

**Reprint
as at 10 October 1946**



Dilworth Trust Board Act 1946

Private Act 1946 No 2
Date of assent 9 October 1946
Commencement 9 October 1946

Contents

	Page
Title	1
Preamble	2
1 Short Title	4
2 Interpretation	4
3 Certain lands freed from trusts and trustees empowered to erect and carry on school on other lands	4
4 Extended powers of investment	5
5 Extended powers of assisting certain clergymen	5
6 Private Act	6

An Act to expedite the establishment of the Dilworth Ulster Institute, and to confer upon the Dilworth Trust Board additional powers for the purpose of enabling it to carry out more effectually the trusts of the will of the late James Dilworth

Note

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

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

Preamble

Whereas James Dilworth, late of Remuera, Auckland, settler, deceased, by his last will dated 15 November 1894, probate whereof was granted by the Supreme Court of New Zealand at Auckland to the executors and trustees therein named on 1 February 1895, gave the residue of his real and personal estate to the said trustees upon certain trusts:

And whereas the said will contains, inter alia, directions for the erection of buildings and the establishment and maintenance of an institution (hereinafter referred to as the **Dilworth School**), which directions are set out in full in the preamble to the Dilworth Trustees Acts Amendment Act 1912:

And whereas by the Dilworth Trustees Act 1902, the Dilworth Trustees Act 1902 Amendment Act 1905, and the said the Dilworth Trustees Acts Amendment Act 1912, the said directions were amended and the powers of the said trustees extended as in the said Acts set forth:

And whereas the said trustees were on 28 March 1903 duly incorporated under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884 with the name or title of the Dilworth Trust Board (hereinafter referred to as the **Trust Board**):

And whereas by section 4 of the Dilworth Trustees Acts Amendment Act 1912 the said trustees were empowered to erect the buildings for, and to carry on the work of, the Dilworth School and an industrial branch thereof upon certain land in the parish of Manurewa, described in the Schedule of the said Act, and were further empowered to sell any part or parts of such lands not required for the said purposes, and to invest the proceeds in the purchase of other lands to be held on the like trusts:

And whereas the Trust Board, pursuant to its powers in that behalf, has subsequently sold parts of the said land at Manurewa and invested the proceeds in the purchase of certain lands at Wiri, near Auckland, and holds the same on the said like trusts as appertained to the said land at Manurewa, and it is desirable that the balance of the said land at Manurewa and

the said land at Wiri be released from any trust, either express or implied, with reference to such purposes:

And whereas, pursuant to section 3 of the Dilworth Trustees Act 1902 Amendment Act 1905, the Trust Board is at present carrying on the work of the Dilworth School on the land therein described, situated at Great South Road, Auckland, and it is desirable that the Trust Board should have power at its discretion at any time hereafter to erect the said buildings for the accommodation and work of the Dilworth School on such land or on any other suitable lands for the time being belonging to the Trust Board:

And whereas by section 6 of the Dilworth Trustees Act 1902 the said trustees were empowered to invest any of the trust funds of the said estate upon first mortgage of freehold lands in the Provincial District of Auckland and upon mortgage of leasehold interests in the lands belonging to the said estate, provided that no advance under any mortgage of leasehold lands should exceed three-fifths of the value of the lessee's interest in such lands:

And whereas it is desirable that the Trust Board should have extended power to invest its funds on mortgage of the lessee's interest in any of the said lands:

And whereas the said will contains the following further direction— namely, “I direct that the said Trustees shall pay annually to the Anglican Bishop of the Diocese of Auckland pertaining to the Church of the Province of New Zealand commonly called the Church of England the sum of 100 pounds in trust that it shall be equitably dispensed by him according to his best discretion for augmentation of the stipends or salaries of such clergymen having charge of rural parishes or districts of the said diocese as shall severally possess an income of less than 200 pounds a year and such sum is to be paid in equal half-yearly instalments the first whereof is to be paid within 6 calendar months after my death But I direct that the said Trustees shall cease to make such annual payment or shall diminish the amount thereof so soon as and according as they shall in their absolute discretion consider the then existing circumstances to be such that the

said Parishes or Districts ought not to require such assistance for the support of their Minister”:

And whereas it is desirable that the discretion granted by the said direction for the dispensing of the said sum of 100 pounds should be extended.

1 Short Title

This Act may be cited as the Dilworth Trust Board Act 1946.

2 Interpretation

In this Act the expression **the Trust Board** and **the Trustees** includes the trustees for the time being of the said will, whether incorporated or unincorporated.

3 Certain lands freed from trusts and trustees empowered to erect and carry on school on other lands

The balance of the said land at Manurewa and the said land at Wiri belonging to the Trust Board shall be released from any trust, express or implied, with reference to the erection of the said buildings or the carrying on of the work of the Dilworth School there or with reference to the investment of the proceeds of the sale of such lands in the purchase of other lands to be used for such purposes, and the said lands may be leased or sold, and the Trust Board may exercise in regard thereto all or any of the powers exercisable by the Trustees in relation to any other of the lands of the said estate in the same locality; and it shall be lawful for the Trust Board, whenever it may deem it advisable so to do, to erect the said buildings and carry on the work of the Dilworth School upon any part of the said land at Great South Road, Auckland, described in the said section 3 of the Dilworth Trustees Act 1902 Amendment Act 1905, or on any other lands for the time being belonging to the Trust Board which in the opinion of the Board shall be suitable for the purpose; and it shall be lawful for the Trust Board to purchase or otherwise acquire in any part of the Provincial District of Auckland any additional or other area of land which in the opinion of the Board shall be suitable for the purpose and to erect the said buildings and carry on the work of the Dilworth School thereon; and the Board may, whenever it deems it ad-

visible so to do, establish and maintain the Dilworth School on any such lands, whether now belonging to or hereafter acquired by the Board, in the same manner in all respects as if the same were the land on which by the said will the Trustees thereof were directed to erect the said buildings and carry on the work of the said institution, and all the powers and provisions of the said will, as amended by any statute relating to the said institution, shall, *mutatis mutandis*, have effect and apply as fully and effectually to all intents and purposes as if the lands upon which the said buildings shall be erected and the work of the Dilworth School carried on were the land upon which the said Trustees were directed by the will to erect such buildings and carry on the work of the said institution; and it shall also be lawful for the Trust Board at any time hereafter, upon any land for the time being belonging to the said estate and deemed by the Trust Board to be suitable for the purpose, to establish and maintain a branch of the said institution for the purpose of giving industrial education to such pupils of the institution as the Trust Board shall consider suitable for that purpose:

provided always that the Trust Board may from time to time sell or let all or any parts of the land so held or acquired which may not be required for the purposes aforesaid under any of the powers of sale or letting conferred upon it by the said will or by statute.

4 Extended powers of investment

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

5 Extended powers of assisting certain clergymen

The said will shall be read as if, in the said direction for payment to the Bishop of Auckland for the benefit of certain clergymen, the word “such” and the words “having charge” and the words “as shall severally possess an income of less than 200 pounds a year” were deleted therefrom.

6 Private Act

This Act is hereby declared to be a private Act.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Dilworth Trust Board Act 1946. The reprint incorporates all the amendments to the Act as at 10 October 1946, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
