

**Reprint
as at 9 June 1936**



**William George David Brown
Trust Act 1936**

Private Act 1936 No 3
Date of assent 8 June 1936
Commencement 8 June 1936

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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 constitute and incorporate the Board of Trustees of the
William George David Brown Trust**

Preamble

Whereas William George David Brown, of the City of Wellington, gentleman (hereinafter referred to as the **testator**), died at Wellington on or about 15 February 1934:

And whereas the testator left a last will and testament bearing date 17 January 1933 and a codicil thereto bearing date 12 April 1933:

And whereas probate of the said will and codicil was on 15 March 1934 granted by the Supreme Court of New Zealand at Wellington to George Kinniburgh Brown, of Wellington, insurance accountant, the executor and trustee appointed by the said will:

And whereas by paragraph 4 of the said will, as modified by the said codicil, the testator directed his trustee to stand possessed of certain income therein referred to, and to pay and apply the same to and for such of certain charitable or educational purposes or institutions, and in such manner and in such shares, or to such extent, as the Board of Trustees mentioned in the said will should from time to time by resolution direct and appoint:

And whereas by paragraph 5 of the said will the testator provided for the constitution of the Board of Trustees:

And whereas it is desired that the said Board in lieu of being constituted as provided by paragraph 5 of the said will should be constituted as herein appears:

And whereas it is desired that the said Board of Trustees should be constituted a body corporate with perpetual succession and a common seal, and that certain powers should be granted to facilitate the proper administration of the said trust:

And whereas the objects of this Act are not attainable otherwise than by legislation.

1 Short Title

This Act may be cited as the William George David Brown Trust Act 1936.

2 Constitution and incorporation of Board

- (1) The Board of Trustees referred to in paragraph 4 of the will, in lieu of being constituted as provided in paragraph 5 of the will, shall consist of—
 - (a) the person from time to time holding the office of Mayor of the City of Wellington:
 - (b) the person from time to time holding the office of Chairman of the Wellington Hospital Board:
 - (c) the person from time to time holding the office of trustee of the will.
- (2) The said Board of Trustees is hereby constituted a body corporate under the name of The Board of Trustees of the W. G. D. Brown Trust (hereinafter referred to as the **Board**) with perpetual succession and a common seal.

3 Provision in event of vacancy, absence, or incapacity

- (1) If at any time the office of Mayor of the City of Wellington or the office of Chairman of the Wellington Hospital Board is vacant, or the said Mayor or the said Chairman is absent from the Dominion of New Zealand or unable to act in his office, then and in such case during such vacancy, absence, or incapacity the person for the time being acting as such Mayor or Chairman shall be entitled to act as and to exercise all the powers of a member of the Board in the room and stead of the Mayor or the Chairman, as the case may be.
- (2) A resolution passed at any meeting of the Board declaring that any person is for the time being entitled to act in the room and stead of such Mayor or Chairman shall be conclusive evidence in all courts that such person is so entitled to act.

4 Representation on Board of corporate trustee

- (1) If at any time a corporation is trustee of the will, such corporation may from time to time by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at meetings of the Board. Any such appointment may in like manner be revoked.
- (2) A person authorised as aforesaid shall be entitled to exercise the same powers on behalf of the corporation as the corpor-

ation could exercise if it were an individual member of the Board.

5 Provision in event of member of Board declining to act, or resigning

If any person (including any person appointed under the provisions of this section) entitled to act as a member of the Board shall decline so to act or shall resign from membership of the Board, or if any person appointed under the provisions of this section shall die, or be absent from the Dominion of New Zealand, or be unable to act as a member of the Board, the other member or members of the Board may appoint some other person to act as a member of the Board in place of the person so declining to act, or resigning, or dying, or being absent from New Zealand, or being unable to act. Any person so appointed shall hold office as a member of the Board for the period during which the person in whose place he is appointed would have been entitled to act as a member of the Board had he not so declined to act, or resigned, or died, or been absent from New Zealand, or been unable to act.

6 Validity of acts of Board notwithstanding vacancies or defective appointments

The Board may act notwithstanding any vacancy in its membership, and the validity of any act of the Board shall not be affected or called in question by reason of any defect or informality in the appointment of a member of the Board to an office which qualifies him for a seat on the Board.

7 Powers of Board

The Board shall have and may exercise all and singular the powers and authorities given to or exercisable by the Board of Trustees by or under the will:

provided that in the event of the Board exercising the power conferred on it by subparagraph (d) of paragraph 5 of the will, the salary or remuneration therein referred to shall be paid by the trustee of the will out of the income available for distribution under paragraph 4 of the will.

8 Resolutions of Board final

Any resolution of the Board directing or appointing that any of the income available for distribution under paragraph 4 of the will shall be paid or applied to any charitable or educational purpose or institution which is bona fide believed by the Board to be eligible to participate under paragraph 4 of the will shall be final and conclusive evidence that such charitable or educational purpose or institution is so eligible to participate.

9 Costs of Act to be taxed

All costs, charges, and expenses of and incidental to the preparing, settling, obtaining, and passing of this Act shall, after such costs, charges, and expenses shall have been taxed and allowed as between solicitor and client by the Registrar at Wellington of the Supreme Court, be paid out of the residuary estate of the testator.

10 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 William George David Brown Trust Act 1936. The reprint incorporates all the amendments to the Act as at 9 June 1936, 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)*
