

7/8

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M 424/92

1238

IN THE MATTER of the Judicature Act
1908

AND

IN THE MATTER of the Charitable
Trusts Act 1957

AND

IN THE MATTER of "The Eliza White
Trusts" created under
the will of ELIZA
WHITE, deceased

AND

IN THE MATTER of an application by
THE ELIZA WHITE BOARD
OF MANAGEMENT as
Trustee of the said
will for the approval
of a scheme under Part
III of the said Act

Applicant

Hearing: 7 May & 30 June 1993

Counsel: N G Hampton Q.C. for Applicant
R E Neave for Attorney-General
D J Boyle for the Roman Catholic Bishop of
Christchurch
C M Ruane on 7 May and H R Kenworthy on 30 June
1993 for Objector R Gibbons
Patricia M Coffey and Eliza J Quinn - Objectors
in person

Judgment: - 6 JUL 1993

RESERVED JUDGMENT OF HOLLAND J.

Following my interim Judgment of 7 May 1993 and
after hearing further submissions from counsel the Court

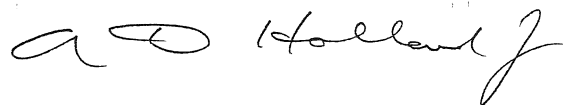
has received a joint memorandum from counsel for the applicant Board and for the Bishop indicating that agreement has been reached on the form of amendment to the scheme previously submitted to the Court for approval. Counsel for the Attorney General had earlier indicated that no objection would be taken to an amendment in this form and that the proposed amendment was not of such a kind as to require re-advertising.

The Court is pleased that this matter has been resolved without the need for it finally to adjudicate on the issues.

There will be an order approving the scheme filed herein and bearing date 21 July 1992 subject to the amendment of the scheme by adding to the provisions of paragraph 1 (a) after the words "parenting skills":-

"and in caring for the said children who are in the Board's facilities and in the counselling and training in parenting skills of their families emphasis shall be given to Catholic values".

I have not heard any submissions on costs. Costs are reserved and if sought may be the subject of memoranda.



Solicitors:

Simes Jacobsen Steel, Christchurch, for the applicant
Crown Law Office, Wellington, for the Attorney-General
Cavell Leitch Pringle & Boyle, Christchurch, for the
Roman Catholic Bishop of Christchurch
Weston Ward & Lascelles, Christchurch for the objector

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ELIZA WHITE BOARD OF
MANAGEMENT as Trustee
of the said will for
the approval of a
scheme under Part III
of the said Act

Applicant

RESERVED JUDGMENT OF HOLLAND J.
