

**Reprint  
as at 12 November 2018**



## **Anglican Trust for Women and Children Act 1962**

Private Act      1962 No 4  
Date of assent      7 December 1962  
Commencement      7 December 1962

Act name: replaced, on 3 October 1975, by section 2(1) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

## Schedule

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**An Act to declare the trusts upon which certain real and personal property is now held by The Orphan Home Trust Board, a Trust Board incorporated under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884 and having its office at Shortland Street in the City of Auckland (hereinafter referred to as the Board), and to declare the trusts upon which real and personal property hereafter vested in or acquired by the Board is to be held, and to confer certain necessary powers upon the Board, and to provide a constitution and rules for the Board, and to provide for other incidental matters to facilitate the management and administration of such real and personal property vested in or acquired by the Board, and to validate a change of name of the Board**

**Preamble**

Whereas, in or about the year 1860, an orphanage was established in the City of Auckland by certain persons being members of the Church of England for the care of orphans and destitute children: And whereas the members for the time being of the Board of such orphanage caused themselves to be incorporated on 10 November 1888, under the name of The Orphan Home Trust Board under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884, and such incorporation was duly recorded in the Supreme Court of New Zealand at Auckland on 10 November 1888 aforesaid: And whereas the incorporation of the Board was not, as far as can be ascertained by search and inquiry, preceded by the execution of a declaration of trust specifically declaring the trusts, powers, and authorities of the incorporating trustees or of the Board, and there do not exist, so far as diligent search and inquiry can ascertain, any declared trusts regarding the lands and other assets vested in the Board on its incorporation, or any declared trusts in respect of the greater portion of the lands and other assets acquired by and vested in the Board subsequently to its incorporation: And whereas, since such incorporation, extensive funds and properties both real and personal have been placed at the disposal of the Board and have been employed by it in furtherance of its work and in the purchase of properties for use in such work, or invested for the purpose of providing funds for such work: And whereas, in view of the inability to locate or discover any declaration of trust declaring the trusts upon which the Board now holds the real and personal property vested in it and the trusts upon which property real and personal subsequently acquired by or vested in the Board is to be held, it is desirable that the said trusts be declared, that certain necessary provisions be made for the constitution of the Board, that appointment of the existing members of the Board be confirmed, that provision be made for the appointment of successive members, that certain essential and necessary powers be conferred upon the Board, and that other administrative matters be defined: And whereas the name The Orphan Home Trust Board is not now a suitable name for the Board in that the work of the Board is not and has not for some years been confined to the control of a single institution for the care of orphans, but embra-

ces the control of several institutions and considerable welfare and charitable work apart from such institutions among destitute or needy children who for the most part are not orphans: And whereas the Board has, by resolution of a duly constituted meeting, resolved to change the name of the said Board to Church of England Children's Trust and it is accordingly desirable to make provision to remove any doubt that may arise as to the validity of such change of name and to facilitate dealings with the assets of the Board under its new name.

## 1 Short Title

This Act may be cited as the Anglican Trust for Women and Children Act 1962.

Section 1: amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

## 2 Interpretation

In this Act—

**child** means any person under the age of 21 years

**Church of England** means the Church of the Province of New Zealand, commonly called the Church of England, which in the constitution of such Church is described as a branch of the United Church of England and Ireland in New Zealand

**Board** means the Board incorporated under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884 under the name and title of The Orphan Home Trust Board.

## 3 Objects of the Board

The objects set forth in the first part of the Schedule shall be the objects of the Board.

## 4 Constitution and rules of the Board

The constitution and rules set forth in second part of the Schedule, together with such amendments and additions thereto as may be lawfully made in the manner set forth in such rules, shall be the constitution and rules governing the operation and functioning of the Board as a Trust Board.

## 5 Vesting of property and trusts thereof

As from the date of the passing of this Act, all real and personal property whatsoever now vested in the Board, subject to all liabilities, charges, and obligations (if any) affecting the same, and all such property as may thereafter be acquired by or vested in the Board by any means whatsoever, shall be held by the Board:

- (a) subject to the provisions of any specific trust as evidenced by any statute, testamentary disposition, deed or other document or writing, or in the minutes of the Board:
- (b) in cases where no evidence exists of any specific trust, then for the general purposes of the Board, or for such other purposes as may appear to the Board necessary or expedient for the exercise and carrying out by the Board of its objects, powers, and authorities.

## **6 Confirmation of appointment of present trustees**

The appointment as members of the Board of—

Adams, Geoffrey Owen, of Papatoetoe, Clerk in Holy Orders,  
 Astley, Malcolm Cort, of Auckland, Stipendiary Magistrate,  
 Banyard, Stanley Robert, of Auckland, Church Army Captain,  
 Giesen, Russell Baxendale, of Auckland, Solicitor,  
 Griffiths, Paul Coghlan, of Auckland, Solicitor,  
 Harris, Harold Mayo, of Clevedon, Archdeacon,  
 Hoyle, William George, of Papatoetoe, Electrical Engineer,  
 Jenkins, Charles Frederick, of Auckland, Solicitor,  
 Muir, Agnes Kathleen Hilda, of Ngaruawahia, Married Woman,  
 Prebble, Kenneth Ralph, of Auckland, Clerk in Holy Orders,  
 Steele, Mabel Lydia, of Auckland, Married Woman,  
 Yates, Jack Rossiter, of Auckland, Company Director,

being the existing members of the Board is hereby confirmed and the personnel of the Board and the appointment of successors to the existing members shall be in accordance with the constitution of the Board as set forth in the second part of the Schedule, or in any amendment of such constitution.

## **7 Change of name**

- (1) The name of the Board is changed to and the Board shall henceforth be called the Anglican Trust for Women and Children.
- (2) All real and personal property whatsoever held by the Board under its former name is hereby vested without conveyance, transfer, or assignment in the Board, under its changed name subject to all debts, liabilities, encumbrances, charges, liens, and interests (if any) affecting the same; and the Board under its changed name shall hold the said real and personal property for the same estate or interest and upon the same trusts and the same functions, rights, powers, duties, and obligations as it held such property under its former name immediately before the commencement of this Act and all documents executed, engagements entered into, liabilities assumed, payments made, and other acts of authority which have been made, performed, or done by the Board under its

former name shall be deemed to be made, performed, or done by the Board and shall be binding upon the Board.

- (3) Any real or personal property which would hereafter but for the passing of this Act become vested in the Board under its former name, shall become vested in the Board, and any will, deed, conveyance, transfer, assignment, or other instrument whereby any real or personal property is given, devised, bequeathed, transferred, or otherwise disposed of to or for the benefit of the Board under its former name, shall be read and construed as if the changed name of the Board were substituted therein, but the Board shall hold the said property on the same trusts, with the same functions, rights, powers, duties, and obligations as those upon which the Board would have held the same under its former name.
- (4) Any real or personal property which becomes vested in the Board otherwise than as hereinbefore provided shall, in the absence of any effective stipulation to the contrary in any will, deed, conveyance, transfer, assignment, or other instrument, be held by the Board upon trust for the objects of the Board and in accordance with the provisions of this Act.
- (5) The Registrar-General of Land and every other person having charge of a register evidencing the ownership of any property, shall, on written application under the seal of the Board and upon payment of any such fee as may be prescribed in that behalf by any enactment relating to the register, register the Board as proprietor of all estates and interest in land registered under the Land Transfer Act 2017 or, as the case may require, of any other property vested in the Board by virtue of this Act.

Section 7(1): amended, on 3 October 1975, by section 2(2) of the Anglican Trust for Women and Children Amendment Act 1975 (1975 No 3 (P)).

Section 7(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

## **8 Power to hold land and other property**

The Board may accept, receive, and hold in its corporate name either by way of gift, devise, bequest, purchase, or otherwise any real or personal property either upon its general trusts or for any specific purpose connected therewith.

## **9 Special powers conferred**

Subject to any specific trust affecting any particular property, the Board shall, in addition to all other powers it enabling, be entitled to exercise the following powers and authorities:

- (a) to farm, develop, and manage any estates or interests in land:
- (b) to subdivide all or any of its land, to lay off necessary reserves and ways, to dedicate roads and streets thereon, to grant or acquire easements and to make and carry out arrangements with local authorities with regard thereto: