall refuse his consent to such application, and on any such application as aforesaid the Judge shall have all such jurisdic-

tion and authority to give effect to this Act and any order made by him as he would have in any matter within the ordinary jurisdiction of the High Court, and may order by and to whom the costs of any persons appearing on such application shall be paid, and may modify or alter any order made by him.

Section 8 heading: amended, on 1 January 2004, by section 48(1) of the Supreme Court Act 2003 (2003 No 53).

Section 8: amended, on 1 January 2004, by section 48(1) of the Supreme Court Act 2003 (2003 No 53).

9 Authority to accept office of trustee

The Board may in its discretion accept the office of trustee in or under any religious, charitable, or educational trusts in New Zealand:

provided, first, that the Board shall keep the property comprised in any such trust separate and distinct from the properties subject to the other trusts set forth in this Act; secondly, that the Board shall have and be subject to such powers and directions as are conferred and imposed by the instrument or writing creating such trust and such other powers and duties not inconsistent therewith as may be conferred and imposed upon trustees by law; and, thirdly, that the property vested in the Board and subject to the trusts imposed by this Act shall not be used nor applied to make good any deficiency, loss, or damage or breach of trust which may occur in or about any other trust or obligation.

10 Common Investment Fund

The Board may create and establish in its discretion a Common Investment Fund and amalgamate investments as hereinafter defined of trust funds held or vested in it for the general religious, charitable, and educational purposes of the Church in New Zealand in one investment fund as hereinafter defined:

provided always that such amalgamation shall be subject to the provisions hereinafter set forth:

- (1) (a) The investments which may be so amalgamated shall consist of—
 - (i) first mortgages of land;
 - (ii) Government inscribed stock and bonds;
 - (iii) local body debentures;
 - (iv) shares, stocks, and bonds; and
 - (v) future investments of the same nature.
- (b) No land nor revenue derived from land shall be included in the amalgamation, save and except such land as may, after amalgamation, by reason of default made in any mortgage which is included in the amalgamation and thereby become vested in the Board, which land and the revenue thereafter derived therefrom may be included in the amalgamation.
- (2) Investments which are to be amalgamated shall be merged into one investment fund to be called in the books of the Board the Common Investment Fund.
- (3) All income derived from the said Common Investment Fund and the investments included therein shall be brought into one income account under the name of the Common Investment Fund Income Account.

11 Protection of persons dealing with Board

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 or entered into within the terms of the provisions set forth in this Act to inquire as to the authority or power in 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 or any contract relative thereto is consistent with the trusts on which the lands or other hereditaments or property proposed to be dealt with are held, or whether the consent of any authority, or any person, body corporate, or committee has been given, or to inquire otherwise as to the propriety or regularity of the transaction or as to the application of any money re-

ceived by the Board upon any such sale, exchange, mortgage,
or like transaction.

12 Private Act

This Act is hereby declared to be a private Act.

Schedule

First Part

The beliefs of the Church and doctrines

The principal beliefs of the Church of Jesus Christ of Latter-Day Saints are set forth in a statement designated as Articles of Faith, which for a period of more than 100 years has been issued and distributed throughout the world. The Articles of Faith are as follows:

- 1 We believe in God, the Eternal Father, and in His Son, Jesus Christ, and in the Holy Ghost.
- 2 We believe that men will be punished for their own sins, and not for Adam's transgression.
- 3 We believe that through the Atonement of Christ, all mankind may be saved, by obedience to the laws and ordinances of the Gospel.
- 4 We believe that the first principles and ordinances of the Gospel are: First, Faith in the Lord Jesus Christ; Second, Repentance; Third, Baptism by immersion for the remission of sins; Fourth, Laying on of hands for the gift of the Holy Ghost.
- 5 We believe that a man must be called of God, by prophecy, and by the laying on of hands, by those who are in authority to preach the Gospel and administer in the ordinances thereof.
- 6 We believe in the same organisation that existed in the Primitive Church, viz, apostles, prophets, pastors, teachers, evangelists, etc.
- 7 We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.
- 8 We believe the Bible to be the word of God as far as it is translated correctly; we also believe the Book of Mormon to be the word of God.
- 9 We believe all that God has revealed, all that he does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.
- 10 We believe in the literal gathering of Israel and in the restoration of the Ten Tribes; that Zion will be built upon this (the American) continent; that Christ will reign personally upon

First Part—*continued*

the earth; and, that the earth will be renewed and receive its paradisiacal glory.

- 11 We claim the privilege of worshipping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.
- 12 We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the Law.
- 13 We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul – We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things – Joseph Smith.

The objectives of the Church are to bear witness to the divinity of the Lord Jesus Christ; to teach all men the principles of His Gospel; and to convert and persuade them to follow in His ways and keep the commandments of God, that they may thus advance the Kingdom of God in the earth to bring brotherhood and peace to men and nations, and earn exaltation for themselves.

To achieve this objective the Church of Jesus Christ of Latter-Day Saints builds and maintains churches, temples, educational institutions for all ages, recreational buildings and facilities, and projects designed to teach and encourage vocational and industrial preparation for self-reliant living. It teaches loyalty to country and fosters good citizenship in all communities where it is established.

Second Part
Rules of the Board

Schedule Second Part: replaced, on 10 October 1968, by section 2 of the Church of Jesus Christ of Latter-day Saints Trust Board Empowering Amendment Act 1968 (1968 No 3 (P)).

Second Part—*continued**Part 1—Constitution of Board*

- 1 The Board shall have a membership of not less than 5 nor more than 50 persons (hereinafter referred to as **Trustees**) and the membership of such Board may at any time and from time to time be fixed at any number not less than 5 nor exceeding 50 as the First Presidency shall from time to time determine by written notice to the Board. There shall be a Chairman, a First Vice-chairman, and a Second Vice-chairman selected from the Trustees of the Board and nominated and appointed to such office by the First Presidency.
- 2 All vacancies in the Trustees shall be filled by appointment made by the First Presidency and a written appointment under the hand of the First Presidency of the Church of Jesus Christ of Latter-day Saints, shall be conclusive evidence of all such appointments so made. Trustees may be removed by the First Presidency in the same manner.
- 3 The Chairman of the Board shall preside at all meetings of the Board and in the absence of the Chairman, the First Vice-chairman shall preside as acting Chairman and in the absence of the Chairman and the First Vice-chairman, the Second Vice-chairman shall preside as acting Chairman. At every meeting of the Board, the Chairman or acting Chairman shall in the case of equality of votes have a deliberate, as well as a second or casting vote.
- 4 A majority of the total number of Trustees, but not less than 3, shall form a quorum and even if the number of Trustees should at any time, for any reason, fall below 5, a meeting of the Board shall be fully effective and valid, so long as the quorum of 3 Trustees is present.
- 5 The office of Trustee shall become and be vacant in each of the following cases, in addition to death, that is to say, that if a Trustee:
 - (a) By notice in writing to the Board resigns his office.
 - (b) Refuses to act, or has been removed from office.
 - (c) Becomes of unsound mind or becomes a person subject to a property order under the Protection of Personal and Property Rights Act 1988.

Second Part—*continued*

Part 1—*continued*

- (d) Becomes bankrupt or enters into a composition or assignment for the benefit of his creditors.
- (e) Is absent without leave from 3 consecutive ordinary convened meetings of the Board.
- (f) If he is convicted of any crime or offence punishable by imprisonment.

Schedule Second Part, Part 1 clause 5(c): amended, on 1 October 1988, pursuant to section 113 of the Protection of Personal and Property Rights Act 1988 (1988 No 4).

Schedule Second Part, Part 1 clause 5(c): amended, on 1 October 1988, pursuant to section 117(3) of the Protection of Personal and Property Rights Act 1988 (1988 No 4).

- 6 Upon the occurrence of a vacancy in the office of Trustee the Board shall cause a note thereof to be entered in the minute book and shall also further cause notice thereof to be given to the office of the First Presidency of the Church, and will in like manner cause to be noted in the minutes thereof a record of all appointments of Trustees made by the First Presidency of the Church and will cause the actual written appointments to be duly filed in the documents and records of the Board.
- 7 All acts done by any meeting of Trustees or of a committee of Trustees or by any person acting as a Trustee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Trustee or person acting as aforesaid or that they, or any of them, were for any reason disqualified, be as valid as if such person had been duly appointed and was qualified to be a Trustee.
- 8 Every Trustee shall be chargeable only for such money as he shall actually have received, although he may have joined in any receipt for money received by any other of them, and shall not be answerable for the acts of any other Trustee, nor for any loss which may arise by reason of any trust funds being lawfully deposited in the hands of any banker, solicitor, or agent, or for the sufficiency or insufficiency or deficiency of any security upon which any trust money, or any part thereof may be invested, or for any loss in the execution of any trust, unless the same shall happen through his own neglect or default.

Second Part—*continued*

Part 2—Rules of the Board

- 1 The Trustees shall meet at such time as they may deem advisable for the purposes of generally conducting the business of the Board.
- 2 The Chairman, or in his absence, the First Vice-chairman or in the absence of both the Chairman and the First Vice-chairman, the Second Vice-Chairman, or, in his absence, any 2 Trustees, may, at any time, summon a special meeting for any cause that seems to be sufficient.
- 3 Notice in writing of every meeting, whether general or special, shall be delivered or sent through the post to each Trustee by the secretary or by some other person acting under the directions of the Trustees, or, in the case of a special meeting by or under the direction of the person or persons summoning the meeting, 3 days at least before the date of the meeting. No notice shall be necessary for adjourned meetings except to members of the Board who are not present when the meeting was adjourned.
- 4 Every notice of meeting shall state the place, day, and hour of the meeting, and every notice of a special meeting shall further state the matter to be discussed thereat. Notice of any general or special meeting may be waived by all members of the Board having signed a waiver of notice and such waiver being placed in the minutes.
- 5 If a quorum shall not have assembled within 1 hour after the time appointed for any meeting, the Trustee or Trustees present or the secretary (if no Trustee be present) may adjourn the meeting. Any meeting may be adjourned by the Chairman upon the adoption of a resolution for its adjournment.
- 6 Any resolution of the Trustees may be rescinded or varied from time to time by the Trustees at any general or special meeting.
- 7 The Trustees may at any meeting appoint 2 or more members of their body to be a committee for making any inquiry or for superintending or transacting any business, but every act and proceeding of a committee shall, except in cases of urgency, be submitted to a meeting of Trustees for approval.

Second Part—*continued*

Part 2—*continued*

- 8 (i) A minute book shall be provided and kept by the Trustees, and all proceedings of the Trustees shall be entered in the minute book.
- (ii) Any such minute if purporting to be signed by the Chairman of the meeting at which the proceedings were had, or by the Chairman of the next succeeding meeting, shall be evidence of the proceedings.
- (iii) Where minutes have been made in accordance with the provisions of this rule of the proceedings at any meeting of Trustees, then, until the contrary is proved, the meeting shall be deemed to have been duly held and convened and all proceedings had thereat to have been duly had.
- 9 The Trustees shall keep full and accurate accounts of all the receipts, disbursements, assets, liabilities, and engagements of the Board and shall in every year cause the same to be audited by a competent public accountant.
- 10 One or more banking accounts in the name of the Board shall be opened and kept with some fit bankers to be from time to time selected by the Trustees. All sums of money received on account of the Board shall be forthwith paid into the credit of such account or accounts, unless otherwise expressly ordered by the Trustees.
- 11 The Trustees shall have the safe custody of the common seal, and the Board may from time to time by resolution change, alter, or adopt any new such seal as they may deem proper. The common seal shall not be affixed to any document except by the authority of the Trustees previously given and shall be so affixed in the presence of 2 Trustees who shall affix their signatures to every document so sealed.
- 12 Subject to and without restraining the generality of the last preceding rules or the powers set forth in the Act, the Board shall have power to do all acts and things which it may consider proper or advantageous for accomplishing the true objects and

Second Part—*continued*Part 2—*continued*

powers vested in the Board, and in particular the following things:

- (a) It may appoint and at pleasure suspend or remove any secretary, manager, clerk, valuer, banker, or other officer or servant so appointed as it may from time to time deem expedient.
- (b) It may institute, conduct, defend, abandon, or confess judgment in any legal proceedings by or against the Board or its officers, or otherwise concerning the affairs of the Board, and it may compound and allow time for payment or satisfaction of any debts and of any claims by or against the Board.
- (c) It may grant pensions or gratuities to any employees or ex-employees and may establish or assist in the establishment of an employees' pension and provident fund by making contributions thereto from time to time or it may co-operate with or support financially any association, institution, or fund formed for the purpose of providing staff pensions or gratuities.

- 13 The rules set forth in Second Part, Rules of the Board (including Part 1, Constitution of the Board and Part 2, Rules of the Board) being rules for Constitution and administration of the Board may be rescinded, altered, or amended by resolution passed by the Board at one meeting and duly approved by the First Presidency, by notice in writing to the Board and, thereafter, duly approved at the next ensuing meeting of the Board: provided that in the first place notice thereof shall have been given in the notice convening the first aforesaid meeting and, secondly, that the First Presidency has duly approved such action by notice to the Board, in writing, and, thirdly, that no such rescission, alteration, or amendment shall be in conflict with any of the provisions of this Act or the Act under which the Board is incorporated.
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Notes

1 *General*

This is a reprint of the Church of Jesus Christ of Latter-Day Saints Trust Board Empowering Act 1957. The reprint incorporates all the amendments to the Act as at 1 January 2004, 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)*

Supreme Court Act 2003 (2003 No 53): section 48(1)

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

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

Church of Jesus Christ of Latter-day Saints Trust Board Empowering Amendment Act 1968 (1968 No 3 (P))

