

**Reprint  
as at 1 January 2004**



**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 section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**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 volun-

tary 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 a District Land Registrar 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.

**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).
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**Schedule 1**

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**Table of fees payable to the Registrar of  
Incorporated Societies**

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

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**Schedule 2**  
**Form of application under section 27(5)**  
**of the Act**

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

No:

To the District Land Registrar

[*specify*] Land Registration District

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 1952 as proprietor(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

<b>Estate or interest</b>	<b>Area</b>	<b>Lot, DP or other legal description</b>	<b>Certificate of title</b>
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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 1 January 2004, by section 48(3) of the Supreme Court Act 2003 (2003 No 53).

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### **Schedule 3**

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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.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 26 April 1979.

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## **Notes**

### **1 *General***

This is a reprint of the Incorporated Societies Regulations 1979. The reprint incorporates all the amendments to the regulations as at 1 January 2004, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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)