

**Reprint  
as at 9 April 2008**



**Melanesian Trusts Act 1974**

Private Act 1974 No 4  
Date of assent 9 August 1974  
Commencement 9 August 1974

**Contents**

	Page
Title	1
Preamble	2
1 Short Title	3
2 Interpretation	3
3 Control of Trust Board	4
4 Trust property	4
4A Income tax exemption	4
5 Same trusts, etc, to apply	5
6 Private Act	5

---

**An Act to declare the trusts upon which the Melanesian Trust Board holds certain land and the income therefrom and to provide for the administration thereof**

---

**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.

**Preamble**

Whereas the Missionary Diocese of Melanesia has been associated since 1862 with the General Synod of the Church of the Province of New Zealand, commonly called the Church of England, pursuant to clause 18 of the constitution of the said Church, the validity of which association was confirmed by section 6(2) of the Church of England (Missionary Dioceses) Act 1955:

And whereas the association of the said Missionary Diocese of Melanesia with the said General Synod is about to be terminated pursuant to a resolution of the said General Synod at its biennial meeting in March 1974 passed in anticipation of the establishment of the Province of Melanesia and acting pursuant to the powers vested in it by section 4(d) of the Church of England (Missionary Dioceses) Act 1955 and by its Canons:

And whereas at a Diocesan Conference held at Honiara in the British Solomon Islands on 7 January 1973 the Bishops and representatives of the other clergy and laity of the said Missionary Diocese of Melanesia agreed to the setting up of the Province of Melanesia, and a constitution for the Province which provides for the establishment of a Provincial Synod for the management of the affairs of the said Province, such Province to come into being on 26 January 1975 or such other date as may be agreed between the Primate and Archbishop of New Zealand and the Bishop of Melanesia, not being a date earlier than the date of the passing of this Act:

And whereas certain real property and income arising therefrom in New Zealand is held by the Melanesian Mission Trust Board, a Board duly incorporated in New Zealand pursuant to the Charitable Trusts Act 1957, in trust for charitable and religious purposes in the Missionary Diocese of Melanesia on certain trusts set out in a deed of conveyance dated 19 April 1862 made pursuant to the Bishop of New Zealand Trusts Act 1858, which deed makes reference in divers places to the said Trusts being applicable for purposes in the South Seas:

And whereas doubts have from time to time arisen as to the meaning of the words “in the South Seas” as used in the said

deed of conveyance and in particular whether such expression includes any area or areas outside the boundaries of the said Missionary Diocese of Melanesia:

And whereas the said Melanesian Mission Trust Board is presently under the control of the General Synod of the Church of the Province of New Zealand and the members of the same are appointed by the said General Synod:

And whereas it is provided in the said constitution of the Province of Melanesia that the Council of Bishops shall appoint a New Zealand Advisory Council consisting of 4 or more New Zealand citizens resident in or within 50 miles of the City of Auckland:

And whereas pursuant to the pending establishment of the said Province of Melanesia it is necessary and desirable that the doubts relating to the words “in the South Seas” be resolved and that the said Melanesian Mission Trust Board should hold the said property and income in New Zealand henceforth for the Province of Melanesia, and that the members of the said Board be appointed by and be under the control and direction of the New Zealand Advisory Council.

## 1 Short Title

This Act may be cited as the Melanesian Trusts Act 1974.

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**area of the Province of Melanesia** means the British Solomon Islands Protectorate, the New Hebrides Condominium, and New Caledonia

**commencement date** means 26 January 1975 or such other date as may be agreed upon between the Primate and Archbishop of New Zealand and the Bishop of Melanesia for the coming into being of the Province of Melanesia, not being a date earlier than the passing of this Act

**New Zealand Advisory Council** means the 4 or more New Zealand citizens residing in or within 50 miles of the City of Auckland appointed by the Council of Bishops of the Province of Melanesia pursuant to the Constitution of the said Province

**Trust Board** means the Melanesian Mission Trust Board, a Board duly incorporated in New Zealand pursuant to the Charitable Trusts Act 1957.

### **3 Control of Trust Board**

On and after the commencement date the Trust Board shall be subject to the control and direction of, and its members shall be appointed by, the New Zealand Advisory Council to the same extent as the said Board and its members were, before that date, appointed by and subject to the control and direction of the General Synod of the Church of the Province of New Zealand.

### **4 Trust property**

On and after the commencement date, the Trust Board shall hold all the property and income of the Board in trust for the said Province of Melanesia, and the expression “in the South Seas” in the trusts applicable shall henceforth be taken to mean and be deemed always to have meant “in the area of the Province of Melanesia”.

### **4A Income tax exemption**

- (1) This section applies to amounts of income derived by the Trust Board, including income derived directly or indirectly from any business carried on by, or for, or for the benefit of the Trust Board, and to amounts derived as distributions of income that are made by the Trust Board in accordance with this Act.
- (2) Amounts of income derived by the Trust Board, and amounts derived as distributions of income made by the Trust Board, referred to in subsection (1) are, as the case may require,—
  - (a) exempt from tax under the Land and Income Tax Act 1954, the Income Tax Act 1976, and the Income Tax Act 1994;
  - (b) exempt income under the Income Tax Act 2004;
  - (c) exempt income under the Income Tax Act 2007.
- (3) This section applies from the commencement date.

Section 4A: inserted, on 9 April 2008, by section 5 of the Melanesian Trusts (Income Tax Exemption) Amendment Act 2008 (2008 No 2 (P)).

**5 Same trusts, etc, to apply**

- (1) In all other respects the Trust Board shall hold such real property and the income therefrom upon and subject to the same trusts, powers, contract, and equities *mutatis mutandis* as affected the same immediately before the commencement date.
- (2) Without limiting the generality of subsection (1), the provisions of the Church of England Trusts Act 1913 shall, so far as they are applicable, apply to the Trust Board and the trust property, and the provisions in the said Trusts that the assets to be held by the Board shall be real property in New Zealand and administered in New Zealand shall remain in full force and effect.

**6 Private Act**

This Act is hereby declared to be a private Act.

---

**Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
- 

**Notes****1 *General***

This is a reprint of the Melanesian Trusts Act 1974. The reprint incorporates all the amendments to the Act as at 9 April 2008, 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)*

Melanesian Trusts (Income Tax Exemption) Amendment Act 2008 (2008 No 2 (P))

---