

Napier High School Act 1882

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An Act to provide for the Establishment and Management of the Napier High School, and for the Endowment thereof, and to provide for the Relinquishment by the Trustees of the Napier School Trust of their Trust.

Preamble

WHEREAS it is desirable and expedient to make special provision for the establishment and management of a High School, to be established within the Education District of Hawke's Bay, at Napier, in the Provincial District of Hawke's Bay, and to provide for the endowment thereof, and also to make provision enabling the Trustees of the Napier School Trust to relinquish their trust, and for the vesting of the lands and hereditaments now vested in or under the control of such Trustees in the Board of Governors of the Napier High School:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

The Short Title of this Act is The Napier High School Act 1882.

2 Acts repealed

The several Acts of the Superintendent and Provincial Council of Hawke's Bay specified in Schedule 1 hereto are hereby repealed.

3 Napier School Trust determined

The trusts vested in the Trustees of the Napier School Trust, under and by virtue of a certain decree and order of the High Court of New Zealand, bearing date the twenty-first day of October, one thousand eight hundred and seventy-two, made in a suit wherein James Anderson was plaintiff and Edward Catchpool and others were defendants, and vested in the Trustees under the Acts hereby repealed, are hereby declared to be at an end, and the said Trustees are hereby relieved from the further carrying-out of the same.

The words "High Court" were substituted, as from 1 April 1980, for the words "Supreme Court" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

4 Vesting of lands of Napier School Trust

The lands and hereditaments mentioned and specified in Schedule 2 to this Act shall, from and after the passing of this Act, vest, without any conveyance or transfer thereof, in the Board of Governors hereinafter mentioned, subject to all existing leases thereof, and subject to provisions of this Act.

5 Transfer of funds of Napier School Trust

After payment of all existing liabilities of the said Napier School Trust, all funds and other personal property now in the hands of the Trustees thereof shall be transferred to the Board of Governors hereinafter mentioned.

6 Board of Governors made a corporate body

The Board of Governors, to be composed and appointed as hereinafter provided, shall be and is hereby constituted a body corporate, by the name of the Napier High School Board of Governors (hereinafter called **the Board**), by which name the said body corporate shall have perpetual succession and a common seal, and may hold lands, and may sue and be sued, and may do and suffer all such things as corporate bodies may do and suffer.

The words “Napier Secondary Education Board” were substituted, as from 28 April 1931, for the words “Napier High School Board” pursuant to section 39(1) Finance (No 2) Act 1931 (1931 No 5). Those words were further substituted, as from 7 December 1945, by the words “Napier High School Board of Governors” pursuant to section 56(3)(b) Statutes Amendment Act 1945 (1945 No 40).

7 Constitution of Board of Governors

Notwithstanding anything to the contrary in any other Act, on and after the first day of June, nineteen hundred and sixty-one, the Board shall consist of thirteen members appointed or elected as follows:

- (a) Two members (of whom at least one shall be a woman) appointed by the Governor-General:
- (b) Five members elected by the parents of the children attending the schools under the control and management of the Board:
- (c) Two members elected by associations of employers in local industry:
- (d) Two members elected by associations of employees in local industry:
- (e) One member appointed by the Education Board of the District of Hawke’s Bay:
- (f) One member appointed by the Hawke’s Bay Agricultural and Pastoral Association (Incorporated).

The original section 7 was amended, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40) by omitting the words “; and provided . . . the first election”.

Sections 7, 8 and 11 to 15 were repealed, as from 28 April 1931, by section 39(13) Finance Act (No 2) 1931 (1931 No 5).

New sections 7 and 8 were inserted, as from 7 October 1960, by section 2 Napier High School Amendment Act 1960 (1960 No 23).

8 Appointment and election of members

- (1) Subject to the provisions of this section, every member of the Board shall hold office for a term of three years, but may from time to time be reappointed or re-elected.
- (2) Every member of the Board, unless he sooner vacates his office under section 10 of this Act, shall continue in office until his successor comes into office.
- (3) On the thirty-first day of May, nineteen hundred and sixty-one, all members of the Board as it is then constituted shall go out of office.
- (4) The first members of the Board, as it is to be constituted of the first day of June, nineteen hundred and sixty-one, shall be appointed and elected in the prescribed manner not later than the thirty-first day of May in that year, and shall come into office on the first day of June in that year.
- (5) The Governor-General may from time to time, by Order in Council, make regulations providing for the appointment and election of members of the Board.
- (6) Five members of the Board shall constitute a quorum.

Sections 7, 8 and 11 to 15 were repealed, as from 28 April 1931, by section 39(13) Finance Act (No 2) 1931 (1931 No 5).

New sections 7 and 8 were inserted, as from 7 October 1960, by section 2 Napier High School Amendment Act 1960 (1960 No 23).

9 Qualification of member of Board

Every person of the full age of twenty-one years and not disqualified as mentioned in the next section resident in the Provincial District of Hawke's Bay shall be qualified to be a member of the Board.

10 Cases in which member ceases to be such

If any member shall, by writing under his hand addressed to the Chairman of the said Board, resign his office, or shall die, or become of unsound mind, or be adjudicated a bankrupt, or execute any deed of composition or arrangement with his creditors, or be absent without leave from the meeting of the Board for three consecutive months, or be convicted of treason, felony, perjury, or any infamous crime, he shall immediately cease to be a member of the Board.

If any member shall receive any salary from the Board, or accept or hold any office or employment from or under the Board to which any salary, fees, or emoluments are attached, or shall be or become interested or concerned (except as a member of a registered or incorporated company) in any contract under which any money is to be paid by the Board, he shall immediately thereupon cease to be a member of the Board: Provided that it shall be lawful for the Board to pay any member residing at a distance from the ordinary place of meeting of the Board reasonable travelling expenses.

11 Filling of casual vacancies

- (1) If any member of the Board dies or resigns or otherwise vacates his office, the vacancy shall be filled as soon as practicable thereafter by the appointment or election of a new member in the manner in which the vacating member was appointed or elected, and the member so appointed or elected to fill the vacancy shall be appointed or elected for only the residue of the term of the vacating member:

Provided that, where any such vacancy is to be filled by election, the Board may in its discretion decide that no election shall be held if the vacancy occurs after the month of October immediately preceding the next ordinary election and before the persons elected at the ordinary election assume office.

- (2) The powers of the Board shall not be affected by any vacancy in the membership thereof.

Sections 7, 8 and 11 to 15 were repealed, as from 28 April 1931, by section 39(13) Finance Act (No 2) 1931 (1931 No 5).

A new section 11 was inserted, as from 7 October 1960, by section 3 Napier High School Amendment Act 1960 (1960 No 23).

12 Member appointed by Governor

[Repealed]

Sections 7, 8 and 11 to 15 were repealed, as from 28 April 1931, by section 39(13) Finance Act (No 2) 1931 (1931 No 5).

13 Chairman to notify to body entitled to elect

[Repealed]

Sections 7, 8 and 11 to 15 were repealed, as from 28 April 1931, by section 39(13) Finance Act (No 2) 1931 (1931 No 5).

14 Remaining members of Board may appoint in case of refusal or neglect to elect

[Repealed]

Sections 7, 8 and 11 to 15 were repealed, as from 28 April 1931, by section 39(13) Finance Act (No 2) 1931 (1931 No 5).

15 Date of first meeting and election of Chairman

[Repealed]

Sections 7, 8 and 11 to 15 were repealed, as from 28 April 1931, by section 39(13) Finance Act (No 2) 1931 (1931 No 5).

16 Chairman to be elected at annual meeting

The Board shall hold an annual meeting in the month of June in each subsequent year. At every such meeting the Board, by a majority of the members present, shall elect one of its members to be Chairman, who shall hold office for a term of one year only, but he shall be eligible for re-election.

In the event of there being an equality of votes, the election of Chairman shall be decided by lot at such meeting.

This section was amended, as from 7 December 1945, by section 56(3)(b) Statutes Amendment Act 1945 (1945 No 40), by omitting the words “for the like purpose” and the word “subsequent”. It was further amended by section 56(3)(b) of that Act by substituting the word “June” for the word “April”.

17 Resignation of Chairman

If the Chairman shall, from any cause, cease to be a member of the Board or resign the office of Chairman, the Board shall, so soon thereafter as conveniently may be, elect another member of the Board to be Chairman in his stead, who shall hold office until the next election of a Chairman as hereinbefore provided.

18 Deliberative and casting vote

At all meetings of the Board the Chairman, or, in his absence, such member of the Board as the majority of the members

assembled shall choose, shall preside, and such Chairman or presiding member shall have a deliberative vote, and in all cases of equality of votes shall also have a casting vote.

19 Board may establish High School in Napier

It shall be lawful for the Board to establish and maintain in the town or suburbs of Napier a school or schools for the higher education of boys, or of girls, or of both, and to designate the same by distinctive names, all of which schools, however, are throughout this Act included in the term **High School** or **Napier High School**.

20 Powers of Board in connection with High School

There shall be vested in the Board the whole control and management of the said Napier High School, and the Board shall have full power to appoint and dismiss all professors, masters, teachers, lecturers, examiners, and other officers and servants for the management of the said High School, and also the entire management and superintendence over all the affairs, concerns, and property of the said High School; and, in all cases unprovided for by this Act, it shall be lawful for the Board to act in such manner as shall appear to it best calculated to further the purposes intended to be served by the establishment of a high school. And the Board shall have full power from time to time to make by-laws and regulations for defining the course of study and education in the said High School, and also for the discipline and examination of the same, the conditions upon which scholars shall be admitted, and the fees to be paid in respect of such admission, and in general touching all other matters, purposes, and things regarding the said High School.

21 Power of Board to make regulations

The Board shall make and may from time to time revoke, vary, and make fresh regulations for the conduct of business at its meetings, for determining how meetings shall be convened, and what number of members shall constitute a quorum thereat, and for such other like matters as may be requisite for the conduct of the business of the Board.

22 Minutes of proceedings of Board to be kept

Minutes of the proceedings of the Board shall be regularly entered in a proper book to be kept for that purpose, and at every meeting of the Board the minutes of the previous meeting shall be read over, and signed by the chairman of the meeting at which the same shall be read; and the minutes, when so signed, shall be held to be a true statement and record of the proceedings of the Board for all purposes whatsoever.

23 Board to keep receipts, &c

The Board shall keep full and accurate accounts of all its receipts, disbursements, assets, liabilities, and engagements; and shall, in the month of January in each year, cause the same to be audited by such person as the Governor may appoint; and copies of such accounts, when audited, shall be forwarded to the Minister in charge of the Department of Education, together with a report of the proceedings of the Board during the previous year, and such report and accounts shall be laid before the Assembly at its next session.

24 Acts required to be done by Board to be done in pursuance of resolution of Board

All things required by this Act to be done by the Board shall be done in accordance with or in pursuance of a resolution passed at a meeting of the Board, and no act of the Board shall be invalid or liable to be questioned on the ground that one or more of the members of the Board was or were incapacitated or had ceased to hold office as members of the Board, or on the ground that the seat of any member of the Board is vacant.

25 Reserves vested in Board to be under The High Schools Reserves Act 1880.

The lands and reserves to be vested in the Board in pursuance of the provisions hereinafter contained, and the lands, hereditaments, and personal property vested in the Board pursuant to the fourth and fifth clauses of this Act, and all other real and personal property which may be purchased by the Board, or granted as a site or sites for a high school, or devised or bequeathed or given to the Board for the benefit

of the said Napier High School, without any trusts or powers of a different nature being expressed in the instrument so devising, bequeathing, or giving the same to the Board, shall be held and dealt with by the Board under and subject to the provisions of The High Schools Reserves Act 1880, the said Napier High School being hereby declared to be a high school under that Act.

26 Income from Board's estate, how applied

The rents, profits, and annual income of all real and personal estate which may be vested in the Board, together with all funds which may from time to time be derived from fees or payments made in respect of scholars or students attending the said High School, shall be applied by them for the establishment and maintenance of the said High School at Napier, and the payment of all salaries and expenses connected therewith, and for prizes, exhibitions, and scholarships for the students therein:

Provided that the Board shall have power to set apart, if it shall see fit, out of the said rents, profits, and annual income such part as it shall consider advisable, either as addition to the capital fund, which shall then be invested in manner as hereinafter mentioned and dealt with as part of such capital fund, or as a reserve fund to meet extraordinary expenses, which shall be invested and dealt with in such manner as the Board shall direct.

27 Board's power to invest its moneys

With respect to any moneys bequeathed or given to the Board for the said High School, or being rents, profits, and annual income set apart under the preceding section, the Board shall have power to invest the same in the purchase of land for the purpose of a school site or school sites for a High School, or upon mortgage of freehold lands in New Zealand, or upon the stocks, bonds, bills, or debentures of the Government of the Colony of New Zealand, and from time to time to vary such investment.

28 Endowment of the Board

[Repealed]

Section 28 and Schedule 3 were repealed, as from 1 January 1950, by section 22 Education Lands Act 1949 (1949 No 24).

29 Board to obtain portions of the reserves for secondary education in Hawke's Bay

It shall be lawful for the Commissioners appointed under the Education Lands Act 1949, for the Provincial District of Hawke's Bay, or, if they fail to act, for two Commissioners appointed for that purpose by the Governor, to select, out of that portion of the reserves for secondary education in the Provincial District of Hawke's Bay not yet selected and set apart for any other high school under any other Act hereinbefore passed authorizing such selection and setting apart, such reserves as will be equal to one-third of the whole value of the said reserves remaining unselected and not set apart as aforesaid, to be ascertained in manner following: The said Commissioners shall, within six months after the passing of this Act, make a valuation of the whole of the said portion of the said reserves for secondary education in the said provincial district, and shall determine which of such reserves shall be of a value equal to one-third of the whole value thereof, and shall set apart the reserves last aforesaid for the maintenance of the Napier High School, and, on the Proclamation of the Governor that such reserves have been selected and set apart for the said Napier High School, the said reserves shall absolutely vest in the said Napier High School Board of Governors incorporated by this Act.

A reference to the Education Reserves Act 1908 was substituted, as from 4 August 1908, for a reference to the Education Reserves Act 1877 pursuant to section 1(2) Education Reserves Act 1908 (1908 No 53). That reference was in turn substituted, as from 1 January 1929, by a reference to the Education Reserves Act 1928 pursuant to section 41 Education Reserves Act 1928 (1928 No 33). That reference was further substituted, as from 1 January 1950, by a reference to the Education Lands Act 1949 pursuant to section 21 Education Lands Act 1949 (1949 No 24).

30 Vesting of part of Suburban Section 90, Napier, in Board

The lands described in Schedule 4 hereto, at present vested in the Commissioners appointed under The Education Reserves

Act 1877, as a reserve for primary education, shall be and the same are hereby vested in the Napier High School Board of Governors incorporated by this Act.

The words “Napier Secondary Education Board” were substituted, as from 28 April 1931, for the words “Napier High School Board” pursuant to section 39(1) Finance (No 2) Act 1931 (1931 No 5). Those words were further substituted, as from 7 December 1945, by the words “Napier High School Board of Governors” pursuant to section 56(3)(b) Statutes Amendment Act 1945 (1945 No 40).

31 Suburban Section 34, Napier, to be a reserve for primary education

The lands described in Schedule 5 hereto, at present vested in the Commissioners appointed under The Education Reserves Act 1877, as a reserve for secondary education, shall, from and after the date of the passing of this Act, vest in the said Commissioners as a reserve for primary education under The Education Reserves Act 1877.

32 Inspection

The Napier High School shall be subject to inspection by an Inspector to be from time to time appointed by the Minister of Education.

Schedule 1

S 2.

Ordinances of the Superintendent and Provincial Council of Hawke’s Bay

The Napier School Act 1871.

The Napier Girls’ School Site Act 1874.

Schedule 2

S 4.

ALL that parcel of land, in the Provincial District of Hawke’s Bay, containing by admeasurement one rood, more or less, being the town section number one hundred and sixteen, in the Town of Napier:

bounded towards the North-west by suburban section number sixty-five, one hundred links; towards the North-east by section number one hundred and seventeen, two hundred and fifty links; towards the South-east by Tennyson Street, one hundred links; and towards the South-west by section number one hundred and fifteen, two hundred and fifty links. Also all that parcel of land, in the Provincial District of Hawke's Bay, containing by admeasurement two roods, more or less, being the town sections numbers one hundred and thirty-six and one hundred and thirty-seven, in the Township of Napier: bounded towards the North-east by Hastings Street, two hundred links; towards the South-east by Tennyson street, two hundred and fifty links; towards the South-west by section number one hundred and twenty-eight, two hundred links; and towards the North-west by section number one hundred and thirty-five, two hundred and fifty links. Also all that parcel of land, situate in the Provincial District of Hawke's Bay, containing by admeasurement two acres and twenty-two perches, more or less, being subdivision number five of suburban section number ninety, in the Town of Napier: bounded towards the North-west by town sections numbers four hundred and thirty-nine and four hundred and forty-one, four hundred links; towards the North-east by a public road, fifty links, and by suburban section number eighty-five, seven hundred and fifty-eight links; towards the South and South-west by Clyde Road; and towards the West by subdivision number four of said suburban section number ninety.

Schedule 3

S 28.

Section 28 and Schedule 3 were repealed, as from 1 January 1950, by section 22 Education Lands Act 1949 (1949 No 24).

[Repealed]

Schedule 4

S 30.

ALL that parcel of land, in the Provincial District of Hawke's Bay, containing by admeasurement one acre one rood and fourteen perches, more or less, being subdivisions numbers two and three of suburban section number ninety, in the Town of Napier. Bounded towards the West, North, and North-east by Clyde Road; and

towards the South by suburban sections numbers eighty-six and eighty-seven.

Schedule 5

S 31.

ALL that parcel of land, in the Provincial District of Hawke's Bay, containing by admeasurement two acres and three roods, more or less, being the suburban section number thirty-four, in the Town of Napier. Bounded towards the North-east and East by Milton Road, nine hundred and fifty-eight links; towards the South by suburban section number thirty-three, six hundred and ninety-two links; and towards the West by town sections numbers four hundred and eight, four hundred and nine, and four hundred and ten, five hundred and eighty links.