



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Application</p> <p>3. Registration of charges by companies</p>	<p>4. Modified application of Part IV and section 463 of Companies Act 1955</p> <p>5. Continuation of existing registers of charges</p>
--	---

1993, No. 125

An Act to provide for the registration of charges by companies incorporated under the Companies Act 1993

[28 September 1993]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Companies (Registration of Charges) Act 1993.

(2) This Act shall come into force on the 1st day of July 1994.

2. Application—This Act applies to—

(a) Companies registered under Part II of the Companies Act 1993:

(b) Companies reregistered under the Companies Reregistration Act 1993:

(c) Overseas companies required, or deemed, to be registered under Part XVIII of the Companies Act 1993.

3. Registration of charges by companies—(1) The provisions of Part IV and section 463 of the Companies Act 1955 apply with the modifications specified in section 4 of this Act in relation to every company and every overseas company to which this Act applies in the same way as those provisions apply to companies and overseas companies to which the Companies Act 1955 applies.

(2) Without limiting subsection (1) of this section, Part IV and section 463 of the Companies Act 1955, as applied by that subsection, apply in relation to—

- (a) A charge created by a company or an overseas company to which this Act applies:
- (b) Property subject to a charge acquired by a company or an overseas company to which this Act applies—
before the reregistration or deemed reregistration of the company under the Companies Reregistration Act 1993 or the deemed registration of the overseas company under section 334 of the Companies Act 1993, as the case may be.

4. Modified application of Part IV and section 463 of Companies Act 1955—For the purposes of section 3 of this Act, Part IV and section 463 of the Companies Act 1955 apply as if every reference in that Part or that section, as the case may be, to—

- (a) The expression “company” was a reference to a company to which this Act applies:
- (b) The expression “liquidator” was a reference to a liquidator appointed under Part XVI of the Companies Act 1993:
- (c) The expression “officer” was a reference to a director within the meaning of section 126 (1)(a) of the Companies Act 1993:
- (d) The expression “overseas company” was a reference to an overseas company that is required, or deemed, to be registered under Part XVIII of the Companies Act 1993:
- (e) A register kept by the Registrar of Companies was a reference to a register kept as part of the New Zealand register or the overseas register, as the case may be, under the Companies Act 1993:
- (f) The expressions “registration” and “registered” were references to registration and registered in the New Zealand register or the overseas register, as the case may be, under the Companies Act 1993.

5. Continuation of existing registers of charges—

- (1) Every register of charges under Part IV of the Companies Act 1955, existing in relation to an existing company within the meaning of section 2 of the Companies Act 1993 immediately before that company is reregistered or deemed to be reregistered, as the case may be, under the Companies Reregistration Act 1993, shall continue and form part of the New Zealand register under section 360 of the Companies Act 1993 as if it had been constituted part of that register.

(2) Every register of charges under Part IV of the Companies Act 1955, existing in relation to an overseas company within the meaning of section 2 of the Companies Act 1955 immediately before that overseas company is deemed to be registered under section 334 (3) of the Companies Act 1993, shall continue and form part of the overseas register under section 360 of the Companies Act 1993 as if it had been constituted part of that register.

This Act is administered in the Department of Justice.
