



ANALYSIS

Title
1. Short Title

2. Division of surplus assets on winding up

1976, No. 93

An Act to amend the Incorporated Societies Act 1908

[10 December 1976]

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 1976, and shall be read together with and deemed part of the Incorporated Societies Act 1908 (hereinafter referred to as the principal Act).

2. Division of surplus assets on winding up—(1) Section 27 of the principal Act is hereby amended by omitting from subsection (2) all words after the word “interested”, and substituting the words “No appeal under this subsection or under subsection (1) of this section from any decision of the Registrar shall lie unless notice thereof is delivered to the Registrar within 1 month after the date on which the decision was given”.

(2) Section 27 of the principal Act is hereby further amended by adding the following subsections:

“(3) Where any direction is given under the foregoing provisions of this section, there may (for the purposes of that direction) be included in that direction, or in a subsequent

direction given by a Registrar or Court or Judge who or which gave or had power to give the original direction, all or any of the following further directions:

“(a) A direction vesting all or any of the assets of the society without transfer, conveyance, or assignment in such person or persons as may be specified in the direction, subject to all charges, encumbrances, estates, and interests affecting the same:

“(b) If anything remains to be done to complete any matters outstanding on the winding up or dissolution of the society or to provide for the payment of all costs, debts, and liabilities of and in relation to the society and its winding up or dissolution, such directions as may be necessary or expedient to make provision for the completion and payment thereof:

“(c) A direction conferring on any person such powers as may be necessary or expedient to enable him to carry out the functions and duties imposed on him by any direction given under this section.

“(4) Every direction given under subsection (3) of this section shall have effect according to its tenor as soon as the direction becomes final; and for the purposes of this subsection such a direction shall become final—

“(a) On the date specified therein if that date commences after the time determined under paragraph (b) of this subsection:

“(b) In any case where no date on which the direction is to become final is specified therein, or where the date for finality that is specified therein does not commence after the time specified in this paragraph—

“(i) When the direction under the said subsection (3) is given, if at that time no right of appeal without special leave is subsisting in respect of the direction providing for the distribution of the said surplus assets, and all appeals duly made against that direction have been determined; or

“(ii) Upon the expiration of the time allowed for any appeal without special leave that may lie against the direction providing for the distribution of the said surplus assets, or upon the determination of all appeals against that direction that are duly made either within that time or while any other appeal against that direction is awaiting

determination, whichever is later, if when the direction under the said subsection (3) is given a right of appeal without special leave is subsisting in respect of the direction providing for the distribution of the said surplus assets or any appeal duly made against that direction has not been determined.

“(5) Where by any direction under this section any estate or interest in land under the Land Transfer Act 1952 is vested in any person, then, subject to the provisions of that direction, the District Land Registrar for the land registration district in which the land is situated, on application made to him by that person in such form as may be prescribed by the Governor-General by Order in Council and on the registration or deposit of such documents or plans as the District Land Registrar may require, shall make such entries in the register and generally do all such things as may be necessary to give full effect to the provisions of the direction.

“(6) Except as provided in the foregoing provisions of this section, no appeal shall lie against any direction of the Registrar given under this section.

“(7) This section shall bind the Crown.”

This Act is administered in the Department of Justice.
