

**Reprint**  
**as at 1 July 2013**

**Wellington College and Girls' High  
School Act 1887**

Local Act 1887 No 17  
Date of assent 23 December 1887

**Contents**

	Page
Title	2
Preamble	2
1 Short Title	2
2 Constitution of governing body of Wellington College and Girls' High School	2
3 Election of Governors	3
4 Governors to be a body corporate	3
5 Governors to vacate office in certain cases	4
6 First meeting and election of Chairman	5
7 Governors may regulate meetings, &c	5
8 Minutes of proceedings to be kept	5
9 Accounts and audit	5

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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10	Governors to act upon resolutions of meetings	6
11	Trust property to vest in Governors	6
12	Trust property to be held by Governors for purposes of Act	6
13	Power to let lands	6
14	Governors may lease land described in Schedule 1	6
15	Income, how to be applied	7
16	Governors to have control of College and Girls' High School	7
17	Governors to make regulations for education, discipline, &c	8
18	Power to Governors to borrow money	8
19	Repeal	9
20	Interpretation	9
	<b>Schedule 1</b>	9
	<b>Schedule 2</b>	10

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**An Act to amend and consolidate the laws relating to the management of the Wellington College and Girls' High School.**

**Preamble**

Whereas it is expedient to consolidate and amend the laws relating to the Wellington College and the High School for Girls established in the City of Wellington:

**1 Short Title**

The Short Title of this Act is the Wellington College and Girls' High School Act 1887.

**2 Constitution of governing body of Wellington College and Girls' High School**

The governing body of the Wellington College and Girls' High School shall consist of eight members to be called **the Governors**, one of whom shall be the Mayor for the time being of the City of Wellington, another shall be the Chairman for the time being of the Education Board of the District of Wellington, and of the remaining 6 members divided into 2 equal

groups 3 shall be elected by the parents or guardians of pupils attending the school who have attended the school for not less than one quarter, and 3 others shall be appointed by the Governor in Council. And every person so appointed, excepting the Mayor of the City of Wellington for the time being, and the Chairman for the time being of the Education Board, shall, subject to the provisions hereinafter contained, continue in office for the term of 5 years from his appointment.

Provided that the Mayor of Wellington may at any time by notice in writing to the Town Clerk retire from membership of the governing body, and the Wellington City Council may at any time thereafter by resolution appoint one of their number to be a Governor, to hold office until the expiry of the then current term of office of the Mayor.

Provided also that the Chairman for the time being of the Education Board of the District of Wellington may at any time, by notice in writing to the Secretary of that Education Board, retire from membership of the governing Body, and that Education Board may at any time thereafter by resolution appoint one of their number to be a Governor, to hold office until the expiry of the then current term of office of the Chairman of that Education Board.

Section 2 was amended, as from 10 March 1933, by section 12 Education Amendment Act 1932-33 (1932-33 No 49), by inserting the first proviso. The repeal of section 12 Education Amendment Act 1932-33 by section 142(3) Education Act 1989 does not affect that proviso.

Section 2 was amended, as from 1 December 1951, by section 2 Wellington College and Girls' High School Amendment Act 1951 (1951 No 34), by inserting the second proviso.

### **3 Election of Governors**

The first election of Governors by parents or guardians as aforesaid shall be held in such manner as the Governor in Council shall direct, and subsequent elections by parents or guardians as aforesaid shall be conducted by the Governors in such manner as they shall think fit.

### **4 Governors to be a body corporate**

The said Governors for the time being shall be a body corporate by the name of **The Governors of the Wellington Col-**

**lege and Girls' High School**, and shall have a common seal, with power to break, alter, and renew the same. The said body corporate is hereinafter referred to as **the Governors**.

**5 Governors to vacate office in certain cases**

If any of the Governors, excepting the Mayor or Chairman of the Education Board aforesaid, shall die, or by writing under his hand addressed to the Governors resign, or hold or be directly or indirectly interested in any office of profit or contract with the Governors of the Wellington College, or cease by lapse of time to be a Governor, or cease for 6 calendar months to reside in the Provincial District of Wellington, or fail to attend any meeting of the Governors for 3 consecutive months without having obtained leave of absence from the Governors, or become bankrupt, or make any arrangement or composition with his creditors under the provisions of any law for the time being in force relating to bankruptcy or insolvency, or be convicted of any treason, felony, or offence punishable by 2 or more years' imprisonment, he shall immediately cease to be a Governor, and the vacancy so occasioned shall be filled by the appointment of a new member in the manner in which the vacating member was appointed, but the number of Governors for the time being in office shall never exceed 8:

provided that if any such Governor shall be resident out of the Provincial District of Wellington with the permission in writing of the Governors, then any period for which such permission is expressed to be granted shall not be included in the computation of the said period of 6 calendar months, and fresh permissions may be granted from time to time.

Section 5: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 5 was amended, as from 1 December 1951, by section 3 Wellington College and Girl's High School Amendment Act 1951 (1951 No 34), by substituting the words "filled by the appointment of a new member in the manner in which the vacating member was appointed" for the words "filled up by the parents or guardians as aforesaid, or by the Governor in Council, as the case may require".

**6 First meeting and election of Chairman**

The Governors shall meet for the first time at such time and place as the Governor in Council shall appoint, and shall forthwith proceed to elect a Chairman, who shall preside at all meetings of the Governors at which he is present held during the year next after his election, and until some other Governor shall be elected Chairman in his place, and when so presiding shall have a deliberative and casting vote, and until other provision shall be made by the Governors he shall have the custody of the common seal; and if at any meeting of the said Governors the Chairman shall not be present, the Governors then present shall appoint one of their number as Chairman for that meeting, and the Governor so appointed shall, during the meeting for which he is so appointed, have all the powers of the Chairman. Until such first meeting the Governors now acting shall continue in office with such powers and authorities as they possessed prior to the passing of this Act.

**7 Governors may regulate meetings, &c**

The Governors shall make, and may from time to time vary, add to, suspend, revoke, and make afresh, regulations for the conduct of business at their meetings, for determining how meetings shall be convened and what number shall be a quorum thereat, for the custody of their common seal, for the appointment of committees, and for other like purposes.

**8 Minutes of proceedings to be kept**

The Governors shall keep exact minutes of all their proceedings in fit books. Extracts from such books shall be *prima facie* evidence of the matters therein stated, and of the meetings to which the same relate having been duly and regularly convened and held.

**9 Accounts and audit**

The Governors shall keep full and accurate accounts of all their receipts, disbursements, assets, liabilities, and engagements, and shall in the month of January in every year submit the same, with all necessary vouchers, to be audited by an auditor to be appointed by the Governor in Council.

**10 Governors to act upon resolutions of meetings**

All things by this Act required to be done by the Governors shall be done in pursuance of or in accordance with a resolution passed at a meeting of the Governors; and no act of the Governors shall be invalid or liable to be questioned on the ground that any 1 or more of the Governors was or were incapacitated or had ceased to hold the office of Governor.

**11 Trust property to vest in Governors**

All real or personal property immediately before the coming into operation of this Act vested in, belonging to, or under the control of the Governors of the Wellington College constituted by any Act hereby repealed shall, on the coming into operation of this Act, be vested without any conveyance in the Governors and their successors as constituted under this Act.

**12 Trust property to be held by Governors for purposes of Act**

All real and personal estate which shall have under the provisions of any Act hereby repealed become vested in the Governors, and all real and personal estate which shall be purchased by or granted, devised, bequeathed, or given to the Governors for the benefit of the Wellington College or Girls' High School without any declaration of trusts of a different nature, shall be held by the Governors upon trust for the purposes of this Act.

**13 Power to let lands**

The Governors shall have power with respect to all lands which may be vested in them upon trust for the purposes of this Act to manage the same as they may deem fit, and, except as hereinafter provided from time to time, to let the same or any part thereof for any term not exceeding 42 years from the date of the lease thereof at such rent and on such terms and conditions as they shall think fit, but so that no fine, premium, or foregift be taken.

**14 Governors may lease land described in Schedule 1**

The Governors shall have power with respect to the lands described in Schedule 1, being portions of the College Site Re-

serve not required as a playground or for other college purposes, to manage the same as they may think fit, and from time to time to let the same, or any parts thereof, for any term not exceeding 42 years in possession from the date of the lease thereof, at such rent and on such conditions as they shall think fit, but so that no fine, foregift, or premium be taken:

provided always that only such of the said lands shall be so leased as are described on a certain plan deposited by the Governors in the office of the Colonial Secretary, showing the allotments into which the lands intended to be let were subdivided, and the streets to be dedicated to public use:

provided also that it shall be a condition of every lease that not more than 1 house with necessary outbuildings, the plans of which shall have been approved by the Governors, shall be erected on each such allotment, and that no manufacturing business, nor any noisome or offensive trade shall be carried on in any such building, and that no such building shall be used as a public-house.

**15 Income, how to be applied**

The rents, profits, and annual income of the said trust property shall be applied by the Governors for the maintenance of the Wellington College and Girls' High School, and the payment of salaries and expenses connected therewith, and for prizes, exhibitions, scholarships, and other rewards for the students therein:

provided that the Governors shall have power, if they think fit, to set apart out of the said rents, profits, and annual income, such part as they shall think fit, either as an addition to the capital fund which shall then be invested and dealt with as part of such capital, or as a reserve fund to meet extraordinary expenses, which shall be invested and dealt with in such manner as the Governors shall direct.

**16 Governors to have control of College and Girls' High School**

The whole control and management of the Wellington College and Girls' High School shall be vested in the Governors, who

shall have power to appoint, and from time to time to remove, all teachers, examiners, and other officers and servants.

**17   Governors to make regulations for education, discipline, &c**

The Governors shall with all convenient speed make regulations for defining the course of education in the said College and Girls' High School, the examinations to be held, the discipline to be used, the conditions under which students shall be admitted therein, the fees to be paid, and for all other purposes for which regulations shall be needed, and they may from time to time vary, add to, revoke, and make afresh all or any such regulations.

**18   Power to Governors to borrow money**

The Governors may, for the purpose of providing funds for the payment of the debts incurred in building the Wellington College and the Girls' High School, or either of them, or for the purpose of erecting suitable additions to the said buildings, or either of them, or such other buildings as may from time to time be deemed necessary borrow from time to time, at interest not exceeding 7 per centum per annum, such sums of money as they shall think requisite: Provided that no bond given in respect of such loan shall be sold at a price which will yield to the purchaser thereof a higher annual rate of interest than \$14 for every \$200 of purchase money given for such bond.

In respect to the moneys to be borrowed under this Act, the Governors may grant to the person or persons lending the same 1 or more mortgages upon the rents and profits of all or any part of the land which may be vested in them under this Act, in such form and subject to such conditions, and other provisions as the said Governors may think fit.

If at any time appointed by any mortgage for the payment of the principal money secured thereby the Governors are unable to pay off the same, they may, if they shall think fit, borrow such sum of money as may be necessary for the purpose of paying off the whole or any part of such principal money, and may secure the repayment of the same and interest to be

paid thereon in manner hereinbefore authorised in regard to the moneys originally borrowed under this Act.

Section 18 was amended, as from 8 November 1901, by section 6 Victoria College Site and Wellington College and Girls' High School and Wellington Hospital Trustees Empowering Act 1901 (1901 No 70), by inserting the words "or such other buildings as may from time to time be deemed necessary".

The references to "fourteen dollars", and "two hundred dollars" were substituted, as from 10 July 1967, for references to "seven pounds", and "hundred pounds" pursuant to section 7(1) of the Decimal Currency Act 1964 (1964 No 27).

## **19 Repeal**

After the commencement of this Act the several Acts specified in Schedule 2 shall be and are hereby repealed, but such repeal shall not affect anything duly done or any appointment made, or any estate vested under any Acts or Act hereby repealed.

## **20 Interpretation**

For the purposes of this Act **parent** shall mean **father**, but if he be dead or absent from Wellington the **parent** shall mean **mother**.

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## **Schedule 1**

Portion No 1, consisting of Lots 12 to 17 included, containing 3 acres, including roads. Is bounded on the west by Town Sections 742, 743, 744, and 745, 1 507 links, bearing 178°25'; on the south by other portion of reserve, commencing at south-east corner of Section 745, 577 links, bearing 83°47' on the east by the College Grounds, 650 links north-west, and 563 links north, to south-east corner of Town Section 678; on the north by Town Section No 678, 232 links, bearing 278°27'.

Portion No 2, consisting of Lots 1 to 11 included, containing 16 acres, including roads. Is bounded on the west by the College Grounds, 1 920 links, bearing 176°31'; on the south by other portion of reserve, 841 links, bearing 96°52'; on the east by other portion of College Reserve, 1 967 links, bearing 8°15'; and on the north by Town Sections Nos 673, 675, and 749, 1 070 links, bearing 278°27'.

**Schedule 2**

The Wellington College Act 1872.

The Wellington College Act 1872 Amendment Act 1877.

The Wellington College Acts Amendment Act 1878.

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## Contents

- 1 General
  - 2 About this eprint
  - 3 List of amendments incorporated in this eprint (most recent first)
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## Notes

### **1 General**

This is an eprint of the Wellington College and Girls' High School Act 1887. The eprint incorporates all the amendments to the Act as at 1 July 2013. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

### **2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

### **3 List of amendments incorporated in this eprint (most recent first)**

Criminal Procedure Act 2011 (2011 No 81): section 413

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