

Hon. Mr Friedlander

**NEW PLYMOUTH HIGH SCHOOL BOARD (EVELYN
DOWLING TRUST) EMPOWERING**

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act to enable The New Plymouth High School Board as trustee of the residuary estate of Evelyn Love Dowling, out of a fund established by her Will,—

- 5 (a) To continue to benefit pupils and former pupils of the New Plymouth Boys High School, notwithstanding that that School has ceased to be under the jurisdiction of the Board; and
- 10 (b) To continue to benefit pupils and former pupils of the New Plymouth Girls High School and of Spotswood College, whether or not that School or College continues to be under the jurisdiction of the Board; and
- 15 (c) To benefit pupils and former pupils of any other secondary school that may hereafter come under the jurisdiction of the Board, whether or not it continues to be under that jurisdiction.

20 WHEREAS Evelyn Love Dowling, late of New Plymouth, (hereinafter referred to as "the Deceased") died at New Plymouth on 27 August 1972; and whereas by her Will dated

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21 November 1967 (hereinafter referred to as “the Will”) the Deceased gave and bequeathed her residuary estate to The New Plymouth High School Board (hereinafter referred to as “the Board”) to stand possessed thereof upon trust for the purposes of a Musical Education Trust Fund established by the Will (hereinafter referred to as “the Fund”); And whereas by the provisions of the Will the Board is directed to provide out of the income of the Fund financial assistance from time to time, for purposes relating to education and training in orchestral music as set out in the Will, to a suitable pupil or pupils attending any school under the jurisdiction of the Board or any former pupil or pupils of any such school under the age of 21 years or (where special circumstances exist) to any pupil or pupils of any primary or intermediate school situated within the City of New Plymouth; And whereas at the date of the Will and at the date of death of the Deceased the schools under the jurisdiction of the Board were the New Plymouth Girls High School, the New Plymouth Boys High School, and Spotswood College; And whereas on 1 July 1977 the New Plymouth Boys High School ceased to be under the jurisdiction of the Board and pupils and former pupils of that School ceased on that date to be eligible to receive financial assistance from the Fund; And whereas it is desirable that the pupils and former pupils of the New Plymouth Boys High School should continue to be eligible to receive financial assistance from the Fund and that, if at any time hereafter the New Plymouth Girls High School or Spotswood College should cease to be under the jurisdiction of the Board, pupils and former pupils of that High School or that College, should continue to be eligible to receive financial assistance from the Fund; and that pupils and past pupils of any other school that hereafter comes under the jurisdiction of the Board should be eligible to receive financial assistance from the Fund notwithstanding that the school may subsequently cease to be under the jurisdiction of the Board; And whereas the powers requisite to enable the Board to provide such financial assistance may be obtained only by legislation:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of same, as follows:

1. Short Title—This Act may be cited as the New Plymouth High School Board (Evelyn Dowling Trust) Empowering Act, 1983.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Advisory Committee” means the Advisory Committee described in Clause 9 of the Will:

5 “Board” means The New Plymouth High School Board:

“Fund” means the accumulated fund held by the Board for the purposes of the Musical Education Trust Fund established by the Will.

3. Beneficiaries of the Fund—Notwithstanding the terms
10 of the trust relating to the Fund as set out in the Will, the class of persons eligible for assistance out of the Fund shall comprise the following:

(a) Pupils attending the New Plymouth Boys High School,
15 the New Plymouth Girls High School, or Spotswood College:

(b) Pupils attending any other secondary school that hereafter comes under the jurisdiction of the Board, whether or not it subsequently ceases to be under that jurisdiction:

20 (c) Former pupils of either of the Schools or of the College specified in **paragraph (a)** of this section, or of any school to which **paragraph (b)** of this section applies, who are under the age of 21 years:

25 (d) Where, in the opinion of the Advisory Committee, special circumstances exist, pupils attending any primary or intermediate school situated within the City of New Plymouth.

4. Confirmation of remaining terms of trust—In all other respects the terms of the trust relating to the Fund as set out
30 in the Will are hereby confirmed.

5. Validation—All payments out of the Fund made by the Board for the purpose of providing financial assistance to pupils or former pupils of the New Plymouth Boys High School that
35 payments were made are hereby declared to be and always to have been validly made.

6. Costs—The costs of promoting this Act, including all disbursements and legal expenses, shall be paid by the New Plymouth Boys High School Board of Governors.

40 **7. Private Act**—This Act is hereby declared to be a Private Act.