

**Reprint
as at 12 November 2018**



Anglican Trust for Women and Children Act 1962

Private Act 1962 No 4
Date of assent 7 December 1962
Commencement 7 December 1962

Act name: replaced, on 3 October 1975, by section 2(1) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

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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.

Schedule

8

An Act to declare the trusts upon which certain real and personal property is now held by The Orphan Home Trust Board, a Trust Board incorporated under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884 and having its office at Shortland Street in the City of Auckland (hereinafter referred to as the Board), and to declare the trusts upon which real and personal property hereafter vested in or acquired by the Board is to be held, and to confer certain necessary powers upon the Board, and to provide a constitution and rules for the Board, and to provide for other incidental matters to facilitate the management and administration of such real and personal property vested in or acquired by the Board, and to validate a change of name of the Board

Preamble

Whereas, in or about the year 1860, an orphanage was established in the City of Auckland by certain persons being members of the Church of England for the care of orphans and destitute children: And whereas the members for the time being of the Board of such orphanage caused themselves to be incorporated on 10 November 1888, under the name of The Orphan Home Trust Board under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884, and such incorporation was duly recorded in the Supreme Court of New Zealand at Auckland on 10 November 1888 aforesaid: 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 or of the Board, and there do not exist, so far as diligent search and inquiry can ascertain, any declared trusts regarding the lands and other assets vested in the Board on its incorporation, or any declared trusts in respect of the greater portion of the lands and other assets acquired by and vested in the Board subsequently to its incorporation: And whereas, since such incorporation, extensive funds and properties both real and personal have been placed at the disposal of the Board and have been employed by it in furtherance of its work and in the purchase of properties for use in such work, or invested for the purpose of providing funds for such work: 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 by or vested in the Board is to be held, it is desirable that the said trusts be declared, that certain necessary provisions be made for the constitution of the Board, that appointment of the existing members of the Board be confirmed, that provision be made for the appointment of successive members, that certain essential and necessary powers be conferred upon the Board, and that other administrative matters be defined: And whereas the name The Orphan Home Trust Board is not now a suitable name for the Board in that the work of the Board is not and has not for some years been confined to the control of a single institution for the care of orphans, but embra-

ces the control of several institutions and considerable welfare and charitable work apart from such institutions among destitute or needy children who for the most part are not orphans: And whereas the Board has, by resolution of a duly constituted meeting, resolved to change the name of the said Board to Church of England Children's Trust and it is accordingly desirable to make provision to remove any doubt that may arise as to the validity of such change of name and to facilitate dealings with the assets of the Board under its new name.

1 Short Title

This Act may be cited as the Anglican Trust for Women and Children Act 1962.

Section 1: amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

2 Interpretation

In this Act—

child means any person under the age of 21 years

Church of England means the Church of the Province of New Zealand, commonly called the Church of England, which in the constitution of such Church is described as a branch of the United Church of England and Ireland in New Zealand

Board means the Board incorporated under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884 under the name and title of The Orphan Home Trust Board.

3 Objects of the Board

The objects set forth in the first part of the Schedule shall be the objects of the Board.

4 Constitution and rules of the Board

The constitution and rules set forth in second part of the Schedule, together with such amendments and additions thereto as may be lawfully made in the manner set forth in such rules, shall be the constitution and rules governing the operation and functioning of the Board as a Trust Board.

5 Vesting of property and trusts thereof

As from the date of the passing of this Act, all real and personal property whatsoever 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 by or vested in the Board by any means whatsoever, shall be held by the Board:

- (a) subject to the provisions of any specific trust as evidenced by any statute, testamentary disposition, deed or other document or writing, or in the minutes of the Board:
- (b) in cases where no evidence exists of any specific trust, then for the general purposes of the Board, or for such other purposes as may appear to the Board necessary or expedient for the exercise and carrying out by the Board of its objects, powers, and authorities.

6 Confirmation of appointment of present trustees

The appointment as members of the Board of—

Adams, Geoffrey Owen, of Papatoetoe, Clerk in Holy Orders,
 Astley, Malcolm Cort, of Auckland, Stipendiary Magistrate,
 Banyard, Stanley Robert, of Auckland, Church Army Captain,
 Giesen, Russell Baxendale, of Auckland, Solicitor,
 Griffiths, Paul Coghlan, of Auckland, Solicitor,
 Harris, Harold Mayo, of Clevedon, Archdeacon,
 Hoyle, William George, of Papatoetoe, Electrical Engineer,
 Jenkins, Charles Frederick, of Auckland, Solicitor,
 Muir, Agnes Kathleen Hilda, of Ngaruawahia, Married Woman,
 Prebble, Kenneth Ralph, of Auckland, Clerk in Holy Orders,
 Steele, Mabel Lydia, of Auckland, Married Woman,
 Yates, Jack Rossiter, of Auckland, Company Director,

being the existing members of the Board is hereby confirmed and the personnel of the Board and the appointment of successors to the existing members shall be in accordance with the constitution of the Board as set forth in the second part of the Schedule, or in any amendment of such constitution.

7 Change of name

- (1) The name of the Board is changed to and the Board shall henceforth be called the Anglican Trust for Women and Children.
- (2) All real and personal property whatsoever held by the Board under its former name is hereby vested without conveyance, transfer, or assignment in the Board, under its changed name subject to all debts, liabilities, encumbrances, charges, liens, and interests (if any) affecting the same; and the Board under its changed name shall hold the said real and personal property for the same estate or interest and upon the same trusts and the same functions, rights, powers, duties, and obligations as it held such property under its former name immediately before the commencement of this Act and all documents executed, engagements entered into, liabilities assumed, payments made, and other acts of authority which have been made, performed, or done by the Board under its

former name shall be deemed to be made, performed, or done by the Board and shall be binding upon the Board.

- (3) Any real or personal property which would hereafter but for the passing of this Act become vested in the Board under its former name, shall become vested in the Board, and any will, deed, conveyance, transfer, assignment, or other instrument whereby any real or personal property is given, devised, bequeathed, transferred, or otherwise disposed of to or for the benefit of the Board under its former name, shall be read and construed as if the changed name of the Board were substituted therein, but the Board shall hold the said property on the same trusts, with the same functions, rights, powers, duties, and obligations as those upon which the Board would have held the same under its former name.
- (4) Any real or personal property which becomes vested in the Board otherwise than as hereinbefore provided shall, in the absence of any effective stipulation to the contrary in any will, deed, conveyance, transfer, assignment, or other instrument, be held by the Board upon trust for the objects of the Board and in accordance with the provisions of this Act.
- (5) The Registrar-General of Land and every other person having charge of a register evidencing the ownership of any property, shall, on written application under the seal of the Board and upon payment of any such fee as may be prescribed in that behalf by any enactment relating to the register, register the Board as proprietor of all estates and interest in land registered under the Land Transfer Act 2017 or, as the case may require, of any other property vested in the Board by virtue of this Act.

Section 7(1): amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

Section 7(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

8 Power to hold land and other property

The Board may accept, receive, and hold in its corporate name either by way of gift, devise, bequest, purchase, or otherwise any real or personal property either upon its general trusts or for any specific purpose connected therewith.

9 Special powers conferred

Subject to any specific trust affecting any particular property, the Board shall, in addition to all other powers it enabling, be entitled to exercise the following powers and authorities:

- (a) to farm, develop, and manage any estates or interests in land:
- (b) to subdivide all or any of its land, to lay off necessary reserves and ways, to dedicate roads and streets thereon, to grant or acquire easements and to make and carry out arrangements with local authorities with regard thereto:

- (c) to lease land in accordance with the Public Bodies Leases Act 1969, and for that purpose the Board shall be deemed a leasing authority duly authorised under that Act:
- (d) to borrow money with or without security over its real or personal property or any part thereof and upon and subject to such terms and conditions as it may deem suitable:
- (e) to sell, exchange, lease or let, or otherwise deal with any of its real or personal property upon such terms and subject to such conditions as it may determine and to hold the proceeds thereof upon the trusts affecting such property:
- (f) to purchase or otherwise acquire upon such terms and conditions as it may determine, any real or personal property for its general purposes or for any specific purpose or by way of investment:
- (g) to lend any moneys of the Board from time to time available for investment upon any mortgage (whether contributory or otherwise) of real or personal property:
- (h) to erect, add to, or alter or demolish such buildings and other works on any of its lands which may be deemed necessary, expedient, incidental, or conducive to its objects:
- (i) to maintain and keep in good order, condition, and repair all buildings, works, and other improvements forming part of its property:
- (j) to grant pensions or gratuities to any of its employees or ex-employees, and to establish or assist in the establishment of an employee's pension and provident fund by making contributions thereto from time to time, or to co-operate with or support financially any association, institution, or fund formed for the purpose of providing staff pensions or gratuities:
- (k) to insure against public liability, loss, or damage by fire or earthquake or such other risks as it may from time to time deem necessary or expedient.

Section 9(c): amended, on 1 January 1970, pursuant to section 28(1)(a) of the Public Bodies Leases Act 1969 (1969 No 141).

Section 9(g): amended, on 3 October 1975, by section 11 of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

10 Board not to purchase shares in companies

[Repealed]

Section 10: repealed, on 15 November 1968, by section 4 of the Anglican Trust for Women and Children Amendment Act 1968 (1968 No 4 (P)).

11 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, and may accept and

administer any charitable trusts other than those imposed upon it by virtue of this Act.

12 Common Investment Fund

- (1) The Board may, in its discretion, create and establish a Common Investment Fund by the amalgamation therein of two or more investments either present or future of the kinds hereinafter mentioned in this clause, that is to say:
 - (a) land or first mortgages of land:
 - (b) New Zealand Government inscribed stock or debentures, bonds, or other securities:
 - (c) local bodies' inscribed stock or debentures:
 - (d) any other authorised investment, bonds, or other securities.
- (2) Investments which are amalgamated shall be merged in the Common Investment Fund which shall be called in the books of the Board the Common Investment Fund.
- (3) Income derived from the Common Investment Fund and from the investments included therein shall be brought into one income account which shall be called in the books of the Board the Common Investment Fund Income Account.
- (4) The Board may, in its discretion, from time to time release, discharge, or remove from the Common Investment Fund any 1 or more investments and the income from such investments.

13 Power to amalgamate

The Board shall have power to amalgamate with or to absorb organisations whether corporate bodies or otherwise having objects in whole or in part similar to the objects of the Board.

14 Protection of persons dealing with the Board

It shall not be incumbent upon any person dealing with the Board to inquire as to the authority or power of the Board in respect thereto, or as to the application of any moneys or other property received by the Board in respect thereof.

15 Private Act

This Act is hereby declared to be a private Act.

Schedule

First Part Objects of the Board

The objects of the Board are to provide for the care, upbringing, benefit, maintenance, education, advancement in life, and general welfare of indigent, destitute, neglected, and needy children by direct or indirect assistance. No child shall be denied admission to any institution controlled by the Board or any other assistance on account of the race, nationality, religious beliefs, or want of religious beliefs of such child, or of his or her parents or guardians.

Second Part

Part 1—Constitution of the Board

- (1) The Board shall have a membership of 18 persons, 12 of whom shall be nominated annually by the Standing Committee for the time being of the Diocese of Auckland of the Church of England before the annual general meeting of the Board, and six of whom shall be elected annually at the annual general meeting of the Board by friends of and subscribers to the work of the Board.

If a casual vacancy shall occur in the membership of the Board in respect of a member nominated by the Standing Committee, such vacancy shall be filled by the Standing Committee upon request by the Board:

provided that if the Standing Committee shall neglect or refuse to fill such vacancy for a period of 2 months after such request then such vacancy may be filled by a majority vote of the remaining members of the Board.

If a casual vacancy shall occur in the membership of the Board in respect of the persons elected by friends and subscribers as aforesaid, then such vacancy may be filled by a majority vote of the remaining members of the Board.

All persons nominated or elected to the Board, including members nominated or elected to fill such vacancies, shall hold office until the next ensuing annual general meeting of the Board, unless such persons shall become disqualified under the provisions of this section.

Pending the filling of any vacancies, the continuing members of the Board may act notwithstanding any such vacancies in the membership of the Board, provided that the number of continuing members so acting shall not be less than six. If the number of the continuing members of the Board shall be reduced below six, the continuing members may act for the purpose of increasing their number in accordance with the provisions of this section, but for no other purpose.

Every member of the Board shall, before taking his seat on the Board, sign the declaration provided in Title B, Canon V, section 20, of the Canons of the

Church of England, and in default thereof shall cease to be a member of the Board.

- (2) Six members of the Board shall form a quorum.
- (3) A person shall cease to be a member of the Board if he:
 - (a) fails to be re-nominated or re-elected to the Board:
 - (b) by notice in writing to the Board resigns his office:
 - (c) refuses to act:
 - (d) becomes of unsound mind or becomes a protected person under the provisions of the Aged and Infirm Persons Protection Act:
 - (e) becomes bankrupt or enters into a composition or arrangement for the benefit of his creditors:
 - (f) is absent without leave of the Board from three consecutive ordinary meetings of the Board:
 - (g) is convicted of any crime.
- (4) Every member 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 member, 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 investment or 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 wilful neglect or default.

Part 2—Rules of the Board

- (1) An annual general meeting of the Board open to friends of and subscribers to the work of the Board shall be held in each year at such time and place as the Board shall appoint, and such meeting shall appoint its chairman and at such meeting an annual report and audited accounts of the Board shall be submitted.
- (2) Ordinary meetings of the Board shall be held at such intervals and at such times and places as the Board may from time to time by resolution determine. A chairman and vice-chairman shall be elected and a secretary and treasurer shall be appointed at the first ordinary meeting of the Board next following the annual general meeting in each year.

The chairman shall preside at every ordinary meeting and special meeting of the Board or, in his absence, the vice-chairman shall so preside. If for any reason neither the chairman nor the vice-chairman shall be present at any such meeting of the Board within 15 minutes of the time appointed for such meeting, then a chairman for that meeting shall be elected from members at such meeting by a majority vote of such members.

At every ordinary and special meeting of the Board the chairman thereof for the time being shall have a deliberative as well as a casting vote.

- (3) The chairman, or in his absence, the vice-chairman, or any 3 other members may at any time summon a special meeting of the Board for any cause that seems to them to be sufficient.
- (4) Notice in writing of every meeting, whether ordinary or special, shall be delivered or sent through the post to each member by the secretary or by some other person acting under the direction of the Board or, in the case of a special meeting, by or under the direction of the person or persons summoning the meeting, 5 days at least before the date of the meeting. No notice of an adjourned meeting shall be necessary except to members of the Board who were not present when the meeting was adjourned.
- (5) Every notice of an ordinary 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 ordinary meeting or special meeting may be waived by all members of the Board having signed a waiver of notice, such waiver being incorporated in the minutes.
- (6) If a quorum shall not have assembled within 1 half-hour after the time appointed for any meeting, the member or members present, or the secretary (if no member be present), may adjourn the meeting. Any meeting may be adjourned by the chairman thereof upon the adoption of a resolution for its adjournment.
- (7) Any resolution of the Board may be rescinded or varied from time to time at any ordinary or special meeting.
- (8) The Board may at any meeting appoint 2 or more of its members to be a committee for making an inquiry, or for superintending or transacting any business, with or without power to act.
- (9)
 - (i) A minute book shall be provided and kept by the Board and a record of all proceedings of the Board shall be entered therein.
 - (ii) Any minute of such proceedings if purporting to be signed by the chairman of the meeting to which such minute relates, or by the chairman of the next succeeding meeting, shall be conclusive evidence of the proceedings of such meeting until the contrary is proved.
 - (iii) Where such minutes of any proceedings of the Board at any meeting have been made in accordance with the provisions of this rule, then, until the contrary is proved, such meeting shall be deemed to have been duly convened and held and all proceedings thereat to have been duly had.
- (10) The Board shall keep full and accurate accounts of all the receipts, disbursements, assets, and liabilities of the Board and shall in every year cause the same to be audited by a competent public accountant.
- (11) One or more banking accounts in the name of the Board shall be opened and kept with bankers to be from time to time selected by the Board. All sums of money received on account of the Board shall be paid forthwith into the credit

of any such account or accounts, unless otherwise expressly ordered by the Board.

- (12) The Board shall provide safe custody for a common seal and may from time to time by resolution change, alter, or adopt any new common seal as it may deem proper.

The common seal shall not be affixed to any document except by the authority of the Board, and shall be so affixed in the presence of 3 members or of 2 members and the secretary, who shall affix their signatures to every document so sealed.

- (13) The second part may be rescinded, added to, or amended by resolution passed at one ordinary meeting and duly confirmed at the next ensuing ordinary meeting of the Board:

provided that in the first place, notice of such proposed rescission, addition, or amendment shall have been given in the notice convening the first aforesaid meeting, and, secondly, that no such rescission, addition, or amendment shall be in conflict with any of the provisions of this Act or of the Act under which the Board was incorporated:

provided further that no such rescission, addition, or amendment shall become effective until approved by the Standing Committee of the Diocese of Auckland aforesaid.

- (14) The rules of the Board may at any time be suspended on motion with notice which shall state the purpose for which the suspension is desired, and may also be suspended on motion without notice with the consent of all members present at a duly constituted meeting.

Anglican Trust for Women and Children Amendment Act 1968

Private Act	1968 No 4
Date of assent	15 November 1968
Commencement	15 November 1968

Act name: replaced, on 3 October 1975, by section 2(1) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

1 Short Title

This Act may be cited as the Anglican Trust for Women and Children Amendment Act 1968, and shall be read together with and deemed part of the Act heretofore known as the Church of England Children’s Trust Act 1962 (hereinafter referred to as “the principal Act”).

Section 1: amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

3 Interpretation

In this Act, unless the context otherwise requires,—

Children’s Home Trust Board means the Board of Trustees incorporated on 1 September 1910, pursuant to the Religious, Charitable, and Educational Trusts Act 1908, under the name of the Children’s Home Trust Board

family home means an establishment wherein children are brought up as far as may be in the atmosphere and surroundings of a normal household

Henry Brett Memorial Home Trust Board means the Board of Trustees incorporated in June 1930, pursuant to the Religious, Charitable, and Educational Trusts Act 1908, under the name of The Henry Brett Memorial Home Trust Board

Registrar has the same meaning as in the Land Transfer Act 2017.

Section 3 **Registrar**: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

5 Dissolution of Children’s Home Trust Board and Henry Brett Memorial Home Trust Board and provision incidental thereto

- (1) The Children’s Home Trust Board and the Henry Brett Memorial Home Trust Board are hereby dissolved.
- (2) Notwithstanding anything to the contrary in any Act or rule of law, but subject to subsection (3) and to subsection (4), all real and personal property whatsoever (including any equitable or similar interests and the benefit of any contracts and all rights and powers pertaining to any such interests or contracts) belonging to the Children’s Home Trust Board or the Henry Brett Memorial Home Trust Board are hereby vested in the Anglican Trust for Women and

Children, subject to all liabilities, charges, and obligations affecting the same; and all debts and other liabilities lawfully incurred by those Boards and existing on the passing of this Act shall be debts and liabilities of the Anglican Trust for Women and Children.

- (3) The Anglican Trust for Women and Children may exercise in relation to any property accruing to or vested in it under and by virtue of this Act without any limitation imposed by any specific trust affecting the same (other than the trust imposed by subsection (4)) all or any of the powers and authorities set forth in paragraphs (a) to (k) of section 9 of the principal Act.
- (4) The property vested in the Anglican Trust for Women and Children under and by virtue of subsection (2) and the income arising therefrom shall be utilised in acquiring a family home (or in the discretion of the Trust more than 1 such home) to be known as The Henry Brett Memorial Home or Homes, with power from time to time in the discretion of the Trust to vary the situation or manner of conduct of any such home or to discontinue the conduct of such home or homes for such period or periods as it may deem advisable:

provided that any funds from time to time available after provision, in the discretion of the Trust, has been made for the acquisition and maintenance of such home or homes may be utilised for the general purposes of the Trust or for such other purposes as may appear to the Trust necessary and expedient for the exercise and carrying out by the Trust of its objects, powers, and authorities, free of any specific trust or direction as to the manner of application of any such property.

Section 5(2): amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

Section 5(3): amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

Section 5(4): amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

6 Validation of acts of Children's Home Trust Board and Henry Brett Memorial Home Trust Board

- (1) All acts purporting to be those of the Children's Home Trust Board or of The Henry Brett Memorial Home Trust Board and done in the bona fide exercise of the powers of such Boards respectively or for any of the charitable purposes authorised by the principal Act or this Act shall be deemed to have been duly and properly done and effected and to have been within their powers.
- (2) No such act shall be open to challenge on the ground that it was beyond the powers of the trustees or outside their authority or that the Trust Boards or either of them were not duly constituted, nor shall any person affected thereby be entitled to bring any action or exercise any other remedy at law or in equity in respect thereof.

7 Bequests, legacies, and gifts to vest in Trust

Any bequest, legacy, or gift which may on or after the commencement of this Act be given or made to or held in trust for or intended for or for the purposes of the Children's Home Trust Board or The Henry Brett Memorial Home Trust Board shall, notwithstanding the dissolution of those Boards by this Act, vest in or be applied for the purposes of the Anglican Trust for Women and Children, and any receipt or acceptance given by the Trust shall be a valid and effective discharge in relation to such bequest, legacy, or gift.

Section 7: amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

8 Payment of moneys under trusts of will of James Murphy deceased

- (1) All money paid before the commencement of this Act by the trustee of the will of James Murphy late of Otahuhu deceased to the Anglican Trust for Women and Children and purporting to have been paid pursuant to clause 5 of the said will shall be deemed to have been duly and properly paid and applied.
- (2) The trustee of the said will of James Murphy deceased is hereby authorised and empowered to continue to make payments to the said Trust pursuant to the said clause of the said will notwithstanding that the orphan home at Papatoetoe no longer exists as if the said clause had contained no reference to such orphan home.

Section 8(1): amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

9 Fixing of boundary of property

- (1) The boundary of the property of The Henry Brett Memorial Home Trust Board being the land described in Crown Grant No 1851a (3G/617) of part Allotment 85, Parish of Takapuna, which fronts on Lake Pupuke is and shall be deemed always to have been the average natural winter seasonal level of the waters of the said lake, being at a level of 114.4 feet above the Takapuna City Council datum point.
- (2) The Chief Surveyor for the North Auckland Land District shall amend his records and do all such other things as may be necessary to give effect to subsection (1).

10 Registration

Every Registrar and every Registrar of Deeds is hereby authorised to cause to be made such entries in the registers and to do all such other things as may be necessary to give effect to the provisions of this Act.

Anglican Trust for Women and Children Amendment Act 1975

Private Act	1975 No 3
Date of assent	3 October 1975
Commencement	3 October 1975

1 Short Title

This Act may be cited as the Anglican Trust for Women and Children Amendment Act 1975, and shall be read together with and deemed part of the Act heretofore cited as the Anglican Children's Trust Act 1962 (hereinafter referred to as "the principal Act").

3 Interpretation

In this Act, unless the context otherwise requires,—

Anglican Trust for Women and Children means the Anglican Trust for Women and Children as referred to in the Anglican Trust for Women and Children Act 1962

General Trust Board means the General Trust Board of the Diocese of Auckland incorporated pursuant to the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884

St. Mary's Homes Trust Board means the Board of Trustees incorporated pursuant to the Religious, Charitable, and Educational Trusts Act 1908 under the name of the St. Mary's Homes Trust Board.

4 Dissolution of St. Mary's Homes Trust Board, etc

- (1) The St. Mary's Homes Trust Board is hereby dissolved.
- (2) Notwithstanding anything to the contrary in any Act or any rule of law, but subject to subsection (3) and to section 9, all real and personal property whatsoever (including any equitable or similar interests and the benefit of any contracts and all rights and powers pertaining to any such interests or contracts) belonging to the St. Mary's Homes Trust Board or belonging to and held in trust by the General Trust Board and utilised for the purposes of the work conducted by the St. Mary's Homes Trust Board are hereby vested in the Anglican Trust for Women and Children, subject to all liabilities, charges, and obligations affecting the same; and all debts and liabilities of the said St. Mary's Homes Trust Board existing on the passing of this Act shall be and become debts and liabilities of the Anglican Trust for Women and Children.
- (3) The Anglican Trust for Women and Children may exercise in relation to any property accruing to or vested in it under and by virtue of this Act, without any limitation as to the use thereof imposed by the said deed of conveyance No 94928 or by any rules or regulations made thereunder, all or any of the

powers and authorities set forth or referred to in the principal Act, the Anglican Trust for Women and Children Amendment Act 1968, or this Act, as if such property had at all times been the property of the Anglican Trust for Women and Children free of the said trust as to the use thereof.

5 Extension of objects

Notwithstanding anything to the contrary in the principal Act, the objects of the Anglican Trust for Women and Children shall include and be deemed always to have included provision by direct or indirect assistance for the care, benefit, maintenance, and general welfare of girls or women in need of care or assistance (whether mothers or pregnant women or not and whether infants or of full age) and of their families.

6 Membership of Anglican Trust for Women and Children

Notwithstanding anything in paragraph (1) of Part 1 of the second part of the Schedule of the principal Act, the present members of the St. Mary's Homes Trust Board shall, if they desire and subject to paragraph (3) of that Part, be and become members of the Board of the Anglican Trust for Women and Children in addition to the membership envisaged in the said second part of the said Schedule, but subject otherwise to all the provisions of the second part of the said Schedule.

7 Validation of acts of St. Mary's Homes Trust Board and General Trust Board

All acts purporting to be those of the St. Mary's Homes Trust Board and done in bona fide exercise of the powers of such Board, and all acts bona fide done by the General Trust Board in and relating to the operations hitherto conducted by the St. Mary's Homes Trust Board, shall be deemed to have been duly and properly done and effected and to have been within the powers of such Boards, and no such act shall be open to challenge by any person whomsoever.

8 Bequests, legacies, and gifts to vest in Anglican Trust for Women and Children

Any bequest, devise, legacy, or gift which may on or after the commencement of this Act be given or made to or held in trust for or intended for or for the purposes of the St. Mary's Homes Trust Board shall, notwithstanding the dissolution of such Board by this Act, vest in and be applied for the purposes of the Anglican Trust for Women and Children subject to any limitation imposed by any specific trust affecting the same, and any receipt or acquittance given by the said Trust shall be a valid and effectual discharge in relation to such bequest, devise, legacy, or gift.

9 Certain land to remain vested in General Trust Board, etc

Notwithstanding anything in section 4, the land described in the Schedule shall remain vested in the General Trust Board, and any funds or assets derived from the sale thereof or the reinvestment from time to time of such funds or assets shall be the property of such Board and after deduction therefrom of a due proportion of the administration expenses of the General Trust Board to be determined from time to time by such Board, such part or parts of such funds or assets and the net income derived from such land, funds, or assets as such Board in its discretion may from time to time determine shall be allocated and applied, with the prior approval of the Standing Committee of the Diocese of Auckland, for work specifically among women in distress or delinquent or vagrant women, whether or not they are pregnant women.

10 Payment of money under trusts of will of James Murphy, deceased

The trustee of the will of James Murphy, late of Otahuhu, deceased, is hereby required, authorised, and empowered to hold the property referred to in clause 7 of the said will or any property or asset obtained in substitution for or in consequence of realisation of the said property for and on behalf of the Anglican Trust for Women and Children, and to make payments to the said trust pursuant to the said clause of the said will for the purposes and benefit of the St. Mary's Home at Otahuhu, and such payments shall be deemed to be full compliance with the said trust.

12 Power to establish day care centres

The Anglican Trust for Women and Children is hereby authorised from time to time in its discretion to establish and conduct or discontinue day care centres.

13 Power to care for children

The Anglican Trust for Women and Children is hereby authorised to undertake the care and protection of children who are at risk of injury (whether mental or physical) from their parents or guardians.

Schedule

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- 1 Lots 93 and 94 on Deposited Plan 21812, being part of Fairburns Old Land Claim 269A, and being part of the land comprised and described in certificate of title, Volume 742, folio 169 (North Auckland Land Registry).
- 2 Lots 1, 2, 4, and 5 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, Volume 9B/478, 9B/35, 9B/898, and 9B/899 (North Auckland Land Registry).

- 3 Lot 1 on Deposited Plan 56863, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, Volume 14C, folio 29 (North Auckland Land Registry).
- 4 Lots 9 to 12 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 9B/901 to 9B/904, inclusive, (North Auckland Land Registry).
- 5 Lots 14 to 17 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, 15D/947 and certificates of title, 16B/972 to 16B/974, inclusive, (North Auckland Land Registry).
- 6 Lots 19 to 21 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 16B/975 to 16B/977, inclusive, (North Auckland Land Registry).
- 7 Lot 23 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, 16B/978 (North Auckland Land Registry).
- 8 Lots 26 to 33 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 8A/68 to 8A/75, inclusive, (North Auckland Land Registry).
- 9 Lots 35 to 38 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, 8A/76 and certificates of title, 8D/632 to 8D/634, inclusive, (North Auckland Land Registry).
- 10 Lots 41 to 46 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 7D/209, 8D/636, 8D/637, 7C/893, 8D/638, and 8D/639 (North Auckland Land Registry).
- 11 Lots 1 to 9 on Deposited Plan 56297, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 9C/484 to 9C/492, inclusive, (North Auckland Land Registry).

Reprints notes

1 *General*

This is a reprint of the Anglican Trust for Women and Children Act 1962 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*

Land Transfer Act 2017 (2017 No 30): section 250

Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P))

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

Anglican Trust for Women and Children Amendment Act 1968 (1968 No 4 (P))