

DIOCESE OF WAIKATO AND TARANAKI
STATUTE NO. 46
THE TRUSTS IN PARISHES STATUTE 2018

The Synod of the Diocese of Waikato and Taranaki enacts as follows –

1. TITLE

This Statute is the Trusts in Parishes Statute 2018.

2. PURPOSE

In accordance with Canon III Title F of the Provincial Canons, the purpose of this Statute is to provide guidelines for the establishment of Trusts in parishes.

3. COMMENCEMENT

This Statute shall come into force immediately at the close of the Synod at which it is enacted.

4. INTERPRETATION

In this Statute, unless the context requires otherwise, the following interpretations shall apply –

Parish:

(a) Means an administrative territory under the jurisdiction of the Diocesan Bishop in whose bishopric the parish is located.

(b) Includes parishes and mission districts the territories of which are defined in The Boundaries of the Local Ministry and Mission Units in the Diocese of Waikato Statute 1996.

(c) Is an administrative entity for the purposes of the collection of statistics, the fixing of assessments, and other Diocesan administrative matters.

Parish trust means any trust whether established or proposed to be established under which a parish or parishes may benefit directly or indirectly.

5. TRUSTS AND ASSESSMENTS

All income paid to or received by a parish trust is subject to assessment in accordance with the provisions of the Finance Statute 1991 and no trust may be established for general parish ministry and mission work or to assist with the payment of general operating expenses of the parish.

6. DONATIONS AND GIFTS

A donation (whether by bequest or gift and whether of money or other property) may be made with the intention of its being used for certain purposes or in a certain manner. Where this the case, the money or property will then be subject to a trust (whether express or implied) and must be used only for those purposes or in that manner.

7. PROPERTY ACQUISITIONS TO BE RECORDED

Where property, whether real or personal, is acquired subject to a trust, a record must be kept of the details of such trust in the Diocesan Terrier. It is the duty of the Churchwardens of a parish, either themselves or by delegation to others, to forward to the Diocesan Registrar Manager in each and every year, schedules of all trusts of which the parish is a beneficiary.

8. WHERE RECORDS DO NOT EXIST

Where records relating to the acquisition of property do not exist. It shall be the duty of the parish to carry out research to establish the existence of any express or implied trust, and to advise the Diocesan office accordingly. When property is sold, records relating to the acquisition of the property will determine whether the proceeds of sale can be used for general purposes or whether they are affected by the existence of a trust, express or implied.