



## **Christ's College (Canterbury) Amendment Act 2010**

Private Act 2010 No 1  
Date of assent 23 October 2010  
Commencement see section 2

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### **Preamble**

- (1) The governing body of Christ's College holds property given to, or vested in, it for various purposes:
- (2) Over time, some of those purposes have become redundant, uncertain as to application, impractical to implement, or the income derived from the property is inadequate or in excess of the amount necessary for the purposes for which the property was given to, or vested in, the governing body:
- (3) Section 5 of the Christ's College (Canterbury) Act 1910 expressly provides that that Act does not authorise property to be used for purposes other than were intended by any disposition

of the property setting out the purposes for which the property was given to, or vested in, the College:

- (4) The governing body wishes to have the authority to apply property in these circumstances to provide more appropriate and enhanced benefit to the College:
- (5) The objects of this Act cannot be achieved without legislation:

**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**

This Act is the Christ's College (Canterbury) Amendment Act 2010.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act amended**

This Act amends the Christ's College (Canterbury) Act 1910.

**4 Purpose**

The purpose of this Act is to amend the principal Act to authorise the governing body of Christ's College to apply property, in certain circumstances, to the benefit of the College even though the property is not applied for the purpose for which the property was given to, or vested in, the College.

**5 New section 5 substituted**

Section 5 is repealed and the following section substituted:

**“5 Property to be used only as originally intended**

- “(1) This Act does not confer power to apply property for purposes other than were intended by any disposition setting out the purposes for which the property was given to, or vested in, the College.
- “(2) Subsection (1) applies subject to subsections (3) to (7).
- “(3) If the governing body is satisfied that 1 or more of the circumstances described in subsection (4) apply in relation to a

disposition referred to in subsection (1), the governing body may apply any of the property for charitable purposes for the benefit of the College even though the property is not applied for the purpose for which it was given to, or vested in, the College.

- “(4) The circumstances are that—
- “(a) it is impossible, impracticable, or inexpedient to apply the property for the purpose for which it was given to, or vested in, the College; or
  - “(b) the available amount of the property is inadequate to carry out the purpose for which the property was given to, or vested in, the College; or
  - “(c) the purpose for which the property was given to, or vested in, the College has already been carried out.
- “(5) If the governing body is satisfied that property given to, or vested in, the College is more than is necessary for the purpose for which it was given or vested, the governing body may apply any excess property for charitable purposes for the benefit of the College even though the excess property is not applied for the purpose for which it was given to, or vested in, the College.
- “(6) In exercising the power under subsection (3) or (5), the governing body must apply the property for a purpose that is as close as reasonably possible to the purpose for which the property was given to, or vested in, the College.
- “(7) To avoid doubt, subsections (2) to (5) apply to a disposition of property whether made before or after the commencement of this Act.
- “(8) In this section,—
- “**disposition** includes a conveyance, transfer, grant, gift, or declaration of trust
  - “**property** includes—
    - “(a) money; and
    - “(b) income derived from property.”
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**Legislative history**

9 December 2009	Introduction (Bill 108–1)
17 March 2010	First reading and referral to Government Administration Committee
10 September 2010	Reported from Government Administration Committee (Bill 108–2)
23 September 2010	Second reading
20 October 2010	Committee of the whole House, third reading
23 October 2010	Royal assent

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