

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 14 September 1993.

Words struck out are shown with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. David Caygill

**METHODIST CHURCH PROPERTY TRUST
AMENDMENT**

[PRIVATE]

ANALYSIS

Title	3. How present and future land to be held
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A BILL INTITULED

**An Act to amend the Wesleyan Methodist Church
Property Trust Act 1887**

5 WHEREAS the method by which what is now the Methodist
Church of New Zealand (in this Act called the Church) holds
title to land within New Zealand is set out in the Wesleyan
Methodist Church Property Trust Act 1887 and its
amendments: And whereas questions have arisen whether the
practice developed over many years of holding land and the
10 title thereto in ways other than by trustees under the Wesleyan
Methodist Model Deed of New Zealand 1887 (in this Act called
the Model Deed), particularly by boards under the control of
the Conference of the Church (in this Act called the
Conference), being boards incorporated under the Charitable
15 Trusts Act 1957, is within the provisions of the said Act and its
amendments: And whereas the holding of land and the title
thereto by trustees only under the Model Deed is unique to the

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Church and is no longer considered by the Conference to be currently appropriate, and other means of holding land and the title thereto need to be authorised accordingly: And whereas it is accordingly now considered by the Conference necessary and desirable to resolve that question and to validate the practice of holding of land other than under the Model Deed: And whereas those objects have the approval of the Conference: And whereas those objects cannot be attained otherwise than by legislation: 5

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows: 10

1. Short Title—This Act may be cited as the Methodist Church Property Trust Amendment Act 1992, and shall be read together with and deemed part of the Act heretofore known as the Wesleyan Methodist Church Property Trust Act 1887 (hereinafter referred to as the principal Act). 15

2. Altering Short Title of principal Act and amending Acts—(1) The principal Act may hereafter be cited as the Methodist Church Property Trust Act 1887.

(2) The Short Title of the principal Act and the Short Titles of— 20

(a) The Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892; and

(b) The Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act 1896— 25

are hereby consequentially amended, in each case, by omitting the word “Wesleyan”.

(3) Every reference in any enactment or document whatsoever to any of the said Acts or to the Wesleyan Methodist Church or to Wesleyan Methodist is hereby amended by omitting the word “Wesleyan”. 30

3. How present and future land to be held—The principal Act is hereby amended by repealing section 3, and substituting the following section:

“3. (1) On and after the commencement of this section, all Church lands may, subject to all mortgages, charges, encumbrances, liens, leases, or licences for the time being affecting them, be held either— 35

“(a) By trustees under the provisions of the Model Deed; or

- 5 “(b) With the approval of the Conference, given either generally or in respect of any specified portion or portions of the Church lands, and whether given before or after the commencement of this section, in the name of any Board incorporated under the Charitable Trusts Act 1957, subject to and in accordance with that Act, so long as the trusts on which any Church lands are to be so held are not inconsistent with the trusts of the Model Deed; or
- 10 “(c) In such other manner as the Conference from time to time approves, either generally or in respect of any specified portion or portions of the Church lands, so long as the manner in which any Church lands are to be so held is not inconsistent with the trusts of the Model Deed.”
- 15

New

- “(2) The provisions of—
- “(a) Sections 4, 5, and 7 of this Act; and
- 20 “(b) Sections 4, 6, and 7 of the Methodist Church Property Trust Act 1887 Amendment Act 1892; and
- “(c) Sections 3 and 6 of the Methodist Church Property Trust Act 1887 Further Amendment Act 1896; and
- “(d) Section 6 of the Methodist Union Act 1913—
- 25 shall apply only in respect of Church lands held under the provisions of the Model Deed in accordance with **subsection (1) (a)** of this section.”

- 30 **4. Validation**—If, at any time before the commencement of this section, any Church lands have been held otherwise than by trustees under the provisions of the Model Deed, but in accordance with paragraph (b) or paragraph (c) of section 3 (1) of the principal Act (as substituted by **section 3** of this Act), such holding is hereby validated and declared to have been lawful.

Struck Out

- 35 **5. Repeals**—The following enactments are hereby repealed:
- (a) Section 4 of the Wesleyan Methodist Church Property Trust Act 1887 Amendment Act 1892:

*Methodist Church Property
Trust Amendment*

Struck Out

- (b) Section 3 of the Wesleyan Methodist Church Property Trust Act 1887 Further Amendment Act 1896:
(c) Section 6 of the Methodist Union Act 1913.

6. Private Act—This Act is hereby declared to be a private Act. 5