Reprint
as at 30 January 2021

St Peter's School Trust Board Act 1985

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An Act to reconstitute the trusts upon which the assets of the St Peter's School Trust Board Incorporated are to be held, to redefine the powers of the board, and to prescribe the board's constitution

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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.

Preamble

Whereas on 7 March 1935 a private company, St Peter's Limited, was incorporated under the Companies Act 1933, the original shareholders being Arthur Francis Brooks Broadhurst and James Morris Beaufort who, by the articles of association, were appointed the governing directors of the company for their respective lives or until retirement:

And whereas the principal object of the company was to establish, maintain, and carry on at Cambridge in the Provincial District of Auckland in the Dominion of New Zealand or at such other place or places within the Dominion of New Zealand as may be selected a school or schools where scholars may obtain a sound intellectual, classical, mathematical, technical, manual, physical, and general education in the junior or senior departments of education, and also where provision shall be made for non-sectarian religious instruction for all scholars and special provision for religious instruction in a form in accordance with the teaching of the Church of England for all Church of England scholars and for others with their parents' consent, and where full facilities shall be granted for the scholars of other denominations to attend their respective places of worship:

And whereas the company established, acquired and carried on a school, known as St Peter's School, on land owned by the company:

And whereas the said 2 shareholders were joint headmasters of St Peter's School:

And whereas the said James Morris Beaufort retired and transferred his shares in the company to the said Arthur Francis Brooks Broadhurst:

And whereas by a deed dated 1 February 1939 made between the said Arthur Francis Brooks Broadhurst (therein called the **donor**) of the one part and the donor himself and 3 other persons (therein called the **trustees**) of the other part the donor transferred all except 4 of the shares to the trustees jointly and retained 1 share himself and transferred 1 share to each of the other 3 trustees, and also transferred to the trustees jointly a debenture securing a loan from the donor to the company and a further unsecured loan from the donor to the company:

And whereas the land upon which the school buildings and the playing fields are situated is still owned by the company:

And whereas the trustees were incorporated as a trust board under the provisions of the Religious, Charitable, and Educational Trusts Act 1908:

And whereas the said trust board has acquired farm lands and carries on the business of farming for the benefit of the school:

And whereas it is intended to wind up voluntarily the company and transfer its assets in specie to the trust board:

And whereas the number of members of the trust was limited to 4 and by virtue of new articles of association of the company passed in 1962 the number of directors that had previously been so limited thereinafter was changed to such number as from time to time the company in general meeting should determine:

And whereas it was recently discovered that by reason of the increase in the number of directors of the company the number of trustees had been inadvertently increased above the limited number, all except 1 of whom had been invalidly appointed:

And whereas by an order of the High Court of New Zealand at Hamilton made on 24 June 1983 3 persons were validly appointed as members of the trust board in addition to the previously validly appointed person:

And whereas because the trust board and the 4 members thereof are all the shareholders in the company they can lawfully carry out any of the objects contained in its memorandum of association, which objects are wider than the trusts conferred upon them by the said deed dated 1 February 1939:

And whereas it is expedient that the trust board should be empowered to carry out any of the objects that could lawfully be carried out by the company after it has been wound up:

And whereas to comply with modern needs it is expedient to increase the range of subjects that may be taught at the school:

And whereas it is necessary to enlarge the number of persons who may be members of the trust board:

And whereas it is in the best interest of the pupils of the school that the reconstructed trusts should be made lawful as soon as possible:

And whereas legislation is the only means whereby this can be effected efficiently and economically and without interference with the continued running of the school for the beneficial education of the pupils.

1 Short Title

This Act may be cited as the St Peter's School Trust Board Act 1985.

2 Interpretation

In this Act—

trust board means the St Peter's School Trust Board, a board duly incorporated under the Charitable Trusts Act 1957

trust deed means the deed dated 1 February 1939 made between Arthur Francis Brooks Broadhurst (therein called the **donor**) of the one part and the donor himself and 3 other persons (therein called the **trustees**) of the other part whereby the donor dealt with certain shares in St Peter's Limited and loaned certain money to the trustees

trustees means the persons who are for the time being members of the trust board.

3 Objects of trust

Notwithstanding anything in the trust deed, the trust board shall hold its assets for the following objects:

(a) to establish, maintain, and carry on at Cambridge in the Provincial District of Auckland or in or at such other place or places within New Zealand as may be selected a school or schools where pupils may obtain a sound intellectual, classical, mathematical, musical, technical, manual, physical, agricultural, horticultural, and general education in the junior and senior departments of education and also where provision shall be as follows:

(i) the ordinary curriculum shall include instruction in divinity for all students:

(ii) special provision shall be made for religious instruction in a form in accordance with the teaching of the Anglican Church for all Anglican Church pupils and for others with their parents' or guardians' consent:

(iii) all pupils shall attend regularly divine services in the school chapel or in some other Anglican church, unless expressly exempted by the principal on the written request of their parents or guardians:

(iv) wherever practicable, provision shall be made for pupils of other denominations and religions who have been exempted from attendance under subparagraph (iii) to attend regularly their respective places of worship:

(b) to provide for the delivery and holding of lectures, sermons, exhibitions, public meetings, classes, and conferences calculated directly or indirectly to advance the cause of education whether general, professional, ecclesiastical, or technical:

(c) to provide and maintain a permanent school chapel at St Peter's School, Cambridge, and to provide and maintain for any other school hereafter established, maintained, and carried on by the trust board a suitable place of worship, and to cause to be held in that chapel and in any such other place of worship services in accordance with the teachings from time to time and for the time being of the Anglican Church, at such times as the principal may direct with the concurrence of the board or as the board may direct after consultation with the principal:

(d) to provide for tuition without charge so far as funds of the trust board will permit for such pupils as the trustees shall nominate and approve:

(e) to establish, maintain, or support, or aid in establishing, maintaining, or supporting, school libraries, newspapers, and records:

(f) to establish, maintain, or support, or aid in establishing, maintaining, or supporting, scholarships in connection with any school established, maintained, and carried on by the trust board, and to offer and subscribe for rewards, prizes, medals, and other trophies for proficiency in schoolwork, music, sports, and other activities:

(g) to accept and receive conveyances, transfers, gifts, devises, and bequests of real and personal property of every description, and to hold the same and the proceeds of sale thereof upon any special trusts declared in respect thereof by the instrument creating the special trusts, to apply such property and any income arising therefrom in accordance with such special trusts, and, subject thereto, otherwise to hold the same for the objects specified in this section:

(h) to train student teachers in the theory and practice of education:

(i) to do all such other things as in the opinion of the trustees may be incidental or conducive to the attainment of any of the foregoing objects or to the development of education generally:

(j) to carry on any business or business activity for the purpose of providing funds to enable the furtherance of any of the objects specified in the foregoing provisions of this clause.

Section 3(a)(iii): amended, on 22 May 1997, by section 2 of the St Peter's School Trust Board Amendment Act 1997 (1997 No 1 (P)).

Section 3(c): amended, on 22 May 1997, by section 2 of the St Peter's School Trust Board Amendment Act 1997 (1997 No 1 (P)).

4 Powers of trust board

For the purpose of attaining the objects specified in section 3, or any of them, the trust board may do all or any of the following:

(a) to develop and turn into account any land owned, leased, acquired, or taken over by the trust board or in which it is interested, and, in particular, by laying out and preparing the same for building purposes, constructing, altering, pulling down, decorating, maintaining, fitting up, and improving and by planting, paving, draining, laying on water supplies, generating electricity, farming, cultivating, and letting on building lease or building agreement or by advancing money to and entering into contracts and arrangements of all kinds with builders or others, and to erect, construct, maintain, repair, and alter any buildings or machinery, aerodromes or works, electrical, mechanical or otherwise:

(b) to carry on any other profession, business, or trade (whether manufacturing or otherwise) that may seem to the trust board capable of being conveniently carried on in connection with the activities of the trust board or calculated directly or indirectly to enhance the value or render profitable any of the trust board's property or rights:

(c) to acquire and undertake the whole or any part of the business property and liability of any person or company carrying on any profession or business that the trust board is authorised to carry on or possessed of property suitable for the activities of the trust board:

(d) to enter into partnership or into any arrangement for sharing profits, union of interest, co-operation, joint adventure, reciprocal concession, or

otherwise carry on or engage in any business or transaction capable of being conducted so as directly or indirectly to benefit the trust board; and to lend money to any such person or company and to take or otherwise acquire shares and securities of any such company and to sell, hold, re-issue (with or without guarantee), or otherwise deal with the same:

(e) to enter into any arrangements with any governments or authorities, whether supreme, municipal, local, or otherwise, that may seem conducive to the trust board's objects or any of them and to obtain from any such government or authority any rights, privileges, or concessions that the trust board may think it desirable to obtain, and to carry out, exercise, and comply with any such arrangements, rights, privileges, and concessions:

(f) to support and subscribe to or establish, or aid in the establishment and support of, associations, institutions, provident, superannuation, and benefit funds, trusts, societies, or clubs that may be for the benefit of the trust board or of employees or ex-employees of the trust board or of the pupils or ex-pupils of any school conducted by the trust board or that may be connected with any town or place where the trust board carries on business; and to give pensions, gratuities, or financial aids to any person or persons who has or have served the trust board or the relatives or dependents of such persons:

provided that no money shall be expended pursuant to this paragraph for any purpose that is not a charitable purpose:

(g) to promote any company or companies for the purpose of acquiring all or any of the property, rights, and liabilities of the trust board or for any other purpose that may seem directly or indirectly calculated to benefit the trust board:

(h) generally to purchase, take on lease or in exchange, hire, or otherwise acquire any real or personal property and any rights or privileges that the trust board may think necessary or convenient for the purposes of its activities, and, in particular, any land, buildings, easements, machinery, plant, books, and school equipment, designs, badges, mottoes, and colours:

(i) to invest any moneys belonging to the trust board in such investments or securities that the trust board may in its absolute discretion think fit, notwithstanding such investment may not be authorised as an investment for trust funds, and from time to time to vary or change such investments:

(j) at any time to sell or otherwise dispose of any lands and buildings and other property of the trust board; and all money arising from any such sale or other disposition shall be deemed to be part of the trust board's property and subject accordingly:

(k) to open and maintain a banking account or banking accounts at such bank or banks as the trust board shall from time to time decide and at any time to pay or cause to be paid any money held by the trust board to the credit of such account or accounts, or place or cause to be placed the same on deposit with any banker or bankers:

(l) to remunerate any person, firm, or company for services rendered to the trust board or to pay for any properties, rights, privileges, concessions, or any other things or interests acquired by the trust board by cash payment or as otherwise thought fit by the trust board:

(m) to lend money to any person or company, and to guarantee the performance of any contracts:

(n) to appoint attorneys or delegates in any part of the world with all or any of the powers of the trust board, including powers of substituting or subdelegation, with power from time to time to alter or revoke or vary the terms of any power of attorney or delegation:

(o) to draw, make, endorse, negotiate, discount, and issue promissory notes, bills of exchange, warrants, debentures, and other negotiable or transferable instruments:

(p) to borrow or raise or secure the payment of money in such manner and on such terms as the trust board shall think fit, to mortgage and to issue any debenture or debentures charged upon the present or future trust property, and to receive money on deposit at interest:

(q) to adopt such means of making known the objects and activities of the trust board as may seem expedient, and, in particular, by advertisement in the media, by publication of books and periodicals, and by granting prizes, rewards, and donations:

(r) to negotiate and enter into an integration agreement pursuant to the Private Schools Conditional Integration Act 1975, and to undertake and accept all the functions, duties, and responsibilities of a proprietor under that Act:

(s) to apply for, promote, and obtain any order, Act of Parliament, leave, licence, or other authority to enable the trust board to carry out any or all of the objects specified in section 3, and for the purposes of obtaining any additional powers or for any other purpose that may appear to the trust board expedient in the furtherance of any of those objects, and to oppose any Bills, proceedings, or applications that may seem to the trust board likely to prejudice those objects directly or indirectly.

5 Constitution of trust board

The constitution of the trust board shall be that set out in the Schedule subject to any alterations or additions lawfully made by the trust board pursuant to and in accordance with clause 18 of that constitution.

6 Application of Charitable Trusts Act 1957

Nothing in this Act shall limit or affect the application of Parts 3 and 4 of the Charitable Trusts Act 1957 in relation to the objects and powers of the trust board set out in sections 3 and 4 or its constitution set out in the Schedule; and the provisions of those parts of that Act shall apply, with the necessary modifications, as if the objects and powers of the trust board and its constitution were set out in a deed and not in this Act.

7 Validation of past acts and deeds

Any acts or things done in good faith by the trust board or by the directors of St Peter's Limited before the passing of this Act that were *ultra vires* the powers of the trust board or of the directors of the company, or done by any person acting in the honest belief that he or she had been validly appointed as a member of the trust board or as a director of the company, are hereby declared to be and to have always been valid.

8 Private Act

This Act is hereby declared to be a private Act.

Schedule
Constitution of the St Peter's School Trust Board

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1 Name of the trust board

The board shall be known as the St Peter's School Trust Board, or by such other name as the board may from time to time be registered with the Registrar of Charitable Trusts.

2 Interpretation

In this constitution, unless the context otherwise requires,—

annual general meeting means an annual general meeting of the board pursuant to clause 7(5) of this constitution

board means the St Peter's School Trust Board

chairman means the chairman of the board appointed pursuant to clause 6 of this constitution

principal means the principal of the school from time to time appointed pursuant to clause 10 of this constitution

school means St Peter's School, Cambridge, or such other school or educational institution as may be carried on by the board in furtherance of its objects

secretary means the secretary of the board appointed pursuant to clause 8(i) of this constitution

special general meeting means any general meeting of trustees other than an annual general meeting

trustees means the persons holding office as members of the board on the passing of the St Peter's School Trust Board Act 1985; and includes every person who thereafter from time to time and for the time being holds such office

trust property means the property more particularly described in the appendix to this constitution, and all other property that for the time being is held by the board for or in connection with its objects.

Schedule clause 2 **headmaster**: repealed, on 22 May 1997, by section 3(1) of the St Peter's School Trust Board Amendment Act 1997 (1997 No 1 (P)).

Schedule clause 2 **principal**: inserted, on 22 May 1997, by section 3(1) of the St Peter's School Trust Board Amendment Act 1997 (1997 No 1 (P)).

3 Membership of board

(1) The board shall consist of not less than 7 nor more than 15 trustees.

(2) If at any time the number of trustees falls below 7, a majority of two-thirds of the remaining trustees shall have power to appoint additional trustees in accordance with clause 5 of this constitution.

4 Appointment and retirement of trustees

(1) Persons who are to be appointed trustees, except those persons who are to be appointed pursuant to subclauses (6) and (7), shall be recommended by the executive committee, nominated in writing by 1 trustee and seconded by 2 other trustees, and appointed at an annual general meeting by resolution of a majority of trustees present at the meeting and voting upon such nomination. The written nomination shall be given to the secretary at least 14 days before the annual general meeting.

(2) Except as provided in subclauses (6) and (7), each trustee shall retire at the beginning of the annual general meeting held on the anniversary of the third year following the trustee's appointment:

provided that, as from the annual general meeting held in 1986 and at the annual general meeting in each of the 2 subsequent years, one-third, or the nearest whole number to one-third, of the trustees holding office as at the annual general meeting in 1986 shall retire from office. Unless otherwise agreed among themselves, those to retire shall be determined by lot.

(3) A trustee is taken to have vacated the trustee's appointment if the trustee dies or an event or a circumstance specified in section 103(1) or (3)(b) of the Trusts Act 2019 occurs or arises:

provided that:

(a) a trustee may be granted leave of absence by the board for any period; and

(b) a trustee may at any time resign by notice of resignation in writing given to the secretary.

(4) Subject to subclause (10), a retiring trustee shall be eligible for reappointment.

(5) No person, other than a trustee who is retiring at an annual general meeting, shall, unless recommended in accordance with subclause (1), or appointed in accordance with subclause (6) or subclause (7), be eligible for appointment as a trustee.

(6) One trustee shall be a former student of the school appointed on the nomination of the St Peter's Old Boys' Association (Inc) or such other body recognised by the board as representing old boys of St Peter's School. A person appointed a trustee pursuant to this subclause shall be appointed for a term of 1 year, but may be reappointed annually for a maximum continuous term of 12 years.

(7) One trustee shall be a parent or guardian of a pupil at the school who shall be appointed for 1 year only but may be reappointed annually for a maximum continuous term of 12 years so long as he or she shall have a pupil at the school, and such parent or guardian shall be appointed on the nomination of the St Peter's School Association Incorporated or such other body recognised by the board as representing parents or guardians of pupils of the school.

(8) Where possible, there shall be regional representation so that, so long as the board administers a school at Cambridge, at least 3 trustees shall be appointed who shall respectively reside in the Waikato area, the Auckland area, and the Bay of Plenty area.

(9) A trustee may be removed from office before the expiration of the trustee's term at an annual general meeting, or a special general meeting called for the purpose, if not less than three-quarters of the trustees then in office attend the meeting and vote in favour of the removal. At least 7 days' written notice of the meeting, and of the purpose of the meeting, shall be given to all trustees. The trustee whose removal is sought shall be given not less than 7 days' written notice of the grounds upon which removal is sought and, if he or she attends the meeting, he or she shall be given an opportunity to be heard.

(10) Except as provided in subclauses (6) and (7) and subject to clause 6 of this constitution, a trustee shall hold office for a maximum term of 12 years from the trustee's initial appointment, and shall then retire and shall not be eligible for reappointment until the expiration of a further period of not less than 3 years.

(11) Notwithstanding anything to the contrary in the preceding provisions of this clause, a trustee shall retire at the annual general meeting next following the date on which the trustee attains the age of 70 years.

Schedule clause 4(3): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

5 Additional trustees

(1) A two-thirds majority of trustees at any meeting of trustees shall have the power at any time and from time to time to appoint any person to be a trustee, either to fill a casual vacancy or as an addition to the existing trustees so that the total number of trustees shall not at any time exceed the number fixed in accordance with this constitution.

(2) Any trustee appointed pursuant to this clause shall hold office only until the next annual general meeting following the trustee's appointment and shall then be eligible for election as a trustee.

(3) Where any such trustee is appointed to fill a casual vacancy, the duration of that appointment shall not be counted as part of that person's term of office as a trustee.

(4) Upon the coming into force of the St Peter's School Trust Board Act 1985, trustees then in office shall appoint 3 or more persons to be trustees in accordance with the provisions of this clause.

6 Chairman of board

(1) The trustees at an annual general meeting shall elect 1 of their members to be the chairman of the board. The person so elected shall hold office as chairman until the next annual general meeting, and, subject to subclause (3), shall then be eligible for reappointment.

(2) The person so appointed shall be chairman of all meetings of the board at which he or she is present. If at any meeting the chairman is not present within 30 minutes of the time appointed for holding the meeting, the trustees present shall then choose 1 of their number to be the chairman of that meeting.

(3) Notwithstanding the provisions of clause 4(10) of this constitution, every trustee who is elected to be the chairman of the board shall be eligible for further terms of appointment as a trustee for a maximum continuous period of 15 years, but shall not hold office as chairman for a continuous period of more than 6 years.

(4) In between meetings of the board, the chairman shall have the following powers and duties:

(a) in consultation with the principal, where circumstances necessitate immediate action, to dismiss employees and to engage employees upon terms and conditions previously approved by the board:

(b) to call special general meetings of the board on not less than 7 days' notice:

(c) to carry out any functions or duties that may have been delegated to the chairman by the board.

Schedule clause 6(4)(a): amended, on 22 May 1997, by section 3(2) of the St Peter's School Trust Board Amendment Act 1997 (1997 No 1 (P)).

7 Proceedings of board

(1) The board may meet for the despatch of business, adjourn or otherwise regulate its meetings and proceedings, and vary the regulation and procedure thereof as it may think fit.

(2) Upon the written request of 3 trustees, the secretary shall summon a special general meeting of the board upon not less than 7 days' notice of the date and the subject matter of that meeting given to trustees. At such special general meeting the only subject matter that may be dealt with shall be that matter or matters contained in the notice of meeting.

(3) Questions arising at any meeting of the board shall be determined by a majority of votes, and, in case of an equality of votes, the chairman of the meeting shall have a casting vote.

(4) A resolution in writing signed by all the trustees shall be as valid and effectual as if it had been passed at a meeting of the board duly called and constituted.

(5) There shall be annual general meetings of the board, which shall be held in each case within the period of 6 months after the end of the board's financial year, and of which at least 14 days' notice shall be given to every trustee.

(6) No business shall be transacted at any annual general meeting or special general meeting unless a quorum of trustees is present at the time when the meeting proceeds to business. Except as otherwise provided in this constitution

not less than one-half of the duly appointed trustees personally present shall constitute a quorum.

(7) If within half an hour from the time appointed for a meeting a quorum is not present, a special meeting convened upon the requisition of 3 trustees pursuant to subclause (2) shall be dissolved. Any other meeting shall stand adjourned to the same day in the next week at the same time and place, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the trustees present shall constitute a quorum.

(8) Subject to clause 18 of this constitution, a meeting of the board at which a quorum is present shall be competent to exercise all or any of the authorities, powers, and discretions by or under this constitution for the time being vested in or exercisable by the board or the trustees generally.

(9) The meetings and proceedings of any committee of the board consisting of 2 or more members shall be governed by the provisions herein contained for regulating the meetings and proceedings of the board so far as the same are applicable thereto.

(10) All acts done in good faith at any meeting of the board or by a committee of the board or by any person acting as a trustee shall, notwithstanding that it shall afterwards be discovered that there was some defect in the appointment of such trustee or person or that any trustee or other person was disqualified, be as valid as if every such trustee or other person had been duly appointed and was qualified to be a trustee.

(11) The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than business on the agenda of the meeting at which the adjournment took place. When the meeting is adjourned for 10 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. It shall not be necessary in any other case to give any notice of adjournment or of the business to be transacted at an adjourned meeting.

(12) The board shall meet at least once in every 6 months at such time and place as it shall determine to consider the ordinary business of the board.

(13) A vote by a trustee may be given either personally or by proxy and the instrument appointing a proxy shall be in writing under the hand of the appointor. No person shall be appointed a proxy who is not a trustee.

(14) The instrument appointing a proxy shall be deposited at the secretary's office not less than 24 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote and, in default, the instrument of proxy shall not be treated as valid.

(15) An instrument appointing a proxy may be in the following form or any other form that the board shall approve:

"*St Peter's School Trust Board*

I, [*name*], of [*address*], being a trustee of St Peter's School Trust Board, hereby appoint [*name*], of [*address*], or failing him, [*name*], of [*address*], or failing him, [*name*], of [*address*], as my proxy to vote for me and on my behalf at the meeting of the board to be held on [*date*], and at any adjournment thereof.

Signed:

Date:"

8 Powers of the board

In furtherance and not in limitation of and without prejudice to the objects of the board and the general powers conferred or implied by or in sections 3 and 4 of the St Peter's School Trust Board Act 1985, and of the other powers conferred by this constitution, the board shall be entrusted with and may exercise and perform the following powers:

(a) to institute, conduct, defend, compound, or abandon any legal proceedings by or against the board or its officers, or otherwise concerning the affairs of the board, and also may compound and allow time for payment or satisfaction of any debts due and claims and demands by or against the board:

(b) to refer any claims or demands by or against the board to arbitration and observe and perform the awards:

(c) to make and give receipts, releases, and other discharges for money payable to the board and for the claims and demands of the board:

(d) from time to time to provide for the management of the affairs of the trusts abroad in such manner as the board thinks fit and in particular appoint any persons to be the attorneys or agents of the board with such powers (including powers to subdelegate) and upon such terms as may be thought fit, and to alter, vary, or revoke from time to time any such appointment and any such powers:

(e) out of the available cash or capital of the trust property, to set aside such sum or sums as the board may think fit as a reserve fund, to invest the several sums so set aside upon such investments as the board may think fit, and from time to time to deal with and vary such investments and dispose of all or any part thereof for the benefit of the trust property or the advancement of the trusts hereof; but the board shall have power to employ the assets constituting the reserve fund for the purposes of the trusts hereof and that without being bound to keep the same separate from the other assets:

(f) from time to time and without negativing any implied power to borrow at the board's discretion, to borrow for the purposes of the trusts hereof from any persons, firms, or corporations any sum or sums of money on the security of all or any of the trust property (real or personal) assets

and effects both present and future either under legal mortgages or charges with powers of sale and other usual powers, issue of bonds, obligations, or any other security of the trust property, and any such bonds, obligations, or securities may be issued on the terms that the amount to be secured may be paid up by instalments and that such charges be paid off by periodical and other drawings and generally on such other terms and conditions as to rate of interest or otherwise as the board thinks fit; and the board may also borrow money from bankers on overdraft or otherwise with or without security:

(g) to exercise the powers of authorised trust boards set out in Schedule 2 of the Anglican Church Trusts Act 1981:

(h) from time to time to make, vary and repeal any rules and regulations for governing the officers or servants of the board or any section or group or committee thereof:

(i) to appoint a secretary (or a temporary substitute for the secretary) who may be the bursar of the school.

9 Committees

(1) At each annual general meeting of the board a majority of trustees may appoint such of their number as they think fit to be members of the following committees:

(a) the Executive Committee:

(b) the Finance Committee:

(c) the Farm Committee:

(d) the Building and Maintenance Committee:

(e) such other committees as the meeting shall determine.

(2) Further committees of the board may be appointed between annual general meetings at a special general meeting of the board by a majority of the trustees present at that meeting, and shall be subject to review at the next succeeding annual general meeting.

(3) Each such committee shall have the powers and duties delegated to it by an annual general meeting or special general meeting of the board.

(4) The Executive Committee shall consist of not less than one-third of the number of trustees. All other committees shall consist of such number as shall be determined at the annual general meeting or special general meeting making the appointments.

(5) Each committee shall have power to co-opt such person or persons, not exceeding 3 or such greater number as the annual general meeting or special general meeting shall decide:

provided that:

(a) in relation to each committee, the number of such co-opted members shall not exceed the number of trustees who are members of such committee; and

(b) such co-opting is subject to the approval of the board at its next meeting.

(6) The annual general meeting or special general meeting of the board appointing members to any committee of the board shall appoint a chairman of the committee, in default of which the members of such committee shall at their first meeting appoint their own chairman who shall be a trustee. The chairman of such committee, if present, shall in the event of an equality of votes have a casting vote.

(7) The chairman of the board shall be an ex officio member of the Executive Committee, and all other committees appointed pursuant to this clause.

(8) Each committee shall present to each special general meeting of the board a report on its activities for endorsement and ratification where necessary, and to each annual general meeting a report of its activities during the preceding year, for endorsement and ratification where necessary.

10 Appointment of principal

(1) The board must from time to time appoint a principal of the school on such terms and conditions as the board determines.

(2) The person appointed as principal of the school must be a member of the Anglican Church or of a Protestant denomination.

(3) The board may, however, appoint as principal of the school a person who is not a member of the Anglican Church or of a Protestant denomination if, in the opinion of the board, that person is the most suitable person for appointment and the board is satisfied that the Anglican character of the school will be maintained.

Schedule clause 10: substituted, on 22 May 1997, by section 4(1) of the St Peter's School Trust Board Amendment Act 1997 (1997 No 1 (P)).

11 Chaplain

There shall from time to time be appointed by the board a minister of the Anglican Church to be chaplain of the school on such terms and conditions as shall be determined by the board.

12 Accounts

(1) The board shall cause true accounts to be kept of the sums of money received and expended by it and the matters in respect of which such receipts and expenditure take place and of the assets, credits and liabilities of the trust property.

(2) The books of account shall be kept at the school office, or at such other place or places as the board shall think fit.

(3) The board shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the trusts hereof or any of them shall be open to the inspection of any trustees.

(4) At each annual general meeting there shall be laid before the meeting a statement of the income and expenditure of the board, and a balance sheet containing a summary of the trust property and liabilities thereof made up to the end of the previous financial year.

(5) A printed copy of such statement of account, report, and balance sheet shall, 7 days before the meeting, be delivered to each trustee.

13 Audit

(1) There shall be 1 or more auditors of the accounts of the board, who shall be qualified accountants and shall be elected annually by the board at the annual general meeting.

(2) The auditor or auditors shall, not later than 14 days before each annual general meeting, audit and report upon all the accounts and books of the trust property, and shall at any other time, if and when required by the board, audit and report upon any of such accounts and books.

(3) All the accounts and books of the trust property shall be open to the inspection of the auditor.

14 Visitor

(1) The Anglican Archbishop of New Zealand from time to time and for the time being shall be the visitor of the board, and as such shall have all the functions and powers usually possessed by a visitor.

(2) The said Archbishop may from time to time appoint some person to act on his behalf for the purpose only of making inquiries and recommendations to him as the visitor on any question that may arise for determination.

15 Failure of trusts

If at any time the objects of the board shall fail or if for any other reason the purposes hereof shall become wholly frustrated and incapable of being carried out, the trust property shall be applied for such educational charitable purposes in New Zealand and in such manner in all respects as not less than three-fourths of the trustees shall determine or as the High Court shall direct.

16 Notices

(1) Any notice or document required by this constitution to be sent or delivered to a trustee shall be deemed to have been validly sent or delivered if posted to the address last given by such trustee to the secretary, and shall be deemed to have been received at the time when the letter would in the ordinary course of post be delivered.

(2) The accidental omission to give or non-receipt of any notice of any meeting of the trustees shall not invalidate any resolution passed at the meeting to which such notice related.

17 Common seal

The board shall have a common seal in a form which shall from time to time be adopted by the board, and the mode of attesting the common seal shall be in accordance with the provisions of the Charitable Trusts Act 1957.

18 Alteration of constitution

(1) Subject to subclause (2), the board may at any time and from time to time by supplementary deed make any deletion, alteration, or addition from or to the provisions of this constitution, other than clauses 4(9), 10 to 15, and this clause.

(2) No such deletion, alteration, or addition shall be made otherwise than by resolution moved at a general meeting of the board and approved by at least three-quarters of the trustees then in office and attending the meeting. At least 7 days' written notice of the meeting, and of the purpose of the meeting, shall be given to all trustees.

Appendix

Part 1

All that freehold property registered in the name of the St Peter's School Trust Board situated at Main Highway Cambridge being all the land on Certificates of Title numbered:

705/225	29/176
705/223	31/73
665/71	469/50
16A/1355	2A/714

all South Auckland Registry together with all property both real and personal whatsoever and wheresoever situated now or hereafter vested in the board.

Part 2

All that freehold property registered in the name of St Peter's School Limited comprising 8.1984 hectares consisting of the land upon which the school buildings are erected and the playing fields being all the land on Certificates of Title numbered 16A/1357, 16A/1356 all South Auckland Registry together with all property both real and personal whatsoever and wheresoever situated vested in or owned by St Peter's School Limited.

St Peter's School Trust Board Amendment Act 1997

Private Act	1997 No 1
Date of assent	22 May 1997
Commencement	22 May 1997

1 Short Title

This Act may be cited as the St Peter's School Trust Board Amendment Act 1997, and is part of the St Peter's School Trust Board Act 1985 ("the principal Act").

4 Appointment of principal

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

(2) Stephen Frederick Patrick Robb is to be treated as having been validly appointed by the trust board as principal of the school with effect on and from 24 January 1996 and as if this Act had been in force at the time the appointment was made.

Reprints notes

1 General

This is a reprint of the St Peter's School Trust Board Act 1985 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

Trusts Act 2019 (2019 No 38): section 161

St Peter's School Trust Board Amendment Act 1997 (1997 No 1 (P))

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