

Unincorporated Boards Suits Act 1870

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An Act to provide for the mode of conducting Legal Proceedings in certain cases by and against Unincorporated Public Boards.

Preamble.

WHEREAS there now exist and may hereafter be created divers unincorporated Boards for the purpose of carrying on works of a public nature and whereas such Boards are liable to change in the persons comprising the same by reason whereof expense and delay are occasioned in the carrying on of actions by and against such Boards and it is expedient to remedy the inconvenience occasioned thereby

Be it enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1 Short Title.

The Short Title of this Act shall be “The Unincorporated Boards Suits Act 1870.”

2 Certain actions to be in name of Chairman or Member of Board.

Whenever any Board has been or hereafter shall be created by any Act of the General Assembly or by any Act or Ordinance of any Provincial Council for the purpose of carrying on works or services of a public nature and such Board shall not be incorporated such Board whether designated by a collective name or title or not in the Act or Ordinance creating the same may sue and be sued in all actions for money founded upon contract and in all actions for money in respect of any tort founded upon contract and in all actions for specific relief in the name of the Chairman thereof if there be a Chairman and if not in the name of any of the Members thereof.

3 Words to be added designating character of plaintiff or defendant.

In any action to be commenced by or against any such Board under the provisions of this Act in addition to the name of the Chairman or of the Member of the said Board who shall be the plaintiff or defendant as the case may be in such action there shall be added in the writ of summons or other first process in such action words to designate that such Chairman or Member is suing or is sued as the case may be on behalf of such Board.

4 Action not to abate on charge.

No action shall abate or be discontinued by reason of the Chairman or other Member of the Board ceasing to be Chairman or Member nor shall such Chairman or other Member discontinue any action brought in his name or suffer judgment by default or confess any judgment or consent to any decree in any action brought against him without the consent of the Board.

5 Chairman or Member not liable to execution.

No Chairman or Member of any Board suing or being sued as aforesaid shall be liable to execution either against his person or estate for any moneys or costs recovered against him either as plaintiff or defendant in any such action or decreed to be paid in such action unless by some instrument in writing he shall have expressly made himself or his estate liable thereto.

6 Supreme Court may substitute Chairman or Member as plaintiff or defendant in existing actions.

In any such action as is mentioned in section two of this Act commenced in the Supreme Court before the passing of this Act by or against any such Board

it shall be lawful for the said Court or any Judge thereof whether such action shall have been abated by reason of any change in the members of the said Board or not to order that the title of the said action shall be amended by substituting the name of the Chairman or some Member of the said Board as the plaintiff or defendant as the case may be in the said action, and adding thereto such words as are mentioned in section three of this Act and all further proceedings in the said action shall thenceforth be conducted as if the same had been commenced under the provisions of this Act.

7 Action to revive on such amendment.

In case any action so amended shall previously have abated by reason of change in the Members comprising such Board such amendment shall without any further proceedings be deemed to have duly revived the said action.