

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 8 April 1987.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Bill Dillon

WAIKATO ANGLICAN BOYS COLLEGE TRUST

[PRIVATE]

ANALYSIS

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Preamble
1. Short Title
2. Interpretation

3. Extension of Objects of Waikato
Anglican Boys College Trust
4. Application of Charitable Trusts Act
1957
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A BILL INTITULED

**An Act to amend the objects of Waikato Anglican Boys
College Trust to permit girls as well as boys to be
educated at St Paul's Collegiate School**

- 5 WHEREAS the Waikato Anglican Boys College Trust a Board
duly incorporated under the Charitable Trusts Act 1957
administers St Paul's Collegiate School at Hamilton and at Tihoi
on land owned by the Board: And whereas the Trustees and the
Founders of the Waikato Anglican Boys College Trust desire to
10 admit girls to the Sixth and Seventh Forms of the School
provided that at the commencement of any School year the
number of girls enrolled will not exceed one fifth of the
aggregate of the schools Sixth and Seventh form rolls at that
time: And whereas the Board has no power to alter the objects
15 of the Waikato Anglican Boys College Trust: And whereas it is
impracticable and inexpedient for the Trustees to apply to the

No. 83—2

*Price \$1.50
incl. GST \$1.65*

High Court of New Zealand for a variation of the objects of the Trust as aforesaid.

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Waikato Anglican Boys College Trust Act (1986) 1987. 5

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

“the Trust” means the Waikato Anglican Boys’ College Trust. 10

“Trust Deed” means the Trust Deed dated 11th July 1957 establishing the Waikato Anglican Boys’ College Trust together with all amendments thereto.

“the School” means St Paul’s Collegiate School at Hamilton and Tihoi. 15

“the Trustees” means the trustees for the time being of the Waikato Anglican Boys’ College Trust.

“the Founders” means and includes those persons who have executed the Trust Deed as at 11 July 1957 and also such other persons as have since that date been requested by the Trustee to sign the trust deed. 20

“Fellow of St Paul’s Collegiate School” means and includes those persons who at the date of the passing of this Act are or hereafter consent to become Fellows and are appointed by the Trustees. 25

3. Extension of Objects of Waikato Anglican Boys’ College Trust—(1) Notwithstanding anything in the Trust Deed the objects of the Trust shall be deemed to extend to the teaching and education of girls at sixth and seventh Form levels provided that the proportion of the girls enrolled in the school at the commencement of any school year shall not exceed one fifth of the aggregate of the school’s sixth and seventh form rolls at that time. 30

(2) Notwithstanding the provisions of the Trust Deed if at any time it appears to not less than three fourths of the Trustees that it would be desirable to amend further the objects of the Trust in such manner as to alter further the class of persons for whom teaching and education may be provided the Trustees upon obtaining approval of three fourths of living Founders of 40

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two years standing and the approval of three fourths of Fellows of St Paul's Collegiate School of two years standing may prepare an appropriate scheme in terms of the Charitable
5 Trusts Act 1957 and lay it before the Attorney-General.

4. Application of Charitable Trusts Act 1957—Sections 52 to 57, 59 and 60 of the Charitable Trusts Act 1957 (inclusive) shall apply to any scheme laid before the Attorney-General under section 3 (2) of this Act.

New

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

“Fellow of St Paul's Collegiate School” means the persons who, at the commencement of this Act, have consented to become and have been appointed by the
15 Trustees to be Fellows; and includes any persons who hereafter consent to become and are appointed by the Trustees to be Fellows:

“The Founders” means the original signatories to the
20 Trust Deed:

“The School” means St Paul's Collegiate School at Hamilton and Tihoi:

“The Trust” means the Waikato Anglican Boys College Trust:

“The Trust Deed” means the deed dated the 11th day of July 1957 establishing the Waikato Anglican Boys College Trust; and includes all amendments to that deed:

“The Trustees” means the trustees for the time being of
30 the Waikato Anglican Boys College Trust.

3. Extension of objects of Trust to include education of girls—(1) Notwithstanding anything in the Trust Deed, but subject to subsection (2) of this section, the objects of the Trust shall be deemed to extend to the teaching and education of
35 girls as well as boys.

(2) Except as may be otherwise determined by the Trustees in accordance with subsection (3) of this section, the admission of girls to the School shall be limited to the 6th and 7th Forms, and so that the proportion of girls enrolled in the School at the
40 commencement of any school year shall not exceed one-fifth of

New

the aggregate of the School's 6th and 7th Form rolls at that time.

(3) The conditions specified by **subsection (2)** of this section in relation to the admission of girls to the School may be altered or revoked, and new conditions may be imposed, at any time and from time to time by the Trustees with the approval of— 5

(a) Three-quarters of the Founders then living; and

(b) Three-quarters of the Fellows of St Paul's Collegiate School of at least 2 years' standing. 10

5. Private Act—This Act is hereby declared to be a Private Act.