



## THE INCORPORATED SOCIETIES REGULATIONS 1979

KEITH HOLYOAKE, Governor-General

At the Government Buildings at Wellington this 23rd day of April 1979

### ORDER IN COUNCIL

Present:

THE HON. D. MACINTYRE PRESIDING IN COUNCIL

PURSUANT to the Incorporated Societies Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

#### ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Public office hours</li> <li>4. Contents of register</li> <li>5. Requirements relating to documents</li> <li>6. Execution of documents</li> <li>7. Perusal of proposed rules or alteration of rules by Registrar</li> </ol> | <ol style="list-style-type: none"> <li>8. Voluntary winding up of society</li> <li>9. Application form for registration of interest in land consequent upon winding up</li> <li>10. Fees</li> <li>11. Revocations Schedules</li> </ol> |
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#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Incorporated Societies Regulations 1979.

(2) These regulations shall come into force on the 1st day of May 1979.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Incorporated Societies Act 1908:

Expressions defined in the Act have the meanings so defined.

**3. Public office hours**—(1) The office of each Assistant Registrar of Incorporated Societies shall be open to the public for the transaction of business daily (except on Sundays, Saturdays, and holidays), during such hours as the Registrar of Incorporated Societies fixes from time to time, either generally or in any particular case.

(2) In this regulation the term “holidays” has the same meaning as in regulation 2A of the Companies Regulations 1956.

(3) Every day which is a holiday within the meaning of this regulation shall, in relation to any instrument or document that is required to be registered with the Assistant Registrar, be deemed to be a holiday within the meaning of section 25 (a) of the Acts Interpretation Act 1924 (which relates to the extension of the time for doing anything where the time prescribed in that behalf expires on a holiday).

**4. Contents of register**—The matters to be recorded in the register kept by the Registrar, in respect of every society, shall be the following:

- (a) A distinctive registration number:
- (b) The name of the society:
- (c) The date of registration of the society:
- (d) The situation of the registered office of the society for the time being, and the date on which every notice of the situation of that office is given to the Registrar:
- (e) The date on which any annual statement under section 23 of the Act is delivered to the Registrar, and an indication of the end of the financial year of the society to which the statement relates:
- (f) The fact of the dissolution of the society, and the date of any declaration of dissolution made under section 28 of the Act:
- (g) Any revocation of a declaration of dissolution, and the date of the entry thereof in the register:
- (h) The nature of any other document relating to the society lawfully lodged with the Registrar under the Act, and the date when it was so lodged.

**5. Requirements relating to documents**—(1) All documents prepared to be registered or to be delivered, sent, or forwarded to the Registrar shall be legibly and clearly written, typewritten, or printed on A4 international size paper of medium weight and good quality, with a binding margin of at least one-fourth of the width of the paper. Where there are more sheets than one they shall be fastened together with a sufficient fastener at the top left-hand corner.

(2) Except by special leave of the Registrar, granted upon such conditions as he thinks fit, a document that does not comply with this regulation or that is a carbon copy shall not be received by the Registrar.

**6. Execution of documents**—(1) Where the Act requires attestation by a witness, the witness shall after his signature add his calling or description and place of abode.

(2) Wherever the Act requires that the seal of the Registrar be affixed to any document, the Registrar shall verify the sealing by adding his signature thereto and the date on which the seal was so affixed.

**7. Perusal of proposed rules or alteration of rules by Registrar**—On payment of the prescribed fee for an application for registration or alteration of rules (as the case may be) the Registrar may peruse any proposed rules or alteration of rules signed by the secretary or other principal officer of the society, although such rules or alteration of rules may not yet have been enacted by the society, but such rules or alteration of rules shall not be registered until duly enacted and verified as required by the Act.

**8. Voluntary winding up of society**—(1) A voluntary winding up of a society shall be deemed to commence at the time of the confirmation pursuant to section 24 of the Act of the resolution for voluntary winding up.

(2) Upon confirmation of a resolution for voluntary winding up, the society in general meeting shall appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets of the society, and may fix the remuneration to be paid to him or them.

(3) In the application to the voluntary winding up of a society pursuant to section 24 of the Act of the rules relating to the voluntary winding up of a company, the last-mentioned rules shall apply as if such winding up were a members' voluntary winding up within the meaning of section 274 of the Companies Act 1955.

**9. Application form for registration of interest in land consequent upon winding up**—Every application to a District Land Registrar for the purposes of section 27 (5) of the Act (as added by section 2 (2) of the Incorporated Societies Amendment Act 1976) shall be in the form set out in the Second Schedule to these regulations.

**10. Fees**—(1) There shall be paid to the Registrar, in respect of the matters mentioned in the First Schedule to these regulations, the fees specified therein.

(2) Where the Registrar or any other officer is empowered by the Act to do any act for which a fee is payable, he may refuse to do that act until the fee is paid.

**11. Revocations**—The following regulations are hereby revoked:

- (a) The Incorporated Societies Regulations 1938\*;
- (b) The Incorporated Societies Regulations 1938, Amendment No. 1†;
- (c) The Incorporated Societies Regulations 1938, Amendment No. 2‡;
- (d) The Incorporated Societies Regulations 1938, Amendment No. 4§.

\*S.R. 1938/34  
†S.R. 1954/41  
‡S.R. 1957/254  
§S.R. 1976/215

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SCHEDULES

FIRST SCHEDULE

Reg. 10

FEES PAYABLE TO REGISTRAR

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On application for incorporation of a society or a branch or group of branches of a registered society .....	20.00
For alteration of rules .....	5.00
For registration of new rules in place of registered rules .....	10.00
For certification of a copy of or extract from any document lodged with the Registrar .....	10.00
For a copy of the certificate of incorporation of a society or a copy of or extract from the register or any document lodged with the Registrar, in addition to any fee for certifying same,—	
(a) Where a photocopying machine is provided for public use, for each page .....	0.20
(b) Where a photocopy machine is not provided for public use, for every 4 pages or part thereof .....	1.00.

SECOND SCHEDULE

Reg. 9

FORM OF APPLICATION UNDER SECTION 27 (5) OF THE ACT

*Application Under Section 27 (5) of the Incorporated Societies Act 1908*

No. ....

To: The District Land Registrar

..... Land Registration District

1. *Delete whichever is not applicable.*
2. *Insert name of the society wound up or dissolved.*
3. *Give the date when direction became final.*
4. *Insert full name, address, occupation or description, and (if a body corporate) mode of incorporation.*
5. *Insert full name.*

WHEREAS, on the winding up/dissolution<sup>1</sup> of the .....<sup>2</sup> its assets have been the subject of a direction of the Supreme Court/Judge of the Supreme Court/Registrar of Incorporated Societies<sup>1</sup> which became final on .....<sup>3</sup>. AND WHEREAS pursuant to section 27 of the Incorporated Societies Act 1908 the estate or interest in land described in the Schedule hereto was vested without transfer, conveyance, or assignment in .....<sup>4</sup>, Now I/We the said .....<sup>5</sup> Do(ES) HEREBY APPLY to be registered under the Land Transfer Act 1952 as proprietor(s) of the estate or interest in land described in the Schedule hereto and so vested in me/us/it<sup>1</sup> by the said direction.

SCHEDULE

Estate or Interest	Area	Lot, D.P. or other Legal Description	Certificate of Title

SECOND SCHEDULE—continued

Subject to:

6. *Witness should be Solicitor, J.P., or other acceptable Land Transfer witness. Delete this form of execution if applicant a body corporate.*

Dated at ..... this ..... day of ..... 19.....

Signed by the above-named ..... as applicant in the presence of: } ..... (signature of applicant)

Witness <sup>6</sup>: .....  
.....  
.....

7. *To be completed whenever applicant is a body corporate.*

<sup>7</sup>The Common Seal of the above-named ..... as applicant was hereunto affixed in the presence of: }  
.....  
.....  
.....

P. G. MILLEN,  
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 replace the Incorporated Societies Regulations 1938 (as amended) and are in similar terms except that these regulations also prescribe an application form for the purposes of the registration of an interest in land transferred by direction in a winding up of a society.

Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 26 April 1979.  
These regulations are administered in the Department of Justice.