



# Incorporated Societies Amendment Act 2005

Public Act 2005 No 106  
Date of assent 14 December 2005  
Commencement see section 2

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## The Parliament of New Zealand enacts as follows:

### 1 Title

- (1) This Act is the Incorporated Societies Amendment Act 2005.
- (2) In this Act, the Incorporated Societies Act 1908 is called “the principal Act”, and the Incorporated Societies Amendment Act 1920 is called “the amendment Act”.

### 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

*Amendments to principal Act***3 New section 7 substituted**

The principal Act is amended by repealing section 7, and substituting the following section:

**“7 How to apply for incorporation**

“(1) An application for incorporation may be made by sending to the Registrar—

“(a) a copy of the rules of the society on which is written an application that is—

“(i) in the form set out in the First Schedule, or a substantially similar form; and

“(ii) signed by not less than 15 members in accordance with subsections (2) and (3); and

“(b) a certificate by an officer of the society or a solicitor certifying that—

“(i) a majority of the members have consented to the application; and

“(ii) the rules that are endorsed with the application are the rules of the society; and

“(c) the prescribed fee.

“(2) The signature of each member must be—

“(a) witnessed by a person who has not signed the rules; and

“(b) accompanied by the member’s address.

“(3) In the case of a corporate subscriber that has a seal, the seal may also be affixed as part of its signature.”

**4 New section 8 substituted**

The principal Act is amended by repealing section 8, and substituting the following section:

**“8 Steps that Registrar must take if satisfied that requirements met**

The Registrar, if satisfied that the requirements of this Act have been met, must do the following things:

“(a) enter the name of the society in the register kept by the Registrar for the purposes of this Act, together with any other information relating to the society that the Registrar thinks appropriate; and

“(b) issue a certificate, sealed by the Registrar, that the society is incorporated under this Act; and

“(c) register the rules of the society by sealing them with the Registrar’s seal.”

## **5 Alteration of rules**

Section 21 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

- “(2) Every alteration of the rules must be—
- “(a) in writing; and
  - “(b) signed by at least 3 members of the society; and
  - “(c) delivered to the Registrar accompanied by a certificate by an officer of the society or a solicitor certifying that the alteration has been made in accordance with the rules.”

## **6 New section 22 substituted**

The principal Act is amended by repealing section 22, and substituting the following section:

### **“22 Register of members**

- “(1) Every society must keep a register of its members.
- “(2) The register must contain the names and addresses of the members, and the dates when they became members.
- “(3) Every society must, on request by the Registrar, send to the Registrar a list of the names and addresses of its members, accompanied by a certificate by an officer of the society certifying that the list is correct.”

## **7 First Schedule amended**

The heading of the First Schedule of the principal Act is amended by omitting the expression “Section 7(a)”, and substituting the reference “s 7(1)(a)”.

### *Amendments to amendment Act*

## **8 New section 3 substituted**

The amendment Act is amended by repealing section 3, and substituting the following section:

### **“3 How to apply for incorporation of branch**

- “(1) An application for incorporation of a branch or group of branches of a society registered under the principal Act may be made by sending to the Registrar—

- “(a) a copy of the rules of the branch or group on which is written an application for incorporation that is signed, in accordance with subsections (2) and (3),—
    - “(i) by not less than 2 of the executive officers of the society; and
    - “(ii) in the case of a local branch, by not less than 15 members of that branch, or, in the case of a group of branches, by not less than 2 members of each of the branches in the group; and
  - “(b) a certificate by an officer of the society or a solicitor certifying that—
    - “(i) a majority of the members of the branch or branches has consented to the application; and
    - “(ii) the rules that are endorsed with the application are the rules of the branch or the group; and
  - “(c) the prescribed fee.
- “(2) The signature of a person signing for the purposes of subsection (1)(a) must be—
- “(a) witnessed by a person who has not signed the rules; and
  - “(b) accompanied by the address of the person signing.
- “(3) In the case of a body corporate that has a seal, the seal may also be affixed as part of its signature.”

## **9 New section 4 substituted**

The amendment Act is amended by repealing section 4, and substituting the following section:

### **“4 Steps that Registrar must take if satisfied that requirements met**

- “(1) The Registrar must take the steps set out in subsection (2) if the Registrar is satisfied that—
- “(a) the requirements of this Act have been met; and
  - “(b) the rules of the branch or group of branches are not inconsistent with the provisions of the principal Act or with the rules of the society.
- “(2) The Registrar must—
- “(a) enter the name of the branch or group of branches in a special register to be kept by the Registrar for the purposes of this Act, together with any other information relating to the branch or branches that the Registrar thinks appropriate; and

- “(b) issue a certificate, sealed by the Registrar, that the branch or group of branches is incorporated under this Act; and
- “(c) register the rules of the branch or group of branches by sealing them with the Registrar’s seal.”

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**Legislative history**

8 December 2005

Divided from Statutes Amendment Bill (No 5)  
(Bill 249–2), third reading

14 December 2005

Royal assent

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This Act is administered in the Ministry of Economic Development.

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