

**Reprint
as at 12 November 2018**

Methodist Church Property Trust Act 1887

Private Act 1887 No 4
Date of assent 9 December 1887

The word “Wesleyan” was omitted, as from 20 September 1993, by section 2(2) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

An Act to adapt and assimilate the Trusts of Methodist Church Properties to the present Constitution of such Church in New Zealand, and for other Collateral Purposes.

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993-002(P)).

Preamble

WHEREAS in pursuance of The Religious, Charitable, and Educational Trusts Act 1856, a certain deed, bearing date the thirty-first day of October, one thousand eight hundred and fifty-six, was enrolled in the Supreme of New Zealand, at Auckland, as the Model Deed of the society denominated Methodists, which deed was also registered in the Register of Deeds Office, at Auckland, as No 9252A: And whereas most of the lands of the said society have been conveyed or settled upon the trusts of the said deed as to those lands not under the operation of the Land Transfer Act by means of conveyances referring to the trusts in the said Model Deed, and as to other lands by means of separate declarations of trusts executed by the Trustees of such lands: And whereas such society, denominated Methodists (hereinafter called “the Methodist Church in New Zealand”), has always formed an integral part of the Australasian Wesleyan Methodist Church, as constituted from time to time by the English Wesleyan Methodist Conference: And whereas the said Australasian Methodist Church has now a separate and independent constitution, approved of and adopted by the said English Conference, and now consists of four annual conferences, called respectively the New South Wales and Queensland Conference, the Victoria and Tasmania Conference, the South Australian Conference, and the New Zealand Conference, all being governed by a General Conference assembling once in every three years, or at such other intervals more or less as it may deem expedient, each such annual Conference having amongst other things the power of appointing its own ministers, a copy of which constitution, and also a copy of the Deed Poll of John Wesley, hereinafter referred to, are set forth in the Schedule to “The Methodist Model Deed of New Zealand 1887”, hereinafter particularly mentioned: And whereas by the authority of the General Conference, and with the sanction and approval of the said English Conference, a new Model Deed has been prepared and adopted by the New Zealand Conference, containing trusts and provisions adapted and assimilated to the present constitution of the Methodist Church in New Zealand to the intent that all lands belonging to or held on behalf of such Church may hereafter be held upon such trusts and provisions, and discharged from all present trusts, and the said New Zealand Conference has been duly authorised by the said General Conference, with the approval of the English Conference, to obtain an Act of the Legislature of New Zealand for the purposes hereinafter set forth: And whereas such new Model Deed is dated the thirtieth day of September, one thousand eight hundred and eighty-seven, and is made, or expressed to be made between John Edson, chemist and druggist, and Thomas Buddle, solicitor, both of Auckland, in New Zealand, of the one part, and William Griffiths, John Hosking, Thomas Cooke, Richard Arthur, Joseph Liston Wilson, Frederick Lambert Prime, James Wiseman, James Buttle, and Thomas McMaster, therein

described of the other part, and is registered in the Deeds Registry Office at Auckland as No 105415, and deposited in the said office as No 6322: And whereas it is necessary to obtain power for carrying some of the trusts and provisions contained in such last-mentioned deed into effect, and for providing for the due succession of Trustees without conveyance or transfer, and for creating facilities of proof:

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

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 shall be The Methodist Church Property Trust Act 1887.

The Short Title of the Act was amended, as from 20 September 1993, by section 2(2) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)) by omitting the word “Wesleyan”.

2 Interpretation

In the interpretation of this Act the following terms shall have the meanings hereinafter respectively assigned to them, unless inconsistent with the subject or context:—

English Conference means the yearly conference of the people called Methodists in England as explained in the said Deed Poll of the twenty-eighth February, one thousand seven hundred and eighty-four, executed by John Wesley and enrolled in the High Court of Chancery in England.

The term **Church lands** includes all lands and premises in New Zealand of whatsoever tenure which now are or which shall at any time hereafter be held in trust for or on behalf of the Methodist Church in New Zealand (unless such lands and premises shall be given, settled, or otherwise vested upon trust for any special purpose defined in the instrument creating such trusts), together with all rights, easements, and appurtenances whatever relating thereto, and also includes chattels real.

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

Authorised representative of the Methodist Church in New Zealand means such person as may be for the time being appointed in that capacity by the New Zealand Conference, and **Acting Authorised representative** means such person as may be appointed to such office by the President for the time being of the New Zealand Methodist Conference.

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

The words **Legal proceedings** shall include all proceedings whatever, whether preliminary, initiatory, interlocutory, or final, in any Court of Justice or before any Registrar of Land.

The New Zealand Conference means the Annual Conference of the Australasian Wesleyan Methodist Church for the time being embracing within its jurisdiction the Colony of New Zealand, whether alone or combined with another colony, such Annual Conference being duly constituted by the General Conference.

3 How present and future lands to be held

- (1) On and after the commencement of this section, all Church lands may, subject to all mortgages, charges, encumbrances, liens, leases, or licences for the time being affecting them, be held either—
 - (a) By trustees under the provisions of the Model Deed; or
 - (b) With the approval of the Conference, given either generally or in respect of any specified portion or portions of the Church lands, and whether given before or after the commencement of this section, in the name of any Board incorporated under the Charitable Trusts Act 1957, subject to and in accordance with that Act, so long as the trusts on which any Church lands are to be held are not inconsistent with the trusts of the Model Deed; or
 - (c) In such other manner as the Conference from time to time approves, either generally or in respect of any specified portion or portions of the Church lands, so long as the manner in which any Church lands are to be held is not inconsistent with the trusts of the Model Deed.
- (2) The provisions of—
 - (a) Sections 4, 5, and 7 of this Act; and
 - (b) Sections 4, 6, and 7 of the Methodist Church Property Trust Act 1887 Amendment Act 1892; and
 - (c) Sections 3 and 6 of the Methodist Church Property Trust Act 1887 Further Amendment Act 1896; and
 - (d) Section 6 of the Methodist Union Act 1913—

shall apply only in respect of Church lands held under the provisions of the Model Deed in accordance with subsection (1)(a) of this section.

The words “High Court” in the original section 3 were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

Section 3 was substituted, as from 20 September 1993, by section 3 Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)). See section 4 of that Act as to the validation of the holding of any Church lands otherwise than by trustees under the provisions of the Model Deed, but in accordance with subsection (1)(b) or (c) of the original section 3.

4 Conveyances, etc, executed by majority sufficient

Where any sale, mortgage, exchange, or lease of any Church land held upon the trusts of “The Methodist Model Deed of New Zealand 1887”, shall be made in pursuance of and in conformity to such trusts, the transfer, mortgage, exchange, or lease of such land, if under the operation of the Land Transfer Act, shall be as effectual if signed by a majority of the Trustees for the time being of such land named in the Register of Trustees hereinafter mentioned as if such transfer, mortgage, exchange, or lease had been duly signed by all the Trustees or registered proprietors thereof; and in case such land shall not be under the operation of such Statute, the conveyance, mortgage, exchange, or lease thereof, if executed by a majority of the Trustees for the time being thereof named in such Register of Trustees, shall be deemed to pass the legal estate therein as fully and effectually as if all the Trustees in whom the legal estate was vested had joined in, executed, or made such conveyance, mortgage, exchange, or lease:

Provided always that such majority of Trustees shall consist of not less than three in number: Provided, also, that any Trustee absent from the colony may join in, make, and execute any such conveyance, transfer, mortgage, exchange, or lease by attorney duly appointed in that behalf.

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

5 Register of Trustees to be kept

The authorised representative for the time being of the Methodist Church in New Zealand shall keep, or cause to be kept, a Register of Trustees of the several lands for the time being held upon the trusts of “The Methodist Model Deed of New Zealand, 1887”, and such register shall be called and inscribed as the Methodist Church Register of Trustees for New Zealand, and shall be in the form or to the effect contained in the Schedule hereto, and such authorised representative shall, with all reasonable despatch, enter or cause to be entered in such Register of Trustees the names and additions of the present Trustees of such lands, with all other particulars indicated by the said Schedule; and such authorised representative shall from time to time, upon the appointment of any new Trustee or Trustees under the provisions of such deed, insert or cause to be inserted in such Register of Trustees the name and addition of such new Trustee or Trustees, and how the vacancy if any occurred, whether by death or otherwise, and the date of the appointment of the new Trustee or Trustees, and also of the date of insertion of his or their name or names in such Register of Trustees, and such authorised representative shall sign his name in such Register of Trustees in the proper column, in the same line with the name of every Trustee (old and new), to authenticate the due appointment of each Trustee.

Section 5 was amended, as of 24 September 1892, by section 5 Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892 (1892 No 2(P)) by substituting the words “and how the vacancy if any occurred” for the words “and how the vacancy in the trust occurred”.

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

6 Legal estate to pass to new Trustees without conveyance

[Repealed]

Section 6 was repealed, as from 24 September 1892, by section 8 Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892 (1892 No 2(P)). Section 8 Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892 (1892 No 2(P)) was enacted in lieu of section 6.

7 Production of Register sufficient evidence

A book, purporting to be the Register of Trustees, hereinbefore referred to, shall, on production thereof by the said authorised representative for the time being, or the acting authorised representative for the time being hereinafter mentioned, 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 sufficient 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 of such lands, and also of the vacancies which occurred in the Trusteeship and of the appointments of new Trustees to supply such vacancies, and of the date of the insertion 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 five hereof, and judicial notice shall be taken of such book, and of the signatures of the authorised representative and acting authorised representative therein, and any extract purporting to be an extract from such Register of Trustees, and certified under the hand of such authorised representative or acting authorised representative for the time being as aforesaid shall be received and taken in all legal proceedings and in all dealings with Church lands before the Registrar-General of Land, and on all occasions whatsoever as sufficient evidence of the several extracted matters comprised in such extract so far as the same may relate to any particular Church property without the production of such Register of Trustees, and judicial notice shall be taken of the signature of the authorised representative or acting authorised representative to every such extract; and in case of the decease, illness, absence, or temporary incapacity of such authorised representative as aforesaid, some other person may, as hereinafter mentioned, be appointed to act in the place of such authorised representative, but not for a longer period than the next annual meeting of the New Zealand Methodist Conference, and such other person shall be designated the acting authorised representative of the said Church, and such acting authorised representative, during the time for which he shall be so appointed, shall have, perform, and execute all the powers, authorities, and duties of such authorised representative, and shall, underneath his signature in the columns of the said Register of Trustees, insert the word “acting,” and

shall, underneath his signature to any extract to be made by him from such Register of Trustees, insert the words “acting authorised representative” of the said Church, and the *New Zealand Government Gazette*, containing a notification by the President for the time being of the said conference of the appointment of such authorised representative, or of such acting authorised representative as aforesaid, shall be sufficient evidence of the due appointment of such authorised representative and acting authorised representative respectively.

Section 7: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 7 was amended, as of 24 September 1892, by section 9 Wesleyan Church Property Trust Act 1887 Amendment 1892 (1892 No 2(P)) by substituting s the word “five” for the word “four”.

8 Printed minutes of Conferences evidence

A printed copy, purporting to be a printed copy of the printed minutes of the English Conference, or of the said General Conference, or of any of the four said annual conferences constituted by such General Conference, or of any annual conferences which may at any time hereafter be duly constituted by the said General Conference respectively shall be taken and received in all legal proceedings and on all occasions whatsoever as *prima facie* evidence of all resolutions and orders touching or concerning all elections or expulsions, consents, disbursements, delegations, appointments, and of all acts and proceedings whatsoever of such English Conference, General Conference, or Annual Conference respectively, without the aid of any further proof whatsoever, and a printed copy, purporting to be a printed copy of “The Methodist Model Deed of New Zealand 1887”, and of the Schedule thereto attached, shall also be received and taken in all legal proceedings and on all occasions whatsoever as *prima facie* evidence of such deed and of the constitution of the said General Conference and of the four said annual conferences and of the aforesaid Deed Poll of John Wesley, without the production of the originals thereof respectively.

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

9 Mortgages, etc, heretofore made confirmed

All mortgages, conveyances, and other dispositions which have heretofore been made or intended so to be by any Trustees, and all appointments of Trustees purporting to have been made in pursuance of the said Model Deed of the thirty-first day of October, one thousand eight hundred and fifty-six, and of the provisions of The Religious, Charitable, and Educational Trusts Act 1856, are hereby confirmed and shall be deemed to have been legally and effectually executed and made.

10 How to cite Deed

It shall be sufficient to cite “The Methodist Model Deed of New Zealand 1887”, by that title.

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

The Schedule

The Methodist Church Register of Trustees for New Zealand.

Folio 1 [*words of description, such as “St John’s Church, Ponsonby Road, Auckland.”*] comprised in conveyance registered in the Deeds Registration Office at , under number If under the Land Transfer Act comprised in record of title.

NUMBER OF TRUSTEES [*state number*].

Name of Trustee.	Address and Occupation of Trustee.	Date of Appointment of new Trustee.	Date of insertion of Name of new Trustee herein.	Signature of authorised Representative.	How vacancy occurred in Trust, such as death or the like.	Signature of authorised Representative.
A B	Queen Street, Auckland, merchant.				Deceased.	
C D	Similar.				Incapacitated.	
E F	..			Refusal to act.		
G H	..				Resignation.	
I J	..				Withdrawal from Church.	
K L	..				Non-adherent.	
M N	..				Distance.	
O P	..	Dec 30, 1889	Jan 1, 1890			

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

The word “Wesleyan” was omitted, as from 20 September 1993, pursuant to section 2(3) Methodist Church Property Trust Amendment Act 1993 (1993 No 2(P)).

Reprint notes

1 *General*

This is a reprint of the Methodist Church Property Trust Act 1887 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this reprint*

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this reprint*

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