

**Reprint
as at 1 January 2004**



**Auckland Baptist Tabernacle Act
1948**

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Note

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

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

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An Act to constitute and incorporate the Auckland Baptist Tabernacle and the Auckland Baptist Tabernacle Trust Board and to provide a constitution and rules for each of such bodies respectively and to declare the trusts upon which property shall hereafter be held by or on behalf of the Auckland Baptist Tabernacle and to provide for all incidental matters involved

Preamble

Whereas in or about 1855 a number of persons of the religious denomination known as Baptists formed themselves into a Church, and subsequent thereto acquired a certain piece of land in Wellesley Street, Auckland, and erected thereon a chapel in which public worship was held in accordance with the usages and beliefs of the Baptist denomination:

And whereas on 7 August 1883 one Frederick Battley, in whom the said piece of land was then vested, conveyed it to 7 named persons upon certain trusts then declared:

And whereas, in consequence of the said chapel having become inadequate in course of time to the needs of its congregation, the trustees then in office sold the said piece of land and purchased a certain piece of land more particularly described in Schedule 2 upon which there was later erected the chapel known as the Auckland Baptist Tabernacle and also a certain adjoining piece of land more particularly described in Schedule 4 upon which was erected a certain commercial building known as the Tabernacle Buildings:

And whereas in or about 1935 the trustees then in office, having filed a memorial in the office of the Supreme Court at Auckland under the provisions of Part 2 of the Religious, Charitable, and Educational Trusts Act 1908, became incorporated under such Act as the Auckland Baptist Tabernacle Trust Board:

And whereas the Auckland Baptist Tabernacle in 1943 resolved to adopt a constitution and rules superseding the constitution and rules previously in force:

And whereas doubts have arisen as to the trusts upon which the said pieces of land are held and as to certain matters relating to Church membership and administration:

And whereas it is desirable that such doubts be resolved and that the Auckland Baptist Tabernacle and the Auckland Baptist Tabernacle Trust Board be incorporated by Act of Parliament.

1 Short Title

This Act may be cited as the Auckland Baptist Tabernacle Act 1948.

Part 1

Auckland Baptist Tabernacle

2 Incorporation of the Auckland Baptist Tabernacle

There is hereby established a body corporate to be called the Auckland Baptist Tabernacle (hereinafter referred to as the **Church**), which shall have perpetual succession and a common seal, and under that name may sue and be sued, prosecute, defend, and take and be represented in all proceedings in all courts and before all tribunals or authorities, and it shall further

be lawful for the Church to hold, receive, purchase, or otherwise acquire, possess, and enjoy real and personal property of any description whatsoever, and also to sell, grant, convey, demise, or otherwise dispose of, either absolutely or by way of mortgage, any property now or hereafter held by or belonging to the Church, and generally to exercise and do all the powers, privileges, matters, and things incidental or appertaining to a body corporate, and in particular, but without in any way limiting or derogating from the powers aforesaid, the Church may exercise all or any of the powers and functions mentioned in the constitution and rules set forth in Schedule 1.

3 Adopting constitution and rules

The constitution set forth in Part 1 of Schedule 1 shall be the constitution of the Church. The rules set forth in Part 2 of Schedule 1, together with such amendments, modifications, and additions thereto as may at any time and from time to time be lawfully made, shall be the rules of the Church, provided always that the conditions and limitations contained in Rule 39 of such rules are complied with and observed.

4 Vesting property in Church

- (1) As from the date of the passing of this Act, all real and personal property whatsoever ordinarily used for or associated with the services and religious and social activities and agencies of the Auckland Baptist Tabernacle shall be vested, without conveyance, transfer, or assignment, in the Church, subject to all liabilities, charges, and obligations (if any) affecting the same or created by this Act, and the Church shall assume and satisfy any obligations and liabilities of the Church in relation thereto existing at the date of the passing of this Act.
- (2) The real property vested in the Church by virtue of the last preceding subsection shall be held by the Church, subject to the provision that all buildings thereon shall be used for the public worship of God according to the usages of the denomination called Baptists under the direction of the members of the Church for the time being there assembling for worship and for the instruction of children and adults, and that such buildings and any other buildings from time to time erected or

being upon the said real property shall be used generally for the promotion, advancement, and support of such other Baptist religious charitable purposes as the Church may from time to time deem proper, and that any moneys received from the sale of any such land or buildings shall likewise be applied for the purposes aforesaid.

- (3) The real property intended to be vested in the Church by the provisions of this section is more particularly described in Schedule 2.

5 Registration of title to land

Upon the passing of this Act, all District Land Registrars shall, on written application under the seal of the Church, register the Auckland Baptist Tabernacle as proprietor of all lands registered under the Land Transfer Act 1915 and vested in the Church by virtue of this Act.

6 Qualifications of Minister

The Minister of the Church shall always be a baptised believer of the denomination called Baptists and shall hold, teach, maintain, and preach the doctrines set forth in Part 1 of Schedule 1.

7 Membership roll

In order to remove doubts now existing regarding membership, it is hereby declared that, in addition to those persons whose names appear on the roll of Church members at the date of the passing of this Act, every person whose name was on such roll on 1 August 1944, and who has not since that date died or voluntarily resigned from membership or been granted a transfer of his membership to another Baptist Church, is hereby declared to be a member of the Church and to be entitled to have his name entered on the membership roll thereof and shall be deemed to have been a member at all times since his original reception into membership of the Church, and the Church Secretary or other proper officer shall take all necessary steps forthwith upon the passing of this Act to give effect to the provisions of this section. Except in the case of manifest error, the inclusion of a name on the roll of Church mem-