

Version  
as at 28 October 2021



## Charitable Trusts Act 1957

Public Act      1957 No 18  
Date of assent      4 October 1957  
Commencement      see section 1(2)

### Contents

	Page
Title	3
1 Short Title and commencement	4
2 Interpretation	4
2A Principal Act to bind the Crown	4
<b>Part 1</b>	
<b>Vesting of property</b>	
3 Property to vest in trustees or their successors	4
4 Evidence of appointment of trustees	5
5 Transfer of properties	5
<b>Part 2</b>	
<b>Incorporation of trust boards</b>	
6 Interpretation	6
7 Trustees may apply for incorporation	6
8 Society may apply for incorporation	6
9 Manner in which society may authorise application	7
10 Applications for incorporation	7

---

#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Justice.**

11	Registration of boards	8
12	Evidence of incorporation	8
13	Effect of incorporation	9
14	Vesting of property	9
15	Name of board	9
16	Change of name	9
17	Right to appeal to court	10
18	Service on a board	10
19	Form of contracts	10
20	Presumption of validity of acts of trustees, etc	11
21	Powers in respect of property	11
22	Power to incorporate for charitable purposes under other Acts	12
23	New trusts, and alterations of rules, trusts, or registered office	12
24	Voluntary liquidation of society as a board	13
25	Liquidation of a board by court	13
25A	COVID-19 business debt hibernation may apply	14
26	Dissolution by Registrar	14
26A	Registrar may inquire whether board still carrying on operations	15
27	Distribution of surplus assets	15
28	Register of boards and seal of Registrar	16
29	Inspection, production, and evidence of documents kept by Registrar	16
30	Exemption from fees	17

### Part 3

#### Schemes in respect of certain charitable trusts

31	Interpretation	17
32	Property may be disposed of for other charitable purposes	17
33	Extension of powers or alteration of mode of administration of trust	18
34	Trustees may prepare a scheme	18
35	Scheme to be laid before Attorney-General	18
36	Scheme to be advertised	19
37	Opposition to scheme	19

### Part 4

#### Schemes in respect of charitable funds raised by voluntary contribution

38	Meaning of term charitable purpose in this Part	20
39	Funds to which this Part applies	20
40	Property may be disposed of for other charitable purposes	20
41	Extension of powers or alteration of mode of administration of trust	21
42	Contributor or money holder may proceed under this Part	21
43	Convening meeting of contributors	22

44	Subsequent advertisement or notice of other newly proposed purpose	22
45	Proceedings at meetings	23
46	Scheme committee	24
47	Scheme, etc, to be laid before the Attorney-General	24
48	Powers and duties of Attorney-General	24
49	Contributor may get back money before date fixed for first meeting of contributors	25
50	Attorney-General or court may dispense with meeting of contributors	25

### **Part 5**

#### **Miscellaneous provisions**

51	Administration of schemes	27
52	Expenses of scheme	27
53	Jurisdiction of court in respect of schemes	28
54	Approval of scheme or refusal by court to approve scheme to be gazetted	28
55	Power to waive non-compliance with procedural requirements	28
56	Restrictions on approval of schemes	28
57	No fee payable to Registrar	29
58	Inquiries into condition and management of charities	29
59	Holder of property to transfer it in accordance with scheme	30
60	Proceedings to enforce or vary charitable trust or to require a new scheme	30
61	Alteration of rules of society or corporation not to affect existing trusts	31
61A	Trusts for recreational and similar purposes	31
61B	Inclusion of non-charitable and invalid purposes not to invalidate a trust	32
62	Regulations	33
63	Repeals, amendment, and savings	33

<b>Schedule 1</b>	35
-------------------	----

#### **Memorandum of appointment of new trustees**

<b>Schedule 2</b>	36
-------------------	----

#### **Forms of application for incorporation as a board**

<b>Schedule 3</b>	38
-------------------	----

#### **Enactments repealed**

## **An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to charitable trusts**

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

## 1 Short Title and commencement

- (1) This Act may be cited as the Charitable Trusts Act 1957.
- (2) This Act shall come into force on 1 January 1958.

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**charitable purpose** means every purpose which in accordance with the law of New Zealand is charitable; and, for the purposes of Parts 1 and 2, includes every purpose that is religious or educational, whether or not it is charitable according to the law of New Zealand:

provided that in Part 4 the term charitable purpose has the meaning specified in section 38

**court** means the High Court of New Zealand, and includes a Judge of that court

**property** means real and personal property of every kind, and includes money.

Section 2 **court**: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

## 2A Principal Act to bind the Crown

This Act shall bind the Crown.

Compare: Recreational Charities Act 1958 s 5 (UK)

Section 2A: inserted, on 2 October 1963, by section 2 of the Charitable Trusts Amendment Act 1963 (1963 No 21).

# Part 1

## Vesting of property

## 3 Property to vest in trustees or their successors

- (1) Where any real or personal property has been or is hereafter acquired by or on behalf of any religious denomination, congregation, or society, or any body of persons associated for any charitable purpose, and the conveyance or other assurance of that property has been or is taken to or in favour of trustees to be from time to time appointed, or any parties named in the conveyance or other assurance, or subject to any trust for any such denomination or congregation or society or body of persons, or for the individuals comprising the same, the conveyance or other assurance shall not only vest the property thereby conveyed or otherwise assured in the parties named therein, but shall also effectually vest the same in their successors in office for the time being and the continuing trustees (if any) jointly, or if there are no such continuing trustees, then in their successors in office for the time being chosen and appointed in the manner provided or referred to in the conveyance or other assurance, or in any separate deed or instrument, declaring the trusts thereof; or if no mode of appointment is

therein provided or referred to, or if the power of appointment has lapsed, then in such manner as may be agreed upon by such denomination or by a body constituted to represent them, or by such congregation, society, or body of persons.

- (2) The said property shall be so vested without any conveyance or other assurance whatsoever upon the same trusts and with and under and subject to the same powers and provisions as are contained or referred to in the conveyance or other assurance, or in any separate deed or instrument upon which the property is held so far as the same may at the time of vesting be subsisting and still capable of taking effect, anything in the conveyance or other assurance or in any separate deed or instrument to the contrary notwithstanding.
- (3) Nothing in this section shall restrict the effect of any appointment of new trustees or of any conveyance or other assurance or vesting of any property.

Compare: 1908 No 164 s 2

#### **4 Evidence of appointment of trustees**

- (1) For the purpose of preserving evidence of every appointment of new trustees to which section 3 applies and of the persons in whom any estate or interest in property from time to time becomes legally vested, every such appointment shall be made to appear by a memorandum under the hand of the chairman for the time being of the meeting at which the appointment was made, and shall be executed either in the presence of that meeting or at any time after that meeting, and attested by 2 or more witnesses.
- (2) Any such memorandum may be in the form or to the effect of Schedule 1, or as near thereto as circumstances will allow, and may be given and shall be received as evidence in all courts and proceedings in the same manner and on the like proof as deeds, and shall be evidence of the truth of the several matters therein stated.
- (3) Every memorandum made under this section of an appointment of new trustees must, if it affects land under the Land Transfer Act 2017, be lodged with the Registrar-General of Land; and, as regards that land, the appointment has no operative effect until the memorandum or a copy of it has been certified by the Registrar-General of Land.

Compare: 1908 No 164 s 3

Section 4(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

#### **5 Transfer of properties**

Where any property is vested in or held by any person in trust for or for the benefit (directly or indirectly) of any body or corporation, or for the maintenance and support of the officers or members of any body or corporation, whether or not the trust or purpose appears upon the face of the conveyance or other instrument under which the property is held and whether or not the trust