



Bishop Suter Art Gallery Governance Restructuring Act 2008

Local Act 2008 No 4
Date of assent 7 July 2008
Commencement see section 2

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Preamble

- (1) By a Deed of Conveyance dated 11 May 1895, Amelia Damaris Suter conveyed land to trustees named in the deed to be held on trust for the promotion of art in the City of Nelson as they from time to time should think best and in particular for a site for and otherwise for the establishment and endowment of an art gallery for the people of the City of Nelson to be called the Bishop Suter Art Gallery:
- (2) By the Bishop Suter Art Gallery Trustees Act 1896 further land was vested in the trustees on the same trusts:
- (3) The trustees became incorporated as a Board under Part 2 of the Charitable Trusts Act 1957 under the name of the Bishop Suter Art Gallery Trust Board:
- (4) The Bishop Suter Art Gallery Trust Board lacks governance powers to conduct its affairs properly and is unable within its rules to correct the position:
- (5) The Bishop Suter Art Gallery Trust Board wishes to ensure the future of the Suter Art Gallery and the protection of the art collection by local authority control and funding:
- (6) The Bishop Suter Trust, incorporated as a Board under Part 2 of the Charitable Trusts Act 1957 and being a council-controlled organisation of the Nelson City Council, should be recognised to carry on the functions of the Bishop Suter Art Gallery Trust Board with extended objects and powers:
- (7) The Bishop Suter Art Gallery Trust Board should be dissolved:
- (8) The property, rights, and obligations of the Bishop Suter Art Gallery Trust Board should be vested in The Bishop Suter Trust:
- (9) The Bishop Suter Art Gallery Trustees Act 1896 should be repealed:

- (10) The change to a council-controlled organisation raises doubts about the liability of The Bishop Suter Trust and the Nelson City Council in respect of benefits received by the Bishop Suter Art Gallery Trust Board from The Suter 2000 Appeal Trust pursuant to the Funding Agreement:
- (11) The objects of this Act cannot be attained otherwise than by legislation:

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Bishop Suter Art Gallery Governance Restructuring Act 2008.

2 Commencement

This Act comes into force 1 month after the date on which it receives the Royal assent.

**Part 1
Preliminary provisions**

3 Purpose

The purpose of this Act is to—

- (a) transfer all the property, rights, and obligations of the Bishop Suter Art Gallery Trust Board to The Bishop Suter Trust; and
- (b) dissolve the Bishop Suter Art Gallery Trust Board and remove it from the register of charitable trust boards under the Charitable Trusts Act 1957; and
- (c) provide that certain persons have no legal liability for donations given to the Bishop Suter Art Gallery Trust Board for the redevelopment of the Suter Art Gallery should the redevelopment differ from the basis on which the donations were given, or not proceed, or be postponed; and
- (d) repeal the Bishop Suter Art Gallery Trustees Act 1896.

4 Interpretation

In this Act, unless the context otherwise requires,—

new Board means The Bishop Suter Trust incorporated as a Board under Part 2 of the Charitable Trusts Act 1957

old Board means the Bishop Suter Art Gallery Trust Board incorporated under Part 2 of the Charitable Trusts Act 1957

property—

- (a) means every type of property; and
- (b) includes—
 - (i) every type of estate and interest in property; and
 - (ii) money.

Part 2

Transfer of property, rights, and obligations from old Board to new Board

5 Transfer of property, rights, and obligations

- (1) On and from the commencement of this Act, the property, rights, and obligations of the old Board become the property, rights, and obligations of the new Board.
- (2) Proceedings that could have been commenced or continued by or against the old Board before the commencement of this Act may be commenced or continued by or against the new Board on and from the commencement of this Act.

6 Matters not affected by the transfer of property, rights, and obligations

- (1) The dissolution of the old Board and the transfer of its property, rights, and obligations to the new Board—
 - (a) is not to be treated as placing a person in breach of, or default under, any contract, or in breach of trust, or in breach of confidence, or as otherwise making the person guilty of a civil wrong; and
 - (b) is not to be treated as entitling a person to—
 - (i) terminate or cancel or modify a contract, agreement, or arrangement; or
 - (ii) enforce or accelerate the performance of an obligation; or
 - (iii) require the performance of an obligation not otherwise arising for performance; and