



ANALYSIS

Title
Preamble
1. Short Title

2. Amendment to Rules of the Board
3. Private Act
Schedule

1968, No. 3—*Private*

**An Act to amend the Church of Jesus Christ of Latter-day
Saints Trust Board Empowering Act 1957**

[10 October 1968

WHEREAS the Church of Jesus Christ of Latter-day Saints Trust Board a trust board duly incorporated under the Charitable Trusts Act 1957 is the sole property holding body of the Church of Jesus Christ of Latter-day Saints in New Zealand: And whereas since 1957 by reason of the growth of the Church of Jesus Christ of Latter-day Saints in New Zealand many new districts known as Stakes have been formed by the Church: And whereas it is considered necessary for the Heads of various Stakes to be represented on the said Board: And whereas the limitation of the number of members is unduly confining and is likely to be unfair to the Heads of Stakes who are not members of the said Board: And whereas it is considered desirable to separate the offices of Mission President and Chairman of the said Board: And whereas it is therefore considered necessary to amend the Church of Jesus Christ of Latter-day Saints Trust Board Empowering Act 1957 by repealing the Rules of the said Board as contained in the Second Part of the Schedule to the said Act and substituting the Rules hereinafter set forth as the rules governing the operation and functioning of the Church of Jesus Christ of Latter-day Saints Trust Board:

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 Church of Jesus Christ of Latter-day Saints Trust Board Empowering Amendment Act 1968, and shall be read together with and deemed part of the Church of Jesus Christ of Latter-day Saints Trust Board Empowering Act 1957 (hereinafter referred to as “the principal Act”).

2. Amendment to Rules of the Board—The principal Act is hereby amended by repealing the Second Part of the Schedule, and substituting the Schedule to this Act.

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

SCHEDULE

NEW SECOND PART TO SCHEDULE TO PRINCIPAL ACT

SECOND PART—RULES OF THE BOARD

Part I—Constitution of Board

1. The Board shall have a membership of not less than five nor more than fifty persons (hereinafter referred to as “Trustees”) and the membership of such Board may at any time and from time to time be fixed at any number not less than five nor exceeding fifty as the First Presidency shall from time to time determine by written notice to the Board. There shall be a Chairman, a First Vice-chairman, and a Second Vice-chairman selected from the Trustees of the Board and nominated and appointed to such office by the First Presidency.

2. All vacancies in the Trustees shall be filled by appointment made by the First Presidency and a written appointment under the hand of the First Presidency of the Church of Jesus Christ of Latter-day Saints, shall be conclusive evidence of all such appointments so made. Trustees may be removed by the First Presidency in the same manner.

3. The Chairman of the Board shall preside at all meetings of the Board and in the absence of the Chairman, the First Vice-chairman shall preside as acting Chairman and in the absence of the Chairman and the First Vice-chairman, the Second Vice-chairman shall preside as acting Chairman. At every meeting of the Board, the Chairman or acting Chairman shall in the case of equality of votes have a deliberate, as well as a second or casting vote.

4. A majority of the total number of Trustees, but not less than three, shall form a quorum and even if the number of Trustees should at any time, for any reason, fall below five, a meeting of the Board shall be fully effective and valid, so long as the quorum of three Trustees is present.

SCHEDULE—*continued*

5. The office of Trustee shall become and be vacant in each of the following cases, in addition to death, that is to say, that if a Trustee:

- (a) By notice in writing to the Board resigns his office.
- (b) Refuses to act, or has been removed from office.
- (c) Becomes of unsound mind or becomes a protected person under the Aged and Infirm Persons Act.
- (d) Becomes bankrupt or enters into a composition or assignment for the benefit of his creditors.
- (e) Is absent without leave from three consecutive ordinary convened meetings of the Board.
- (f) If he is convicted of any crime or offence punishable by imprisonment.

6. Upon the occurrence of a vacancy in the office of Trustee the Board shall cause a note thereof to be entered in the minute book and shall also further cause notice thereof to be given to the office of the First Presidency of the Church, and will in like manner cause to be noted in the minutes thereof a record of all appointments of Trustees made by the First Presidency of the Church and will cause the actual written appointments to be duly filed in the documents and records of the Board.

7. All acts done by any meeting of Trustees or of a committee of Trustees or by any person acting as a Trustee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Trustee or person acting as aforesaid or that they, or any of them, were for any reason disqualified, be as valid as if such person had been duly appointed and was qualified to be a Trustee.

8. Every Trustee shall be chargeable only for such money as he shall actually have received, although he may have joined in any receipt for money received by any other of them, and shall not be answerable for the acts of any other Trustee, nor for any loss which may arise by reason of any trust funds being lawfully deposited in the hands of any banker, solicitor, or agent, or for the sufficiency or insufficiency or deficiency of any security upon which any trust money, or any part thereof may be invested, or for any loss in the execution of any trust, unless the same shall happen through his own neglect or default.

Part II—Rules of the Board

1. The Trustees shall meet at such time as they may deem advisable for the purposes of generally conducting the business of the Board.

2. The Chairman, or in his absence, the First Vice-chairman or in the absence of both the Chairman and the First Vice-chairman, the Second Vice-Chairman, or, in his absence, any two Trustees, may, at any time, summon a special meeting for any cause that seems to be sufficient.

3. Notice in writing of every meeting, whether general or special, shall be delivered or sent through the post to each Trustee by the secretary or by some other person acting under the directions of the Trustees, or, in the case of a special meeting by or under the direction of the person or persons summoning the meeting, three days at least before the date of the meeting. No notice shall be necessary for adjourned meetings except to members of the Board who are not present when the meeting was adjourned.

SCHEDULE—*continued*

4. Every notice of meeting shall state the place, day, and hour of the meeting, and every notice of a special meeting shall further state the matter to be discussed thereat. Notice of any general or special meeting may be waived by all members of the Board having signed a waiver of notice and such waiver being placed in the minutes.

5. If a quorum shall not have assembled within one hour after the time appointed for any meeting, the Trustee or Trustees present or the secretary (if no Trustee be present) may adjourn the meeting. Any meeting may be adjourned by the Chairman upon the adoption of a resolution for its adjournment.

6. Any resolution of the Trustees may be rescinded or varied from time to time by the Trustees at any general or special meeting.

7. The Trustees may at any meeting appoint two or more members of their body to be a committee for making any inquiry or for superintending or transacting any business, but every act and proceeding of a committee shall, except in cases of urgency, be submitted to a meeting of Trustees for approval.

8. (i) A minute book shall be provided and kept by the Trustees, and all proceedings of the Trustees shall be entered in the minute book.

(ii) Any such minute if purporting to be signed by the Chairman of the meeting at which the proceedings were had, or by the Chairman of the next succeeding meeting, shall be evidence of the proceedings.

(iii) Where minutes have been made in accordance with the provisions of this rule of the proceedings at any meeting of Trustees, then, until the contrary is proved, the meeting shall be deemed to have been duly held and convened and all proceedings had thereat to have been duly had.

9. The Trustees shall keep full and accurate accounts of all the receipts, disbursements, assets, liabilities, and engagements of the Board and shall in every year cause the same to be audited by a competent public accountant.

10. One or more banking accounts in the name of the Board shall be opened and kept with some fit bankers to be from time to time selected by the Trustees. All sums of money received on account of the Board shall be forthwith paid into the credit of such account or accounts, unless otherwise expressly ordered by the Trustees.

11. The Trustees shall have the safe custody of the common seal, and the Board may from time to time by resolution change, alter, or adopt any new such seal as they may deem proper. The common seal shall not be affixed to any document except by the authority of the Trustees previously given and shall be so affixed in the presence of two Trustees who shall affix their signatures to every document so sealed.

12. Subject to and without restraining the generality of the last preceding rules or the powers set forth in the Act, the Board shall have power to do all acts and things which it may consider proper or advantageous for accomplishing the true objects and powers vested in the Board, and in particular the following things:

(a) It may appoint and at pleasure suspend or remove any secretary, manager, clerk, valuer, banker, or other officer or servant so appointed as it may from time to time deem expedient.

SCHEDULE—*continued*

- (b) It may institute, conduct, defend, abandon, or confess judgment in any legal proceedings by or against the Board or its officers, or otherwise concerning the affairs of the Board, and it may compound and allow time for payment or satisfaction of any debts and of any claims by or against the Board.
- (c) It may grant pensions or gratuities to any employees or ex-employees and may establish or assist in the establishment of an employees' pension and provident fund by making contributions thereto from time to time or it may co-operate with or support financially any association, institution, or fund formed for the purpose of providing staff pensions or gratuities.

13. The rules set forth in Second Part, Rules of the Board (including Part I, Constitution of the Board and Part II, Rules of the Board) being rules for Constitution and administration of the Board may be rescinded, altered, or amended by resolution passed by the Board at one meeting and duly approved by the First Presidency, by notice in writing to the Board and, thereafter, duly approved at the next ensuing meeting of the Board:

Provided that in the first place notice thereof shall have been given in the notice convening the first aforesaid meeting and, secondly, that the First Presidency has duly approved such action by notice to the Board, in writing, and, thirdly, that no such rescission, alteration, or amendment shall be in conflict with any of the provisions of this Act or the Act under which the Board is incorporated.
