

Auckland Grammar School Act 1899

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An Act to consolidate and amend the Laws affecting the Auckland College and Grammar School.

Preamble

[Repealed]

The Preamble was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

The Short Title of this Act is The Auckland Grammar School Act 1899.

2 Interpretation

In this Act **Board** means the existing Board of Governors of the Auckland College and Grammar School, and its successors in office as constituted by this Act.

3 Board incorporated

The Board is hereby constituted a body corporate by the name of the Auckland Grammar Schools Board, by which name it shall have a perpetual succession and a common seal, and may hold lands, and may sue and be sued, and may do and suffer all such things as are incident to the nature of corporate bodies; and all real and personal property now vested in the Board shall continue to be so vested.

Section 3 was amended, as from 20 October 1955, by section 2(1) Auckland Grammar School Amendment Act 1955 (1955 No 46), by substituting the words “Auckland Grammar Schools Board” for the words “Auckland Grammar School Board”.

4 Constitution of Board

Notwithstanding anything to the contrary in section eighteen of the Education Amendment Act 1948, the Board shall consist of—

- (a) The Mayor for the time being of the City of Auckland:
- (b) One member appointed by the Governor-General:
- (c) One member appointed by the Auckland Education Board:
- (d) One member appointed by the Professorial Board of the University of Auckland:
- (e) Two members selected by the parents of the pupils of each of the schools under the control of the Board
- (f) One member appointed by the Board itself.

Section 4 was substituted, as from 1 August 1956, by section 3(1) Auckland Grammar School Amendment Act 1955 (1955 No 46).

The reference to the “University of Auckland” was substituted for the reference to “Auckland University College”, as from 16 October 1957, by section 4(2) University of Auckland Amendment Act 1957 (1957 No 25).

Paragraph (e) was amended, as from 19 October 1966, by section 2(1) Auckland Grammar School Amendment Act 1966 (1966 No 53), by omitting the words “in the manner for the time being prescribed by the scheme for the control of the schools approved by the Minister under section ninety-two of the Education Act 1914.”

5 Appointment and election of members

[Repealed]

Section 5 was substituted, as from 20 October 1955, by section 4 Auckland Grammar School Amendment Act 1955 (1955 No 46).

The reference to the “University of Auckland” was substituted for the reference to “Auckland University College”, as from 16 October 1957, by section 4(2) University of Auckland Amendment Act 1957 (1957 No 25).

Section 5 was repealed, as from 19 October 1966, by section 2(2) Auckland Grammar School Amendment Act 1966 (1966 No 53).

6 Member of Board to vacate office in certain cases

[Repealed]

Section 6 was repealed, as from 19 October 1966, by section 2(2) Auckland Grammar School Amendment Act 1966 (1966 No 53).

6A Casual vacancies

[Repealed]

Section 6A was inserted, as from 20 October 1955, by section 5 Auckland Grammar School Amendment Act 1955 (1955 No 46).

Section 6A was repealed, as from 19 October 1966, by section 2(2) Auckland Grammar School Amendment Act 1966 (1966 No 53).

7 Provision for affording facilities to members of the Legislature to vote

[Repealed]

Section 7 was repealed, as from 1 August 1956, by section 6(1) Auckland Grammar School Amendment Act 1955 (1955 No 46).

8 Board of Governors may regulate proceedings

[Repealed]

Section 8 was repealed, as from 19 October 1966, by section 2(2) Auckland Grammar School Amendment Act 1966 (1966 No 53).

9 Proper minutes of all meetings to be kept

[Repealed]

Section 9 was repealed, as from 19 October 1966, by section 2(2) Auckland Grammar School Amendment Act 1966 (1966 No 53).

10 Accounts to be kept and annually audited

[Repealed]

Section 10 was repealed, as from 19 October 1966, by section 2(2) Auckland Grammar School Amendment Act 1966 (1966 No 53).

11 Board to act only upon resolutions passed at meetings

[Repealed]

Section 11 was repealed, as from 19 October 1966, by section 2(2) Auckland Grammar School Amendment Act 1966 (1966 No 53).

12 Powers of Board as to real estate of schools

The Board shall have all and singular the powers of selling, exchanging, and leasing the hereditaments and premises vested in them; or any part thereof, as are hereinafter particularly described.

13 Lands and leases to be sold at auction or by tender

Every lease and sale of lands under this Act shall be disposed of at public auction or by public tender, and at least one month's notice of such intended sale shall be publicly notified by advertisement in one or more newspapers circulating in the land district, and also in the capital town of the provincial district wherein the particular lands are situate. All rents and profits derived from any such sale shall from time to time be paid into the proper fund, and be appropriated thereout for the purposes to which the annual income or proceeds of the real estate which may be vested in the Board shall for the time being be properly applicable.

14 Board may lease lands without premium

The Board may, subject to this Act, let any lands vested in it, or any part thereof, at such rents and upon such terms and conditions as the Board shall determine, so that such leases for rural lands be for any term not exceeding twenty-one years, and for town lands or lands used for building purposes be for any term not exceeding fifty years, to take effect in possession from the time of the execution thereof, and that an annual rent be reserved, payable at such times or periods as the Board think fit. When any lease is for a longer term than twenty-one years, the annual rent reserved by such lease for any period beyond the first twenty-one years shall be an advance at least of fifty per centum upon the annual rent payable under such lease during the last year of the expired twenty-one years. On no lease shall any premium, fine, or foregift be taken.

15 Saving as to existing leases, &c

Nothing herein contained shall prejudice or affect any lease already granted or agreed to be granted under powers conferred upon the Board by any enactment, or any other contract or agreement entered into thereunder respectively.

16 Special resolution

Special resolution shall mean a resolution passed at a meeting of the Board, and confirmed at a subsequent meeting, of which notice shall have been sent at least ten days before such second meeting through the post to every member of such Board, specifying the nature of the resolution which it is intended to confirm: Provided always, and it is declared, that at such subsequent meeting it shall be lawful to alter such resolution in such manner as the aforesaid subsequent meeting shall determine.

17 Board may let for twenty-one years, renewable from time to time

The Board, in addition to the powers of leasing contained in section fourteen, may, if authorised by special resolution, let any lands vested in it for building purposes for any period not exceeding twenty-one years, and in such lease may covenant to grant renewals from time to time for a period not exceeding twenty-one years at any one time, but at a rent to be fixed by the Board by a special resolution, or by valuation, or by arbitration. Any such lease may provide for the payment of valuation by the incoming tenant for improvements made upon the land, whether by the lessee named in such lease, his executors, administrators, or assigns, or any former lessee or tenant of all or any part of the land included in such lease.

18 Provision for securing payment of valuation

Any lease granted under the provisions of this Act may provide that the incoming tenant of all or any part of the lands thereby demised shall not be allowed to enter into possession thereof, or of any part thereof, unless or until he shall have paid to or secured to the satisfaction of the Board or the lessee therein

named, his executors, administrators, or assigns, the valuation (if any) to be paid, pursuant to the terms of such lease to such lessee, his executors, administrators, or assigns, by such incoming tenant to the Board or outgoing tenant in respect of improvements made upon such land.

19 Land offered and not sold may be again offered

A lease of any land which has been offered at auction or by public tender as aforesaid, and not sold, may, at any time within twelve months thereafter, be sold by private contract at a rent not less than the reserved rent when it was so offered; or it may, at any time either before or after the expiration of twelve months, be again offered by public auction or tender, subject as in this Act is provided.

20 Land may be let for short periods in certain cases

Notwithstanding anything hereinbefore contained, it shall be lawful for the Board to let any of its lands by public auction, by public tender, or by private contract for a yearly tenancy, or for a less tenancy, determinable as may be agreed; and in cases contemplated by this section it shall not be necessary for the Board to execute any lease.

21 Surrender of existing leases may be accepted

The Board may, by special resolution, on such terms as it may think fit, accept a surrender of any lease.

22 Leases may be granted to sub-tenants

The Board may, with the consent of any lessee, grant to a sub-lessee a lease direct from such authority of the whole or any part of the land comprised in any lease for the whole residue of the term created by the original lease. The provisions of this section shall apply although no lease shall have been actually executed, but only an agreement for a lease entered into.

23 Providing for disposal of proceeds of endowments of Auckland Girls' High School until separate high school established

Whereas by The Auckland Girls' High School Act 1878, the Auckland Girls' High School and its endowments were placed under the control and management of the Education Board of the District of Auckland (hereinafter called **the Education Board**): And whereas in the year one thousand eight hundred and eighty-eight, by reason of want of funds, it became impossible for the Education Board to continue such school, and the work thereof was consequently undertaken, and has since been maintained, by the Board: And whereas the endowments of the Girls' High School, which have at all times remained under the control of the Education Board, have become productive, and it is equitable, and the Education Board agrees, that out of the produce of such endowments assistance to the extent and subject to the conditions hereinafter set forth should be given in aid of the work of the Girls' High School now being maintained as aforesaid by the Board: Be it therefore enacted as follows:—

- (1.) Out of the proceeds of the sale of timber on the land forming the said endowment the sum of twenty thousand dollars shall be invested by the Education Board, and the interest arising from such investment shall be paid over to the Board by the Education Board.
- (2.) Of the moneys received as aforesaid each year by the Board, one-half shall be expended by it in scholarships for girls attending public schools under The Education Act 1877, within the Auckland Education District, subject to such conditions for the winners attending the Auckland Girls' High School and otherwise as the Education Board prescribes and the Minister of Education approves.
- (3.) The other half of the said moneys shall be applied by the Board first in or towards keeping down interest on mortgages in respect of buildings, and the residue in or towards defraying the cost of the work of the Girls' High School whilst maintained by that Board.
- (4.) The aforesaid payments by the Education Board shall continue to be made until a separate high school for girls is established by that Board under the provisions of The Auckland Girls'

High School Act 1878, and shall thereafter be applied in manner prescribed by that Act.

The reference to “twenty thousand dollars” was substituted, as from 10 July 1967, for a reference to “ten thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The Education Act 1904 was substituted, as from 4 November 1904, by section 2 Education Acts Compilation Act 1904 (1904 No 20). The Education Act 1904 was consolidated, as from 4 August 1908, by section 1(2) Education Act 1908 (1908 No 52). That Act was in turn repealed, as from 1 January 1915, by section 164(1) Education Act 1914 (1914 No 50). That Act was in turn repealed, as from 15 October 1965, by section 204(1) Education Act 1964 (1964 No 135). That Act was in turn repealed, as from 1 October 1989, by section 142(3) Education Act 1989 (1989 No 80).

24 Proceeds of rents and other income, how to be applied

The rents, profits, and annual income of all real and personal estate which may be vested in the Board, together with all funds which may from time to time be derived from fees or payments made in respect of scholars or students attending the Grammar School or Schools, shall be applied by it for the maintenance of the said Grammar School or Schools at Auckland, and the payment of all salaries and expenses connected therewith, and for prizes, exhibitions, and scholarships for the students therein: Provided that the Board shall have power to set apart, if it shall see fit, out of the said rents, profits, and annual income, such part as it shall consider advisable either as an addition to the capital fund, which shall then be invested in manner hereinafter mentioned, and dealt with as part of such capital fund, or as a reserve fund to meet extraordinary expenses, which shall be invested and dealt with in such manner as the Board shall direct.

25 Board may invest moneys not required for annual expenditure

With respect to any moneys bequeathed or given to the Board for the said Grammar School or Schools, or either of them, or being rents, profits, and annual income set apart under the preceding section, the Board shall have power to invest the same in the purchase or upon mortgage of freehold lands in New Zealand, or upon the stocks, bonds, bills, or debentures of the Government of the Colony of New Zealand, or of any

municipal corporation established within such colony, and from time to time to vary any such investment.

26 Board may borrow \$20,000 for school buildings

The Board may, if authorised by special resolution, expend any sum or sums out of the Board's funds in the purchase of land and the erection of suitable buildings and premises for use as a grammar school or schools, or for use as a boardinghouse for scholars attending the same; and for all or any such purposes the Board may raise at interest any sum or sums, not exceeding in the aggregate twenty thousand dollars, by mortgage over any property of the Board, but no such mortgage shall contain any power of sale.

The reference to "twenty thousand dollars" was substituted, as from 10 July 1967, for a reference to "ten thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

27 Power of borrow \$12,000 for playground and building houses for letting

In addition to the power of borrowing conferred by the preceding section, the Board may, if authorised by special resolution, borrow at interest on mortgage of any of its property any sum or sums, not exceeding in the aggregate twelve thousand dollars, for the purpose of acquiring and forming a suitable playground or playgrounds, or for the purpose of building for the purpose of letting on any of the Board's city or suburban properties. No such mortgage shall contain any power of sale.

The reference to "twelve thousand dollars" was substituted, as from 10 July 1967, for a reference to "six thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

28 Board to have control of Grammar Schools, and may make regulations for conducting the same

There shall be vested in the Board the whole control and management of the Auckland Grammar School or Schools, and the Board shall have full power to appoint and dismiss all professors, masters, lecturers, examiners, and other officers and servants for the management of the said Grammar School or Schools, and also the entire management and

superintendence over all the affairs, concerns, and property of the said Grammar School or Schools. And in all cases unprovided for by this Act it shall be lawful for the Board to act in such manner as shall appear to them best calculated to further the purposes intended to be served by the establishment of the said Grammar School or Schools, in accordance with the trust under which the said trust property was originally granted. And the Board shall have full power from time to time to make by-laws and regulations for defining the course of study and education on secular subjects in the said Grammar School or Schools, and also for the discipline and examination of the same, the conditions upon which students shall be admitted, and the fees to be paid in respect of such admission, and in general touching all other matters, purposes, and things regarding the said Grammar School or Schools.

29 Power to Board to grant free education, and permission to compete for prizes, & c

, to students, wherever educated.

The Board, notwithstanding any restrictions that may be imposed or seemed to be imposed by The Auckland College and Grammar School Act 1877, or the trust deed referred to in the said Act, shall, under such regulations as they may make for that purpose, have full power to grant free education in the Auckland Grammar School to all students, whether they have received their previous education in the said school or elsewhere, and also to allow all students, whether educated in the said school or elsewhere, to compete for, win, and hold such prizes, exhibitions, and scholarships as the Board may offer for competition: Provided that nothing in this clause shall restrain the Board from establishing or sanctioning the establishment of special prizes, exhibitions, or scholarships exclusively for the students attending the said school.

30 Repealing clause

The Acts enumerated in the Schedule shall not apply to the Auckland Grammar School except so far as their provisions are embodied in this Act.

Section 30 was amended, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40), by omitting the words “First Schedule are hereby repealed—provided that such repeal shall not affect the validity of anything done under the authority of these Acts; and the Acts enumerated in the Second”.

1

[Repealed]

Schedule 1 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

[Repealed]

Schedule 2

The High School Reserves Act 1880.

The Public Bodies’ Powers Act 1887.

The Public Bodies’ Powers Act 1887 Amendment Act 1891.

The Reserves, Endowments, and Crown and Maori Lands Exchange, Sale, Disposal, and Enabling Act 1898, section 11.

The reference to “Maori” was substituted, as from 27 November 1947, for a reference to “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).