

## **DIOCESE OF WAIKATO**

### **STATUTE NO. 31**

#### **A STATUTE TO APPROVE VARIATIONS TO TARANAKI TRUSTS FUNDS AND TO DIRECT PAYMENT OF TRUST INCOME 1997**

**WHEREAS** on the creation of the Diocese of Waikato certain Trust Funds held by the Taranaki Anglican Trust Board (also known as the Taranaki Church of England Trust Board) for ministry and mission in the Taranaki Archdeaconry were transferred to this Diocese from Auckland Diocese by direction of the General Synod / Te Hīnota Whānui;

**AND WHEREAS** it is now proposed to create an Assistant Bishopric in the Diocese of Waikato in Taranaki;

**AND WHEREAS** in The Anglican Church Trusts Act 1981 Part III Parliament has made provision for the Variation of Anglican Church Trusts by submission of a Scheme to the Chancellor;

**AND WHEREAS** the Taranaki Anglican Trust Board has submitted Schemes to the Chancellor for the Variation of the Taranaki Bishopric Trust No. 1 Original Fund established under a Deed of Trust dated May 6<sup>th</sup> 1913, the Taranaki Bishopric Trusts Nos. 2 and 3 established under a Scheme for Variation dated 22 June 1926 approved by the Attorney-General and a Declaration of Trust dated 21 December 1926; the Govett-Brown Trust established under a Deed of Trust dated 26<sup>th</sup> April 1907; the Taranaki Sustentation Fund established under Deed of Trust dated 6<sup>th</sup> May 1913; and the Taranaki Trust established by Bishop Selwyn with a Declaration of Trust in Conveyance dated 26<sup>th</sup> June 1862 and varied by General Synod/te Hīnota Whānui in terms of the 1925 Commission Report to General Synod/te Hīnota Whānui;

**AND WHEREAS** the Chancellor has made report on the Schemes under section 15 of the said Act of Parliament; And the Synod is to approve the Scheme under section 16 of the said Act of Parliament;

**AND WHEREAS** there are other Trusts Funds in Waikato and Taranaki which require this Synod to direct Trustees as to the payment of income;

**BE IT ENACTED** by the Bishop, Clergy and Laity of the Waikato Diocese in Synod assembled as follows:

1. The Short title of this Statute shall be "The Taranaki Trusts Statute 1997".
2. TARANAKI BISHOPRIC TRUST NO. 1:  
This Synod acting pursuant to section 16 of the Anglican Church Trusts Act 1981 approves the Scheme in the Schedule whereby the Deed of Trust dated May 6<sup>th</sup> 1913 is varied as follows –

- 2.1 The condition in the 1913 Deed of Trust 'a Bishop be appointed for the Diocese of Taranaki' is varied to "an Assistant Bishop of Waikato in Taranaki is appointed".
- 2.2 The condition in the 1913 Deed of trust of the Bishop 'with an Episcopal seat at New Plymouth' is varied to "having an Episcopal seat in the Pro-Cathedral of St. Mary, New Plymouth".
3. The income from the Trust shall be paid to the Diocese of Waikato for the sustentation of the Assistant Bishop of Waikato in Taranaki.
4. **BISHOPRIC ENDOWMENT FUNDS NO. 2 AND 3**  
This Synod acting pursuant to section 16 of the Anglican Church Trusts Act 1981 approves the Scheme in the Schedule whereby the Deed of Trust dated May 6<sup>th</sup> is varied as follows -
  - 4.1 The condition in the 1926 Deed of Trust clause 5 'to pay ... to the Standing Committee of the Diocese of Waikato ...' is varied to "to pay ... to the Standing Committee of the Diocese of Waikato for the sustentation of the Assistant Bishop of Waikato in Taranaki ..."
  - 4.2 The annual income from these two Funds which the General Synod/te Hīnota Whānui directed in 1925 'be paid towards the endowment of the proposed Diocese of Waikato' be used by the Diocese for the sustentation of the Assistant Bishop of Waikato in Taranaki.
5. **TARANAKI BISHOPRIC ENDOWMENT FUND NO. 4**
  - 5.1 The donations that are to be contributed towards the Endowment Fund pursuant to an Appeal to people in Taranaki and which are subscribed with the condition that the income from this Fund supplement the endowment for the sustentation of the Assistant Bishopric of Waikato in Taranaki shall be invested to form a Taranaki Bishopric Endowment Fund No. 4 which is hereby established.
  - 5.2 The contribution of the Diocese of Wellington from Funds held in that Diocese towards the Endowment of the Assistant Bishop of Waikato in Taranaki shall be paid into the Taranaki Bishopric Endowment Fund No. 4.
  - 5.3 The Trustees of the Taranaki Anglican Trust Board which holds as trustee the three existing Taranaki Bishopric Endowments and will hold the Taranaki Bishopric Endowment fund No. 4 shall pay the annual income from this No. 4 trust Fund to the Waikato Diocese for the sustentation of the Assistant Bishop of Waikato in Taranaki.
6. **WAIKATO'S DIOCESAN NO 2 TRUST EPSOM PROPERTIES FUND:**
  - 6.1 This Synod directs the Waikato Diocesan Trust Board to use the income from \$250,000 of capital of the Diocesan No. 2 Trust Epsom Properties Fund, a General Synod/te Hīnota Whānui trust held by this

Diocese for the use and benefit of the Diocese generally, for the sustentation of the Assistant Bishop of Waikato in Taranaki.

6.2 This Synod confirms that the Diocesan No 2 Trust Epsom Properties Fund continues to be held for the benefit of the Diocese of Waikato.

## 7. OTHER TARANAKI TRUST FUNDS:

### 7.1 GOVETT-BROWN FUND:

This Synod notes that the Taranaki Archdeaconry as now constituted within the Diocese of Waikato includes certain mission units within the Taranaki geographical area formerly within the Diocese of Wellington.

7.1.2 This Synod acting pursuant to section 16 of the Anglican Church Trusts Act 1981 approves the Scheme in the Schedule whereby the 1907 Deed of Trust is varied as follows -

7.1.2.1 The condition in the 1907 Deed of Trust 'Home Mission and Back-block work in Taranaki' is varied to "mission and ministry in any local ministry and mission units in the Taranaki Archdeaconry outside the former city of New Plymouth".

7.2 This Synod confirms that the Govett-Brown Fund continues to be held for the benefit of the Archdeaconry of Taranaki in whatever Diocese that Archdeaconry may form a part.

## 8. TARANAKI SUSTENTATION FUND

This Synod acting pursuant to section 16 of the Anglican Church Trusts Act 1981 approves the Scheme in the Schedule whereby the 1913 Declaration of Trust is varied as follows -

8.1 The condition in the 1913 Declaration of Trust 'in assisting those Parochial Districts which are at the present time constituted or shall from time to time be constituted by proper authority within the Archdeaconry of Taranaki for the time being' is varied to "in assisting mission and ministry in any local ministry and mission units from time to time comprised in the Taranaki Archdeaconry and outside the former city of New Plymouth";

8.2 The condition in the 1913 Declaration of Trust 'the income of which Parochial Districts ... does not exceed a total sum of One Hundred and forty-five pounds per annum' is varied to "the income of which local ministry and mission units ... the Standing Committee of the Diocese determines is insufficient for ministry".

8.3 This Synod confirms that the Taranaki Sustentation Fund continues to be held for the benefit of the Archdeaconry of Taranaki in whatever Diocese that Archdeaconry may form a part.

## 9. THE TARANAKI TRUST:

9.1 This Synod records

- 9.1.1 this Trust was established by Bishop Selwyn;
  - 9.1.2 there is no trust Deed;
  - 9.1.3 there is a Declaration of Trust in Conveyance dated 26 June 1862 between Bishop Selwyn and Chilman and others as trustees;
  - 9.1.4 the trust is listed and designated in the Appendix of the Church Almanac of 1869 as "A.VIII Taranaki Trust";
  - 9.1.5 on the recommendation of the 1925 Commission to divide the Diocese of Auckland and create the Diocese of Waikato the General Synod/te Hīnota Whānui directed under Statute 171 in 1925 that the income of this Trust should be used for Diocesan purposes generally within the Diocese of Waikato including if necessary the support and maintenance of the Bishop.
- 9.2 This Synod acting pursuant to section 16 of the Anglican Church Trusts Act 1981 approves the Scheme the Schedule whereby the income of this fund under a direction of the General Synod/te Hīnota Whānui by Statutes 168 and 171 is varied as follows -
- 9.2.1 The direction 'be used for Diocesan purposes generally within the Diocese of Waikato including if necessary the support and maintenance of the Bishop towards the endowment of the proposed Diocese' is varied to "be used for Diocesan purposes for the sustentation of an Assistant Bishop of Waikato in Taranaki".
- 9.3 This Synod confirms that the Taranaki Trust continues to be held for the benefit of the Archdeaconry of Taranaki in whatever Diocese that Archdeaconry may form a part.
10. DIOCESAN BISHOPRIC (TARANAKI) ENDOWMENT FUND:
- 10.1 There is established by Synod resolution in 1997 a Diocesan Bishopric (Taranaki) Endowment Fund [called "the Fund"] of \$150,000 as a capital endowment Fund for the sustentation of the Assistant Bishopric of Waikato in Taranaki [called "the Bishop in Taranaki "] and provision of a house for that Bishop.
  - 10.2 The trust moneys granted by the Diocese of Auckland from the Auckland Bishop's House Trust fund of \$200,000 (payable by instalments) shall be paid in to the Diocesan Bishopric (Taranaki) Endowment Fund and form part of the capital of that endowment fund.
  - 10.3 The Fund shall be held by and managed by the Waikato Diocesan Trust Board on behalf of the Standing Committee of the Waikato Diocese.

10.4 The trustees may apply the capital and/or the income of the Fund in or towards the purchase or provision of the housing of the Bishop in Taranaki.

10.5 Housing of the Bishop in Taranaki shall include, but not exclusively, as appropriate, rental, capital purchase or improvement, maintenance and all and any other of the incidents of housing.”

11. COMMENCEMENT:

This Statute shall take effect on the passing by General Synod/te Hīnota Whānui of a Statute to amend the southern boundary of this Diocese.

SCHEDULE

A Application to the Chancellor of the Diocese of Waikato: A Scheme for Variation of Certain Trusts made by the Taranaki Anglican Trust Board with the Approval of the Standing Committee of the Diocese of Waikato.

B Report Re: The Taranaki Anglican Trust Board Schemes for the Disposal of Certain **Moneys** Held by it Upon Charitable Trusts for Another Charitable Purpose.