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Waikato Show Trust Act 1965

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

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An Act to constitute and incorporate the Waikato Show Trust Board and to declare the trusts upon which property shall be held by the said Board and to provide for various incidental matters

Preamble

Whereas the Waikato Agricultural and Pastoral Association is the registered proprietor of land in the City of Hamilton known as the Claudelands Showgrounds upon which it holds its Annual Summer Show:

And whereas the Waikato Winter Show Association is desirous of erecting buildings on the said land in which to conduct its annual Winter Show:

And whereas there is no power under the Agricultural and Pastoral Societies Act 1908 to give effect to the intentions and desires of the two aforesaid associations that the properties hitherto vested in or controlled by the respective associations should be vested in a Trust Board to be a body corporate and to be called the Waikato Show Trust Board.

1 Short Title

This Act may be cited as the Waikato Show Trust Act 1965.

2 Interpretation

In this Act, except where a contrary intention appears,—

Board of Control means the Board of Control constituted as provided for in Schedule 2

Schedule 2 means Schedule 2 together with any alterations or additions to be made thereto from time to time in pursuance of the provisions of this Act.

the 2 constituent associations mean the Waikato Agricultural and Pastoral Association and the Waikato Winter Show Association both duly incorporated under the Agricultural and Pastoral Societies Act 1908 (hereinafter referred to as the **said Act**)

Trust Board means the Waikato Show Trust Board constituted by the provisions of this Act

3 Waikato Show Trust Board established

There is hereby established a body corporate to be called the Waikato Show Trust Board which shall have perpetual succession and a common seal and which shall have the constitution and powers, and generally shall conduct its affairs in the manner set forth in this Act.

4 Vesting of property

(1) As from the date of the passing of this Act all real and personal property shown in the books and accounts kept by the 2 constituent associations shall be vested without conveyance, transfer, or assignment in the Trust Board subject to all debts and liabilities and charges (if any) affecting the same and the Trust Board shall take over and satisfy all contractual obligations, debts, and liabilities of the 2 constituent associations existing at the date of the passing of this Act.

(2) Upon the passing of this Act all District Land Registrars and all other persons having charge of any register showing the ownership of any property shall on written application under the seal of the Trust Board register the Trust Board as proprietor or owner of all lands or other property vested in the Trust Board by virtue of this Act.

(3) The lands which by virtue of this Act are vested in the Trust Board are more particularly described in Schedule 1.

5 Exemption from rates

(1) The lands more particularly described in Part 2 of Schedule 1 shall so long as the same are used as a showground or for recreation or municipal purposes be exempt from rates that may hereafter be made or levied by the Hamilton City Council except the area occupied by the trotting track which so long as a trotting club has the use thereof shall be valued separately by the Valuation Department and be subject to rates calculated on such valuation.

(2) If the said lands more particularly described in Part 2 of Schedule 1 or any part thereof are at any time hereafter disposed of by the Trust Board or cease to be used for any of the purposes aforesaid the said lands or such part thereof shall thereupon become liable to be rated by the said Council.

(3) The Hamilton City Council shall on giving not less than 7 days' notice to the said Trust Board be entitled to the free use of the said lands more particularly described in Part 2 of Schedule 1 for municipal purposes for 6 days in every year.

6 Property to be subject to trusts

The real and personal property vested in the Trust Board by virtue of this Act (hereinafter referred to as the **Trust property**) shall be held by the Trust Board subject to the trusts hereinafter set forth.

7 Terms of trust

(1) The Trust Board shall hold the Trust property upon trust to permit the same to be occupied, managed, and controlled by the Board of Control for the purposes and generally upon the terms and conditions set forth in Schedule 2 unless and until any or any 1 of the following events shall happen, namely:

(a) either of the 2 constituent associations are wound up pursuant to the provisions of the Agricultural and Pastoral Societies Amendment Act 1961; or

(b) the Trust Board shall resolve by special resolution upon reasonable grounds that during the 6 months immediately preceding such resolution the Board of Control has committed 1 or more substantial breaches of any of its duties as set out in Schedule 2 or as set out in paragraph 20 of Schedule 3.

(2) The Trust Board and the members thereof shall not be under any duty to pass a resolution pursuant to paragraph (b) of subsection (1) notwithstanding that events may have occurred which would justify the passing of such a resolution.

(3) The Board of Control shall have the constitution and powers as set out in Schedule 2 and in section 9.

(4) During the continuation of the Trust set forth in subsection (1) the rights and obligations of the 2 constituent associations in relation to the beneficial enjoyment of the trust property shall be governed by the conditions of Schedule 2.

8 Alternative trusts

(1) Upon the happening of either of the events set forth in paragraphs (a) and (b) of subsection (1) of the preceding section the Trust Board shall hold the Trust property upon the following trusts, that is to say to keep and maintain the land described in Schedule 1 and any buildings erected thereon (together with such of the other land comprised from time to time in the Trust property as the Trust Board may deem expedient) as a show property and to make such land and buildings available for the following purposes:

(a) at an appropriate time for the holding of a Summer Show and for such other activities as the Trust Board shall decide provided they fall within the objects of an Agricultural and Pastoral Society as set forth in section 10 of the Agricultural and Pastoral Societies Act 1908:

(b) at an appropriate time for the holding of a Winter Show and for such other activities as the Trust Board shall decide provided they fall within the objects of an Agricultural and Pastoral Society as set forth in section 10 of the said Act.

(2) Upon the happening of either of the events set forth in paragraphs (a) and (b) of subsection (1) of the preceding section the powers, duties, and functions of the Board of Control shall determine and the provisions of Schedule 2 shall cease

to have effect and the Trust Board shall assume custody, control, and management of the Trust property.

9 Constitution of Trust Board

(1) The Trust Board shall have the constitution set out in Part 1 of Schedule 3 and shall have the powers set out in Parts 2 and 3 of Schedule 3.

(2) The powers of the Trust Board set out in Part 2 of Schedule 3 shall not be exercisable by the Trust Board during the continuance of the trust set out in subsection (1) of section 7. During the continuance of the said trust such powers shall, however, be exercisable by the Board of Control (but subject to any provisions to the contrary contained elsewhere in this Act) for and on behalf of the Trust Board.

(3) During the continuance of the trust set out in subsection (1) of section 7 the powers of the Trust Board set out in Part 3 of Schedule 3 shall be exercisable only by the Trust Board. The Trust Board may from time to time by special resolution delegate to a committee of not less than 3 of its members all or any of the said powers upon such terms and subject to such restrictions as it thinks fit.

(4) In addition to the foregoing powers the Trust Board shall have power—

(a) to raise money by way of mortgage, charge, or encumbrance on the Trust property or any part thereof for the purposes of providing funds for the discharge in whole or in part of any mortgage, charge, encumbrance, debt, or liability now subsisting or hereafter created or incurred in respect of which the Trust property or any part thereof is or shall be charged or the Trust Board is or shall be liable. This power to raise is in addition to and is not to be construed as limiting or detracting from the power conferred by paragraph 2 of Part 2 of Schedule 3:

(b) to raise money by way of mortgage, charge, or encumbrance on the Trust property or any part thereof for the purpose of providing funds for building purposes or otherwise for effecting permanent improvements to the lands comprised for the time being in the Trust property or for the purchase of additional land or for the purchase of plant or equipment. During the continuance of the trust set out in subsection (1) of section 7 the power to raise money hereby conferred on the Trust Board shall be exercised only with the consent of either of the 2 constituent bodies expressed by resolution of the executive thereof, and further shall be exercised only pursuant to a special resolution of the Trust Board:

(c) to raise money by borrowing without giving security for any of the purposes set out in the preceding paragraphs (a) and (b) or for the maintenance or upkeep of the Trust property or any part thereof.

(5) The powers to raise money conferred upon the Trust Board by the preceding subsection shall include power (for any of the purposes therein stated and sub-

ject to the restrictions thereby imposed) to raise money by means of the issue of a debenture or debentures with or without a trust deed and with or without security over the Trust property or any part thereof.

(6) Subject only to a restriction imposed upon it by this Act, the Trust Board shall have full power to hold real and personal property of whatever nature, to sue and be sued in its corporate name in all proceedings civil or criminal and in all Courts and before all tribunals or authorities, and to do and suffer all that corporate bodies may do and suffer.

10 Power to delegate

(1) Upon the happening of either of the events set out in paragraphs (a) and (b) of subsection (1) of section 7, the Trust Board shall have the right by special resolution to delegate to a committee any of the powers set out in Part 2 of Schedule 3.

(2) Such delegations shall be for such time or times and generally upon such conditions as the Trust Board shall determine.

(3) Such committee may consist of any 2 or more members of the Trust Board only, or may consist of any 2 or more members of the Trust Board together with such other persons not being members of the Trust Board as the Trust Board shall think fit.

11 Board of Control to be agent of Trust Board

The Board of Control, in the exercise of its powers, functions, and duties under this Act, shall act in all things as the agent of the Trust Board, and in like manner any committee set up under the powers conferred by section 10 hereof shall act as the agent of the Trust Board.

12 Liability of Board members

Every member of the Trust Board or of the Board of Control or of any committee 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 member, 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 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 of the trusts imposed by this Act, unless the same shall happen through his own neglect or default.

13 Receipt to be discharge

The receipt in writing of any secretary, treasurer, or agent of the Trust Board or Board of Control duly authorised in that behalf shall be a good and effectual discharge for all money paid to him on behalf of the Trust Board and shall exonerate the person or persons paying such money from seeing to the application thereof.

14 Inquiry not necessary

It shall not be necessary for any purchaser or any person to or with whom any sale, exchange, or lease shall be made, or other transaction entered into under the powers conferred by this Act, to inquire into the necessity thereof or the propriety thereof.

15 Amendment of Schedule 2

(1) Any of the provisions of Schedule 2 may from time to time be altered or added to by mutual agreement in writing between the Trust Board and the 2 constituent associations.

(2) Any alteration or addition so made to the provisions of Schedule 2 shall have the same force as if originally contained therein and be subject in like manner to alteration.

(3) An agreement under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 15(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

16 Bylaws

(1) The Trust Board may from time to time, by resolution, make bylaws for all or any of the following purposes, that is to say—

(a) for the safety and preservation of and to prevent injury to the buildings, fences, turf, and all other property vested in the Trust Board:

(b) for preventing disorderly or unseemly conduct or behaviour of persons, whether participants, players, or spectators, sideshow men, exhibitors, or patrons in or about the lands and buildings comprised in the Trust property:

(c) for preventing persons gaining or attempting to gain admission to any land, building, or enclosure comprised in the Trust property without payment of the proper charge payable for admission to such land, building, or enclosure:

(d) for the regular and efficient government and management of all buildings and land comprised in the Trust property and for providing for the comfort and convenience of players, participants, spectators, sideshow men, exhibitors, or patrons attending or making use of the said land and buildings.

(2) A bylaw under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable	LA19 s 115

This note is not part of the Act.

Section 16(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

17 Penalty

Every person who commits any breach of any bylaw under this Act is liable on conviction to a fine not exceeding 5 pounds and shall also be liable to pay damages in respect of any injury done by such person. All fines and damages may be recovered in accordance with Part 3 of the Summary Proceedings Act 1957, and when so recovered shall be paid without deduction to the Trust Board.

Section 17: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

18 Repeal

Amendment(s) incorporated in the Act(s).

19 Private Act

This Act is hereby declared to be a private Act.

Schedule 1

Part
Legal description of lands of Waikato Winter Show Association

All those pieces of land containing Firstly, 2 roods 14.76 perches, more or less, being part of Section 476 of the Town of Hamilton West and being also all of the land in certificate of title 1409/76, South Auckland Registry; and Secondly, 30.3 perches, more or less, being part of Section 477 of the Town of Hamilton West and being also all of the land in certificate of title 158/235, South Auckland Registry, subject to the easements created by transfer 50114; and Thirdly, 1 rood 36.9 perches, more or less, being part Allotment 477 of the Town of Hamilton West and being also all of the land in certificate of title 159/124, South Auckland Registry, subject to the easement created by transfer 50479; and Fourthly, 2 roods 8.7 perches, more or less, being Lots 7, 8, and 9, and part of Lots 1, 2, 3, and 6, on Deposited Plan 6973 and being part of Allotments 478 and 479 of the Town of Hamilton West and being also all of the land in certificate of title 329/237, South Auckland Registry, subject to the drainage easement and other rights created by transfer 144143; and Fifthly, 3 roods 10.52 perches, more or less, being part Lot 2 on Deposited Plan 29656 and all of Deposited Plan 27150 and being also all of the land in certificate of title 1754/11, South Auckland Registry, subject to the fencing agreement in transfer 250271; and Sixthly, 1 rood 4.36 perches, more or less, being part Lot 2 on Deposited Plan 29656 and being part Allotments 477 and 480 of the Town of Hamilton West and being also all of the land in certificate of title 1754/10, South Auckland Registry, subject to the fencing agreement in transfer 250271.

Part
Legal description of lands of Waikato Agricultural and Pastoral Association

All those pieces of land containing Firstly, sixty-three (63) acres eight decimal eight (8.8) perches being part Lot 2, DP 15061 and part Allotments 215, 216, 216A, 217, 218, and 222, Parish of Kirikiriroa and all the land in certificate of title, Volume 1208, folio 38, South Auckland Registry; Secondly, ten (10) acres three (3) roods thirty-five decimal two (35.2) perches being part Allotments 215, 216, and 216A, Parish of Kirikiriroa, DP 23241 and all the land in certificate of title, Volume 1208, folio 39, South Auckland Registry.

Schedule 2
Board of Control: Constitution and delegated powers

1 The Board of Control shall consist of 9 persons of whom the Trust Board shall nominate 3 and the 2 constituent associations 3 each. At the expiration of 3 years computed as from the date of the passing of this Act and annually thereafter 1 member from each of the 3 groups shall retire but shall be eligible for renomination. The order of retirement in each group shall be governed by length of service but in cases where this presents difficulty of application ballot shall be resorted to, it being the intention of this Act that each nominee shall hold office continuously for at least 3 years before being required to retire.

2 In the event of the Trust Board or either constituent association passing a resolution to the effect that any 1 or more of the persons nominated by any of them respectively no longer enjoy the confidence of the Trust Board or either constituent association, as the case may be, then the Board of Control, upon the receipt of a copy of such resolution and upon being satisfied that there are good and sufficient grounds for such resolution, may declare the seat or seats of the member or members affected to be vacant and such vacancies shall be deemed to be casual within the meaning of the next succeeding paragraph.

3 In the event of a casual vacancy arising by reason of the death, resignation, refusal to act, or retirement from any cause, of a member of the Board of Control then the body by whom such member was nominated shall fill the vacancy so created and may do so immediately or at any time thereafter.

4 The members of the Board of Control shall from time to time appoint a Chairman, who shall preside at all meetings. Except with the consent of all the nominees for the time being of the Trust Board, the Chairman shall be one of such nominees. In case of the absence of the Chairman from any meeting the members then present shall appoint a Chairman for that meeting, who shall be one of the nominees for the time being of the Trust Board, if any such nominee or nominees is or are present at such meeting.

5 The Board of Control shall meet for the dispatch of business as often as it shall deem necessary. It shall be the duty of the Chairman to convene a meeting upon receiving a requisition in writing from any 3 members.

If the Chairman is for any reason not available or fails forthwith upon receipt of such requisition to convene a meeting, then any 3 members may themselves convene a meeting. The Chairman shall also have the right to convene a meeting at any time.

6 Except in the case of what in the opinion of the Chairman is an emergency meeting, not less than 3 days' notice of any meeting shall be given. Notice of any meeting shall be given by post unless the Chairman is of opinion that it is

not reasonably practicable so to do. Any notice given by post shall be deemed to have been received by the member to whom it was addressed at the time when such notice would ordinarily be delivered in the ordinary course of post and shall be deemed sufficiently given if addressed to the member concerned at his address last known to the Chairman of the Board of Control. It shall not be necessary for any such notice to give particulars of the business intended to be transacted at the meeting.

7 At all meetings of the Board of Control 5 shall form a quorum, and the Chairman shall have a casting as well as a deliberative vote. Every matter shall be determined by a majority.

8 During the continuance of the trusts set out in subsection (1) of section 7, and save as otherwise expressly provided to the contrary by this Act, the custody, management, and control of the Trust property shall, as from the passing of the Act, be vested in the Board of Control.

9 Without limiting the rights and powers of the Board of Control, as custodians, managers, and controllers of the Trust property, it is hereby declared that the primary duty and function of the Board of Control is to use and administer the lands from time to time comprised in the Trust property and the grandstand, buildings, structures, fences, and appointments from time to time within, upon, or about the said lands (herein referred to as the **showgrounds**) to the best advantage of the 2 constituent associations and to maintain and care for the showgrounds for such purposes.

10 In the succeeding clauses of this schedule:

(a) the expression **current liabilities** means all liabilities of the Trust Board which from time to time have fallen due for payment but are unpaid, saving only any liability for the repayment of the principal moneys comprised in any loan of moneys:

(b) the expression **current assets** means all assets of the Trust Board for the time being.

11 The Board of Control shall punctually pay and discharge the current liabilities of the Trust Board, and except as may otherwise be specially arranged between the Trust Board and the Board of Control shall for that purpose use only the current assets of the Trust Board save and except that the Board of Control may have recourse to such borrowing as is authorised by paragraph 2 of Part 2 of Schedule 3 and to levying as provided in paragraph 15. The costs and disbursements incidental to the preparation and promotion of this Act shall be a liability of the Trust Board.

12 Except with the previous consent of the Trust Board, the Board of Control shall exercise reasonable care not to incur any liability the discharge of which will probably involve recourse to the sale of land comprised in the Trust property or

to the raising of money by the exercise of any borrowing powers (other than that conferred by paragraph 2 of Part 2 of Schedule 3), or to any general reserve constituted for the time being under paragraph 13.

13 If the Trust Board is at any time or times of the opinion, upon reasonable grounds, that any moneys or investments are not immediately required by the Board of Control for the payment of current liabilities, then the Trust Board may resolve that such moneys or investments be constituted a general reserve. It shall be the duty of the Board of Control to apply the moneys and investments comprised in the general reserve in or towards the payment of such liabilities of the Trust Board, whether current or otherwise, as the Trust Board may from time to time resolve, and it shall not be lawful for the Board of Control to expend any of such moneys otherwise than in pursuance of such a resolution. The Trust Board may at any time require the Board of Control to keep any moneys forming part of the general reserve in a separate bank account. The Trust Board may at any time resolve that any part of the general reserve shall cease to be part of the general reserve.

14 The Board of Control may at any time give an undertaking to the Trust Board to set aside and apply to any specific purpose any part of the revenues and/or levies received by it in carrying out its duty hereunder or any part of the current assets of the Trust Board, and it shall thereupon be the duty of the Board of Control to exercise reasonable care to carry out any such undertaking and any moneys so set aside shall not be applied to any other purpose except with the consent of the Trust Board.

15 During the annual Summer Show held by the Waikato Agricultural and Pastoral Association and the annual Winter Show held by the Waikato Winter Show Association the Board of Control shall delegate to the respective constituent association the exclusive use and management of the showgrounds, gates, and stands and the collection of the revenue therefrom and from the said show, whether by way of entrance fee paid by exhibitors, licence fees paid by sideshowmen, or otherwise, and the said constituent association shall during any such show in its absolute discretion admit or exclude from the showgrounds such persons upon such terms as it may think proper. The respective constituent associations may retain the proceeds from its said show and after payment of all accounts incurred therewith shall furnish to the Board of Control no later than 30 days after such show a profit and loss account showing the net profit (if any) arising therefrom and the said Board shall have power to levy the profits of the particular constituent association for the proper and efficient carrying out of the custody, control, and management of the showgrounds. In every case where such delegation of powers shall be made the constituent association acting thereunder shall be deemed to be the agent of the Trust Board and shall be accountable as such subject to the foregoing provisions of this paragraph.

16 The Books of Accounts required by this Act to be kept by the Board of Control for and on behalf of the Trust Board shall be open to inspection by the 2 constituent associations at all reasonable times. The financial year of the Trust Board shall commence on 1 May every year and close on 30 April of the following year, and the Board of Control shall on or before 15 June in each year supply each of them, the Trust Board, and the 2 constituent associations with 3 copies of the annual report, statement of financial position, and profit and loss account covering the year just ended.

Schedule 2 clause 16: amended, on 1 October 1997, pursuant to section 6(1) of the Financial Reporting Amendment Act 1997 (1997 No 17).

17 All questions, disputes, and differences whatsoever which may at any time or times hereafter arise between the Trust Board, the Board of Control, the Waikato Agricultural and Pastoral Association, and the Waikato Winter Show Association or any 2 or more of them, concerning the proper meaning and construction of any paragraph of this schedule, or any of them (with any variations, modifications, or additions made thereto from time to time) or concerning the rights or obligations of any of them under such paragraphs, or any of them, shall be referred to arbitration in accordance with the Arbitration Act 1908 or any amendment thereto or re-enactment thereof for the time being in force. Any reference to arbitration under this paragraph of this schedule shall be to a single arbitrator to be agreed to by all parties to the dispute or difference. In the event of the parties failing to agree upon the appointment of an arbitrator within 7 days after any party to the dispute or difference has called upon the other party or parties by notice in writing to agree upon the appointment of a person named in such notice then any party to the dispute or difference may apply to the President for the time being of the Hamilton District Law Society who may thereupon appoint an arbitrator who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

Schedule 3

Part 1
Constitution of the Trust Board

1 The Trust Board shall have a membership of not more than 9 or less than 5 persons (hereinafter referred to as **trustees**).

2 The first trustees shall be 9 trustees namely:

Clark, George Ivan, of Hamilton, stockbroker.

Devine, Thomas Aubrey, of Tamahere, farmer.

Fraser, Whampoa, OBE; JP; MA; BCom; ARANZ; FRES; of Hamilton, retired headmaster.

McCracken, Arthur Ernest, of Hamilton, company director.

Morris, James William, of Cambridge, farmer.

Rhodes, Stanley Arthur, JP; of Te Awamutu, farmer.

Salmond, Robert Carlyle, of Hamilton, retired bank manager.

Wallace, Harry Cornelius, JP; FRIH; of Tamahere, farmer.

Wallace, Thomas, BVSc; of Cambridge, veterinary surgeon.

3 If and whenever the number of trustees is less than 5, the Trust Board may appoint an additional trustee or trustees, but so that the number of trustees shall not exceed 9. Any appointment of trustees by the Trust Board shall be made by special resolution. No office bearer of any lessee or any lessee society, club, or association is to be eligible to hold office as a trustee. Before any appointment of a new trustee is made the Trust Board shall give the Council for the time being of the Waikato Agricultural and Pastoral Association and the Executive Committee for the time being of the Waikato Winter Show Association, a reasonable opportunity of expressing their respective views as to the proposed appointment, and the Trust Board shall take any views so expressed into consideration along with all other circumstances before making an appointment of a new trustee.

4 If at any time during the continuance of the trusts set out in subsection (1) of section 7 the number of trustees shall be less than 5 and the Trust Board shall fail for a period of 6 months after being requested so to do by either or both the Waikato Agricultural and Pastoral Association and Waikato Winter Show Association to bring the number up to 5, then the associations may jointly appoint a new trustee or new trustees, as the case may be, and in case the associations cannot agree upon any such appointment then either may apply to the President for the time being of the Hamilton District Law Society for the purpose of having such appointment made.

5 On an application made to the President for the time being of the Hamilton District Law Society under the preceding paragraph 4 he may require notice of

such application to be given to such person, bodies, or organisations as he thinks fit.

6 Notwithstanding that the number of trustees may fall below 9, the trustees for the time being, not being less in number than 5, may act for all purposes. If and whenever the number of trustees shall fall below 5, then the remaining trustees or trustee may act for the purpose of appointing additional trustees to bring the total number of trustees up to 5.

7 The office of trustee shall become and be vacant in each of the following cases in addition to death, that is to say, if the trustee—

(a) by notice in writing to the Trust Board resigns his office:

(b) refuses to act further:

(c) becomes of unsound mind or becomes a protected person under the Protection of Personal and Property Rights Act:

(d) becomes bankrupt or enters into a composition with or assignment for the benefit of his creditors:

(e) is absent without leave from 3 consecutive meetings of the Trust Board.

8 Upon the occurrence of a vacancy in the office of trustee the Trust Board shall at its next meeting cause a note thereof to be entered into the Minute Book. In like manner the Trust Board shall cause a note to be entered in the Minute Book of the entry into office of every new trustee.

9 All acts done by any meeting of the Trust Board or of a committee thereof 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 trustee or person acting as aforesaid, be as valid as if every such person had been duly appointed. In like manner all such acts aforesaid shall not be invalidated if it be afterwards discovered that any trustee had vacated his office under the provisions of paragraph 7 of this schedule.

10 Except where by this Act the Trust Board is required to act by means of a special resolution, every matter shall be determined by the majority of the trustees present and voting on the question. The Chairman shall have a casting vote, whether or not he shall have previously voted on the same question. There shall be a quorum when 5 trustees are present at any meeting, but this provision shall not be construed as limiting the provisions of paragraph 6 of this schedule whereby a lesser number of trustees may act for the purpose of filling up vacancies.

11 Where by this Act any matter is required to be dealt with by the Trust Board by special resolution, then the expression **special resolution** shall mean a resolution passed by a majority of not less than two-thirds of the members for the time being of the Trust Board at a meeting of the Trust Board of which not less

than 21 days' notice, specifying the intention to propose the resolution as a special resolution, has been duly given. Alternatively, a special resolution may be passed, without a meeting of the Trust Board or any previous notice being required, by means of an entry in the Minute Book signed by at least two-thirds of the members for the time being. Any such entry may be signed on behalf of a trustee by his agent duly authorised in writing. For the purpose of this paragraph a member who is for the time being out of New Zealand shall not be counted as a member for the time being of the Trust Board. A copy of every special resolution shall be posted to each trustee by the Secretary to the Trust Board within a reasonable time after the passing of such resolution.

12 The Trust Board shall hold a general meeting at least once in each year at such time and in such place in the City of Hamilton or within a convenient distance therefrom as the Trust Board shall appoint. Such meeting shall be called the annual general meeting.

13 The Chairman or any 2 trustees may at any time summon a special meeting for any cause that seems to him or them to be sufficient.

14 During the continuance of the trusts set out in subsection (1) of section 7 the Board of Control shall have the right on not more than 4 occasions in any 1 year to call upon the Chairman of the Trust Board or any 2 trustees to summon a special meeting of the Trust Board for the purpose of considering any specific matter or matters which the Board of Control may resolve should be considered by the Trust Board. Upon receipt of such a request conveyed to him or them by any authorised representative of the Board of Control, the Chairman or the 2 trustees, as the case may be, shall summon a special meeting of the Trust Board accordingly.

15 Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent through the post to each trustee by the Secretary or by some other person acting under the direction of the Trust Board, or, in the case of a special meeting, by or under the direction of the person or persons summoning the meeting, 3 clear days at least before the date of the meeting; so far, however, in the case of an adjourned meeting as the interval between the original and adjourned meeting will permit. 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 matters to be discussed thereat. In so far as it is intended at any meeting to propose any resolution as a special resolution, then the provisions of this paragraph shall be read subject to the provisions of paragraph 11 of this schedule.

16 If a quorum shall not have assembled within half an 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.

17 The Trustees shall from time to time appoint a Chairman, who shall preside at all meetings. In the case of the absence of the Chairman from that meeting the trustees then present shall elect a Chairman for that meeting.

18 Any resolution of the Trust Board may be rescinded or varied from time to time by the Trust Board at a special meeting, but a special resolution shall not be rescinded or varied except by a special resolution.

19 (1) A Minute Book shall be provided and kept by the Trust Board. Minutes of all proceedings of the Trust Board and any committee thereof shall be entered in the Minute Book.

(2) 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.

(3) Where minutes have been made in accordance with the provisions of this rule of the proceedings at any meeting of the Trust Board 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.

20 The Trust Board shall keep full and accurate accounts of all the receipts, disbursements, assets, liabilities, and engagements of the Trust Board and shall in every year cause the same to be audited by a public accountant. During the continuance of the trusts set forth in subsection (1) of section 7 the foregoing duty of the Trust Board shall by virtue of this Act be delegated to and carried out by the Board of Control; but the trustees and any of them shall at all reasonable times be entitled in person or by their authorised agent to access to the said accounts, and the audited accounts shall in every year be made available to the Trust Board at its annual general meeting for consideration and if thought fit for adoption by the Trust Board.

21 The trustees shall have and use a common seal for the affairs and business of the Trust Board, and may from time to time change, alter, or make new such seal as they may think fit. If and whenever the Board of Control acting within its powers and duties set out in Schedule 2 shall enter into any transaction requiring the use of the common seal, then such seal may be affixed to all necessary documents pursuant to a resolution of the Board of Control and in the presence of not less than 2 members of the Board of Control and the Secretary, and if joint Secretaries either Secretary. In all other cases the common seal shall not be affixed to any instrument except with the authority of a resolution of the Trust Board and in the presence of any 2 trustees and the Secretary and if joint Secretaries either Secretary.

22 Contracts on behalf of the Trust Board may be made, varied, or discharged as follows:

Any contract which, if made between private persons—

firstly, must be in writing under seal:

secondly, must be in writing signed by the parties thereto:

thirdly, may be made verbally without writing:

When made on behalf of the Trust Board—

in the first case shall be in writing under the common seal of the Trust Board attested by any 2 trustees and the Secretary and if joint Secretaries either Secretary or any 2 members of the Board of Control and the Secretary and if joint Secretaries either Secretary, as the case may be:

in the second case, shall be in writing signed by any person in the name and on behalf of the Trust Board acting under a resolution passed at a meeting of the Trust Board, or of the Board of Control, as the case may be:

in the third case, may be verbally without writing by any persons in the name and on behalf of the Trust Board acting under a resolution passed at a meeting of the Trust Board, or of the Board of Control, as the case may be.

23 The Trust Board shall appoint in the first instance the Secretary of each of the 2 constituent associations as joint Secretaries at such remuneration or remunerations as it from time to time thinks fit.

Schedule 3 Part 1 paragraph 7(c): amended, on 1 October 1988, pursuant to section 113 of the Protection of Personal and Property Rights Act 1988 (1988 No 4).

Part 2

Powers of the Trust Board delegated to the Board of Control during the continuance of the trusts set out in subsection (1) of section 7

1 To do all such things as may be reasonably necessary for the maintenance and upkeep of the Trust property.

2 To open and operate 1 or more banking accounts, with power to borrow on overdraft.

3 To purchase and from time to time to sell or exchange such plant and equipment as may be reasonably necessary in connection with the maintenance and upkeep of the Trust property or the management of the affairs of the Trust.

4 To employ all such persons as may be reasonably necessary for the proper and efficient carrying out of the custody, control, and management of the Trust property.

5 From time to time to close the whole or any part of the lands comprised in the Trust property for the purpose of permitting the proper maintenance thereof or in order to enable any improvement thereto to be effected.

6 To enter into any contract or arrangement not inconsistent with the provisions of this Act for the use of the lands comprised in the Trust property, or any part thereof, by any person, body, or organisation, and to make a charge for such use.

7 From time to time for the protection of the turf to declare that the whole or any part of the lands comprised in the Trust property is unfit for use as a showground, either for a stated time or until further notice, whereupon no person, body, or organisation shall be entitled to use the same as a showground while such declaration remains operative. This power may from time to time be subdelegated by the Board of Control to a committee comprising 1 or more of its own members together with such other person or persons (if any) as may be deemed expedient from time to time by the Board of Control. Any such subdelegation shall be revocable by the Board of Control at any time.

Part 3
Powers of the Trust Board which during the continuance of the trusts set forth in subsection (1) of section 7 shall be exercisable only by the Trust Board

1 To purchase, take on lease or under a tenancy, or otherwise acquire any additional land capable of being used in connection with the Trust property.

2 To accept gifts of any property to be held by the Trust Board upon the trust set forth in this Act.

3 To invest any trust moneys not immediately required, in any investment for the time being authorised by law as a trustee investment and to vary such investments or convert the same into money.

4 To sell, lease, or let on such terms and conditions as the Trust Board thinks fit any part of the lands which may from time to time be comprised in the Trust property.

5 To make any alterations or additions to any improvements from time to time on the lands comprised in the Trust property, to erect additional buildings, stands, or seating accommodation, covered or uncovered, and generally to effect such improvements to the Trust property as may from time to time be considered expedient by the Trust Board.

Notes

1 General

This is a consolidation of the Waikato Show Trust Act 1965 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

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

Criminal Procedure Act 2011 (2011 No 81): section 413

Financial Reporting Amendment Act 1997 (1997 No 17): section 6(1)

Protection of Personal and Property Rights Act 1988 (1988 No 4): section 113

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