



ANALYSIS

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1971, No. 43

An Act to amend the Incorporated Societies Act 1908

[5 November 1971]

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

1. Short Title—This Act may be cited as the Incorporated Societies Amendment Act 1971, and shall be read together with and deemed part of the Incorporated Societies Act 1908 (hereinafter referred to as the principal Act).

2. Change of name—The principal Act is hereby amended by inserting, after section 11, the following section:

“11A. (1) If, through inadvertence or otherwise, a society at its first registration, or on its registration by a new name, is registered by a name which is in contravention of section 11 of this Act, or of any enactment, other than this Act, relating to restrictions on the use of any name, the society shall, within a period of 6 weeks from the date of its being required by the Registrar to do so, or such longer period as he may allow, change its name in accordance with section 21 of this Act to a name that is not in contravention as aforesaid.

“(2) If a society makes default in complying with the requirements of subsection (1) of this section, it commits an offence and shall be liable on summary conviction to a fine not exceeding \$10 for every day on which the offence has continued.

“(3) No fee shall be payable to the Registrar in respect of an alteration of the rules of a society if the alteration only changes the society’s name pursuant to the requirements of subsection (1) of this section.”

3. Alteration of rules—Section 21 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Notwithstanding anything in subsection (3) of this section, the Supreme Court, on an application made to it by any member of the society, may in its discretion, if it is satisfied that any such condition as aforesaid has not been duly fulfilled, declare the alteration to be void in whole or in part, and order that the registration be cancelled in whole or in part, and may by the order give such directions and make such provisions as seem just in the circumstances of the case. On the delivery to the Registrar of a sealed copy of the Court’s order he shall forthwith amend the register accordingly.”

4. Voluntary winding up of society—Section 24 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) In subsection (1) of this section the term ‘resolution’ means a resolution carried by a majority of the valid votes cast by members voting at the general meeting in person or, if so allowed by the society’s rules, by proxy; and for the purposes of that subsection the resolution shall be taken to be confirmed at the subsequent general meeting if the confirmation is carried by such a majority.”

5. Division of surplus assets on winding up or dissolution—Section 27 of the principal Act is hereby amended by omitting from subsection (2) the words “the Governor-General in Council”, and substituting the words “the Supreme Court”.

6. Corporate body to be equivalent to 3 members—The principal Act is hereby further amended by repealing section 31, and substituting the following section:

“31. In estimating—

- “(a) The number of subscribers to the rules of a society for the purposes of section 4 or section 7 of this Act, or to the rules of a branch or group of branches for the purposes of section 3 of the Incorporated Societies Amendment Act 1920; or
- “(b) The number of members of a society for the purposes of section 4 or section 25 of this Act or of a branch for the purposes of section 2 or section 3 of the Incorporated Societies Amendment Act 1920—

every corporate body that is a subscriber or member shall be taken as the equivalent of 3 subscribers or 3 members, as the case may require.”

7. Transfer of register and documents—Section 33 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The Registrar may from time to time, in his discretion, direct the transfer of any register that is kept in the office of an Assistant Registrar under or by virtue of section 2 of the Incorporated Societies Amendment Act 1922 from that office to any other such office, and may also direct that any documents so kept, and relating to any society, be so transferred. Forthwith after any such transfer the Registrar shall give notice in the *Gazette* of the transfer.”

8. Inspection of documents—(1) Section 34 of the principal Act is hereby amended by omitting from subsection (1) the words “on payment of the prescribed fee”.

(2) The said section 34 is hereby further amended by adding the following subsection:

“(4) No process for compelling the production of any document kept by the Registrar shall issue from any Court except with the leave of that Court, and every such process if issued shall bear on it a statement that it is issued with the leave of the Court.”

This Act is administered in the Department of Justice.
