

Reprint
as at 16 November 2016



Papawai and Kaikokirikiri Trusts Act 1943

Private Act 1943 No 3
Date of assent 26 August 1943
Commencement see section 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.

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An Act to incorporate a new Board to hold the property now held by the Papawai and Kaikokirikiri Trusts Board, and to vary the trusts upon which that property is held

Preamble

Whereas certain property, including the lands described in the Schedule, is vested in the Papawai and Kaikokirikiri Trusts Board (incorporated under the Religious, Charitable, and Educational Trusts Act 1908) upon the trusts declared in 2 Crown grants both dated 14 June 1853, in favour of George Augustus, Lord Bishop of New Zealand, and his successors:

And whereas the college established by that Board was destroyed by fire in the year 1932, and it has been found that the trust funds are insufficient for the re-establishment and maintenance of a college in accordance with the said trusts:

And whereas for the purpose of making the best practicable use of the available income in furthering the education contemplated by the trusts it is expedient to extend and vary the trusts as hereinafter provided and to establish a new Board to administer the amended trusts.

1 Short Title and commencement

This Act may be cited as the Papawai and Kaikokirikiri Trusts Act 1943 and shall come into force on 1 October 1943.

2 Interpretation

In this Act, unless the context otherwise requires,—

Bishop of Te Upoko o Te Ika—

- (a) means the Bishop appointed under that title by the Anglican Church in Aotearoa, New Zealand and Polynesia, commonly known as the Church of England, or the Bishop of any replacement diocese; and
- (b) includes any person acting as the Bishop when the Bishop is, for any reason, unavailable

Board means the Papawai and Kaikokirikiri Trusts Board established under this Act

financial year means a period of 12 months ending on the day in any year that the Board determines

Minister means the Minister of Education

old Board means the Papawai and Kaikokirikiri Trusts Board incorporated under the Religious, Charitable, and Educational Trusts Act 1908

scholarship means a scholarship granted under this Act, and includes a bursary.

tangata whenua of Wairarapa means an individual who has a whakapapa to the tīpuna rangatira who established historical kinship groups in Wairarapa

Section 2 **Bishop of Te Upoko o Te Ika**: inserted, on 16 November 2016, by section 4(2) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 2 **Church of England**: repealed, on 16 November 2016, by section 4(1) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 2 **financial year**: replaced, on 16 November 2016, by section 4(2) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 2 **tangata whenua of Wairarapa**: inserted, on 16 November 2016, by section 4(2) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

3 Incorporation of Papawai and Kaikokirikiri Trusts Board

- (1) There is hereby established for the purposes of this Act a Board, to be called the Papawai and Kaikokirikiri Trusts Board.
- (2) The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.
- (3) All references to the Papawai and Kaikokirikiri Trusts Board in any Act, or in any agreement, deed, instrument, will, or other document (whether dated before or after the commencement of this Act), shall, unless inconsistent with the context or with the provisions of this Act, be deemed to be references to the Board established under this Act.

4 Members of Board

- (1) The Board must have 8 members, consisting of—
 - (a) 4 members appointed by the Bishop of Te Upoko o Te Ika; and
 - (b) 4 members, being tangata whenua of Wairarapa, appointed or elected by tangata whenua of Wairarapa in accordance with a process adopted and publicly notified by the Board.
- (2) The chairperson of the Board—
 - (a) must be a member of the Board; and
 - (b) must be appointed annually at the first meeting of the Board following its annual general meeting; and

- (c) may hold office until the end of the next annual general meeting.

Section 4: replaced, on 16 November 2016, by section 5 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

4A Term of office

- (1) Despite anything in section 4,—
- (a) the members of the Board holding office on the commencement of this section continue to hold office until the end of the annual general meeting of the Board held in 2017; and
- (b) the Bishop of Te Upoko o Te Ika must, in relation to members of the Board to be appointed in 2017 under section 4(1)(a), appoint—
- (i) 1 person to hold office for a term of 4 years; and
- (ii) 1 person to hold office for a term of 3 years; and
- (iii) 1 person to hold office for a term of 2 years; and
- (iv) 1 person to hold office for a term of 1 year; and
- (c) the tangata whenua of Wairarapa must, in relation to members of the Board to be appointed or elected in 2017 under section 4(1)(b), appoint or elect—
- (i) 1 person to hold office for a term of 4 years; and
- (ii) 1 person to hold office for a term of 3 years; and
- (iii) 1 person to hold office for a term of 2 years; and
- (iv) 1 person to hold office for a term of 1 year.
- (2) A member of the Board whose term has expired ceases to be a member of the Board but is, if still qualified, eligible to hold office again.
- (3) When the term of office of any member of the Board expires, the office must be filled in the manner in which the office was originally filled under section 4.
- (4) A person who takes office as a member of the Board under section 4 after 2017 may hold office for a term of 4 years.

Section 4A: inserted, on 16 November 2016, by section 5 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

5 Vacancies

- (1) The office of a member of the Board becomes vacant if the member—
- (a) dies; or
- (b) resigns his or her office by written notice to the Board; or
- (c) is declared bankrupt; or
- (d) is convicted of any offence punishable by a term of imprisonment of 1 year or more; or

- (e) becomes a person in respect of whom an order is made under section 31 of the Protection of Personal and Property Rights Act 1988; or
 - (f) is absent from 4 consecutive meetings of the Board without the leave of the Board.
- (2) A member of the Board is to be treated as absent with the leave of the Board while the member is subject to a temporary order under section 30 of the Protection of Personal and Property Rights Act 1988.
 - (3) When the office of any member of the Board becomes vacant, the vacancy must be filled in the manner in which that office was originally filled.
 - (4) A person who takes office as a member of the Board under subsection (3) may hold office for the residue of the term for which his or her predecessor would have held office if the vacancy had not occurred.
 - (5) A vacancy does not affect the powers of the Board, provided that the Board has a quorum.

Section 5: replaced, on 16 November 2016, by section 5 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

6 Local Authorities (Members' Contracts) Act to apply

[Repealed]

Section 6: repealed, on 29 September 1954, by section 7(1) of the Local Authorities (Members' Contracts) Act 1954 (1954 No 49).

7 Meetings of Board

- (1) Meetings of the Board shall be held at such times and places as the Board or the Chairperson from time to time determines.
- (1A) Any 3 members of the Board may at any time by notice given in writing to the Chairperson of the Board require the Chairperson to call a special meeting of the Board, and thereupon the Chairperson shall call a special meeting of the Board to be held not later than 1 month after the day on which he received the notice.
- (2) At any meeting of the Board 5 members shall form a quorum.
- (3) All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

Section 7(1): amended, on 16 November 2016, by section 6(1) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 7(1A): inserted, on 1 November 1946, by section 5(a) of the Papawai and Kaikokirikiri Trusts Amendment Act 1946 (1946 No 3 (P)).

Section 7(1A): amended, on 16 November 2016, by section 6(2) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 7(2): amended, on 16 November 2016, by section 6(3) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

8 Chairperson and Deputy Chairperson

- (1) The Board must appoint from its members a Chairperson and a Deputy Chairperson of the Board.
- (1A) During any vacancy in the office of Chairperson, or whenever the Chairperson is unable to act, whether by reason of absence or otherwise, the Deputy Chairperson may exercise and perform all the powers and duties of the Chairperson.
- (2) The Chairperson shall preside at every meeting of the Board at which he is present. In the absence of the Chairperson and the Deputy Chairperson from any meeting of the Board, the members present shall select one of their number to be the Chairperson for the purposes of that meeting, and the person so selected may exercise and perform all the powers and duties of the Chairperson accordingly.
- (3) At any meeting of the Board the Chairperson shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

Section 8 heading: amended, on 16 November 2016, by section 7(1) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 8(1): replaced, on 16 November 2016, by section 7(2) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 8(1A): inserted, on 16 November 2016, by section 7(2) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 8(2): amended, on 16 November 2016, by section 7(3) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 8(3): amended, on 16 November 2016, by section 7(4) of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

9 Procedure of Board

Subject to the provisions of this Act, the Board may regulate its procedure in such manner as it thinks fit.

10 Contracts of Board

- (1) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board.
- (2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either in writing under the seal of the Board or in writing signed by 2 members of the Board on behalf of and by direction of the Board.
- (3) No oral contract may be made by or on behalf of the Board.
- (4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it is not made in the manner prescribed by this section if it is made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

Section 10(3): replaced, on 16 November 2016, by section 8 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

11 Vesting of trust property in Board

- (1) On the commencement of this Act all property, whether real or personal, then belonging to the old Board shall be deemed to be vested in the Board established under this Act, subject to all encumbrances, contracts, and equities then affecting the same.
- (2) All contracts made by the old Board before the commencement of this Act shall from the commencement of this Act be deemed to have been made by the Board established under this Act.
- (3) All debts and liabilities incurred by the old Board before the commencement of this Act shall on the commencement of this Act become the debts and liabilities of the Board established under this Act.
- (4) All proceedings by or against the old Board that are pending on the commencement of this Act may be continued, completed, and enforced by or against the Board established under this Act.
- (5) Where any estate or interest in any land subject to the Land Transfer Act 1915 is vested in the Board by virtue of this Act, the District Land Registrar for the land registration district in which the land is situated shall, on receiving a written application under the seal of the Board, register the Board as proprietor of that estate or interest.
- (6) The old Board is hereby dissolved.

12 Application of trust moneys

- (1) After the Board has set aside, out of the accumulations of income as shown by the books of the old Board as at the commencement of this Act, such reserves as the Board may consider necessary to provide for the depreciation of its real and personal property, and for the stabilisation of its future income, the Board may apply the whole or any part of the remainder of those accumulations of income to augmenting the annual income available in any financial year or years for division under subsection (3).
- (2) For the purposes of this section the net income of the Board for any financial year shall be deemed to be the income of the Board for that year after allowing for all expenses for that year and for the setting aside of such reasonable reserves as the Board may consider necessary, and shall be deemed to include any amount by which the income for that year is augmented under subsection (1).
- (3) The Board must appropriate income for each financial year to a fund to be called the Papawai and Kaikokirikiri Scholarship Fund, which may be available only for the following purposes:
 - (a) the provision of scholarships for the post-primary education of children who have whakapapa in relation to the tangata whenua of Wairarapa:
 - (b) the provision of books, clothing, and other equipment for the holders of scholarships, and the making of grants for those purposes and generally

for the purpose of assisting the parents or guardians of any holders of scholarships to provide for their education:

- (c) the making of grants to the governing bodies of any schools at which any such scholarships are tenable or at which any such children are educated:
 - (d) the establishment, furnishing, maintenance, and management of a school or schools in the Wairarapa district for children, including provision for residential accommodation.
- (4) *[Repealed]*
 - (5) *[Repealed]*
 - (6) *[Repealed]*

Section 12(3): replaced, on 16 November 2016, by section 9 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 12(4): repealed, on 16 November 2016, by section 9 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 12(5): repealed, on 16 November 2016, by section 9 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 12(6): repealed, on 16 November 2016, by section 9 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

13 Scholarships

- (1) The conditions of tenure of every scholarship shall be determined by the Board, which shall select the recipient of every scholarship and the school at which it may be held.
- (2) Every scholarship shall be of such value as the Board in its discretion determines, and may in such discretion be renewed from year to year with or without modification in value or conditions of tenure.
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) *[Repealed]*

Section 13(3): repealed, on 16 November 2016, by section 10 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 13(4): repealed, on 16 November 2016, by section 10 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 13(5): repealed, on 16 November 2016, by section 10 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

14 Powers of Board to sell or lease lands

- (1) This section applies to the lands described in the Schedule, namely, the Clareville land, the Papawai land, and the Kaikokirikiri land.
- (2) The Board may sell the Clareville land, but not the Papawai land or the Kaikokirikiri land, by public auction or by private contract, and on the terms and con-

ditions that the Board thinks fit, with power to buy in or rescind or vary any contract of sale.

- (3) To avoid doubt, the Board may not consent to the sale of or otherwise permanently alienate the Papawai land or the Kaikokirikiri land.
- (4) The Board may lease the Clareville land, the Papawai land, and the Kaikokirikiri land, in whole or in part, and on the terms and conditions that the Board thinks fit.

Section 14: replaced, on 16 November 2016, by section 11 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

14A Leasing of certain Kaikokirikiri lands

- (1) *[Repealed]*
- (2) If in the opinion of the Board any part of any farm land to be leased pursuant to this section may during the term of the proposed lease or of any such renewal become usable for industrial or residential purposes, the lease and any renewal lease of that land shall contain a condition to the effect that the lessee, on the expiry of 6 months' notice in writing given to him by the Board, shall surrender the lease with respect to such part of the land as may be specified in the notice, and that the rent for the balance of the land comprised in the lease after the date of the surrender shall be determined by valuation to be made in accordance with provisions in that behalf in the lease.

- (3) *[Repealed]*

Section 14A: inserted, on 20 October 1972, by section 2 of the Papawai and Kaikokirikiri Trusts Amendment Act 1972 (1972 No 5 (P)).

Section 14A(1): repealed, on 16 November 2016, by section 12 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 14A(3): repealed, on 16 November 2016, by section 12 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

15 Investment of trust funds, etc

- (1) Any moneys belonging to the Board and available for investment may be invested in any investments for the time being authorised by law for the investment of trust funds.
- (1A) Subject to section 14A, any investment made under subsection (1) may be varied from time to time.
- (2) The farming operations heretofore carried on by the old Board are hereby validated, and the Board established under this Act may carry on upon any land vested in it the business of farming in all or any of its branches until the Board can in its discretion conveniently lease the land and dispose of the stock. The Board may use such portion of its income as it considers necessary for the carrying on of any such farming operations.

Section 15(1): replaced, on 16 November 2016, by section 13 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

Section 15(1A): inserted, on 16 November 2016, by section 13 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

16 Payments for attending business meetings of Board and its subcommittees

- (1) The members of the Board are entitled to receive payment from the funds of the Board for any reasonable travelling, accommodation, and other expenses that they incur to attend—
 - (a) business meetings of the Board; and
 - (b) business meetings of any subcommittees of the Board.
- (2) The members of the Board may also be paid a meeting fee or honoraria that the Board has approved at its annual general meeting.
- (3) However, no meeting fee or honoraria may be payable to a member of the Board if that member has determined or materially influenced the amount of the meeting fee or honoraria.

Section 16: replaced, on 16 November 2016, by section 14 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

17 Accounts of Board

The Board shall cause proper books of account to be kept for all matters relating to the trust estate.

18 Annual report, including statement of accounts

- (1) At the end of each financial year the Board shall cause to be prepared a report of the operations of the Board for the year.
- (2) The report shall contain a statement of the total assets and liabilities as at the end of the year, together with an account of receipts and payments and of income and expenditure showing the financial transactions for the year.
- (3) Copies of the report must be provided to the Bishop of Te Upoko o Te Ika.

Section 18(3): replaced, on 16 November 2016, by section 15 of the Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P)).

19 Members of Board not personally liable

No member of the Board shall be personally liable for any act done or omitted by the Board or by any member thereof in good faith in the course of the operations of the Board.

20 Repeal and savings

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) All scholarships awarded by the old Board that are subsisting or in force on the commencement of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated.

21 Private Act

This Act is hereby declared to be a private Act.

Schedule
Lands vested in the Papawai and Kaikokirikiri Trusts Board by this Act

Papawai land

All that parcel of land containing 395 acres 1 rood and 18 perches, more or less, situate in Block XIV of the Tiffin Survey District, being parts of Section 42, Moroa Block, and being the whole of the land comprised in certificate of title, Vol 336, folio 222, Wellington Registry.

Kaikokirikiri land

All those parcels of land containing together 177 acres 2 roods and 25.4 perches, more or less, situate partly in the Borough of Masterton and partly in Block IV of the Tiffin Survey District, being parts of Section 110, Bishops Reserve, and part of Sub-division 33N, Ngaumutawa Block, and being also Lots 1, 2, 3, 4, 5, 7, 9, and 11 on Deposited Plan No 7899, and being the whole of the land comprised in certificate of title, Vol 370, folio 80, Wellington Registry.

Clareville land

All that piece of land situated in the Taratahi Plain, Wairarapa District, containing 150 acres, more or less, which said piece of land comprises Section 85 and part of Section 86 on the public map of the said Taratahi Plain deposited in the office of the Commissioner of Crown Lands at Wellington, being the whole of the land comprised in certificate of title, Vol 9, folio 40, Wellington Registry.

Reprints notes

1 *General*

This is a reprint of the Papawai and Kaikokirikiri Trusts Act 1943 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*

Papawai and Kaikokirikiri Trusts Amendment Act 2016 (2016 No 3 (P))

Papawai and Kaikokirikiri Trusts Amendment Act 1972 (1972 No 5 (P))

Local Authorities (Members' Contracts) Act 1954 (1954 No 49): section 7(1)

Papawai and Kaikokirikiri Trusts Amendment Act 1946 (1946 No 3 (P))