

**Reprint  
as at 20 October 1978**



**New Zealand Society of  
Accountants Fidelity Fund  
Rules 1964**  
(SR 1964/174)

Bernard Fergusson, Governor-General

**Order in Council**

At the Government House at Wellington this 28th day of October  
1964

Present:

His Excellency the Governor-General in Council

Pursuant to subsection (2) of section 25 of the New Zealand Society of Accountants Amendment Act 1963, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby approves of the New Zealand Society of Accountants Fidelity Fund Rules 1964, a copy of which rules is set out in the Schedule.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These rules are administered by the Treasury.**

**Schedule of Order**  
**The New Zealand Society of Accountants**  
**Fidelity Fund Rules 1964**

Pursuant to subsection (1) of section 25 of the New Zealand Society of Accountants Amendment Act 1963, the Council of the New Zealand Society of Accountants hereby makes the following rules.

**Rules**

**1 Title**

These rules may be cited as the New Zealand Society of Accountants Fidelity Fund Rules 1964, and shall come into force on the day after the date of the notification in the *Gazette* of their approval by the Governor-General in Council.

**2 Interpretation**

In these rules, unless the context otherwise requires,—

**Act** means Part 1 of the New Zealand Society of Accountants Amendment Act 1963

**Board of Trustees** means the Fidelity Fund Board of Trustees to which the powers of the Council of the New Zealand Society of Accountants may be delegated pursuant to section 9 of the Act

**Council** means the Council of the New Zealand Society of Accountants; and, so far as the Council has delegated to the Board of Trustees any of its powers in relation to the Fund, includes, in regard to those delegated powers and matters within the scope of the delegation, the Board of Trustees

**Fund** means the New Zealand Society of Accountants Fidelity Fund established under the Act.

**3 Fidelity Fund Board of Trustees**

- (1) Pursuant to section 9 of the Act the Council shall appoint at its first meeting following the annual general meeting of the Society each year a Board of Trustees consisting of the Treasurer of the Society, 2 members of the Society's Investigation Committee, and 2 other members of the Society.
- (2) The quorum of the Board of Trustees shall be 3.

#### **4 Contributions to the Fund**

*[Revoked]*

Rule 4: revoked (with effect on 21 February 1978), on 20 October 1978, by section 2(4) of the New Zealand Society of Accountants Amendment Act 1978 (1978 No 115).

#### **5 Notices of claims against Fund**

- (1) Every claimant against the Fund shall, within 12 months after he has become aware of the theft, embezzlement, or misappropriation in respect of which he claims, give to the Council notice in writing of the claim.
- (2) Every such notice shall be deemed to be given to the Council if it is addressed to the Secretary for the time being of the Society and is delivered personally to the Secretary at the registered office of the New Zealand Society of Accountants at Wellington, or if it is posted by registered post properly addressed to the Secretary.
- (3) Every such notice shall be signed by the claimant or by some person duly authorised on his behalf, and shall contain full particulars of the matters by reason of which he alleges that he is entitled to claim against the Fund, and shall contain full particulars of the amount of his claim.
- (4) Every such notice shall be in form 1 of the Schedule with such variation as the exigencies of the particular case may require.
- (5) Every such notice shall be verified by a statutory declaration in form 2 of the Schedule, which declaration shall be made by the claimant or other person signing the claim.

#### **6 Disposal of claims**

As soon as may be after receipt of any notice given under subclause (1) of rule 5 and of the declaration required by subclause (5) of the said rule 5, the Council shall consider the claim, and may adjourn from time to time its consideration of the claim.

#### **7 Evidence in respect of claims**

The Council may, with respect to any claim if it thinks fit,—

- (a) make or cause to be made such inquiries, or obtain such reports, as it thinks fit touching the claim or touching any other claim or possible claims in respect of the ac-

countant or of the accountant's agent or servant in respect of whose acts the claim is made:

- (b) require the claimant to verify, by statutory declaration of himself or of some person having actual knowledge of the same, any statement, fact, or other matter whatsoever touching his claim:
- (c) require the claimant to produce, either as exhibits to a statutory declaration or otherwise, all or any deeds, documents of title, receipts, negotiable instruments, and other documents or writings of any nature or description whatsoever touching his claim:
- (d) require the claimant to submit himself to examination by the Council or by some person appointed by the Council in that behalf as to matters touching his claim:
- (e) negotiate with, or appoint some person on behalf of the Council to negotiate with, the claimant as to the compromise of his claim.

## **8 Allowance and payment of claims**

- (1) The Council may, with respect to any claim,—
  - (a) allow the claim in full; or
  - (b) compromise the claim; or
  - (c) refuse to allow the claim.
- (2) If the Council allows the claim in full or compromises the claim, then, if the claim is allowed in full the amount of the claim, or if the claim is compromised the amount of the compromise, shall, subject to the provisions of section 18 of the Act, thereupon be paid by the Council to the claimant out of the Fund.

## **9 Leave to commence actions in relation to Fund**

- (1) Every claimant desiring the leave of the Council, pursuant to the provisions of subsection (5) of section 15 of the Act, to commence any action in relation to the Fund shall make application in writing to the council for that leave.
- (2) Every such application shall be signed by the claimant or by some person duly authorised on his behalf, shall give full particulars of the claimant's contemplated action against the Fund, shall contain a full statement of the reasons for, or the

grounds of, the application, and shall be accompanied by a statutory declaration by the claimant or by some person having actual knowledge of the same verifying the particulars and the reasons and grounds.

- (3) Every such application and statutory declaration shall be served upon the Council in the manner provided by subclause (2) of rule 5.

## Schedule of Rules

Form 1

r 5(4)

### Notice of claim against New Zealand Society of Accountants Fidelity Fund

To the Council of the New Zealand Society of Accountants, Wellington.

Take notice that I (we), [*name in full*], of [*address in full and occupation*], having suffered pecuniary loss by reason of the theft, embezzlement, or misappropriation by [*name in full*], a (public) accountant (or, a servant or agent of [*name in full*], a (public) accountant) with respect to whom Part 1 of the New Zealand Society of Accountants Amendment Act 1963 applies of [*amount of money or description and value of other valuable property stolen*] entrusted to the said (public) accountant (or to [*name in full of servant or agent*], the servant or agent of the said (public) accountant) hereby claim payment from the New Zealand Society of Accountants Fidelity Fund established by section 4 of the said Act of the sum of [*amount*] pounds [*amount*] shillings and [*amount*] pence as reimbursement in respect of that loss.

#### Particulars of claim

[*Here state full particulars of the matters by reason of which the claimant alleges that he is entitled to claim against the Fund, setting out as fully as possible the history of dealings with the practitioner leading up to the claim, and giving copies of such letters, ledger accounts, statements, and other documents as are relevant.*]

#### Particulars of amount of claim

[*Here state full particulars of amount of claim.*]

Dated at: [*place, date*]

Signature:

Signature of witness:

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**Fidelity Fund Rules 1964**

Schedule of Rule

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Form 1—*continued*

Occupation:

Address:

Form 2

r 5(5)

Declaration verifying notice of claim against  
New Zealand Society of Accountants Fidelity  
Fund

I [*name in full*], of [*address in full and occupation*], hereby solemnly and sincerely declare:

\***(1)** that I am the claimant referred to in the annexed notice of claim against the New Zealand Society of Accountants Fidelity Fund

***or***

\***(1)** that I am duly authorised by the claimant referred to in the annexed notice of claim against the New Zealand Society of Accountants Fidelity Fund to give the notice by reason of [*state in what capacity the declarant is acting*].

\*Delete whichever is inapplicable.

**(2)** that the particulars given by me in the said notice are a full and true statement of the facts concerning the claim.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Declared at: [*place, date*].

Signature of declarant:

Before me:

(Solicitor or Justice of the Peace)

Dated at Wellington this 30th day of September 1964.

Thomas G Hull,  
President of the New Zealand Society of Accountants.



Reprinted as at  
20 October 1978

**New Zealand Society of Accountants  
Fidelity Fund Rules 1964**

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T J Sherrard,  
Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 29 October 1964.

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## Notes

### **1** *General*

This is a reprint of the New Zealand Society of Accountants Fidelity Fund Rules 1964. The reprint incorporates all the amendments to the rules as at 20 October 1978, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2** *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3** *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5 *List of amendments incorporated in this reprint (most recent first)***

New Zealand Society of Accountants Amendment Act 1978 (1978 No 115):  
section 2(4)

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