

1. Incorporating Act of Parliament

SOCIAL SERVICE COUNCIL OF THE DIOCESE OF CHRISTCHURCH ACT ' 1952

ANALYSIS

(List of Sections)

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1952 No 1 (Private)

An Act to constitute and incorporate the Social Service Council of the Diocese of Christchurch, and to dissolve certain Boards in order that their functions may be taken over and their property vested in the Social Service Council of the Diocese of Christchurch, and to provide for trusts and incidental matters.

[3 October 1952]

WHEREAS on the seventh day of October, eighteen hundred and ninety-two, St Saviour's Guild was incorporated under the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884: And whereas on the fourteenth day of June, nineteen hundred and twenty-two, St Anne's Guild Society was incorporated under the Religious, Charitable, and Educational Trusts Act 1908: And whereas on the ninth day of July, nineteen hundred and forty-seven, the Anglican Society of the Friends of the Aged Trust Board was incorporated under the Religious, Charitable, and Educational Trusts Act 1908: And whereas the above-mentioned organizations were incorporated to perform in the Diocese of Christchurch in the Church of the Province of New Zealand, commonly called the Church of England, various types of social work as set out in their respective constitutions or rules: And whereas the Synod of the said Diocese in nineteen hundred and fifty appointed a commission to inquire into the advisability of co-ordinating and extending the social work of the Diocese: And whereas the commission duly reported to the said Synod in nineteen hundred and fifty-one and recommended, *inter alia*, that "the amalgamation of all existing organizations doing social work into a new organization be the urgent objective of the Diocese": And whereas the said Synod in nineteen hundred and fifty-one approved the said recommendation and instructed the Standing Committee to submit to Parliament a private Bill to carry out the following:— (a) The dissolution of not less than two of the following organizations— St Saviour's Guild Society or Trust Board, St Anne's Guild Society, and the Anglican Society of the Friends of the Aged Trust Board: (b) The establishment of a society to be known as the Anglican Society of Social Work or such other name as the Standing Committee should approve: (c) The transfer of all assets belonging to the organizations dissolved by the Bill to the society so to be established: And whereas the said Synod recommended the insertion in the Bill of certain provisions concerning trusts and the initial working of the Society established by the Bill, which recommendations are incorporated in this Act: And whereas the said Standing Committee has approved the name the Social Service Council of the Diocese of Christchurch: And whereas the said Synod resolved that no such Bill be submitted to Parliament until two or more of the above-mentioned organizations had given their unconditional assent to dissolution and the Standing Committee had approved the draft: And whereas all of the above-mentioned organizations have given their unconditional assent to dissolution by resolutions passed at meetings duly called in accordance with their respective constitutions or rules, and the Standing Committee has approved the draft of this Act.

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 Social Service Council of the Diocese of Christchurch Act 1952.

2. Interpretation

"The Diocese" means the Diocese of the Church of the Province of New Zealand, commonly called the Church of England, of which the City of Christchurch is the Bishop's see:

"St Saviour's Guild" means St Saviour's Guild, a society incorporated under the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884, and commonly called St Saviour's Guild Society or Trust Board.

3. Commencement

Sections one to three and eight of this Act shall come into force on the passing of this Act. The other sections of this Act shall come into force on the day after the date of the meeting of the Standing Committee of the Diocese at which subsections one and two of the said section eight are complied with. A certificate by the Bishop of the Diocese that the said meeting has been held shall be conclusive evidence that such meeting has been held and of the date thereof.

4. Social Service Council of the Diocese of Christchurch established -

- (1) There is hereby established a body corporate to be called the Social Service Council of the Diocese of Christchurch (hereinafter referred to as the Council), which shall have perpetual succession and a common seal, and shall be deemed to have been duly incorporated under and to be a trust Board for the purposes of the Religious, Charitable, and Educational Trusts Act 1908.
- (2) The objects of the Council shall be to perform the work hitherto performed by the Boards dissolved by this Act and in addition any such other charitable work as may come within the scope of the objects of the Council as set out in the rules of the Council.
- (3) The Council shall consist of the persons who are for the time being members thereof pursuant to the rules of the Council.

5. Dissolution of certain Boards

St Saviour's Guild, incorporated on the seventh day of October, eighteen hundred and ninety-two, under the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884, St Anne's Guild Society, incorporated on the fourteenth day of June, nineteen hundred and twenty-two, under the Religious, Charitable, and Educational Trusts Act 1908, and the Anglican Society of the Friends of the Aged Trust Board, incorporated on the ninth day of July, nineteen hundred and forty-seven, under the Religious, Charitable, and Educational Trusts Act 1908 (hereinafter referred to as the former Boards) are hereby dissolved.

6. Vesting of property in Council, subject to trusts

- (1) All real and personal property whatsoever held by the former Boards or any of them is hereby vested without conveyance, transfer, or assignment in the Council, subject to all debts, liabilities, encumbrances, charges, liens, and interests (if any) affecting the same; and the Council shall take over and satisfy all debts and liabilities of the former Boards existing immediately before the commencement of this section and shall hold the said real and personal property for the same estate or interest and upon the same trusts and with the same functions, rights, powers, duties, and obligations as the former Boards held such property immediately before the commencement of this section; and all documents executed, all engagements entered into, or liabilities assumed or payments made or other acts of authority

which have been made, performed, or done, by any of the former Boards shall be deemed to be made, performed, or done by the Council, and shall be binding upon the Council.

- (2) The Council is hereby empowered to accept, at the request of the Standing Committee of the Diocese, and to administer any charitable trust for social work in the Diocese, other than those imposed upon it by virtue of subsection one of this section.
- (3) Any real or personal property which would hereafter, but for the passing of this Act, become vested in any of the former Boards shall become vested in the Council, and any will, deed, conveyance, transfer, assignment, or other instrument whereby any real or personal property is transferred, given, devised, bequeathed, or otherwise disposed of to or for the benefit of any of the former Boards shall be read and construed as if the name of the Council were substituted therein for the name of the Board; but the Council shall hold the said property on the same trusts, with the same functions, rights, powers, duties, and obligations, as those upon which that Board would have held the same.
- (4) Any real or personal property which becomes vested in the Council otherwise than by virtue of subsections one and three of this section 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 Council upon trust for the objects of the Council and in accordance with the rules of the Council.

7. Entries in registers relating to property

Every District Land Registrar, and every other person having charge of the register showing the ownership of any property, shall, on written application under the seal of the Council, and upon payment of such fee as may be prescribed in that behalf by any enactment relating to the register, register the Council as proprietor of all estates or interests in land registered under the Land Transfer Act 1915, or, as the case may require, of any other property, vested in the Society by virtue of this Act.

Editorial Note

Appendix B of the Land Transfer Acts Compilation Act 1915 (1915 No 35) replaced the 1908 Act with a compiled Act enacted under the title of The Land Transfer Act 1915. That Act was in turn repealed, as from 1 January 1953, by s 245(1) Land Transfer Act 1952 (1952 No 52).

8. Constitution of Council

- (1) Upon the passing of this Act the Standing Committee of the Diocese shall as soon as practicable appoint not less than twelve persons (of whom one shall be designated Chairman by the said Standing Committee) to administer provisionally the affairs of the Council as its Provisional Executive (hereinafter referred to as the Provisional Executive). Of such persons not less than six shall be members of the Council of St Saviour's Guild, not less than five shall be members of the Committee of the Anglican Society of the Friends of the Aged Trust Board, and not less than one shall be a member of the Council of St Anne's Guild Society.

- (2) The said Standing Committee shall prescribe rules for the Council providing for qualifications for membership, the method of appointment, and terms of office of members of the Committee of the Council, the regulation of the proceedings of the Council and of the Committee, the acquisition and alienation of property the winding up of the Council, and such other matters as may be necessary for the administration of its affairs and for giving effect to this Act.
- (3) The said rules shall remain the rules of the Council until duly altered in such manner as may be therein provided.
- (4) The provisional Executive shall be bound by the said rules.
- (5) The said Standing Committee shall instruct the Provisional Executive to call a general meeting of persons qualifying for membership of the Council under the said rules within three months after the whole of this Act shall come into force for the purpose of electing officers in accordance with the said rules and considering such other business as the Provisional Executive shall consider necessary. If the Provisional Executive fails to call such a general meeting, the said Standing Committee shall have power to do so at any time after the expiration of the said period of three months.

9. Receipts by authorized officer to be valid discharge

The receipt in writing of any Secretary, Treasurer, or Agent of the Council duly authorized in that behalf by the Provisional Executive of the Committee of the Council shall be a good and effectual discharge for all moneys paid to him on behalf of the Council and shall exonerate the person or persons paying such money from seeing to the application thereof.

10. Protection of persons dealing with Board

It shall not be necessary for any purchaser or any person to or with whom any sale exchange or lease shall be made or other transaction entered into under the powers conferred by this Act to inquire into the necessity therefor or the propriety thereof.

11. Costs and charges of Act, how to be paid

All costs, charges, disbursements, and expenses of and incidental to the preparing for, obtaining, and passing of this Act or otherwise in relation thereto shall be defrayed out of and shall be a charge upon the property vested in the Council by virtue of subsection one of section six of this Act in the following proportions:—

Upon property formerly held by St Saviour's Guild, one half:

Upon property formerly held by St Anne's Guild Society, one twelfth:

Upon property formerly held by the Anglican Society of the Friends of the Aged Trust Board, five twelfths.

12. Private Act

This Act is hereby declared to be a private Act.