

Mr Hanan

LOYAL ORANGE INSTITUTION OF NEW
ZEALAND (INCORPORATED) TRUST

[PRIVATE BILL]

ANALYSIS

Title.	9. Registration of title to property vested in Loyal Orange Institution.
Preamble.	10. Delivery of property and instruments of title.
1. Short Title.	11. Entry upon registers.
2. Interpretation.	12. Deposit in Deeds Registry Office.
3. Vesting of trust property in Loyal Orange Institution.	13. Crown not liable for loss.
4. Vesting subject to existing charges and trusts.	14. Receipts by secretary, etc., sufficient discharge.
5. Notice of vesting.	15. Service of notices.
6. Notice of appeal.	16. Existing contracts.
7. Evidence of vesting.	17. Existing liabilities.
8. Powers of sale, etc., of Loyal Orange Institution.	18. Private Act.

A BILL INTITULED

AN ACT to provide for the acquisition and holding upon trusts of real and personal property by the Loyal Orange Institution of New Zealand (Incorporated). Title.

5 WHEREAS it is desirable that the Loyal Orange Institution should have power and authority to vest in itself all or any real and personal property which now belongs or may hereafter belong to any lodge or is now or may hereafter be held by any person on behalf of the Loyal Orange Institution or any lodge or any members thereof or for the purposes or objects of any lodge or by any person or persons upon trust for any lodge or any members thereof for the purpose of promulgating the principles and furthering the practice of the Protestant religion: Preamble.

2 *Loyal Orange Institution of New Zealand*
(Incorporated) Trust

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

Short Title.

1. This Act may be cited as the Loyal Orange Institution of New Zealand (Incorporated) Trust Act 1954. 5

Interpretation.

2. In this Act, unless the context otherwise requires,—
“Loyal Orange Institution” means the Loyal Orange Institution of New Zealand (Incorporated):

“Lodge” includes any Male, Female, Grand, District, Primary, Past Masters, Past Mistresses, Intermediate, Juvenile, or Junior Lodge, Chapter, or other group or organization of persons constituted or operating under or in accordance with the constitution and rules for the time being of the Loyal Orange Institution. 10 15

Vesting of trust property in Loyal Orange Institution.

3. Subject to the provisions of this Act, the Loyal Orange Institution is hereby empowered and authorized from time to time, by resolution of the Grand Executive thereof, to vest in the Loyal Orange Institution— 20

(a) All lands and any estate, right, or interest therein and all moneys and securities for money and all personal property whatsoever now held by any person on behalf of the Loyal Orange Institution or on behalf of any members thereof or for any of the purposes or objects of the Loyal Orange Institution or by any person on behalf of any lodge or any of the members thereof or for the purposes or objects of any lodge or by any person or persons upon trust for any lodge or any of the members thereof for the purpose of promulgating the principles and furthering the practice of the Protestant religion; and 25 30 35

(b) All lands and any estate, right, or interest therein and all moneys and securities for money and all personal property whatsoever which may at any time or times after the commencement of

5 this Act be acquired by gift, purchase, devise,
bequest, vesting, transfer, or otherwise howso-
ever by any person on behalf of the Loyal
Orange Institution or on behalf of any
10 members thereof or for any of the purposes or
objects of the Loyal Orange Institution or by
any person on behalf of any lodge or any of
the members thereof or for the purposes or
objects of any lodge or by any person or
15 persons upon trust for any lodge or any of the
members thereof for the purpose of promulga-
ting the principles and furthering the practice
of the Protestant religion.

4. All vesting of lands and any estate, right, or interest
15 therein and of moneys and securities for money and of
personal property in accordance with this Act shall in
each and every case be subject and without prejudice
to any mortgage, charge, lien, lease, or other encumbrance
or liability and any trusts, powers, contracts, and equities
20 affecting the same respectively at the time of vesting, and
shall be subject to such further trusts, powers, and con-
ditions not being inconsistent with the then existing trusts,
powers, contracts, and equities affecting the same as may
be prescribed by the Loyal Orange
25 Institution or the Grand Executive thereof.

Vesting subject
to existing
charges and
trusts.

5. Upon the passing of any resolution of the Grand
Executive of the Loyal Orange Institution as provided
by section *three* of this Act, notice thereof shall be given
by or on behalf of the Grand Executive within a period of
30 twenty-eight days thereafter to all persons by whom the
property affected by the resolution shall theretofore have
been held, and upon the expiration of ninety clear days
after service of notice as aforesaid the said property shall
without any transfer, conveyance, or assignment vest in
35 the Loyal Orange Institution:

Notice of
vesting.

Provided that if, by notice in writing given to the
Grand Secretary of the Loyal Orange Institution or left
at his office before the expiration of the said period of
ninety days, the person or persons by whom the property
40 has theretofore been held as aforesaid apply to have the
vesting resolution rescinded, varied, or modified,—

(a) That application shall be considered at the first
general meeting of the Loyal Orange Institu-
tion to be held after the expiration of thirty
45 clear days after the making of the application:

(b) The applicant or applicants shall be entitled to be heard on the application at the said meeting either personally or by counsel, solicitor, or agent:

(c) The vesting resolution shall have effect according and subject to any resolution of the Loyal Orange Institution duly passed at the said meeting: 5

Provided further than any person or persons by whom the property has theretofore been held as aforesaid who may be aggrieved by any resolution of the Loyal Orange Institution passed as provided by this section may appeal to the Supreme Court against the decision of the Loyal Orange Institution contained in the resolution. 10

Notice of appeal.

6. Written notice of any such appeal as aforesaid shall be given by the appellant to the Loyal Orange Institution, and the Supreme Court, for the purposes of hearing and determining the appeal, shall have all the powers vested in it in its ordinary civil jurisdiction, including the power to award such costs as it deems just in favour of or against the appellant. 15 20

Evidence of vesting.

7. A statutory declaration made by not less than two members of the Grand Executive of the Loyal Orange Institution to the effect that any resolution of the Grand Executive or the Loyal Orange Institution has been passed in accordance with this Act shall be taken as sufficient evidence for all purposes of the passing and validity of the resolution and the right of the Loyal Orange Institution to be registered as proprietor or owner of the real and personal property affected thereby. 25 30

Powers of sale, etc. of Loyal Orange Institution.

8. So far as persons dealing with the Loyal Orange Institution in respect of any of the real and personal property vested in it in accordance with any of the provisions of this Act are concerned, the Loyal Orange Institution shall have the same powers of sale, lease, mortgage, and disposition over that property as if it were the absolute owner thereof, and it shall not be incumbent upon any person to inquire whether any proposed dealing constitutes a breach of trust, nor shall any person be 35

concerned to see to the application of any real or personal property or the proceeds of sale thereof vested in the Loyal Orange Institution as aforesaid.

5 9. All District Land Registrars and all other persons
10 having charge of any register showing the ownership of
any real or personal property shall, on written application
under the seal of the Loyal Orange Institution supported
by a statutory declaration or statutory declarations made
by any two members of the Grand Executive of the Loyal
15 Orange Institution of compliance with the provisions of
section *seven* of this Act, and accompanied by the relevant
documents of title or a statutory declaration or statutory
declarations as aforesaid accounting to the satisfaction
of the District Land Registrar or other persons as afore-
20 said for the absence of the said documents of title, register
the Loyal Orange Institution as proprietor or owner of
all real or personal property vested in the Loyal Orange
Institution in accordance with the provisions of this Act.

Registration
of title to
property vested
in Loyal Orange
Institution.

25 10. All persons in whom any property vested in the
30 Loyal Orange Institution in accordance with this Act may
theretofore in any manner have been vested, whether
before or after the passing of this Act, shall be and they
are hereby required and empowered upon a request in
writing signed by the secretary of the Loyal Orange
35 Institution to deliver all such property as may be personal
property and the deeds, documents, and instruments of
title of all such property as may be real property to the
Grand Executive of the Loyal Orange Institution.

Delivery of
property and
instruments
of title.

40 11. Upon the production to any District Land
30 Registrar appointed for and acting in any district situated
under the Land Transfer Act 1952 or any other Act for
the time being in force in New Zealand relating to the
transfer and registration of title to land, or to all other
persons having charge of any register showing the owner-
35 ship of any property of any certificate of title, memo-
randum of mortgage, or other instrument of title under
the said Acts or any of them or any other instrument or
document of title, as the case may be, together with a
statutory declaration or statutory declarations made by
40 any two members of the Grand Executive of the Loyal

Entry upon
registers.

Orange Institution to the effect that the land or other property mentioned and described in the said certificate of title, memorandum of mortgage, or other instrument or document of title, as the case may be, is held by the person or persons mentioned in such certificate of title, memorandum of mortgage, or other instrument or document of title for or on behalf of the Loyal Orange Institution or Lodge, such Registrar or other person, as the case may be, shall cause the name of the Loyal Orange Institution to be entered upon such certificate of title, memorandum of mortgage, or other instrument or document of title as the registered proprietor of the estate or interest claimed therein.

Deposit in
Deeds Registry
Office.

12. Upon the deposit in any Deeds Registry Office constituted under the Deeds Registration Act 1908 or any other Act for the time being in force in New Zealand relating to the registration of deeds of a statutory declaration or statutory declarations made by any two members of the Grand Executive of the Loyal Orange Institution that the land or any interest in the land mentioned in the said declaration is held by the person or persons in whom the same may be vested for and on behalf of the Loyal Orange Institution or Lodge and describing the land or the interest in land to which the same relates, together with a plan or plans of the land or any interest in the land as provided by the said Act, the Registrar or Deputy Registrar, as the case may be, appointed for and acting in the registration district or districts to which the same relates shall thereupon cause the entries of such declaration or declarations to be made in the books of the said Deeds Registry Office, and shall number the said declaration or declarations and make a note thereon as required by the said Act.

Crown not
liable for loss.

13. The Crown shall not under any circumstances be liable for compensation for any loss, damage, or deprivation caused or occasioned by the registration under the Land Transfer Act 1952, or any Act passed in amendment thereof or substitution therefor, of any application provided for by section *eight* of this Act.

14. The receipt of any secretary, treasurer, or agent of the Loyal Orange Institution or the Grand Executive thereof duly authorized in that behalf shall be a good and effectual discharge for all moneys paid to him on behalf of the Loyal Orange Institution or the Grand Executive thereof and shall exonerate the person or persons paying the same from seeing to the application thereof.

Receipts by secretary, etc., sufficient discharge.

15. (1) Any notice required or authorized by this Act to be served on any person shall be delivered to that person, and may be delivered to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

Service of notices.

(2) If the person is absent from New Zealand, the notice may be delivered as aforesaid to his agent in New Zealand. If he is deceased, the notice may be delivered as aforesaid to his personal representative.

(3) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the notice shall be delivered in such manner as may be directed by an order of the Court.

(4) Notwithstanding anything in the foregoing provisions of this section, the Court may in any case make an order directing the manner in which any notice is to be delivered or dispensing with the delivery thereof.

(5) This section does not apply to notices served in proceedings in the Court.

(6) In this section the expression "the Court" means a Magistrate's Court.

16. All contracts made by any person in whom any real or personal property shall have been vested before the vesting of the same in the Loyal Orange Institution in accordance with the provisions of this Act in the exercise of the powers of such person in respect of the said real or personal property shall upon the vesting of same as aforesaid be deemed to have been made by the Loyal Orange Institution.

Existing contracts.

8 *Loyal Orange Institution of New Zealand*
(Incorporated) Trust

Existing
liabilities.

17. All debts and liabilities incurred by any person in whom any real or personal property shall have been vested before the vesting of the same in the Loyal Orange Institution in accordance with the provisions of this Act in the exercise of the powers of such person in respect of the said real or personal property shall upon the vesting of the same as aforesaid become the debts and liabilities of the Loyal Orange Institution. 5

Private Act.

18. This Act is hereby declared to be a private Act.