



THE COMPANIES REGULATIONS 1956, AMENDMENT NO. 6

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of February 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Companies Act 1955, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Companies Regulations 1956, Amendment No. 6, and shall be read together with and deemed part of the Companies Regulations 1956* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1990.

2. Forms prescribed in relation to registration of charges—The Schedule to the principal regulations is hereby amended by revoking form 4, and substituting forms 4A, 4B, and 4C set out in the Schedule to these regulations.

*S.R. 1956/210

Amendment No. 1: S.R. 1957/256

Amendment No. 2: S.R. 1967/243

Amendment No. 3: *(Revoked by S.R. 1975/272)*

Amendment No. 4: S.R. 1975/272

Amendment No. 5: S.R. 1978/165

SCHEDULE

NEW FORMS IN SCHEDULE TO PRINCIPAL REGULATIONS

“Form 4A

Companies Act 1955

**CERTIFICATE OF EXECUTION OF INSTRUMENT CREATING
CHARGE AND PARTICULARS OF CHARGE**
(Section 102)

**CERTIFICATE OF ACQUISITION OF PROPERTY SUBJECT TO
CHARGE AND PARTICULARS OF CHARGE**
(Section 104)

PRESENTED BY:

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COMPANY NUMBER
REGISTRY

I _____ certify that _____ LIMITED
did on _____ execute an instrument creating a
charge/acquire property subject to a charge, particulars of which are
described below. Annexed and marked with the letter "A" is a true copy of
the instrument.*

Solicitor to the Company/Officer of
the Company.

OFFICE USE ONLY	
Date of Registration:	Serial Number on File:

Description of Charge:
Date of creation of charge: (or date of acquisition of property subject to the charge)
Amount secured by the charge: Short particulars of the property charged:
Names of persons entitled to the charge:

*NOTE: A copy of the charge must be attached in all cases except where the charge has been registered under the Companies Act 1955 or under another Act.

Act under which registered _____

Date of registration _____ Registration No. _____

SCHEDULE—*continued*NEW FORMS IN SCHEDULE TO PRINCIPAL REGULATIONS—*continued*

Form 4B

Companies Act 1955

CERTIFICATE OF REGISTRATION OF CHARGE

DELIVER TO:

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COMPANY
NUMBER

REGISTRY

I hereby certify that a charge has been registered against

 LIMITED

Particulars of the charge and registration are given below

 Assistant Registrar of Companies

	OFFICE USE ONLY	
Date of Registration:	Serial Number on File:	

Description of Charge:
Date of creation of charge: (or date of acquisition of property subject to the charge)
Amount secured by the charge: Short particulars of the property charged:
Names of persons entitled to the charge:

SCHEDULE—*continued*

NEW FORMS IN SCHEDULE TO PRINCIPAL REGULATIONS—*continued*

Form 4C

Companies Act 1955
REGISTER OF CHARGES

COMPANY NUMBER
REGISTRY

_____ LIMITED

Below are the particulars of a charge registered against the above company.

Assistant Registrar of Companies

OFFICE USE ONLY	
Date of Registration:	Serial Number on File:

Description of Charge:
Date of creation of charge: (or date of acquisition of property subject to the charge):
Amount secured by the charge: Short particulars of the property charged:
Names of persons entitled to the charge:

Memorandum of Satisfaction/Release/Disposition registered on

_____ Document No.

Assistant Registrar of Companies

SCHEDULE—continued

NEW FORMS IN SCHEDULE TO PRINCIPAL REGULATIONS—continued
Form 4C—continued

Partial Satisfaction/Release/Disposition

Doc. No. Reg. Date Property subject to Satisfaction/Release/Disposition Initials

Receiver or Manager	Name:	Entry Checked By:
	Date of Appointment:	
	Date of Ceasing to Act:	

C. J. HILL,
for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 April 1990, prescribe new forms for the purposes of Part IV of the Companies Act 1955 relating to the registration of charges.

The Companies Amendment Act 1989 amends sections 102, 105, and 107 of the principal Act and enacts a new section 104 of that Act. These amendments come into force on 1 April 1990. With effect from that date a certificate of execution of an instrument creating a charge will be required under section 102 of the Act in place of the present statutory declaration and a certificate of acquisition will be required under section 104 of the Act in place of the present statutory declaration.

It is intended that the information supplied in these certificates will, by the use of carbonised paper, form the basis of the form of register of charges and the certificate of registration.

The regulations revoke Form 4 in the Schedule to the Companies Regulations 1956 and substitute 3 new forms.

Form 4A is a combined form of certificate of execution of an instrument creating a charge and certificate of acquisition of property subject to a charge. This form will replace the present statutory declaration required under both sections 102 and 104 of the Companies Act 1955.

Form 4B is the form of certificate of registration of a charge required under section 105 of the Act.

Form 4C is a new form of register of charges required to be kept under section 105 of the Act. This form combines the form of memorandum recording, in accordance with section 107 (1) of the Act, the satisfaction of a charge or that property has been released from a charge or that property has ceased to form part of the company's property, as the case may be.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 1 March 1990.

These regulations are administered in the Department of Justice.