

**Reprint
as at 23 October 1981**



**Whanganui College Board of
Trustees Empowering Act 1952**

Public Act 1952 No 37
Date of assent 22 October 1952
Commencement 22 October 1952

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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.

An Act to extend the powers of the Whanganui College Board of Trustees, and to vary the trusts upon which the properties of that Board are held

Preamble

Whereas by Crown grant dated 13 October 1852, after reciting that a school was about to be established in Wanganui under the superintendence of the Right Reverend George Augustus, Lord Bishop of New Zealand, for the education of children of Her Majesty's subjects of all races, and of children of other poor and destitute persons being the inhabitants of islands in the Pacific Ocean, certain land in the district of Wanganui containing 250 acres and 32 perches, more or less (which land is more particularly described in Schedule 1), was granted unto the said George Augustus, Lord Bishop of New Zealand, and his successors to hold unto the said George Augustus, Lord Bishop of New Zealand, and his successors in trust nevertheless and for the use and towards the maintenance and support of the said school so long as religious education, industrial training, and instruction in the English language should be given to the youth educated therein or maintained thereat:

And whereas approximately 39 acres of the said land were taken by the Crown by Proclamation in the year 1947:

And whereas the balance of the said piece or parcel of land described in Schedule 1 is now vested (subject to the trusts declared by the said Crown grant) in a Board of Trustees incorporated under the Religious, Charitable, and Educational Trusts Boards Incorporation Act 1884 under the name of the Whanganui College Board of Trustees (hereinafter referred to as the **Board of Trustees**):

And whereas the Board of Trustees has maintained, and is maintaining, 2 schools at Wanganui pursuant to and in terms of the said trusts:

And whereas, pursuant to the Church of England Trusts Act 1913, the members of the Board of Trustees are appointed by the Wellington Diocesan Trusts Board, and the Board of Trustees is responsible to make periodical reports to the Synod of the Diocese of Wellington and to the General Synod:

And whereas, with the object of best furthering the education contemplated in the said Crown grant, it is expedient that the industrial training referred to in the said Crown grant should be given by the Education Department at technical colleges fully equipped with the plant and apparatus necessary for modern industrial training and that the Board of Trustees, in consideration of the concession to the Crown hereinafter mentioned, should be released forever from their responsibility to give industrial training at the said schools and that the trusts declared by the said Crown grant should be varied accordingly:

And whereas the Education Department already provides and will continue to provide industrial training at Wanganui:

And whereas it is desirable further to clarify and define the trusts of the said Crown grant:

And whereas the Board of Trustees has leased to the Wanganui Education Board under leases for terms of up to 60 years certain portions of the said land which are more particularly described in Schedule 2, and which leases are for the terms set forth in Schedule 2 and do not provide for any compensation to the lessee for improvements:

And whereas the Wanganui Education Board holds on renewable lease from the Board of Trustees certain other portions of the said land which are more particularly described in Schedule 3:

And whereas the Wanganui Education Board has effected improvements of considerable value upon the land contained in all the aforesaid leases.

1 Short Title

This Act may be cited as the Whanganui College Board of Trustees Empowering Act 1952.

2 Variation of terms of trust

- (1) As from the commencement of this Act the Board of Trustees shall hold so much of the land described in Schedule 1 as is for the time being vested in it and all moneys and assets of the Board of Trustees arising out of the trusts of the said Crown grant upon trust for the use and towards the maintenance of the

schools at Wanganui known as Wanganui Collegiate School and St. George's Preparatory School as carried on at the commencement of this Act so long as religious education, and instruction in the English language, shall be given to the children of Her Majesty's subjects of all races educated therein or maintained thereat.

- (2) Notwithstanding the provisions of subsection (1), the Board of Trustees shall set aside in each year out of the net income derived by it from such part of the land described in Schedule 1 as shall from time to time be held by the Board of Trustees the sum of 400 pounds. The said sum of 400 pounds shall be held by the Board of Trustees upon trust for the provision of scholarships or concessions at Wanganui Collegiate School or St. George's Preparatory School for the benefit of any scholar or scholars from the islands of the Pacific Ocean who shall, in the opinion of the Board of Trustees, be suitable and willing to receive instruction at either of the said schools and for whom accommodation at the said schools is available:
provided that if in any year the full sum of 400 pounds shall not be expended in the scholarships or concessions heretofore referred to in this subsection, then the unexpended balance of the said moneys shall be available for the purposes referred to in subsection (1).
- (3) The trusts declared by the said Crown grant are hereby modified accordingly.
- (4) *[Repealed]*

Section 2(4): repealed, on 23 October 1981, by section 23(1) of the Anglican Church Trusts Act 1981 (1981 No 5 (P)).

3 Power to sell to Crown on special terms

The Board of Trustees is hereby empowered to release and abandon in favour of the Crown the rights of the Board of Trustees to the value of the improvements effected by the Wanganui Education Board as lessee of the land referred to in Schedules 2 and 3 and to accept the sum of 60,000 pounds as the purchase price payable by the Crown for the freehold of the said land and the improvements erected thereon.

4 Power to consent to sale

The Wanganui Collegiate School Old Boys' Association (Incorporated), a body incorporated under the Incorporated Societies Act 1908, as trustee appointed pursuant to a deed of trust dated 19 September 1949 for the holders of debentures to the value of 120,000 pounds secured over the land described in Schedules 2 and 3 and other land, is hereby authorised to—

- (a) consent to the Board of Trustees releasing and abandoning the rights, and selling the land specified in section 3;
 - (b) discharge all securities held by the said Association so far as the securities relate to the land specified in section 3.
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Schedule 1

All that area containing by admeasurement 250 acres 32 perches, more or less, being the Whanganui Industrial School Reserve comprised and described in a Crown grant dated 13 October 1852 and registered in the Deeds Register Office at Wellington in deeds record book, Volume 9, folio 40, under Number 4332.

Schedule 2

Firstly, all that area containing by admeasurement 4 acres 2 roods, more or less, being Lots 27 to 34 inclusive and Lots 37 to 46 inclusive on a plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 465, folio 103 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 128914, recorded in deeds record book, Volume 237, folio 242 (term 51 years commencing 16 April 1920), over that portion of the above-described land containing by admeasurement 4 acres 1 rood 20 perches, more or less, being Lots 27 to 34 inclusive, Lots 37 to 44 inclusive, and parts of Lots 45 and 46 on the plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve:

Subject also to outstanding deed of lease Number 147546, recorded in deeds record book, Volume 272, folio 682 (term 53 years 228 days commencing 31 August 1917) over that portion of the above-described land containing by admeasurement 20.36 perches, more or less, being part of Lots 45 and 46 on the plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve.

Secondly, all that area containing by admeasurement 1 acre 1 rood 32.79 perches, more or less, being part of the Whanganui Industrial School Reserve (part of that area comprising Lots 47, 49, and 51, and part of Lots 48, 50, and 52 on a plan lodged in the Deeds Register Office at Wellington under Number 73) and that area being part of the land comprised and described in certificate of title, Volume 477, folio 48 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 128914 recorded in deeds record book, Volume 237, folio 242 (term 51 years commencing 16 April 1920).

Thirdly, all that area containing by admeasurement 13.77 perches, more or less, being Lot 6 on a plan lodged in the Deeds Register Office at Wellington under Number 560, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised

and described in certificate of title, Volume 477, folio 77 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 147548 recorded in deeds record book, Volume 272, folio 690 (term 45 years 10 months 16 days commencing 30 June 1925).

Fourthly, all that area containing by admeasurement 2 roods 22.3 perches, more or less, being Lots 1, 2, and 3 on a plan lodged in the Deeds Register Office at Wellington under Number 352, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 477, folios 55, 56, and 57 (limited as to parcels), Wellington Registry.

Fifthly, all that area containing by admeasurement 1 acre 2 roods 29.96 perches, more or less, being Lots 28 to 35 inclusive on a plan lodged in the Deeds Register Office at Wellington under Number 352, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 465, folio 104 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 147547 recorded in deeds record book, Volume 272, folio 686 (term 55 years 320 days from 1 June 1915).

Sixthly, all that area containing by admeasurement 1 rood 25.7 perches, more or less, being part of the land in deposited plan Number 3258, being part of the Whanganui Industrial School Reserve and being part of the land comprised and described in certificate of title, Volume 235, folio 19, Wellington Registry:

Subject to memorandum of lease Number 14107 (term 60 years from 1 January 1921).

Seventhly, all that area containing by admeasurement 20.08 perches, more or less, being part of the land in deposited plan Number 3258, being part of the Whanganui Industrial School Reserve, and being part of the land comprised and described in certificate of title, Volume 235, folio 19, Wellington Registry:

Subject to the free use and occupation by the lessee in memorandum of lease Number 14107, as more particularly described in memorandum of lease Number 14107.

Eighthly, all that area containing by admeasurement 2 roods 0.76 perches, more or less, being Lot 1, deposited plan number 3454,

being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 465, folio 73, Wellington Registry.

Ninthly, all that area containing by admeasurement 5 acres 25.59 perches, more or less, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 477, folio 45 (limited as to parcels), Wellington Registry:

Subject to outstanding deed of lease Number 147549, recorded in deeds register book, Volume 272, folio 695 (term 43 years 9 months from 1 January 1916):

As the same are more particularly delineated on the plan marked L and S 55379, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged blue.

Schedule 3

Firstly, all that area containing by admeasurement 2 roods, more or less, being Lots 35 and 36 on a plan lodged in the Deeds Register Office at Wellington under Number 73, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificates of title, Volume 465, folios 85 and 86 (limited as to parcels), Wellington Registry:

Subject to memorandum of lease Number 24992 (term 21 years commencing 1 February 1949, with a right of renewal).

Secondly, all that area containing by admeasurement 1 rood 13 perches, more or less, being Lot 1 on a plan lodged in the Deeds Register Office at Wellington, under Number 245, being part of the Whanganui Industrial School Reserve, and being the whole of the land comprised and described in certificate of title, Volume 477, folio 4 (limited as to parcels), Wellington Registry:

Subject to memorandum of lease Number 19949 (term 21 years commencing 1 October 1933).

Thirdly, all that area containing by admeasurement 1 acre 10.7 perches, more or less, being part of Lots 11, 12, 13, and 14 on a plan lodged in the Deeds Register Office at Wellington under Number 245, being part of the Whanganui Industrial School Reserve, and being part of the land comprised and described in certificates of title, Volume 477, folios 14, 15, 16, and 17 (limited as to parcels), Wellington Registry:

Subject to memorandum of lease Number 22319 (term 15 years commencing 1 October 1939):

As the same are more particularly delineated on the plan marked L and S 55379, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged green.

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Notes

1 *General*

This is a reprint of the Whanganui College Board of Trustees Empowering Act 1952. The reprint incorporates all the amendments to the Act as at 23 October 1981, 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)***

Anglican Church Trusts Act 1981 (1981 No 5 (P)): section 23(1)
