

**Reprint
as at 12 November 2018**



**District Grand Lodges and District Grand Royal Arch
Chapters of English Freemasons of New Zealand Trustees
Act 1976**

Private Act 1976 No 1
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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.

**District Grand Lodges and District Grand Royal Arch
Chapters of English Freemasons of New Zealand
Trustees Act 1976**

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Preamble

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An Act to provide for the holding of certain real and personal property by trustees on behalf of the District Grand Lodge of the District of the North Island New Zealand, under the United Grand Lodge of Antient Free and Accepted Masons of England, the District Grand Lodge of the District of the South Island New Zealand, under the said United Grand Lodge, and the Lodges subject to such District Grand Lodges and on behalf of the District Grand Royal Arch Chapter North Island New Zealand, under the Supreme Grand Chapter of Royal Arch Masons of England, the District Grand Royal Arch Chapter South Island New Zealand, under the said Supreme Grand Chapter and the Chapters subject to such District Grand Royal Arch Chapters

Preamble

Whereas the said District Grand Lodges have recently been formed to replace all District Grand Lodges under the said United Grand Lodge heretofore existing in the Dominion of New Zealand: And whereas it is desirable that certain of the real and personal property that belongs now or may hereafter belong to the said District Grand Lodges, or Lodges subject thereto, should vest in and be managed by trustees and that on any change in the trusteeship becoming necessary the title to such property should devolve without the inconvenience and expense of conveyance or transfer being incurred: And whereas under and by virtue of the District Grand Lodge of English Freemasons of Auckland Trustees Act 1935 provision was made for the real and personal property then or thereafter held by the District Grand Lodge of Auckland or by any person or persons on behalf of such District Grand Lodge, or by any Craft Lodge (as therein defined) that, pursuant to section 4 of that Act, resolved to adopt the provisions of the Act, to vest in and be managed by trustees, and thereafter to devolve on a change in trusteeship without incurring the inconvenience and expense of conveyance or transfer: And whereas under and by virtue of the Masonic Property Trusts Act 1956 provision was made inter alia for the real and personal property then and thereafter held by the former District Grand Lodge of Otago and Southland under the said United Grand Lodge or by any person or persons on behalf of such District Lodge, or by any Lodge under the authority of such District Lodge, that pursuant to section 4 of that Act resolved to adopt the provisions of that Act, to vest in and be managed by trustees and thereafter to devolve on a change in trusteeship without incurring the inconvenience and expense of conveyance or transfer: And whereas the said District Grand Royal Arch Chapters North Island and South Island New Zealand, and the Chapters subject to such District Grand Royal Arch Chapters, are desirous of similar provisions being made for them to avoid incurring the inconvenience and expense of

conveyance or transfer on a change in trusteeship: And whereas the English Masonic Benevolent Institution (being a Craft Lodge within the meaning of the District Grand Lodge of English Freemasons of Auckland Trustees Act 1935) has now been incorporated under the provisions of the Charitable Trusts Act 1957, and no longer requires to be subject to any private Act of Parliament: And whereas it is desirable that the provisions relating to the vesting and management of certain real and personal property now belonging to or held by or that may hereafter belong to or be held by or on behalf of the said District Grand Lodges, and Lodges subject thereto and the said District Grand Royal Arch Chapters, and Chapters subject thereto should be contained in one Act of Parliament.

1 Short Title

This Act may be cited as the District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976.

2 Interpretation

In this Act, unless the context otherwise requires,—

Authorised Representative, in relation to a Controlling Authority, means the District Grand Secretary or the District Grand Scribe from time to time for the time being appointed by the District Grand Master or the District Grand Superintendent, as the case may be, of such Controlling Authority; and, where the context so admits, shall include a Deputy Authorised Representative appointed pursuant to section 9

Controlling Authority means the District Grand Lodge of the North Island, New Zealand, under the United Grand Lodge of Antient Free and Accepted Masons of England, or the District Grand Lodge of the South Island, New Zealand, under the said United Grand Lodge, or the District Grand Royal Arch Chapter of the North Island New Zealand, under the Supreme Grand Chapter of Royal Arch Masons of England, or the District Grand Royal Arch Chapter of South Island New Zealand under the said Supreme Grand Chapter, as the case may be

Lodge means any one of the Lodges or Chapters under the authority of a Controlling Authority as hereinbefore defined

Masonic property includes all real and personal property or any interest therein (save and except furniture, regalia, and any moneys held in any banking account for the general purposes of a Controlling Authority or a Lodge) that now is held in trust for or on behalf of any Controlling Authority or Lodge, or that at any time and from time to time after the passing of this Act shall be held by trustees whose names shall have been entered in the Register of Trustees to be kept pursuant to section 7.

The words **legal proceedings** shall include all proceedings whatsoever, whether preliminary, initiatory, interlocutory or final in any Court of Justice or statutory tribunal, or before the Registrar-General of Land.

Section 2 **legal proceedings**: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

3 Vesting Masonic lands and other property of Controlling Authority in trustees

All Masonic property now held by a Controlling Authority or by any person or persons on behalf of a Controlling Authority, and all Masonic property that may at any time or times hereafter be acquired by a Controlling Authority by gift, purchase, devise, bequest, or otherwise, shall, after the passing of this Act, but subject to and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same respectively, become vested in the trustees, who shall be appointed by such Controlling Authority in accordance with the constitution and laws of a Controlling Authority, upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such constitution and laws of a Controlling Authority and shall be subject to the provisions of this Act.

4 Authorising the vesting of Masonic lands and other property of any lodge in trustees

- (1) Upon the passing of a resolution by any Lodge adopting this Act, all Masonic property then held by such Lodge or by any person or persons on behalf of such Lodge, and all Masonic property that may at any time or times thereafter be acquired by such Lodge by gift, purchase, devise, bequest, or otherwise, shall, subject to and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same respectively, become vested in trustees who shall be appointed by such Lodge in accordance with the bylaws for the time being governing such Lodge, upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such bylaws and shall be subject to the provisions of this Act.
- (2) Such Lodge shall create and maintain a Lodge Register containing from time to time for the time being the names and addresses of the trustees, and a description of the Masonic property held by them and the trusts upon which the same are held. It shall be the duty of the Master or First Principal of the Lodge, on the creation of the Lodge Register and subsequently whenever there shall be any alteration therein, to forward or cause to be forwarded forthwith a Certificate to the Authorised Representative containing the names and addresses of the trustees and the legal description of any real property or any interest therein held by such trustees.
- (3) A Certificate that a resolution has been passed by any Lodge on a particular date adopting this Act, or containing a certified extract from the Lodge Register, signed by persons purporting to be the Master or the First Principal and

Secretary or Scribe of such Lodge, shall be taken as conclusive evidence that such Lodge has adopted this Act upon the date named in such Certificate. Any Certificate so signed (save and except for the purposes of any title to land or any registrable interest therein) shall be taken in all legal proceedings and on all other occasions whatsoever (except cases of fraud or collusion) as conclusive evidence of the names and addresses of the trustees and the description of the Masonic property held by them and the trusts upon which the same are held.

5 Protection of persons dealing with trustees

So far as persons dealing with such trustees are concerned, such trustees, both of Controlling Authorities and Lodges, shall be deemed to have the same power of sale, lease, mortgage, and disposition over such property as if they were the absolute owners thereof; and it shall not be incumbent upon any person to inquire whether any proposed dealing constitutes a breach of trust, nor shall any person be concerned to see to the application of any purchase, mortgage, or other moneys paid to such trustees.

6 Any 2 trustees may act for all the trustees in connection with transfer or other dealings with land

- (1) Where any sale, mortgage, transfer, assignment, exchange, lease, surrender, release, or other disposition of any Masonic property subject to the provisions of this Act is made the transfer, mortgage, assignment, exchange, lease, surrender, release, or other disposition of such Masonic property shall be as effectual if signed by any 2 of the trustees for the time being of such Masonic property whose names are entered in the Register of Trustees hereinafter mentioned as if such transfer, mortgage, assignment, exchange, lease, surrender, release, or other disposition had been duly signed by all the trustees or, in the case of any interest in land registered under the Land Transfer Act 2017, by all the registered owners thereof.
- (2) Any vesting of Masonic property by virtue of sections 3 and 4 may be effected upon a Certificate in the form set out in Schedule 1, being endorsed on or enclosed with a dealing as provided in subsection (1).

Section 6(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

7 Register of Trustees

The Authorised Representative for the time being of each Controlling Authority shall keep or cause to be kept, in duplicate, a Register of Trustees containing the legal description of any real property or interest therein and the names and addresses of the persons in whose names any Masonic property is for the time being held subject to the provisions of this Act in trust for or on behalf of such Controlling Authority and for or on behalf of each and every Lodge under the authority of such Controlling Authority in New Zealand that has passed a

resolution pursuant to section 4, and such register shall be called and inscribed as “The District Grand Lodge of the District of the North (or South) Island New Zealand of English Freemasons Register of Trustees” or “The District Grand Royal Arch Chapter North (or South) Island of New Zealand of English Freemasons Register of Trustees”, as the case may be, and shall be in the form or to the effect contained in Schedule 2; and such Authorised Representative shall, after the passing of this Act, with all reasonable despatch enter or cause to be entered in such Register of Trustees the names and addresses of the present trustees of all Masonic property so held together with all particulars of land held by them as indicated in the said Schedule 2; and such Authorised Representative shall from time to time upon notification under section 4 of the appointment of any new or additional trustee or trustees under the constitution and laws of such Controlling Authority or under the bylaws of Lodges under the authority of such Controlling Authority respectively, enter or cause to be entered in such Register of Trustees any transaction in respect of any land or the names and addresses of any new or additional trustee or trustees, and the date of such transaction or of the appointment of the new or additional trustee or trustees and upon notification as aforesaid, enter or cause to be entered the date upon which any trustee shall have ceased to hold office as a trustee or of any other alteration in respect of any trustee whose name is entered in the said Register, and such Authorised Representative shall, in respect of any alteration made by him in the said Register, sign his name in such Register of Trustees in the proper column, in the same line as the name of every trustee (old and new) and the date of such entry in the Register of Trustees to authenticate every entry so made.

8 Provisions as to vesting of lands on appointment of new trustees

On the entry as aforesaid in the said Register of Trustees of the name or names of any new or additional trustee or trustees of any Masonic property held subject to the provisions of this Act, the interest in such Masonic property that was held by the former trustee or trustees immediately before such entry shall forthwith vest in such new or additional trustee or trustees, solely or jointly as the case may be, together with the former or continuing trustee or trustees (if any) and be subject to the same trusts, without any conveyance or assignment whatsoever; and without derogating from the generality of the foregoing, any entry in the Register of Trustees of the name or names of any new or additional trustee or trustees holding any land or any interest therein subject to the provisions of the Land Transfer Act 2017 shall upon the filing of a certificate with the Registrar-General of Land in the form set out in Schedule 1 operate so that such new or additional trustee or trustees together with the former or continuing trustees (if any) shall be deemed the owner or owners thereof within the meaning of the said Land Transfer Act as if the name or names of such new or additional trustee or trustees appeared or was or were entered as such owner or owners in the Register kept under the provisions of that Act, and as if a record

of title had been duly issued to him or them, solely, or jointly, as the case may be, with the former continuing owner or owners (if any) for all the same estate and interest as the former owner or owners had therein, and subject to the same trusts without any transfer being made for the purpose.

Section 8: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

9 Provision for appointment of Deputy Authorised Representative

The District Grand Master or Grand Superintendent for the time being of any Controlling Authority may at any time and from time to time in addition to appointing the Authorised Representative appoint a Deputy Authorised Representative who shall be designated the Deputy Authorised Representative of the District Grand Lodge of the District of the North (or South) Island New Zealand or of the District Grand Royal Arch Chapter of North (or South) Island New Zealand as the case may be; and such Deputy Authorised Representative during the time for which he shall be so appointed shall have, and may perform and execute all the powers, authorities, and duties of such Authorised Representative, and shall, underneath his signature in the column of the said Register of Trustees, insert the word “Deputy”, and shall, underneath his signature to any extract to be made by him from such Register of Trustees insert the words “Deputy Authorised Representative of the District Grand Lodge of the North (or South) Island New Zealand or of the District Grand Royal Arch Chapter of the North (or South) Island New Zealand”, as the case may be.

11 Register to be evidence of particulars appearing Authorised Representative to be published

The District Grand Master or the District Grand Superintendent of each Controlling Authority shall publish or cause to be published from time to time in the *Gazette* the names and addresses of the persons appointed to be its Authorised Representative and its Deputy Authorised Representative respectively or ceasing to hold such office for the purposes of this Act, and a copy of the *Gazette* containing any such publication shall be conclusive evidence of due appointment of or the ceasing to hold office of any such Authorised Representative or any such Deputy Authorised Representative, as the case may be.

11 Register to be evidence of particulars appearing therein

A book purporting to be the Register of Trustees hereinbefore referred to shall, on production thereof by the Authorised Representative for the time being, or the Deputy Authorised Representative for the time being, or by any person appointed for that purpose by either of such persons in writing, be received and taken in all legal proceedings and on all occasions whatsoever as conclusive evidence (except in case of fraud or collusion) for and against not only the immediate parties but for and against third persons, purchasers, and all others whom it may concern as to who are or were the trustees holding Masonic property in trust for the Controlling Authority and each and every Lodge under its

authority, and of the appointment of new or additional trustees and of the date of the entry of their names as aforesaid in such Register of Trustees, and of their consent to act, and of all other matters recorded therein in pursuance of section 7, and judicial notice shall be taken of such book and of the signatures of the Authorised Representative and the Deputy Authorised Representative therein; and any extract purporting to be an extract from such Register of Trustees, and certified under the hand of either such Authorised Representative or such Deputy Authorised Representative for the time being and bearing what purports to be the seal of such Controlling Authority shall be received and taken in all legal proceedings and in all dealings with Masonic property comprising land before the Registrar-General of Land, and on all occasions whatsoever, as conclusive evidence of the several extracted matters comprised in such extract so far as the same may relate to any particular Masonic property, without the production of such Register of Trustees, and judicial notice shall be taken of the signature of the Authorised Representative or Deputy Authorised Representative to every such extract and of such seal of such Controlling Authority.

Section 11: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

12 Repeals and savings

- (1) The District Grand Lodge of English Freemasons of Auckland Trustees Act 1935 is hereby repealed.
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) The present trustees appointed pursuant to the provisions of section 3 of the District Grand Lodge of English Freemasons of Auckland Trustees Act 1935 (other than the trustees of the English Masonic Benevolent Institution) and now holding real and personal property on behalf of the former District Grand Lodge of Auckland shall notwithstanding anything in that Act, continue to hold the same as trustees for and on behalf of the District Grand Lodge of the District of the North Island New Zealand and shall be deemed to have been appointed as trustees therefor pursuant to section 3 and shall be duly entered in the Register of Trustees under this Act.
- (4) The present trustees appointed pursuant to the provisions of section 3 of the Masonic Property Trusts Act 1956 and holding real and personal property on behalf of the former District Grand Lodge of the District of Otago and Southland shall, notwithstanding anything in that Act, continue to hold the same as trustees for and on behalf of the District Grand Lodge of the District of the South Island New Zealand and shall be deemed to have been appointed as trustees therefor pursuant to section 3 and shall be duly entered in the Register of Trustees under this Act.
- (5) Any trustees appointed pursuant to section 4 of the District Grand Lodge of English Freemasons of the District of Auckland Trustees Act 1935 by a Craft

Lodge (as therein defined) or appointed pursuant to section 4 of the Masonic Property Trusts Act 1956 by a Lodge, being a Lodge formerly subject to the authority of the District Grand Lodge of the District of Otago and Southland and now holding any real and personal property on behalf of any such Lodge so appointing them shall continue to hold the same as trustees for and on behalf of such Lodge and shall be deemed to have been appointed as trustees therefor pursuant to the provisions of section 4 and shall be duly entered in the Register of Trustees under this Act.

- (6) Without limiting the provisions of the Acts Interpretation Act 1924 it is hereby declared that the repeal of any provision by this Act, shall not affect any document made or any thing whatsoever done under the provision so repealed, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act, and as if that provision had been in force when the document was made or the thing was done.

13 Private Act

This Act is hereby declared to be a Private Act.

Schedule 1

ss 6(2), 8

Certificate of the Authorised Representation of the District Grand [specify] of the District of [specify] Island of English Freemasons.

Whereas I was duly appointed the Authorised Representative of the above-mentioned District Grand [specify] pursuant to section 9 of the District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976 such appointment being notified as provided in section 10 of the said Act by publishing the same in the *Gazette* dated [date] on page [page number].

I hereby certify pursuant to the provisions of section 11 of the said Act and in accordance with the Register of Trustees kept by me pursuant to section 7 of the said Act, that the land containing [specify] more or less being [specify] and being [specify] of the land in record of title [reference number] is now vested in [specify].

Date:

Signature:

Authorised Representative of District Grand [specify] of the District of [specify]
Island of English Freemasons.

Schedule 1: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2

s 7

The District Grand [specify] of the District of the [specify] Island of New Zealand of English Freemasons

Register of Trustees

A. Register of Trustees of [specify] Lodge No [Lodge number]

Register of Trustees of [specify] Lodge No [Lodge number]

Number of trustees:

Name of trustee	Address and occupation of trustee	Date of appointment of trustee	Date of entry of name of trustee herein	Signature of Authorised Representative	Date when trustee ceased to hold office	Signature of Authorised Representative	Date of entry of cessation of office

B. Register of Real Property held by the Trustees of [specify] Lodge No [Lodge number]

Legal description of real property (including record of title number)	Land Registry Office	Date of entry hours	Signature of Authorised Representative	Description of any transaction in respect thereof	Date of transaction	Signature of Authorised Representative

Schedule 2: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Reprints notes

1 *General*

This is a reprint of the District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976 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*

Land Transfer Act 2017 (2017 No 30): section 250