

# **Baptist Union Incorporation Act 1923**

Private Act 1923 No 2  
Date of assent 20 August 1923

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**Trusts upon which church properties to be held.**

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**An Act to incorporate The Baptist Union of New Zealand, and to vest certain Real and Personal Property in the Union, and to provide for the Transfer of Real Property to the Union to be held in Trust for Individual Churches of the Union.**

**Preamble**

WHEREAS certain persons, being members of the religious denomination called Baptists, in the Dominion of New Zealand, and holding as their general tenets the articles of faith set forth in Schedule 1 hereto, did in or about the year eighteen hundred and eighty-two form an association called “The Baptist Union of New Zealand”: And whereas the members of the said association have met in conference annually since the date of its formation: And whereas the existing constitution and rules of the said association are set forth in Schedule 2 hereto: And whereas the said association has from time to time raised sums of money and created special funds—(a) to augment the salaries of the ministers and home and foreign missionaries within the said association; and (b) to provide annuities for ministers and home and foreign missionaries of the said association, and the wives and children of such ministers and missionaries: And whereas the said trust funds of the said association and the securities therefor and the names of the trustees holding the same are severally set forth and described in Schedules 3 and 4 hereto: And whereas certain lands and buildings within the Dominion of New Zealand are vested in trustees for the said association: And whereas certain other lands in connection with the various Churches of the said denomination are vested in trustees elected by the said Churches individually and in trust Boards incorporated under the Charitable Trusts Act 1957, upon the trusts declared in the several declarations of trust affecting the same respectively: And whereas the sole right of appointment of trustees to hold the real and personal property of a certain institution near

the City of Auckland, called the Manurewa Children's Home, and formerly known as the Remuera Children's Home, is vested in and exercised by the said association: And whereas the real property of the said Manurewa Children's Home and the mortgages held as security for certain trust funds thereof and the names of the existing trustees are described and set forth in Schedule 5 hereto: And whereas from time to time inconvenience is occasioned by the vesting of the property of each Church and of the Manurewa Children's Home and of the said association in separate sets of trustees, and difficulties arise through the death, incapacity, resignation, or absence from New Zealand of trustees: And whereas it is expedient that the said association should be incorporated with the powers hereinafter conferred:

The reference to the Charitable Trusts Act 1957 was substituted, as from 1 January 1958, for a reference to the "Religious, Charitable, and Educational Trusts Act 1908" pursuant to section 63(1) Charitable Trusts Act 1957 (1957 No 18).

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

**1 Short Title**

This Act may be cited as the Baptist Union Incorporation Act, 1923.

**2 Interpretation**

In this Act, if not inconsistent with the context,—

**Church** means the persons for the time being united in Christian fellowship and forming a church of the religious denomination known as Baptists which is for the time being entitled to send representatives or delegates to the conferences of the Union

**Council** means the body, under whatever name it may for the time being be called by the constitution and rules of the Union, which is constituted and empowered by the said constitution and rules to exercise the administrative powers of

the Union during the interval between the annual conferences or assemblies of the Union.

Council: This definition was inserted, as from 1 December 1970, by section 2 Baptist Union Incorporation Amendment Act 1970 (1970 No 5(P)).

**Union** means the Baptist Union of New Zealand incorporated under this Act

**Church members** means persons whose names are on the membership roll for the time being of any Church within the Union.

### **3 Incorporation of Baptist Union of New Zealand**

The association heretofore known as the Baptist Union of New Zealand is hereby constituted a body corporate by the name of “The Baptist Union of New Zealand”, and shall have perpetual succession and a common seal, with power to purchase, hold, sell, exchange, mortgage, lease, and dispose of real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.

### **4 Special powers of Union**

It shall be lawful for the Union from time to time to do all or any of the following things:—

- (a.) To borrow sums of money upon security of a mortgage of any property vested in the Union or without such security and to apply the same to the purposes of the Union, but subject to any trusts affecting any property upon the security of which any such moneys shall have been borrowed:

Provided that no person advancing any money to the Union shall be concerned to see to the application thereof or to inquire into the necessity or propriety of any such borrowing:

- (b.) To hold any real and personal property upon trust for any Church, or any Union, auxiliary, society, club, or association of Church members, incorporated or unincorporated, or for any purpose of the Church or Church members; and to sell, exchange, mortgage, convey, transfer, lease, let, accept surrenders of leases, and otherwise dispose of or deal with any real and personal

property of such Church or body in accordance with the trusts upon which the same may be held:

- (c.) To govern, manage, control, and maintain the Manurewa Children's Home, and to establish, govern, maintain, and control other homes, schools, colleges, and institutions of a religious, charitable, or educational character, and more particularly those which may tend to enlarge or extend the work, activities, and usefulness of the Church and the Church members:
- (d.) To become a member of or affiliated to any other body organized for religious, charitable, or educational purposes, provided the objects of such other body are not inconsistent with the objects of the Union:
- (e.) To raise a special fund for and to insure the Church buildings, halls, houses, and furniture of the Union, and of all Churches which are or may become members of the said Union, against loss or damage by fire, earthquake, or tempest; and to rebuild, repair, replace, or reinstate any of such insured property as may be destroyed or damaged as aforesaid out of the said special fund or out of the general funds of the Union, and to reinsure any risk so undertaken by the Union, and to join or subscribe to any salvage or protection association or committee:
- (f.) Generally to exercise, subject to the provisions of this Act, all powers incidental to a body corporate.

## **5 Constitution of Union**

- (1) The constitution and rules of the Baptist Union of New Zealand set forth in Schedule 2 hereto, with such amendments, modifications, and additions as may from time to time be made thereto, shall be the constitution and rules of the Union.
- (2) The said constitution and rules may be amended, modified, or added to from time to time by resolution duly passed by a majority of the persons present and entitled to vote at any meeting of the annual assembly of the Union:

Provided that notice of intention to propose such resolution, specifying the proposed amendment, modification, or addition, and the day and hour when and the place at