

**Version  
as at 28 October 2021**

## **Incorporated Societies Amendment Act 1920**

Public Act    1920 No 50  
Date of assent    5 November 1920

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### **An Act to amend the Incorporated Societies Act 1908**

#### **1 Short Title**

This Act may be cited as the Incorporated Societies Amendment Act 1920, and shall be read together with and deemed part of the Incorporated Societies Act 1908 (hereinafter referred to as the principal Act).

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#### **Note**

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

**This Act is administered in the Department of Justice.**

## 2 Incorporation of branches of registered societies

- (1) Any society registered under the principal Act (whether before or after the passing of this Act) . . . may apply to the Registrar in accordance with this Act for the incorporation of any local branch having not less than 15 members, or for the incorporation of a group or of groups of such branches of that society.
- (2) No application for the incorporation of a local branch shall be made except with the consent of a majority of the members proposed to be incorporated as a local branch, and no application for the incorporation of a group of branches shall be made except with the consent of a majority of the members of each of those branches.
- (3) Any group of local branches may be incorporated notwithstanding that the whole or any number of such branches may be already incorporated.

Subsection (1) was amended, as from 1 October 1930, by section 2(a) Incorporated Societies Amendment Act 1930 (1930 No 17) by omitting the words “and consisting of not less than 500 members”.

Subsection (1) was further amended, as from 1 October 1930, by section 2(b) Incorporated Societies Amendment Act 1930 (1930 No 17) by substituting the words “having not less than 15 members, or for the incorporation of a group or of groups of such branches of that society” for the words “or group of such branches of that society”.

## 3 How to apply for incorporation of branch

- (1) An application for incorporation of a branch or group of branches of a society registered under the principal Act may be made by sending to the Registrar—
  - (a) a copy of the rules of the branch or group on which is written an application for incorporation that is signed, in accordance with subsections (2) and (3),—
    - (i) by not less than 2 of the executive officers of the society; and
    - (ii) in the case of a local branch, by not less than 15 members of that branch, or, in the case of a group of branches, by not less than 2 members of each of the branches in the group; and
  - (b) a certificate by an officer of the society or a solicitor certifying that—
    - (i) a majority of the members of the branch or branches has consented to the application; and
    - (ii) the rules that are endorsed with the application are the rules of the branch or the group; and
  - (c) the prescribed fee.
- (2) The signature of a person signing for the purposes of subsection (1)(a) must be—
  - (a) witnessed by a person who has not signed the rules; and
  - (b) accompanied by the address of the person signing.
- (3) In the case of a body corporate that has a seal, the seal may also be affixed as part of its signature.

Section 3 was substituted, as from 15 December 2005, by section 8 Incorporated Societies Amendment Act 2005 (2005 No 106).

#### **4 Steps that Registrar must take if satisfied that requirements met**

- (1) The Registrar must take the steps set out in subsection (2) if the Registrar is satisfied that—
  - (a) the requirements of this Act have been met; and
  - (b) the rules of the branch or group of branches are not inconsistent with the provisions of the principal Act or with the rules of the society.
- (2) The Registrar must—
  - (a) enter the name of the branch or group of branches in a special register to be kept by the Registrar for the purposes of this Act, together with any other information relating to the branch or branches that the Registrar thinks appropriate; and
  - (b) issue a certificate, sealed by the Registrar, that the branch or group of branches is incorporated under this Act; and
  - (c) register the rules of the branch or group of branches by sealing them with the Registrar's seal.

Section 4 was substituted, as from 15 December 2005, by section 9 Incorporated Societies Amendment Act 2005 (2005 No 106).

#### **5 Application of provisions of principal Act**

All the provisions of the principal Act relating to societies registered under that Act (including the powers conferred on such societies to hold land) shall, so far as applicable, and with the necessary modifications, apply to branches of societies or to groups of such branches incorporated under this Act.

#### **6 Members of branches not to be relieved of obligations as members of societies**

The incorporation of a branch of a society under this Act shall not relieve the members of that branch from any liabilities or obligations incident to their membership of the registered society, whether under the principal Act, or the rules of the society, or otherwise howsoever.

#### **7 Evidence of membership of branch**

For the purposes of this Act membership of a branch of a society shall be determined in accordance with the general rules of the society and the special rules (if any) of the branch in that behalf, and not otherwise, and every member of a local branch shall be deemed to be a member of the society and liable to all the obligations of membership.

**8 Governor-General in Council may make regulations**

- (1) The Governor-General may from time to time, by Order in Council, make regulations—
- (a) Prescribing the fees to be paid by or on behalf of a society or branch in respect of the incorporation of a branch or group of branches under this Act;
  - (b) Prescribing forms of application for the registration of a branch of a society or group of branches under this Act; and
  - (c) Prescribing such other matters and things as may in his opinion be necessary for the purpose of giving effect to the provisions of this Act.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

Section 8(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## **Consolidation notes**

### **1    *General***

This is a consolidation of the Incorporated Societies Amendment Act 1920 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2    *About this consolidation***

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

### **3    *Amendments incorporated in this consolidation***

Secondary Legislation Act 2021 (2021 No 7): section 3