

[AS REPORTED FROM THE COMMITTEE ON THE BILL]

House of Representatives, 18 September 1969.

Words struck out by the Committee are shown in italics within bold round brackets.

Mr Gandar

MANAWATU PATRIOTIC SOCIETY

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act to amalgamate all the funds of the Manawatu Patriotic Society, to empower the Society to sell certain land, to lend the whole or part of the proceeds of that sale to the Palmerston North Returned Services' Association (Incorporated) on the security of a second mortgage, and to provide for the dissolution of the Society as from the 1st day of January, 1990 and for the vesting of its assets and funds in the Palmerston North Returned Services' Association (Incorporated) subject to certain trusts in respect thereof

WHEREAS the Manawatu Patriotic Society a body corporate at Palmerston North (hereinafter called "the Society") was incorporated pursuant to section 12 of the War Funds Act 1915 by an Order in Council dated the 28th day of August 1916 and published in the *Gazette* of the 31st day of that month: And whereas the Society maintains firstly an "Anzac Fund" comprising certain money, Government stock and the

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land described in the Schedule to this Act (hereinafter called “the said land”) and secondly a “Sick and Wounded Fund” consisting of certain money, investments, and other assets: And whereas the assets of the said “Anzac Fund” represent donations for the erection and maintenance of a club building for returned servicemen: And whereas a building was erected on the said land in 1917 and has since been used as a club by the Palmerston North Returned Services’ Association (Incorporated) a duly incorporated society at Palmerston North (hereinafter called “the Association”): And whereas the Sick and Wounded Fund has been used and applied by the Society in making grants and donations for relief and other charitable purposes to officers and men who enlisted in Palmerston North and the County of Kairanga and served in the 1914–1919 war and to dependants of such officers and men (hereinafter called “the said charitable purposes”): And whereas the Association has now acquired premises of its own and it is considered expedient to sell the said land, but doubts have arisen as to the authority of the Society to do so: And whereas for some considerable time the functions of the Society have been limited to the making of grants and donations for the said charitable purposes: And whereas the Society desires that all its funds be amalgamated and held by it as a war fund for the purpose of making grants and donations for the said charitable purposes: And whereas the Society further desires to lend the whole or part of the proceeds of the sale of the said land to the Association on the security of a second mortgage over land owned by the Association, but has no authority to do so: And whereas the Society considers that by the 1st day of January 1990 there will be few if any persons living who will then qualify for grants and donations from the funds of the Society: And whereas the Society proposes that it then be dissolved and its assets and funds vested in the Association subject to the Association for a period of 20 years thereafter continuing to make grants and donations for the said charitable purposes: And whereas the Association agrees with this proposal: And whereas effect cannot be given to the proposal unless it is implemented by legislation:

BE IT THEREFORE 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 Manawatu Patriotic Society Act 1969.

2. Interpretation—In this Act, unless the context otherwise requires,—

5 “Society” means the Manawatu Patriotic Society incorporated as described in the Preamble to this Act:

“Association” means the Palmerston North Returned Services’ Association (Incorporated) a society duly incorporated under the Incorporated Societies Act 1908.

10 **3. Funds of the Society amalgamated**—From the commencement of this Act until the expiration of the 1st day of January 1990 all the assets and funds of the Society shall be held by the Society as a war fund which shall be deemed to have been specifically constituted for the purpose of making
15 grants and donations for relief and other charitable purposes to officers and men who enlisted in Palmerston North and the County of Kairanga and served in the 1914–1919 war and to dependants of such officers and men. (*and for any purpose incidental to the proper administration thereof.*)

20 **4. Sale of land authorised**—The Society is hereby authorised to sell the land described in the Schedule to this Act in such manner and on such terms and conditions as it thinks fit.

25 **5. Loan on second mortgage**—The Society is hereby authorised to lend the whole or any part of the money received by the Society from the sale of the land described in the Schedule to this Act to the Association upon the security of a second mortgage of an estate in fee simple in land owned
30 by the Association upon such terms and at such rate of interest (being not less than 5 percent per annum) as the Society determines.

6. Dissolution of Society—(1) As from the 1st day of January 1990—

35 (a) The Society shall be deemed to have been dissolved:
(b) All real and personal property then held by the Society shall cease to form part of a war fund and shall become vested in the Association subject to—

(i) All liabilities, charges, and encumbrances affecting the same:

(ii) The payment thereof by the Association of all debts and other liabilities lawfully incurred by the Society and existing immediately before its dissolution.

(2) For the purposes of subparagraph (ii) of paragraph (b) of subsection (1) of this section the debts and liabilities of the Society shall be debts and liabilities of the Association and the Association, to the extent of the property vested in it by paragraph (b) of that subsection, shall be liable accordingly. 5 10

7. Obligations of Association—The real and personal property that becomes vested in the Association under paragraph (b) of subsection (1) of section 6 of this Act shall, subject to the provisions of subparagraphs (i) and (ii) of that paragraph, be held by the Association for a period of 20 years from the 1st day of January 1990 upon trust for the purpose mentioned in section 3 of this Act but, on the expiration of that period, the residue of that property shall be freed and discharged from the trust and may thereafter be used and applied by the Association for any of the purposes for which the Association is for the time being incorporated. 15 20

8. Private Act—This Act is hereby declared to be a private Act.

SCHEDULE

ALL that parcel of land containing 12.03 perches, more or less, being part Section 330, Town of Palmerston North, being Lots 9 and 10 and part Lot 8 on Deposited Plan 155 and being all the land comprised in certificate of title, Volume 250, folio 69 (Wellington Registry).