

New Zealand.



ANALYSIS.

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1895, No. 36.

AN ACT to make Provision for the Protection of the Funds and Property of Societies not registered or incorporated under any other Enactment, by enabling them to become incorporated under this Act. Title.

[26th October, 1895.]

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

1. The Short Title of this Act is "The Unclassified Societies Registration Act, 1895." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

"Pecuniary gain" does not include the winning of trophies or prizes, nor does it include prize-money where such money is paid to the society:

"Unclassified society" means any society of not less than fifteen persons, associated for any lawful purpose (not being for pecuniary gain), and not registered or incorporated under any other enactment.

3. Any unclassified society may, by resolution of two-thirds of its members present at a meeting to be convened for that purpose, resolve to become registered under this Act. Unclassified society may resolve to become registered.

4. A statutory declaration in the Form A in the Schedule to this Act, signed by the chairman of such meeting, shall be conclusive evidence that such resolution was duly passed at a meeting duly convened. Proof of resolution.

5. Upon the filing of such declaration at the office of the Registrar of Friendly Societies, and the payment of a fee of one pound, the Registrar, if satisfied that the society is an unclassified Registrar of Friendly Societies to register society.

society within the meaning of this Act, shall register the same in a book to be kept for the purpose, and thereupon the society shall become a body corporate, by the style and title named in such declaration, with the addition of the word "Registered."

Certificate of incorporation.

6. The Registrar shall issue to such society a certificate of incorporation in the Form B in the Schedule hereto; and such certificate (unless cancelled as hereinafter provided) shall be evidence that such society is duly incorporated under this Act.

Two societies not to bear similar names.

7. No society shall be registered under a name identical with that by which a subsisting society is registered, or so nearly resembling the name as to be calculated to deceive. If any society through inadvertence or otherwise is registered contrary to the provisions of this section, the Registrar shall on discovery thereof forthwith alter the name of such society, so as not to contravene the intention of this section.

Powers of incorporated society.

8. Every such society when incorporated shall have perpetual succession and a common seal, and in its corporate name and title may hold and dispose of real and personal property, and may sue and be sued, and may recover any moneys due to the corporation, whether by a member thereof or not.

No member to derive pecuniary gain therefrom.

9. If any member of any society incorporated under this Act derives any pecuniary gain except as a salaried officer from any of the property or operations of the corporation, he is liable to a penalty not exceeding ten pounds, and the gains so derived shall be deemed to be the property of the society.

Power to make rules.

10. The members of a society incorporated under this Act, and their successors, in general meeting assembled, may make rules for the government of the society, and alter and annul any such rules; and, in particular, may by such rules provide for—

What rules may provide for.

- (1.) The qualifications and annual subscription for membership, including ordinary, honorary, and life membership;
- (2.) The method of election of new members;
- (3.) The number and designation and the powers of the officers and committee;
- (4.) The control, investment, and disposition of the funds and property of the society;
- (5.) The expulsion of any member for non-payment of subscriptions, or for failure to observe any rule, or for misconduct;
- (6.) The control and use of the common seal.

Evidence of rules.

11. *Prima facie* evidence of the rules shall be afforded by the production of what purports to be a copy thereof, if sealed with what purports to be the seal of the corporation, and signed by the president or chairman thereof.

Member resigning not freed from liabilities.

12. Any member resigning his membership or otherwise ceasing to be a member of a society incorporated under this Act shall thereupon cease to be a member of the corporation and to have any right or interest in its property or concerns, but shall not thereby be freed from any liability to the corporation incurred prior to such resignation or expulsion.

Provision for dissolution.

13. Two-thirds of the members of any society incorporated under this Act, present at a meeting convened for the purpose, may (provided that all the liabilities of the corporation have been duly

discharged) resolve that the corporation be dissolved as from a date to be named in such resolution, and may also direct the method of disposition of the funds and property of the corporation after the dissolution thereof; and, upon notice of such resolution to the Registrar, the corporation shall be deemed to be dissolved on and from the day named in such resolution.

14. The Governor, by Order in Council gazetted, may from time to time make regulations for the purposes of this Act, including therein the imposition of such fees as he thinks necessary for the efficient administration of this Act; and may also apply to societies incorporated or applying for incorporation under this Act such of the provisions of "The Friendly Societies Act, 1882," as he thinks fit.

Regulations.

Application of "The Friendly Societies Act, 1882."

15. Subsection five of section seven of "The Friendly Societies Act, 1882," and also section eight thereof, are hereby repealed.

Repeal.

16. If any society incorporated under this Act ceases to be or is found not to be an unclassified society, the Registrar may, by notice under his hand, cancel the certificate of incorporation thereof, and thereupon such society shall cease to be incorporated, but such cancellation shall not prejudice the rights or remedies of creditors or others having claims against the society.

When incorporation may be cancelled.

17. Every society under this Act shall have a registered office to which all communications and notices may be sent.

Office to be registered.

18. This Act shall not apply to any society entitled to register under "The Friendly Societies Act, 1882."

Exemption.

SCHEDULE.

Schedule.

FORM A.

I, A.B., of _____, do solemnly and sincerely declare as follows:—

1. At a meeting of the members of the _____ Club [or as the case may be], specially convened for the purpose, and held at _____, on the _____ day of _____, 18____, the following resolution was passed by a majority of at least two-thirds of the members present:—

"Resolved, That the _____ Club become incorporated under 'The Unclassified Societies Registration Act, 1895,' by the style and title of 'The _____ Club.'"

2. I was chairman of such meeting.

3. The said _____ Club is formed for the purpose of [playing the game of football, or as the case may be], and is an unclassified society within the meaning of "The Unclassified Societies Registration Act, 1895." And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."

A. B.,
Chairman of Meeting.

Declared by the said A.B., at _____, this _____ day of _____, 18____,
before me—

Justice of the Peace.

FORM B.

Certificate of Incorporation.

The _____ Club (Registered) [or as the case may be] is registered as an unclassified society under "The Unclassified Societies Registration Act, 1895."

Dated at _____, this _____ day of _____, 18____.

C. D.,
Registrar of Friendly Societies.