

Reprint
as at 12 November 2018



Incorporated Societies Regulations 1979 (SR 1979/93)

Keith Holyoake, Governor-General

Order in Council

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

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.

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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.

These regulations are administered by the Ministry of Justice.

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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 1 May 1979.

2 Interpretation

In these regulations, unless the context otherwise requires,—

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 35(6) of the Interpretation Act 1999 (which relates to the extension of the time for doing anything where the time prescribed in that behalf expires on a holiday).

Regulation 3(3): amended, on 1 November 1999, pursuant to section 38(1) of the Interpretation Act 1999 (1999 No 85).

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 1 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 1 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 the Registrar-General of Land 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 Schedule 2.

Regulation 9: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

9A Form of declaration of non-disclosure

Every declaration made under section 34A(2) of the Act shall be in the form set out in Schedule 3.

Regulation 9A: inserted, on 5 January 1982, by regulation 2(1) of the Incorporated Societies Regulations 1979, Amendment No 1 (SR 1981/370).

10 Fees

- (1) The fees set out in Schedule 1 shall be payable to the Registrar in respect of the matters to which they relate.
- (2) Where the Registrar or any other officer is empowered by the Act to do any act for which a fee is payable, he or she may refuse to do that act until the fee is paid.
- (3) The fees prescribed by subclause (1) are inclusive of goods and services tax payable under the Goods and Services Tax Act 1985.

Regulation 10: replaced, on 1 April 1996, by regulation 2 of the Incorporated Societies Regulations 1979, Amendment No 2 (SR 1996/41).

11 Revocations

The following regulations are hereby revoked:

- (a) the Incorporated Societies Regulations 1938 (SR 1938/34):

- (b) the Incorporated Societies Regulations 1938, Amendment No 1 (SR 1954/41):
- (c) the Incorporated Societies Regulations 1938, Amendment No 2 (SR 1957/254):
- (d) the Incorporated Societies Regulations 1938, Amendment No 4 (SR 1976/215).

Schedule 1

Table of fees payable to the Registrar of Incorporated Societies

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Schedule 1: replaced, on 1 July 1999, by regulation 2 of the Incorporated Societies Amendment Regulations 1999 (SR 1999/151).

	\$
For an application for incorporation of a society or a branch or group of branches of a registered society	100
For a revocation under section 28(3) of the Act of a declaration of dissolution of a society	200
For certification of a copy of or extract from any document	25

Schedule 2

Form of application under section 27(5) of the Act

r 9

Application under section 27(5) of the Incorporated Societies Act 1908

No:

To the Registrar-General of Land

Whereas on the winding up/dissolution [*delete whichever is not applicable*] of the [*insert name of the society wound up or dissolved*] its assets have been the subject of a direction of the High Court/Judge of the High Court/Registrar of Incorporated Societies [*delete whichever is not applicable*] which became final on [*give the date when direction became final*].

And whereas pursuant to section 27 of the Incorporated Societies Act 1908 the estate or interest in land described in the Schedule was vested without transfer, conveyance, or assignment in [*insert full name, address, occupation or description, and (if a body corporate) mode of incorporation*], Now I/We the said [*insert full name*] Do(es) hereby apply to be registered under the Land Transfer Act 2017 as owner(s) of the estate or interest in land described in the Schedule and so vested in me/us/it [*delete whichever is not applicable*] by the said direction.

Schedule

Estate or interest	Area	Lot, DP or other legal description	Record of title
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Subject to:

Dated at: [*place, date*]

Signature of applicant:

Signed by the above-named [*specify*] as applicant in the presence of:

Witness [*Witness should be solicitor, JP, or other acceptable land transfer witness. Delete this form of execution if applicant a body corporate*]:

[*To be completed whenever applicant is a body corporate.*]

The Common Seal of the above-named [*specify*] as applicant was hereunto affixed in the presence of:

[*Name*]

[*Name*]

[*Name*]

Schedule 2: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2: amended, on 1 January 2004, by section 48(3) of the Supreme Court Act 2003 (2003 No 53).

Schedule 3

r 9A

Schedule 3: inserted, on 5 January 1982, by regulation 2(2) of the Incorporated Societies Regulations 1979, Amendment No 1 (SR 1981/370).

Declaration of non-disclosure under section 34A(2) of the Incorporated Societies Act 1908

Incorporated Societies Act 1908

No of society:

I, [name], of [place of abode and occupation], solemnly and sincerely declare—

- 1 That the Registrar of Incorporated Societies has authorised me to exercise the powers specified in subsection (1) of section 34A of the Incorporated Societies Act 1908 in relation to the society or societies named in the Schedule and for all or any of the purposes specified in that subsection.
- 2 That I will not, except in accordance with section 34A(3) of that Act or for the purposes of that Act or in the course of any criminal proceedings, make a record of or divulge or communicate to any other person any information that I acquire by an inspection under subsection (1) of the said section 34A.

Schedule

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at [place, date] before me—

Signature:

(A Solicitor of the High Court of New Zealand, a Justice of the Peace, a Registrar or Deputy Registrar of the High Court or of a District Court, or any other person authorised by law to take statutory declarations)

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 26 April 1979.

Reprints notes

1 *General*

This is a reprint of the Incorporated Societies Regulations 1979 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

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*

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

Supreme Court Act 2003 (2003 No 53): section 48(3)

Interpretation Act 1999 (1999 No 85): section 38(1)

Incorporated Societies Amendment Regulations 1999 (SR 1999/151)

Incorporated Societies Regulations 1979, Amendment No 2 (SR 1996/41)

Incorporated Societies Regulations 1979, Amendment No 1 (SR 1981/370)