

Version
as at 28 October 2021



New Zealand Railways Staff Welfare Society Dissolution Act 1999

Public Act 1999 No 17
Date of assent 7 April 1999
Commencement see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Treasury.

Other matters

11 Enactments repealed 5

Schedule 6
Enactments repealed

An Act to—

- (a) **dissolve the New Zealand Railways Staff Welfare Society; and**
- (b) **transfer its assets and liabilities to a charitable trust; and**
- (c) **provide for incidental matters**

1 Short Title and commencement

- (1) This Act may be cited as the New Zealand Railways Staff Welfare Society Dissolution Act 1999.
- (2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.
- (3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

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

This note is not part of the Act.

Section 1(2): New Zealand Railways Staff Welfare Society Dissolution Act 1999 brought into force, on 1 July 1999, by clause 2 of the New Zealand Railways Staff Welfare Society Dissolution Act Commencement Order 1999 (SR 1999/136).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

In this Act, unless the context otherwise requires,—

charitable trust means the charitable trust established by deed dated 23 November 1993 with the name New Zealand Railways Staff Welfare Trust, and includes that trust under any other name

commencement day means the day on which this Act comes into force

society means the New Zealand Railways Staff Welfare Society established by Part 8 of the New Zealand Railways Corporation Act 1981

Welfare Board means the New Zealand Railways Staff Welfare Board established by Part 8 of the New Zealand Railways Corporation Act 1981.

Dissolution of society, etc

3 Dissolution of society

On and from the commencement day,—

- (a) the society and the Welfare Board are dissolved; and
- (b) every management council or district committee appointed by the Welfare Board under section 106 of the New Zealand Railways Corporation Act 1981 is dissolved; and
- (c) the real and personal property and the rights and liabilities of the society vest in the charitable trust; and
- (d) any person who was a member of the society immediately before the commencement day becomes a member of the charitable trust; and
- (e) a contribution or levy held by another person as the agent of the society immediately before the commencement day is, on and from the commencement day, held by that person as the agent of the charitable trust; and
- (f) all proceedings pending by or against the society may be carried on, completed, or enforced by or against the charitable trust.

4 Vacation of office by members of Welfare Board

- (1) A person who, immediately before the commencement day, held office as a member of the Welfare Board is deemed to vacate that office on the commencement day.
- (2) A person who vacates that office solely as a result of this Act is not entitled to compensation for loss of the office.

5 Final report of society

- (1) As soon as reasonably practicable after the commencement day, the Chairman must arrange for a final report of the society to be completed.
- (2) The report must—
 - (a) describe the society's operations for the period beginning on 1 April immediately preceding the commencement day and ending with the close of the day immediately preceding the commencement day; and
 - (b) be accompanied by a copy of the society's audited accounts for that period.
- (3) The Chairman must ensure that a copy of the report and accounts is provided to a person who was a member of the society immediately before the commencement day, on the request of that person.
- (4) In this section, **Chairman** means the person who held office as the Chairman of the Welfare Board immediately before the commencement day.

6 Registers

- (1) A Registrar of Deeds, the Registrar-General of Land, or any other person charged with keeping books or registers is not required to change the name of the society to that of the charitable trust in the books, registers, or a document solely by reason of the provisions of this Act.
- (2) The presentation to a registrar or other person of an instrument, whether it is an instrument of transfer or not, by the charitable trust is, in the absence of evidence to the contrary, sufficient proof that the property is vested in the charitable trust if the instrument—
 - (a) is executed, or purports to be executed, by the charitable trust; and
 - (b) relates to property held by the society immediately before the commencement day; and
 - (c) contains a recital that the property became vested in the charitable trust by virtue of the provisions of this Act.

Section 6(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Operation of charitable trust

7 Trustees

- (1) Each trustee of the charitable trust must be appointed in the manner prescribed in the trust deed.
- (2) Each trustee holds office for a term prescribed or provided for by the trust deed.

8 Matters to be included in trust deed

The trust deed of the charitable trust must contain provisions—

- (a) specifying the persons who are entitled to be members of the trust, and the persons who may receive benefits from the trust;
- (b) for the collection of contributions to any fund or funds established by the trust;
- (c) for the keeping of accounts;
- (d) for the holding of, and voting at, meetings of trustees;
- (e) specifying the quorum required for the holding of meetings of trustees;
- (f) specifying the investment powers of the trustees;
- (g) specifying the borrowing powers of the trustees;
- (h) specifying the manner in which a vacancy in the office of trustee must be filled;
- (i) specifying the manner in which the trust deed may be varied.

9 Purposes of charitable trust

For the purposes of the application to the charitable trust of the provisions of any other enactment or rule of law, all the purposes of the charitable trust are deemed to be charitable purposes.

10 Charitable trust subject to Trusts Act 2019

The Trusts Act 2019 applies to the charitable trust, but does so subject to this Act.

Section 10 heading: amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 10: amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Other matters

11 Enactments repealed

The enactments specified in the Schedule are repealed.

**Schedule
Enactments repealed**

s 11

New Zealand Railways Corporation Act 1981 (1981 No 119)

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

New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105)

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

Trustee Amendment Act 1988 (1988 No 119)

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

Notes

1 *General*

This is a consolidation of the New Zealand Railways Staff Welfare Society Dissolution Act 1999 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

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

Trusts Act 2019 (2019 No 38): section 161

Land Transfer Act 2017 (2017 No 30): section 250

New Zealand Railways Staff Welfare Society Dissolution Act Commencement Order 1999 (SR 1999/136)