

**Reprint  
as at 30 August 2016**



## **Royal New Zealand Foundation of the Blind Act 2002**

Private Act      2002 No 3  
Date of assent    11 December 2002  
Commencement    see section 2

Royal New Zealand Foundation of the Blind Act 2002: repealed, on 30 August 2016, by section 3 of the Royal New Zealand Foundation of the Blind Act Repeal Act 2016 (2016 No 2 (P)).

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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**Preamble**

- (1) The Royal New Zealand Foundation for the Blind is a body corporate constituted by the Royal New Zealand Foundation for the Blind Act 1963:
- (2) The Royal New Zealand Foundation for the Blind Act 1963 consolidated and amended the New Zealand Foundation for the Blind Act 1955 and its amendments:
- (3) The Foundation wishes—

- (a) to clarify its status as a body that is controlled primarily by, and operates for the benefit of, people who are blind and vision impaired;
  - (b) to modernise its structure, giving it characteristics of an incorporated society;
  - (c) to provide for the possible future registration of the Foundation as a society incorporated under the Incorporated Societies Act 1908:
- (4) The objects of this Act cannot be achieved without the authority of Parliament.

## 1 Title

This Act is the Royal New Zealand Foundation of the Blind Act 2002.

## 2 Commencement

- (1) Section 1, this section, and Parts 1 and 2 come into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on a date or dates to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made appointing different dates for different provisions and for different purposes.

Section 2(2): Parts 3 to 5 (except section 27(2)) and Schedules 1 and 2 brought into force, on 30 April 2003, by the Royal New Zealand Foundation of the Blind Act Commencement Order 2003 (SR 2003/56).

Section 2(2): section 27(2) brought into force, on 7 June 2012, by the Royal New Zealand Foundation of the Blind Act Commencement Order 2012 (SR 2012/81).

# Part 1 Preliminary

## 3 Interpretation

In this Act, unless the context otherwise requires,—

**Advisory Committee** means any Advisory Committee that is for the time being established under section 16 of the Royal New Zealand Foundation for the Blind Act 1963

**blind person** means any person in New Zealand who is without sight or who is vision impaired

**Board** means the Board of Trustees of the Royal New Zealand Foundation for the Blind

**Executive Committee** means the Executive Committee that is for the time being established under section 28 of the Royal New Zealand Foundation for the Blind Act 1963

**Foundation** means—

- (a) until Part 3 comes into force, the Royal New Zealand Foundation for the Blind constituted under the Royal New Zealand Foundation for the Blind Act 1963; and
- (b) on and after Part 3 comes into force, the Royal New Zealand Foundation of the Blind constituted under section 8

**liabilities** means liabilities, debts, charges, duties, obligations, whether present or future, whether actual or contingent, and whether payable to, or to be observed or performed in, New Zealand or elsewhere

**property** means real or personal property and includes—

- (a) choses in action and money; and
- (b) goodwill; and
- (c) rights, interests, and claims in or to property, whether arising from or accruing under, or created or evidenced by, or the subject of, an instrument or otherwise, and whether liquidated or unliquidated, actual, contingent, or prospective

**Registrar** means the Registrar of Incorporated Societies under the Incorporated Societies Act 1908

**registration** means registration at an office of the Registrar of Incorporated Societies

**rights** means rights, powers, privileges, and immunities, whether actual, contingent, or prospective

**rules** means the rules of the Foundation prepared under section 4 and adopted under section 5

**society** means the incorporated society registered under Part 4

**Special Committee** means any Special Committee that is for the time being established under section 28 of the Royal New Zealand Foundation for the Blind Act 1963

**Trustee** means a trustee appointed or elected to the Board of Trustees of the Royal New Zealand Foundation for the Blind; and includes the Chairman of the Board

**undertaking**, in relation to the Foundation, means the property, rights, and liabilities of the Foundation

**vision impaired** means a person, other than a person who is without sight, who otherwise through defective or limited vision requires, in the opinion of the Foundation or the society (as the case may be), care, treatment, or assistance.

## **Part 2** **Rules of Foundation**

*[Repealed]*

Part 2: repealed, on 7 June 2012, by section 27(2).

### **4 Rules of Foundation**

*[Repealed]*

Section 4: repealed, on 7 June 2012, by section 27(2).

### **5 Adoption of rules**

*[Repealed]*

Section 5: repealed, on 7 June 2012, by section 27(2).

### **6 Lodging of rules with Registrar**

*[Repealed]*

Section 6: repealed, on 7 June 2012, by section 27(2).

### **7 Election of officers**

*[Repealed]*

Section 7: repealed, on 7 June 2012, by section 27(2).

## **Part 3**

### **Royal New Zealand Foundation of the Blind**

*[Repealed]*

Part 3: repealed, on 7 June 2012, by section 27(2).

### **8 Constitution of Foundation**

*[Repealed]*

Section 8: repealed, on 7 June 2012, by section 27(2).

### **9 Objects of Foundation are charitable**

*[Repealed]*

Section 9: repealed, on 7 June 2012, by section 27(2).

### **10 Objects**

*[Repealed]*

Section 10: repealed, on 7 June 2012, by section 27(2).

### **11 Application of Incorporated Societies Act 1908**

*[Repealed]*

Section 11: repealed, on 7 June 2012, by section 27(2).

**12 Members of Foundation**

*[Repealed]*

Section 12: repealed, on 7 June 2012, by section 27(2).

**13 Transitional provisions**

*[Repealed]*

Section 13: repealed, on 7 June 2012, by section 27(2).

**14 Financial statements of Royal New Zealand Foundation for the Blind**

*[Repealed]*

Section 14: repealed, on 7 June 2012, by section 27(2).

**Part 4****Conversion to incorporated society****15 Foundation may decide to be registered as incorporated society**

The members of the Foundation may, by resolution passed in accordance with the rules, decide to apply to be registered as an incorporated society under the Incorporated Societies Act 1908.

**16 Application for registration**

The Foundation may deliver to the Registrar a copy of the Foundation's resolution and an application for incorporation in accordance with section 7 of the Incorporated Societies Act 1908.

**17 Registrar to register Foundation as incorporated society**

If the Registrar is satisfied that those documents comply with the requirements for registration and with this Act, he or she must, on payment of the fee prescribed for the incorporation of a society, register the society under section 8 of the Incorporated Societies Act 1908.

**18 Undertaking of Foundation belongs to society**

On the registration of the society, the undertaking of the Foundation belongs to, and vests in, the society.

**19 Status of contracts and other instruments**

- (1) This section applies to contracts, agreements, guarantees, conveyances, deeds, leases, licences, and other instruments, undertakings, and notices (whether in writing or not), entered into by, made with, given to or by, or addressed to the Foundation (whether alone or with another person) before the registration of the society and subsisting immediately before registration.
- (2) The instruments to which this section applies are, on and after the registration of the society, binding on, and enforceable by, against, or in favour of, the soci-

ety as if the society and not the Foundation had been the person by whom they were entered into, with whom they were made, or to or by whom they were given or addressed.

## **20 References to Foundation in existing instruments**

A reference (express or implied) to the Foundation in an instrument made, given, passed, or executed before the registration of the society is a reference to the society on and after the registration of the society.

## **21 Continuation of legal and other proceedings**

- (1) An action, arbitration, proceeding, or a cause of action that was pending or that existed by, against, or in favour of, the Foundation or to which the Foundation was a party before the registration of the society may, on and after the registration of the society, be continued and enforced by, against, or in favour of, the society on and after the registration of the society.
- (2) It is not necessary to amend an application, notice, or other document to do so.

## **22 Effect of this Act and things done under it**

Nothing in this Act and nothing done under this Act—

- (a) places the Foundation, the society, or any other person in breach of contract or confidence or makes any of them liable for a civil wrong; or
- (b) entitles a person to terminate or cancel a contract or arrangement or to accelerate the performance of an obligation; or
- (c) places the Foundation, the society, or any other person in breach of an enactment, a rule of law, or a provision of a contract that prohibits, restricts, or regulates the assignment or transfer of property or the disclosure of information; or
- (d) releases a surety from an obligation; or
- (e) invalidates or discharges a contract or security.

## **23 Employees**

- (1) On the registration of the society, each employee of the Foundation becomes an employee of the society.
- (2) For the purposes of an enactment, rule of law, contract, or agreement relating to the employee, the contract of employment of the employee must be treated as unbroken and a period of service with the Foundation must be treated as a period of service with the society.
- (3) The terms and conditions of employment of the employee must remain the same as the terms and conditions of his or her employment with the Foundation immediately before the registration of the society, but they may be varied in the same manner.

- (4) An employee is not entitled to receive a payment or benefit because he or she has, as a result solely of this Act, ceased to be an employee of the Foundation.
- (5) This section applies despite anything else in this Act.

#### **24 Taxes and duties**

For the purposes of the Inland Revenue Acts (as that term is defined in section 3 of the Tax Administration Act 1994),—

- (a) the Foundation and the society are the same person; and
- (b) a transaction entered into by, and an act of, the Foundation must be treated—
  - (i) as having been entered into by, or as an act of, the society; and
  - (ii) as having been entered into, or performed by, the society at the time it was entered into, or performed by, the Foundation.

### **Part 5**

#### **Miscellaneous provisions**

#### **25 Protection of name**

- (1) No company or other body may be incorporated or registered under a name that contains the words “Royal New Zealand Foundation of the Blind”, or under any name that, in the opinion of the Registrar of Companies, or the appropriate registering authority within the meaning of section 2 of the Flags, Emblems, and Names Protection Act 1981, so resembles such a name as to be likely to deceive.
- (2) Nothing in this section applies to the Foundation or to any person acting on behalf of the Foundation.

#### **26 No Crown liability**

The Crown is not liable to contribute towards the payment or satisfaction of any debts or liabilities of the Foundation on incorporation.

#### **27 Repeals**

- (1) The Royal New Zealand Foundation for the Blind Act 1963 is repealed.
- (2) Parts 2 and 3 are repealed.

#### **28 Consequential amendments**

- (1) The enactments specified in Schedule 1 are amended in the manner indicated in that schedule.
- (2) The regulations specified in Schedule 2 are amended in the manner indicated in that schedule.

## Schedule 1 Enactments amended

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**Conservation Act 1987 (1987 No 65)**

*Amendment(s) incorporated in the Act(s).*

**Disabled Persons Community Welfare Act 1975 (1975 No 122)**

*Amendment(s) incorporated in the Act(s).*

**Dog Control Act 1996 (1996 No 13)**

*Amendment(s) incorporated in the Act(s).*

**Finance Act (No 2) 1952 (1952 No 81)**

*Amendment(s) incorporated in the Act(s).*

**Local Authorities (Members' Interests) Act 1968 (1968 No 147)**

*Amendment(s) incorporated in the Act(s).*

**Local Government (Rating) Act 2002 (2002 No 6)**

*Amendment(s) incorporated in the Act(s).*

**National Parks Act 1980 (1980 No 66)**

*Amendment(s) incorporated in the Act(s).*

**Public Audit Act 2001 (2001 No 10)**

*Amendment(s) incorporated in the Act(s).*

**Rating Powers Act 1988 (1988 No 97)**

*Amendment(s) incorporated in the Act(s).*

**Schedule 2**  
**Regulations amended**

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**Copyright (General Matters) Regulations 1995 (SR 1995/146)**

*Amendment(s) incorporated in the regulations.*

**Health (Hairdressers) Regulations 1980 (SR 1980/143)**

*Amendment(s) incorporated in the regulations.*

**New Zealand Railways Corporation (General) Regulations 1982 (SR 1982/47)**

*Amendment(s) incorporated in the regulations.*

## Reprints notes

### **1** *General*

This is a reprint of the Royal New Zealand Foundation of the Blind Act 2002 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Royal New Zealand Foundation of the Blind Act Repeal Act 2016 (2016 No 2 (P))

Royal New Zealand Foundation of the Blind Act Commencement Order 2012 (SR 2012/81)

Royal New Zealand Foundation of the Blind Act Commencement Order 2003 (SR 2003/56)

Royal New Zealand Foundation of the Blind Act 2002 (2002 No 3 (P)): section 27(2)