

**Reprint
as at 18 September 1968**



**Bryant Nursery Trust Board
Enabling Act 1968**

Private Act 1968 No 2
Date of assent 17 September 1968
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An Act to empower Bryant Nursery Trust Board to transfer all its assets to the Mary Bryant Trust Board a newly constituted Trust Board set up to take over the work previously carried out by the Bryant Nursery Trust Board

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.

Preamble

Whereas by deed of trust bearing date 19 November 1947, Mary Bouchier Bryant, of Hamilton, married woman, expressed her desire to give and present certain land in Hamilton to the trustees named in the said deed of trust for the purpose of a home for children:

And whereas by Memorandum of Transfer bearing date the said 19 November 1947, the said Mary Bouchier Bryant, in pursuance of her said desire, transferred unto the said trustees all that piece or parcel of land in the Provincial District of Auckland containing 1 rood 24 perches, more or less, being Lots 1 and 2 on a plan deposited in the Land Registry Office at Hamilton as Number 26527, being portion of Allotment 328 of the Town of Hamilton West, and being all the land in certificate of title, Volume 680, folio 26, South Auckland Land Registry: And whereas the said deed of trust declared that the said land should be held in perpetuity upon trust for the purposes of a home for children, and directed that the trustees should make application for incorporation under the Religious, Charitable, and Educational Trusts Act 1908, of a Trust Board to be known as the Mary Bryant Trust Board:

And whereas the said Mary Bouchier Bryant died on or about 7 December 1947:

And whereas on 19 May 1948, the said trustees were duly incorporated under the said Act under the name or title of the Mary Bryant Trust Board:

And whereas, pursuant to the said deed of trust, the said land was transferred to and vested in the Mary Bryant Trust Board (hereinafter called the **Board**) for the purposes therein set out:

And whereas, following upon the passing of the Bryant House Trust Board Enabling Act 1948, and pursuant thereto, a certain farm property therein mentioned, together with live and dead stock thereon and the sum of £15,131 14s 10d (\$30,263.48) were transferred to and settled upon the said Board by the Bryant House Trust Board, a body duly incorporated under the Religious, Charitable, and Educational Trusts Act 1908, and having its registered office at Hamilton for the purposes of establishing an endowment with which to carry out the trusts of the said deed of trust:

And whereas on 22 May 1949, the said board opened up on the said land at Hamilton a home for the care of children who, through sickness or any other cause, find it necessary to be separated from their mothers, and the Board has continued to conduct the home since that date:

And whereas since the said settlement by the Bryant House Trust Board of the said assets the annual income therefrom has provided to the said Board sufficient funds not only to conduct the said home for children, but also to provide a reserve capital fund which, in the opinion of the Board is adequate for the future requirements of the said home:

And whereas by the Mary Bryant Trust Board Enabling Act 1955, the powers of the Board were enlarged and extended and the Board was authorised to dispose of its surplus income:

And whereas by a resolution of the Board bearing date 7 February 1968, the name of the Board was changed to Bryant Nursery Trust Board and the aforesaid assets of the Board have been or will be transferred into the name of Bryant Nursery Trust Board:

And whereas because the provisions of the said deed of trust bearing date 19 November 1947, contain only limited or negative provisions for the appointment of new trustees, because the number of trustees is limited for all times and because there is no provision for amendment to its rules, the operations of the trust are unnecessarily restricted and difficult to administer:

And whereas the trust funds are now very considerable:

And whereas the trustees of Bryant Nursery Trust Board are considering enlarging their activities and it is desirable that they should function under a new constitution which more fully complies with the Charitable Trusts Act 1957, and which removes the restrictions and limitations hereinbefore mentioned:

And whereas a new deed of trust bearing date 3 April 1968, for the incorporation under the Charitable Trusts Act 1957, of a trust under the name of Mary Bryant Trust Board has been completed and filed in the office of the Registrar of Incorporated Societies at Hamilton:

And whereas the principal objects of the new deed of trust are to conduct and manage the Mary Bryant Nursery at Hamilton and to establish, provide, and maintain nurseries, homes, hostels, and other accommodation for the care and benefit of men, women, and children:

And whereas Bryant Nursery Trust Board feels that in the circumstances its assets could be more conveniently administered, maintained, and carried on by the said new Mary Bryant Trust Board:

And whereas the Bryant Nursery Trust Board is desirous of transferring the whole of its assets to the said Mary Bryant Trust Board in order that the said Mary Bryant Trust Board may continue and maintain the trusts hereinbefore vested in the Bryant Nursery Trust Board:

And whereas the Bryant Nursery Trust Board under the said deed of trust bearing date 19 November 1947, has no power to dispose of its assets in the aforesaid manner and is desirous that statutory authority should be given to empower the Bryant Nursery Trust Board to make such transfer.

1 Short Title

This Act may be cited as the Bryant Nursery Trust Board Enabling Act 1968.

2 Power to transfer assets to Mary Bryant Trust Board

The Bryant Nursery Trust Board is hereby empowered and authorised to give and transfer to the Mary Bryant Trust Board all its assets both real and personal of whatsoever kind and nature and wheresoever situate.

3 Transferred assets to be held on new trusts

The aforesaid assets shall from the date of transfer be held by the Mary Bryant Trust Board upon the trusts reposed in it by virtue of the aforesaid deed of trust dated 3 April 1968, and freed and discharged from the trusts heretofore affecting them.