

Mrs McMillan

**TRUSTEES, EXECUTORS, AND AGENCY
COMPANY AMENDMENT**

[PRIVATE]

ANALYSIS

Title	2. Adjusting liability of shareholders
Preamble	on winding-up to variation in nominal value of shares
1. Short Title	3. Private Act

A BILL INTITULED

**An Act to amend the Trustees, Executors, and Agency
Company Act 1882**

WHEREAS by an Act of the General Assembly of New Zealand intituled the Trustees, Executors, and Agency Company Act 1882 certain powers were conferred and obligations were imposed upon the Trustees, Executors, and Agency Company of New Zealand Limited (hereinafter referred to as the said company) to act as executor, trustee, liquidator, receiver, committee, and attorney, those powers being clarified and extended by an amending Act thereto intituled the Trustees, Executors, and Agency Company Act 1882 Amendment Act 1884: And whereas the nominal capital of the said company is fifty thousand pounds divided into ten thousand shares of five pounds each on which three pounds per share has been paid up with a liability thereon of two pounds per share: And whereas the said company proposes to call up the remaining two pounds

per share of its said uncalled capital by capitalising a portion of a capital reserve created by writing up its freehold properties to their present Government value and applying ten thousand pounds thereof towards paying up one pound per share and by calling up the remaining one pound per share in cash: And whereas thereupon it is proposed to alter the denomination of such five pounds shares by converting the share capital of the company into fifty thousand shares of one pound each fully paid: And whereas the Capital Issues Committee has consented to the before-mentioned proposals: And whereas by section fourteen of the principal Act of 1882 it is enacted that in the event of a winding-up of the said company every member shall be liable to contribute to the assets of the company to the extent of five pounds upon each share of which such member then is or shall have been within one year, or in the case of a director of the company within two years, next prior to the commencement of such winding-up the holder, over and above the amount (if any) unpaid on the shares in respect of which he may be liable as a present or past holder: And whereas it is expedient to amend the said section fourteen: And whereas the objects above recited are not to be attained otherwise than 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 Trustees, Executors, and Agency Company Amendment Act 1959 and this Act and the Trustees, Executors, and Agency Company Act 1882 Amendment Act 1884 shall be read together with and deemed part of the Trustees, Executors, and Agency Company Act 1882 (hereinafter referred to as the principal Act).

2. Adjusting liability of shareholders on winding-up to variation in nominal value of shares—Section fourteen of the principal Act is hereby amended by adding the following proviso:

“Provided that if on a winding-up of the said company its nominal share capital, namely ten thousand shares of five pounds each has previously been altered without reducing that capital below fifty thousand pounds whether by the conversion of those five pounds shares into fifty thousand shares of

one pound each or by the conversion of those five pounds shares into a correspondingly greater number of shares of less than one pound each, the liability of the members on a winding-up to contribute to the extent of five pounds a share shall not apply; and in that event the liability upon each share shall be limited to an amount equal to the nominal value of the share.”

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