

**Reprint
as at 24 November 1951**



**Peggy Joan Boys Voluntary
Settlement Act 1951**

Private Act 1951 No 5
Date of assent 23 November 1951
Commencement 23 November 1951

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An Act to amend the trusts of a voluntary settlement made by Peggy Joan Boys, wife of Henry Brian Ward Boys, of Waipawa, sheepfarmer, by vesting the capital thereof in the said Peggy Joan Boys

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 by a voluntary settlement (hereinafter called the **settlement**) dated 15 August 1930 and made between Peggy Joan Williams, of Ditchhead Rectory, Evercreech, in the County of Somerset, spinster (therein and hereinafter called the **settlor**), of the one part, and Henry Dyke Acland, of 77 Hereford Street, Christchurch, New Zealand, solicitor, and John Mowbray Howard Tripp, of Silverton, in the Dominion of New Zealand, farmer (hereinafter called the **original trustees**), of the other part, it was recited that the settlor was born at 67 Marine Parade, Sheerness, in the County of Kent, in England, on 9 April 1909 and had accordingly attained the age of 21 years:

And whereas by the settlement it was further recited that the settlor was absolutely and beneficially entitled to the money and investments set out in the First Schedule thereto and desired to settle the same in manner thereinafter appearing, and the settlor had accordingly agreed to pay or transfer the same to or into the names of the original trustees to be held upon the trusts and with and subject to the powers and provisions therein contained:

And whereas by the settlement it was declared that the original trustees should thenceforth hold the said money and investments (therein and hereinafter called the **Trust Fund**) and the income therefrom respectively upon such trusts and subject to such powers and provisions as the settlor by any deed made in consideration of her marriage should appoint and create, and that, subject to any such appointment, the trustees should hold the Trust Fund upon trust as to such of the income as should accrue in the lifetime of the settlor in trust for her and while covert without power of anticipation, and that after the death of the settlor the trustees should hold the Trust Fund (subject however, to any exercise by the settlor of a power of appointment over the income in favour of her husband) upon trust for such 1 or more exclusively of the others or other of the issue of the settlor at such age or time or respective ages or times and if more than 1 in such shares and otherwise as the settlor by deed, with or without power of

revocation or new appointment, or by will or codicil should appoint:

And whereas the settlor, in pursuance of the powers contained in the settlement and in consideration of her then intended marriage to the said Henry Brian Ward Boys, did by a marriage settlement dated 27 January 1933, made between the said Henry Brian Ward Boys, of the first part, the settlor, of the second part, and the said Henry Dyke Acland, John Hazlitt Upham, of Christchurch, solicitor, and John William Kenneth Lawrence, of Christchurch, accountant, of the third part, appoint and declare that such an amount of Australian consolidated inscribed 4% stock calculated at the market price in Australia for the day on which the said intended marriage should be solemnized as should be sufficient to provide the sum of 5,000 pounds in New Zealand pounds or currency calculated at the rate of exchange ruling between Australia and New Zealand at the date when the said intended marriage should be solemnized then held by the original trustees upon the trusts of the settlement should be held by the said Henry Dyke Acland, John Hazlitt Upham, and John William Kenneth Lawrence on the trusts of the said marriage settlement:

And whereas the settlor at the date of her executing the settlement had not long attained the age of 21 years and had no experience of business affairs, and understood that the settlement would be operative only during her younger years and that in due time she would regain full control of the money and investments so settled by the settlement:

And whereas the settlor did not know until some years later that she would not so regain such control and she was then advised that it was too late for her to apply to the court to have the settlement revoked or amended:

And whereas the trustees of the settlement are now Charles Herbert Lawrence, of Christchurch, sharebroker, and David Penn Scannell, of Hastings, solicitor:

And whereas the settlor now desires to have the trusts of the settlement amended by vesting the capital thereof in her absolutely, but such amendment is not attainable otherwise than by legislation.

1 Short Title

This Act may be cited as the Peggy Joan Boys Voluntary Settlement Act 1951.

2 Interpretation

In this Act, unless the context otherwise requires,—

settlement means the settlement of 15 August 1930

trustees means Charles Herbert Lawrence, of Christchurch, sharebroker, and David Penn Scannell, of Hastings, solicitor, and the trustees or trustee for the time being lawfully acting as trustees of the settlement in lieu of or in addition to the said Charles Herbert Lawrence and David Penn Scannell

Trust Fund means the money and investments at present in the hands of or under the control of the Trustees.

3 Variation of voluntary settlement

Notwithstanding anything to the contrary in the settlement, the trustees shall hold the Trust Fund upon trust for the said Peggy Joan Boys absolutely.

4 Private Act

This Act is hereby declared to be a private Act.

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Notes

1 *General*

This is a reprint of the Peggy Joan Boys Voluntary Settlement Act 1951. The reprint incorporates all the amendments to the Act as at 24 November 1951, 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)*
