

COMPANIES SPECIAL INVESTIGATIONS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Companies Special Investigations Act 1958. That Act affects the companies specified in the First Schedule thereto and any other companies which are associated with them or any of them, being companies to which the Act is applied by Order in Council. The Act was intended to meet a particular emergency and makes special provision for the appointment of receivers and managers, the conduct of special investigations, and the winding up of the companies to which it applies.

Clause 2 of this Bill amends the Act so that it can be extended by Order in Council to any company where that course is desirable for the protection of any of the shareholders or creditors (whether secured or unsecured) of the company, or for the protection of any beneficiary under any trust administered by the company, or is otherwise in the public interest, and the said shareholders or creditors or beneficiaries or the public interest cannot be adequately protected under the Companies Act 1955 or in any other lawful way. Such an Order in Council may be made only on the advice of the Minister given on the recommendation of a committee appointed under section 472 of the Companies Act 1955.

Clause 3: Subsection (5) of section 12 of the principal Act provides that, in any case where a company has been subject to receivership under the principal Act, the receiver shall, within one month after the termination of the receivership or the winding up of the company, file in such office of the Court as he thinks fit a statement of accounts, duly audited, showing in detail his receipts and payments in respect of the company. In cases where the separate assets of a number of associated companies have been blended and become difficult to distinguish, it is difficult to apply this provision, and the clause makes it possible for the Minister to modify or dispense with the requirement.

Hon. Mr Hanan

**COMPANIES SPECIAL INVESTIGATIONS
AMENDMENT**

ANALYSIS

Title		2. Application of Act to other com-
1. Short Title		panies
		3. Accounts to be filed by receiver

A BILL INTITULED

**An Act to amend the Companies Special Investigations Act
1958**

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

10 **1. Short Title**—This Act may be cited as the Companies
Special Investigations Amendment Act 1963, and shall be read
together with and deemed part of the Companies Special
Investigations Act 1958* (hereinafter referred to as the princi-
pal Act).

15 **2. Application of Act to other companies**—Section 3 of the
principal Act is hereby amended by adding the following sub-
section:
“(4) Where it is desirable for the protection of any of the
shareholders or creditors (whether secured or unsecured) of
any company or companies, or for the protection of any bene-

*1958, No. 23
Amendment: 1959, No. 88

2 *Companies Special Investigations Amendment*

ficiary under any trust administered by any company, or it is otherwise in the public interest, that the provisions of this Act should apply to any company or companies, and the said shareholders or creditors or beneficiaries or the public interest cannot be adequately protected under the Companies Act 1955 or in any other lawful way, the Governor-General, on the advice of the Minister given on the recommendation of a committee appointed under section 472 of the Companies Act 1955, may, by Order in Council, declare that the provisions of this Act shall apply to that company or those companies. In this subsection the term "company" means any company, whether incorporated in New Zealand or elsewhere; and includes any company that has been dissolved or struck off the register.

3. Accounts to be filed by receiver—Section 12 of the principal Act is hereby amended by omitting from subsection (5) the words "file in such office of the Court as he", and substituting the words "unless the Minister otherwise directs and subject to such conditions as the Minister may specify, file in such office of the Court as the receiver".