

New Zealand.

UNCLASSIFIED SOCIETIES REGISTRATION.

1908, No. 202.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Incorporation of Unclassified Societies.

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

1. (1.) The Short Title of this Act is "The Unclassified Societies Registration Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All societies, corporations, rules, regulations, registers, registrations, records, certificates, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

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

"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: Interpretation.
1895, No. 36, sec. 2
1906, No. 23, sec. 2

"Unclassified society" means any society of not less than fifteen persons, any combination of not less than five such societies, or any association of not less than five such combined societies formed for any lawful purpose (not being for pecuniary gain), and not registered or incorporated under any other enactment.

Societies may
resolve to register.
1906, No. 23, sec. 3

Proof of resolution.
1895, No. 36, sec. 4

Registrar of
Friendly Societies
to register society.
Ibid, sec. 5

Rules to be sent
with application for
registration.
1906, No. 23, sec. 4

Certificate of
incorporation.
1895, No. 36, sec. 6

Two societies not to
bear similar names.
Ibid, sec. 7

Powers of
incorporated society.
Ibid, sec. 8

No member to
derive pecuniary
gain therefrom.
Ibid, sec. 9

Matters to be
provided for in rules.
1906, No. 23, sec. 5

Amendment of rules
to be recorded.
Ibid, sec. 6

Evidence of rules.
1895, No. 36, sec. 11

Member resigning
not freed from
liabilities.
Ibid, sec. 12

3. Any unclassified society may, by resolution carried by a majority of votes at a general meeting convened for the purpose, resolve to become registered under this Act.

4. A statutory declaration in the form numbered (1) in the Second Schedule hereto, signed by the chairman of such meeting, shall be conclusive evidence that such resolution was duly passed at a meeting duly convened.

5. (1.) Upon the filing of such declaration at the office of the Registrar of Friendly Societies, accompanied by an application for registration and the payment of a fee of one pound, the Registrar, if satisfied that the society is an unclassified 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."

(2.) With the application for registration there shall be sent to the Registrar at least two copies of the rules of the society, signed by the president or other principal officer of the society, the secretary, and at least three members.

6. The Registrar shall issue to such society a certificate of incorporation in the form numbered (2) in the Second Schedule hereto; and such certificate (unless cancelled as hereinafter provided) shall be evidence that such society is duly incorporated under this Act.

7. (1.) 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.

(2.) 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.

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.

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 fine not exceeding ten pounds, and the gains so derived shall be deemed to be the property of the corporation.

10. (1.) The rules of every incorporated society shall contain provisions as to the several matters mentioned in the Third Schedule hereto.

(2.) Two copies of every amendment of the rules shall be sent to the Registrar, who shall record the same free of charge.

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.

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 his ceasing to be a member.

Provision for
dissolution.
1895, No. 36, sec. 13

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 the resolution, and may also direct the method of disposition of the funds and property of the corporation after the dissolution thereof; and, on notice of such resolution to the Registrar, the corporation shall be deemed to be dissolved on and from the day named in the resolution.

14. The Governor may from time to time, by Order in Council gazetted, 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.

Regulations.
Ibid, sec. 14
1905, No. 23, sec. 7

15. 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.
1895, No. 36, sec. 16

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

Registered office.
Ibid, sec. 17

17. This Act does not apply to any society entitled to register under "The Friendly Societies Act, 1908."

Exemption.
Ibid, sec. 18

18. Where any question arises as to whether the purposes for which any society or combination or association of societies is formed are lawful purposes within the meaning of this Act, the same shall be referred by the Registrar to the Revising Barrister appointed under "The Friendly Societies Act, 1908," for report; and in all cases an appeal shall lie from the Registrar's decision to the Governor in Council, whose decision shall be final.

Governor in Council
to decide in
certain cases.
1906, No. 23, sec. 8

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

1895, No. 36.—"The Unclassified Societies Registration Act, 1895."

1906, No. 23.—"The Unclassified Societies Registration Act Amendment Act, 1906."

SECOND SCHEDULE.

(1.) DECLARATION.

Section 4.
1895, No. 36,
Schedule.

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 _____, 19____, 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, 1908, 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, 1908.” And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of “The Justices of the Peace Act, 1908.”

A. B.,
Chairman of Meeting.

Declared by the said A. B., at _____, this _____ day of _____, 19____, before me—

Justice of the Peace.

Section 6.

(2.) CERTIFICATE OF INCORPORATION.

THE _____ Club (Registered) [or as the case may be] is registered as an unclassified society under “The Unclassified Societies Registration Act, 1908.”

Dated at _____, this _____ day of _____, 19____.

C. D.,
Registrar of Friendly Societies.

Section 10
1906, No. 23,
Schedule.

THIRD SCHEDULE.

MATTERS TO BE PROVIDED FOR BY THE RULES OF UNCLASSIFIED SOCIETIES.

1. THE name of the society.
2. The whole of the objects of the society, and the mode and purposes in and to which its funds are only to be applied.
3. The qualifications and annual subscription for membership, including ordinary, honorary, and life membership.
4. The method of election of new members.
5. The manner of making, altering, and rescinding rules.
6. The mode of holding meetings and of voting.
7. The appointment and removal of a committee of management, of a treasurer, of one or more trustees, and other officers.
8. The control and investment of the funds of the society.
9. The control and use of the common seal.
10. The expulsion of any member for non-payment of subscriptions, or for failure to observe any rule, or for misconduct.
11. The voluntary dissolution of the society and the disposition of its property.