

Reprint
as at 1 July 2013

Ashburton High School Act 1878

Local Act 1878 No 49
Date of assent 1 November 1878

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to provide for the establishment and management of the Ashburton High School.

Preamble

[Repealed]

The Preamble was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

1 Short Title

The Short Title of this Act shall be the Ashburton High School Act 1878.

2 Board of Governors to be appointed and incorporated

The Board of Governors, to be composed and appointed as hereinafter provided, shall be and is hereby constituted a body corporate by the name of the Ashburton High School Board (hereinafter called the **said Board**), by which name such body corporate 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 corporate bodies may do and suffer.

3 Constitution of Board of Governors

The said Board shall consist of 7 persons, of whom 1 shall be the Mayor for the time being of the Borough of Ashburton, 2 shall be nominated from time to time by the County Council of Ashburton, 2 shall be nominated and appointed from time to time by the Governor, and 2 shall be elected annually by the Board of Education for North Canterbury; and no member

shall hold office longer than a year, but a retiring member shall be eligible for election or nomination.

4 Governors to vacate office in certain cases

If any member of the said Board shall cease to reside within the Provincial District of Canterbury for a period of 6 months, or shall by writing under his hand resign his office, or become bankrupt, or be convicted of any offence punishable by 2 or more years' imprisonment, he shall immediately thereupon cease to be a member of such Board.

In the event of any vacancy or vacancies occurring by reason of the death, resignation, or otherwise of the elected members of the said Board, such vacancy or vacancies may forthwith be filled up by the election of a new member or members by the said Education Board of the District of North Canterbury, or by the nomination of the Governor, or of the County Council of Ashburton, according as the vacancy shall have occurred in the case of a member who has been elected by the said Education Board, or nominated by the Governor, or by such County Council.

Section 4: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

5 First meeting, and election of Chairman

[Repealed]

Section 5 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

6 Board of Governors may regulate proceedings

The said Board shall make and may from time to time revoke, vary, and make fresh regulations for the conduct of business at their meetings, for determining how meetings shall be convened, and what number of members shall constitute a quorum thereat, and for such other like matters as may be requisite for the conduct of the business of the said Board.

7 Proper minutes of all meetings to be kept

Minutes of the proceedings of the said Board shall be regularly entered in a proper book to be kept for that purpose, and at

every meeting of the said Board the minutes of the previous meeting shall be read over and signed by the Chairman of the meeting at which the same shall be read, and the minutes when so signed shall be held to be a true statement and record of the proceedings of the Board for all purposes whatsoever.

8 Accounts to be kept and annually audited

The Board shall keep full and accurate accounts of all their receipts, disbursements, assets, liabilities, and engagements, and shall, in the month of January in each year, cause the same to be audited by such person as the Governor in Council may appoint; and copies of such accounts, when audited, shall be forwarded to the Minister in charge of the Department of Education, together with a report of the proceedings of the said Board during the previous year; and such report and accounts shall be laid before the Assembly at its next session.

9 Board to act only upon resolutions passed at meetings

All things required by this Act to be done by the said Board shall be done in accordance with or in pursuance of a resolution passed at a meeting of the said Board, and no act of the said Board shall be invalid or liable to be questioned on the ground that 1 or more of the members of the said Board was or were incapacitated, or had ceased to hold office as members of the said Board.

10 Trust property vested in Board without special trust to be for the benefit of Ashburton High School

All real and personal estate which may be purchased by the Board or granted as a site or sites for a High School, devised, bequeathed, or given to the said Board for the benefit of the Ashburton High School without any trusts of a different nature being expressed, shall be held by the said Board upon trust for the general purposes of this Act.

11 Power to deal with and lease lands vested in the Board

The said Board shall have power with respect to all lands that may be vested in them by virtue of this Act to manage the same as they may see fit, and from time to time to let the same or

any part thereof for any term not exceeding 21 years from the time when such lease shall be made, at such rent and on such terms and conditions as they shall think fit:

provided that every such lease shall be put up to public competition by auction, of which 1 months' previous notice shall have been given by public advertisement within the district in which the land about to be leased shall be situated: And provided also that no fine, premium, or foregift shall be taken by the said Board in respect of any such lease.

12 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 said 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 said High School, shall be applied by them for the maintenance of the said High School at Ashburton, and the payment of all salaries and expenses connected therewith, and for prizes, exhibitions, and scholarships for the students therein:

provided that the said Board shall have power to set apart, if they shall see fit, out of the said rents, profits, and annual income, such part as they shall consider advisable, either as addition to the capital fund, which shall then be invested in manner as 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 said Board shall direct.

13 Board may invest moneys not required for annual expenditure

With respect to any moneys bequeathed or given to the said Board for the said High School, or being rents, profits, and annual income set apart under the preceding section, the said 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 Dominion of New Zealand, or of any Municipal Corporation established within such dominion, and from time to time to vary any such investment.

14 Application of moneys

The said Board may, out of such moneys as shall come into their hands by virtue of this Act or otherwise for the benefit of the Ashburton High School, expend any sum or sums not exceeding on the whole \$20,000 in erecting suitable buildings and premises for use as a High School.

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

15 Board to have control of High School, and may make regulations for conducting the same

There shall be vested in the Board the whole control and management of the Ashburton High School, and the said Board shall have full power to appoint and dismiss all professors, masters, teachers, lecturers, examiners, and other officers and servants for the management of the said High School, and also the entire management and superintendence over all the affairs, concerns, and property of the said High School; and, in all cases unprovided for by this Act, it shall be lawful for the said 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 a High School: And the said 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 High School, and also for the discipline and examination of the same, the conditions upon which scholars 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 High School.

16 Reserves, how granted

[Repealed]

Section 16 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

17 Inspection

The Ashburton High School shall be subject to inspection by an Inspector appointed by the Minister of Education.

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Notes**1 General**

This is an eprint of the Ashburton High School Act 1878. The eprint incorporates all the amendments to the Act as at 1 July 2013. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

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