

New Zealand.



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1933, No. 26.

Title.

AN ACT to consolidate and amend certain Enactments relating to the Victoria University College.

[18th December, 1933.]

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

Short Title and commencement.

1. This Act may be cited as the Victoria University College Act, 1933, and shall come into force on the first day of January, nineteen hundred and thirty-four.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“The College” means the Victoria University College established under this Act:

“The Council” means the Victoria University College Council:

“The Principal” means the person for the time being holding office as Principal of the College:

“The Professorial Board” means the Professorial Board of the College:

The terms “education district”, “public school”, “intermediate school”, “intermediate department”, “secondary school”, “technical high school”, and “combined school” have the same meanings respectively as in the Education Act, 1914.

3. (1) There is hereby established in the City of Wellington a college of the University of New Zealand, to be called the Victoria University College.

(2) The College shall consist of the Council, the professors and lecturers of the College for the time being in office, and the graduates and undergraduates of the University of New Zealand whose names are for the time being on the books of the College.

(3) The said College shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(4) The College established under this Act is hereby declared to be the same College as that established under the Victoria College Act, 1905, and originally constituted a body corporate by the name of “The Victoria College” under the Victoria College Act, 1897;

See Reprint of Statutes, Vol. II, p. 1007

Constitution of College.

1905, No. 35,

ss. 2, 3

1914, No. 15,

a. 2 (1)

and the corporate identity of the College shall not be affected, notwithstanding any change in its name or constitution effected by this Act.

4. The Minister of Education shall be the Visitor of the College, and shall have all the powers and functions usually possessed by Visitors.

Visitor of
College.
1905, No. 35,
s. 45

The Council.

5. (1) There shall be a Council of the College, to be called the Victoria University College Council.

Constitution of
Council.

(2) The Council shall consist of—

Ibid., s. 4
1914, No. 15,
ss. 2 (2), 3

(a) Two members to be appointed by the Governor-General :

(b) Two members to be elected by the members of the Education Boards for the time being in office for education districts wholly or partly within the Victoria University District constituted under the New Zealand University Act, 1908 :

See Reprint
of Statutes,
Vol. II, p. 1128

(c) Two members to be elected by those teachers employed in public schools (including intermediate schools and intermediate departments) situated in education districts wholly or partly within the Victoria University District whose names are registered in the Teachers' Register kept by the Director of Education :

(d) Four members to be elected by the District Court of Convocation of the Victoria University District :

(e) One member to be elected by the governing bodies of secondary schools or combined schools situated in the Victoria University District :

(f) One member to be elected by those teachers employed in secondary schools, technical high schools, or combined schools (excluding any intermediate or lower departments) situated in the Victoria University District who are graduates of any British chartered University, or whose names are registered in the Teachers' Register :

(g) One member to be appointed by the Wellington City Council :

(h) One member, being a member of the Professorial Board, or if there is no Principal in office two such members, to be appointed by the Professorial Board :

(i) The Principal.

(3) Whenever the office of Principal becomes vacant and the Council decides not to make any appointment thereto and notifies the Professorial Board of such decision, the vacancy thus caused in the Council shall be deemed to be a casual vacancy, and shall be filled by a member of the Professorial Board to be appointed by the Professorial Board, who shall hold office until the expiry of the term of office of the other member appointed by the Professorial Board, or until the appointment of a Principal, whichever happens first.

(4) Whenever a Principal is appointed while there are two other persons in office as members of the Council appointed by the Professorial Board, one of such members, to be determined by lot where neither of them was appointed under the last preceding subsection, shall retire from membership of the Council on the first day of the month next following the date of the appointment of the Principal, and the Principal shall take office as a member of the Council on that day.

(5) The members of the Council in office on the coming into operation of this Act shall continue in office, and the current term of office of each member shall be computed from the actual date of its commencement.

6. (1) Subject to the provisions of this Act, the members of the Council appointed or elected under paragraphs (a), (b), (c), and (d) of subsection two of the last preceding section shall hold office for a term of four years, and all other members (except the Principal) shall hold office for a term of two years; but all members shall, unless disqualified as hereinafter provided, be entitled to continue in office until the appointment or election of their successors in office.

(2) In every alternate year, commencing in the year nineteen hundred and thirty-five, one of the members appointed or elected under each of the paragraphs (a), (b), and (c) of the said subsection two of the last preceding section, two of the members elected under paragraph (d) thereof, and all the members appointed or elected under paragraphs (e), (f), (g), and (h) thereof, shall retire from office.

(3) Except in the case of appointments or elections to fill casual vacancies, members appointed or elected shall come into office on the first day of July next

Term of office
of members of
Council.

1914, No. 15,
ss. 7, 9 (2), 12
(1), (3)

following the date of their appointment or election hereunder, on which day their predecessors in office shall retire.

(4) The appointment of members of the Council to replace members due to retire in any year shall be made not later than the third Monday in June in such year.

(5) The election of members of the Council to replace members due to retire in any year shall be held on the first Monday in June in such year.

(6) Every retiring member shall be eligible for re-appointment or re-election.

7. (1) No person in the employment of the Council shall be eligible for office as a member of the Council unless he is the Principal or a member appointed by the Professorial Board.

Employees of
Council as
members.
1914, No. 15,
s. 6

(2) A member of the Council who is in its employment shall not be entitled to vote on any question before the Council affecting himself, or directly affecting the salary of any member of the teaching staff of the College, or directly affecting any payment made by or due from the Council to any member of the teaching staff.

8. The powers of the Council shall not be affected by any vacancy in the membership thereof.

Powers of
Council not
affected by
vacancy.

9. (1) If any member of the Council—

(a) Dies ; or

1905, No. 35,
s. 20

(b) Resigns his office by writing under his hand delivered to the Chairman of the Council ; or

Casual
vacancies in
Council.

(c) Becomes bankrupt or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors ; or

1914, No. 15,
ss. 10, 11, 12 (2)

(d) Becomes of unsound mind ; or

(e) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of " Guilty " to any charge of an indictable offence, or is sentenced for any offence to imprisonment without the option of a fine by any Court ; or

(f) Is absent without leave from three consecutive meetings of the Council ; or

(g) Being a member appointed by the Professorial Board, ceases to be a member of the Professorial Board ; or

(h) Being the Principal, ceases to hold the office of Principal,—

he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.

(2) Subject to the provisions relating to a vacancy in the office of Principal, every casual vacancy shall, within forty-two days after the occurring thereof, be filled in the same manner as in the case of the vacating member, and the member appointed or elected to fill any casual vacancy shall hold office only for the residue of the term of the vacating member.

10. If at the times prescribed by this Act for the appointment or election of members no members or insufficient members are appointed or elected, or if a casual vacancy is not filled within the time hereinbefore prescribed, the Governor-General may appoint a suitable person in the place of the member who should have been appointed or elected.

11. (1) The Registrar of the College, or such other person as the Council appoints, shall be the Returning Officer for the purpose of conducting elections of members of the Council.

(2) The Returning Officer shall prepare a separate roll for each class of electors, and shall enter in the respective rolls the name, address, and description, and if necessary the number of votes, of every person or body that possesses the necessary qualifications entitling him or it to be enrolled as an elector :

Provided that no person's name shall be entered in more than one roll :

Provided further that any person who possesses more than one qualification and whose name has been entered by the Returning Officer in a roll may at any time while the rolls are open have his name transferred to any other roll of electors for enrolment in which he has the necessary qualification.

(3) For the purposes of an election under paragraph (e) of subsection two of section five hereof the governing body of each school shall have one vote for every hundred or part of a hundred pupils (exclusive of the pupils in any intermediate or lower department) in average attendance at the school for the year ended on the thirty-first day of December next before the election. For the

Governor-General may appoint member in default of appointment or election by proper persons.
1914, No. 15,
s. 12 (4)

Election of members.
Ibid., s. 5

purposes of this subsection the certificate of the Secretary of the governing body of the school as to the number of such pupils shall be sufficient evidence thereof, until the contrary is proved.

(4) For the purpose of preparing the roll of electors under paragraph (c) of subsection two of section five hereof a certificate of the Secretary of any Education Board to the effect that any persons are all the teachers of the description specified in the said paragraph who are employed in schools under the control of such Board shall be sufficient evidence of that fact, until the contrary is proved, and a certificate of the Secretary of the governing body of any secondary school, technical high school, or combined school to the effect that any persons are all the teachers of the description specified in the said paragraph who are employed in intermediate schools or intermediate departments under the control of such governing body shall be sufficient evidence of that fact, until the contrary is proved.

(5) For the purpose of preparing the roll of electors under paragraph (f) of subsection two of section five hereof a certificate of the Secretary of the governing body of any school to the effect that any persons are all the teachers of the description specified in the said paragraph who are employed in such school (excluding any intermediate or lower departments) shall be sufficient evidence of that fact, until the contrary is proved.

(6) All rolls shall be closed at five o'clock in the afternoon of the twenty-eighth day next before the day on which the election is to be held, and shall continue to be closed until the election is completed.

(7) No name shall be entered in any roll while such roll is closed.

(8) Claims for enrolment or transfer shall be made and disposed of in manner prescribed by by-laws made under the authority of this Act.

(9) At every election the votes shall be given by sealed voting-papers, or otherwise as prescribed by such by-laws.

(10) In the case of an equality of votes the election shall be determined by lot by the Returning Officer in the presence of the Chairman or some other member of the Council.

Meetings of
Council.

1905, No. 35,
s. 14

Chairman and
Deputy
Chairman.

Ibid., ss. 16, 18
(b), (c), (d)
1914, No. 15,
s. 14
1923, No. 12,
s. 2

12. The Council shall meet at least once in each month, at such time and place as it determines :

Provided that if the Council so decides there shall be no meeting in the month of January in any year.

13. (1) At its first meeting held in the month of July in each year the Council shall elect one of its members to be the Chairman for the ensuing year. The retiring Chairman shall be eligible for re-election.

(2) For the purposes of the election of the Chairman the Registrar of the College shall preside at the meeting, but shall not be entitled to vote. In the case of an equality of votes the election shall be determined by lot.

(3) The Council may from time to time appoint one of its members to be the Deputy Chairman of the Council. During any vacancy in the office of Chairman, or in the absence of the Chairman from the Wellington Provincial District, or while he is incapacitated by sickness or otherwise, the Deputy Chairman shall have and may exercise and perform all the powers and duties of the Chairman.

(4) The Chairman shall preside at every meeting of the Council at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Council the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(5) At any meeting of the Council the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote. All questions before the Council shall be decided by a majority of the valid votes recorded thereon.

Quorum.

1905, No. 35,
s. 18 (a)

14. At any meeting of the Council six members shall form a quorum, and no business shall be transacted unless a quorum is present.

Special meetings
of Council.

Ibid., s. 17

15. The Chairman may at any time, of his own motion, call a special meeting of the Council, and shall call a special meeting on the requisition in writing of any three members. Not less than three days' previous notice in writing of the place and time of any special meeting shall be given to all members of the Council.

Council may
appoint
committees and
delegate powers.

16. (1) The Council may from time to time appoint standing or special committees, and may delegate any of the powers and duties of the Council to any such committee.

(2) Any committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Council, exercise or perform such powers or duties in like manner and with the same effect as the Council could itself have exercised or performed them.

17. The Council shall be the governing body of the College through which the corporation of the College shall act, and shall have the entire management of and superintendence over the affairs, concerns, and property of the College, and, subject to the provisions of this Act, shall in respect of all such matters have authority to act in such manner as appears to it to be best calculated to promote the interests of the College or of any other institution controlled by the Council.

Council to be governing body of College.
1905, No. 35, s. 4

18. Subject to the provisions of section three of the New Zealand University Amendment Act, 1928 (relating to the establishment of new Chairs), the Council shall have full power to appoint and remove all professors, lecturers, teachers, examiners, officers, and servants of the College or of any other institution controlled by the Council.

Appointment of professors, lecturers, &c.
Ibid., s. 23
1914, No. 15, s. 15
See Reprint of Statutes, Vol. II, p. 1152

19. The seal of the College shall be in the custody of the Chairman of the Council, and shall not be affixed to any document except pursuant to a resolution of the Council.

Seal.
1905, No. 35, s. 22

20. Subject to the provisions of this Act, the Council may from time to time make such by-laws as may be considered necessary for the administration of the affairs of the College, including in particular (without limiting the generality of the foregoing provision) by-laws prescribing any matters which by this Act are required or permitted to be prescribed, or with respect to which by-laws are necessary or convenient for giving effect to this Act:

Council may make by-laws.
Ibid., s. 19

Provided that such by-laws shall not come into force until and unless they have been approved by the Governor-General.

The Principal.

21. (1) The Council may from time to time appoint a member of the Professorial Board to be the Principal of the College. Every person so appointed shall hold office during the pleasure of the Council, and shall by virtue of his office be a member of the Council and the Chairman of the Professorial Board.

Appointment of Principal.

(2) The Council may from time to time define the duties of the Principal.

(3) The Principal may, during the intervals between meetings of the Professorial Board, exercise alone (but subject always to the control of the Council and to a right of appeal to the Professorial Board) such of the powers of the Professorial Board as to maintaining the discipline of the College as may be prescribed in that behalf by by-laws made under the authority of this Act.

The Professorial Board.

Constitution of
Professorial
Board.

1905, No. 35, s. 24
1914, No. 15,
s. 16

22. There shall be a Professorial Board of the College, consisting of all the professors of the College for the time being and of such lecturers of the College for the time being as the Council may from time to time appoint to be members of the Professorial Board.

Chairman of
Professorial
Board when no
Principal in
office.

1905, No. 35,
ss. 26, 27
1914, No. 15,
s. 17

23. (1) Whenever there is no Principal in office, the Professorial Board shall, at its first meeting held after such office becomes vacant, and at its annual meeting each year, elect one of its members, being a professor, to be the Chairman; and if it fails to do so the Council may appoint a professor to be the Chairman.

(2) The Chairman, not being the Principal, shall hold office until the appointment of a Principal, or until the election or appointment of his successor under this section, whichever happens first, and shall be eligible for re-election or reappointment, but shall not hold office for more than two terms of office in succession.

Deputy
Chairman.

24. The Professorial Board may from time to time appoint one of its members, being a professor, to be the Deputy Chairman of the Board. During any vacancy in the office of Chairman, or in the absence of the Chairman from the Wellington Provincial District, or while he is incapacitated by sickness or otherwise, the Deputy Chairman shall have and may exercise and perform all the powers and duties of the Chairman.

Meetings of
Professorial
Board.

1905, No. 35,
ss. 25, 28
1914, No. 15,
s. 18

25. (1) The Chairman shall preside at every meeting of the Professorial Board at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Board the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(2) At any meeting of the Professorial Board the Chairman shall have a deliberative vote, and in the case

of an equality of votes shall also have a casting vote. All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

(3) At every meeting of the Professorial Board a quorum shall consist of such number of members as the Board with the consent of the Council from time to time determines, and no business shall be transacted unless a quorum is present.

(4) Save as expressly provided herein, the Professorial Board shall have power to make rules as to the time and place of its meetings and the procedure thereat.

26. (1) The Professorial Board shall be subject to the control of the Council, and shall have power of its own motion, or at the request of the Council, to make recommendations or reports to the Council in any matter affecting the College, and, in particular, may make recommendations or reports with respect to—

Functions of
Professorial
Board.
1905, No. 35,
ss. 29, 30, 31, 32

(a) The courses of study at the College and the times of lectures :

(b) Rules as to the attendance of students :

(c) The subjects of examination for scholarships, exhibitions, prizes, and other College distinctions and awards.

(2) The Professorial Board shall have power to manage the College library, and also to deal with all matters relating to the maintenance of discipline amongst the students of the College, and shall have such powers of fining, suspending, and expelling students guilty of breaches of discipline, and such other powers of whatsoever kind, as may be conferred on it by by-laws made under the authority of this Act :

Provided that any person aggrieved by any action of the Professorial Board may appeal to the Council, whose decision shall be final.

Financial Provisions.

27. All benefactions at any time vested in or enjoyed by the College with a declaration of trust, or as an endowment for the promotion of any particular branch of science or learning, shall be strictly applied by the Council accordingly.

Benefactions to
be strictly
applied.

28. (1) Subject to the provisions of this Act and to the terms of any trust or endowment, the annual income of all real and personal property from time to time

Application of
income of
College.

vested in or belonging to or enjoyed by the College shall be applied in such manner as the Council thinks fit towards all or any of the following purposes:—

(a) The maintenance of the College and of every other institution controlled by the Council, and the payment of salaries and expenses connected therewith, and of prizes, exhibitions, scholarships, and other rewards for the students therein :

(b) Generally in doing whatever the Council thinks expedient in order that the College may best accomplish the purpose for which it is established.

(2) Notwithstanding anything in the last preceding subsection, the Council may from time to time set apart such portion of the annual income as it thinks fit, and may either add such portion to the capital fund or set it aside as a reserve fund to meet extraordinary expenses and in the meantime to accumulate at interest.

(3) Except with the precedent consent of the Minister of Education, the Council shall not apply for the purposes of any residence, hostel, or boardinghouse for professors, lecturers, or students, or of any institution other than the College, any portion of the income or capital moneys of the College that is not required by some Act other than this Act or the terms of a trust or endowment to be so applied.

Investment of moneys.

29. Subject to the terms of any trust or endowment, any moneys belonging to the College and available for investment may be invested in accordance with the provisions of the Trustee Act, 1908, as to the investment of trust funds, or in such other manner as the Governor-General from time to time approves.

See Reprint of Statutes, Vol. VIII, p. 908

Travelling-expenses of members of Council.

30. The Council may, out of the general fund of the College, pay and reimburse to members of the Council the reasonable travelling-expenses incurred by them in respect of their attendance at meetings of the Council or of any committee of the Council or otherwise in transacting the business of the Council.

Unauthorized expenditure of Council.

1925, No. 51, s. 42

31. The Council may in any year expend out of the general fund of the College for purposes not authorized by any law for the time being in force any sum or sums not exceeding in the aggregate one hundred pounds.

32. There shall be payable by the students of the College such fees as the Council from time to time prescribes.

Council to prescribe fees.
1905, No. 35,
s. 33
1914, No. 15,
s. 19
1923, No. 12,
s. 3

Endowments.

33. (1) The land described in the First Schedule hereto shall continue to be vested in His Majesty as an endowment for the College.

Endowment for College.

(2) The said land shall be held and administered as Crown land under such of the leasing provisions of the Land Act, 1924, as the Minister of Lands from time to time thinks fit; and the net rents and other proceeds derived therefrom and remaining after payment thereof of all necessary expenses attendant on the management and administration of the said land (including the expenses of survey and roading) shall, without further authority or appropriation than this Act, be paid over from time to time to the Council for the purposes of the College.

1905, No. 35,
ss. 38, 39
See Reprint of Statutes,
Vol. IV, p. 622

34. (1) The land described in the Second Schedule hereto shall continue to be vested in the College in trust as a site for the College buildings and as grounds appertaining thereto.

College site.
1905, No. 35,
s. 40

(2) The said land shall be inalienable by sale, mortgage, lease, or otherwise.

Purchase and Disposal of Land.

35. The Council may from time to time, with the sanction of the Governor-General, purchase or otherwise acquire on behalf of the College and for the purposes of the College or of any other institution controlled by the Council any piece or parcel of land.

Council may purchase land with sanction of Governor-General.

36. (1) The Council may grant leases of the lands of the College (other than the land described in the First and Second Schedules hereto), and for that purpose is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908.

Council declared to be a leasing authority.
1905, No. 35, s. 41

(2) Save as authorized by the last preceding subsection, the Council shall not, without the previous consent of the Governor-General, sell, mortgage, or otherwise alienate such lands, or any part thereof.

See Reprint of Statutes,
Vol. IV, p. 1031

Repeals and Savings.

37. (1) The enactments mentioned in the Third Schedule hereto are hereby repealed.

Repeals and savings.

(2) All Orders in Council, by-laws, rules, appointments, applications, rolls, notices, diplomas, scholarships, exhibitions, leases, and generally all acts of authority which originated under any of the enactments hereby repealed and are subsisting or in force on the commencement of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under any such enactment and pending or in progress on the commencement of this Act may be continued, completed, and enforced under this Act.

(4) Section forty-two of the Finance Act, 1925, is hereby amended by omitting from subsection two the words "Councils of the Auckland and Victoria University Colleges", and substituting the words "Council of the Auckland University College".

See Reprint
of Statutes,
Vol. II, p. 1126

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land situated in Blocks I and V, Nukumarū Survey District, in the Wellington Provincial District, containing by admeasurement 4,000 acres, more or less: bounded towards the north by Block XIII, Momohaki Survey District, 14500 links; towards the east by other part of Block I, Nukumarū Survey District, and by the Waitotara River, 38600 links; towards the south-east by a Native reserve, 11910 links; towards the south-west by a line, 3500 links; and towards the west by Sections Nos. 13 and 11 in Block IX, and by Block IV, Wairoa Survey District, 33073 links: be all the aforesaid linkages more or less: excepting therefrom the several roads which are included within the said area: as the same is delineated upon the plan deposited in the District Survey Office, Wellington.

SECOND SCHEDULE.

ALL that parcel of land in the City of Wellington, containing by admeasurement 5 acres 3 roods 12 perches, more or less, being part of the Town Belt: bounded towards the east generally by Salamanca Road from Kelburn Parade to the northernmost corner of Hospital Reserve; thence by the said Hospital Reserve to a public road, 50 links wide, forming the northern boundary of the Roman Catholic Cemetery;

thence by the said public road, 75 links ; thence by a right line bearing south $22^{\circ} 59'$ west, 460 links ; thence towards the south generally by a right line bearing south $81^{\circ} 40'$ west, 440 links ; thence by a right line to the eastern side of Kelburn Parade ; and thence towards the west by the said Kelburn Parade to Salamanca Road aforesaid.

Also all that parcel of land in the City of Wellington, containing by admeasurement 2 roods 23 perches, more or less, being Allotments Nos. 1, 2, and 3 shown on plan No. 898, deposited in the Land Registry Office at Wellington, and known as Hospital Reserve : bounded towards the north-east by Salamanca Road and Plantation Reserve ; towards the south-east by a public road 50 links wide ; and towards the south-west and north-west by Town Belt.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

1905, No. 35.—The Victoria College Act, 1905.

1906, No. 34.—The Queen's Scholarships Act, 1906.

1914, No. 15.—The Victoria College Amendment Act, 1914.

1923, No. 12.—The Victoria College Amendment Act, 1923.