

# Newcastle Tattersall's Club Act of 1945 (Private Act)

[1945-ntc]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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New South Wales

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# Newcastle Tattersall's Club Act of 1945 (Private Act)



New South Wales

An Act to enable the members of Newcastle Tattersall's Club to alter its existing rules to sue and be sued in the name of its president and vice-president and in other respects to carry out the objects of the Club.

## Preamble

WHEREAS a Social, Sporting, Athletic and Racing Club has been formed, and has for some years existed in Newcastle under the name of Newcastle Tattersall's Club, and has from time to time initiated and conducted sports and race meetings and has accumulated funds and whereas doubts have arisen as to whether the objects of the Club and powers of the committee and members thereof are sufficiently defined by the rules, and as to the method by which such rules may be legally altered or supplemented, so as to bind all the members of the said Club without the express consent thereto of each and every member of the said Club and whereas the members of the said Club are desirous that the said doubts should be removed and that power should be given to the majority of the members of the said Club to amend the said rules:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:

## 1 Name of Act

This Act may be cited for all purposes as the [Newcastle Tattersall's Club Act of 1945](#).

## 2 Definitions

In this Act (unless otherwise indicated by the context):

**Club** means the said Newcastle Tattersall's Club.

**President** means the president for the time being of the Club.

**Vice-president** means the vice-president for the time being of the Club.

**Committee** means the committee for the time being of the Club.

**Member** and **members** means respectively a member and members for the time being of the Club.

### **3 Present rules to be in force until adoption of new rules**

Until the passing and adopting of new rules in the manner hereinafter provided, the present rules of the Club shall, so far as they are not inconsistent with this Act, be in force and binding on all the members.

### **4 Adoption of new rules or amendment of existing rules**

The rules or any of them may be repealed, amended or altered or a new rule or rules adopted by a special general meeting or annual general meeting provided that the notice convening such meeting shall specify the intention of submitting a resolution for such repeal, amendment, alteration and/or adoption and full details of the proposed repeal, amendment, alteration and/or adoption shall be posted in a conspicuous place in the Club's premises at least one calendar month before the date of the meeting.

- 5** At any such meeting at which not less than fifty members are present the proposed new rule or rules or repeals or amendments of existing rule or rules shall be submitted for the consideration of the meeting and any or all of such may be approved, rejected or amended by a two-thirds majority of members present at such meeting or at any adjournment thereof and shall, in the form in which they shall be finally approved and so far as they are not inconsistent with the Act, be binding on all members provided that any member disapproving of any change in the rules of the Club may, within one calendar month of such meeting, by tender of his resignation thereupon be relieved from all liabilities which may by such new rules, alteration or amendments be imposed upon the members.

### **6 Power to borrow or to sell or grant leases**

It shall be lawful for the committee in the names of the president and vice-president from time to time on behalf of the Club to acquire by lease or purchase and with the consent of the annual general meeting or a special general meeting to be called in the same manner and subject to the same conditions as are or shall be provided by the rules of the Club for the time being with respect to the calling of special general meetings thereof to borrow money for the purposes of the Club upon the security of real and/or personal property of the club to sell, exchange, hire or take or hire or lease the whole or any part or parts of the Real property, buildings or other property of the Club and without the consent of such annual general meeting or special general meeting to let, sublet or hire any part or parts of the real and/or personal property of the Club for a period not exceeding one year on such terms and conditions and subject to such rentals as it may deem fit.

### **7 Power to purchase or lease buildings or lands and erect Club premises thereon**

It shall be lawful for the committee in the name of the president and vice-president from time to time on behalf of the Club to expend the funds of the Club now held by the Club or hereafter accruing or accumulating, in improving, repairing, renovating or rebuilding the

premises now or at any time hereafter occupied by the Club or in the purchase or lease of other buildings for the use of the members as Club premises or in the purchase or lease of land and in the erection thereon of buildings for the use of members as Club premises and in the improvement of such land and repair or alteration of such premises and also from time to time in the name of the president and the vice-president to invest the funds of the Club now held by the Club or hereinafter accruing or accumulating in bank deposits, bonds, stock or Government debentures of any of the Australian States and/or the Commonwealth of Australia and/ or in loan or mortgage of real property in the City of Greater Newcastle or suburbs: Provided that no such purchase or lease shall be made and/or no such buildings shall be erected and/or no expenditure exceeding one thousand pounds at one time or in one contract shall be made in the improvement of such land or repair or alteration of such premises and/or no investment of the funds of the Club exceeding one thousand pounds shall be made without the consent in each case of a majority of the members present at a special general meeting called to consider the proposed purchase, lease, erection of buildings, improvements, repair, alteration or investment as the case may be.

#### **8 Real and personal property of the Club to be vested in the president and vice-president**

All land, tenements, and hereditaments and all personal chattels and effects which are now held by the Club or by any person in trust for or on behalf of the Club or the members thereof, shall immediately upon the passing of this Act become and be vested in and be held by the president and vice-president and their successors in such office in trust for the Club, and in the like manner as if such president and vice-president and their respective successors in such office were in law a corporation sole, and as if the personalty were real estate, and all land, tenements and hereditaments, real and personal, and all personal chattels and effects which may hereafter be contracted for or be acquired by or belong to the Club or the members thereof collectively may be conveyed, assigned and assured to, and shall therefrom become vested in the president and vice-president and their successors in such office in trust for the Club, and in like manner as if such president and vice-president and their successors in such office were in law a corporation sole, and if the personalty were real estate.

#### **9 Actions to be in the names of the president and vice-president**

All actions, suits, proceedings, or prosecutions in any court, civil or criminal, and whether at law or in equity commenced, instituted, prosecuted, or continued from and after the passing of this Act, by or on behalf of the Club, against any person whatsoever, or against the Club or otherwise, shall and may be lawfully commenced, instituted, prosecuted, continued, or defended in the names of the president and vice-president holding office at the time of the commencement of such action, suit proceeding, or prosecution as nominal plaintiffs, defendants, petitioners, respondents or prosecutors, as the case may be, for and on behalf of the Club and its members, and in all indictments and informations it shall be lawful to state the property of the Club to be the property of the president and vice-president and any offence committed with intent to injure or defraud the Club may in any

prosecution for the same be stated or said to have been committed with intent to defraud or injure the president and vice-president and the death, resignation or removal or other act of the president and vice-president in whose names any such proceeding shall have been commenced, shall not abate any such action, suit, proceeding or prosecution, but the same may be continued and concluded in the same names.

#### **10 Memorial in the president and vice-president names to be recorded in the Supreme Court**

Within one calendar month of the passing of this Act a memorial in the name of the president and vice-president substantially in the form set forth in the Schedule to this Act, signed by the president and vice-president, shall be recorded upon oath, which oath any justice of the peace or commissioner for affidavits is hereby empowered to take, by the secretary of the Club in the Supreme Court of New South Wales; and whenever and as often as any new president and vice-president shall be elected a memorial in the name of such newly-elected president and vice-president in the same or a similar form, and signed by such newly-elected president and vice-president, shall within one calendar month of the election of such new president and vice-president, be recorded upon oath taken as aforesaid by the secretary of the Club in the Supreme Court of New South Wales, and the production in any court of justice, or before any person having by law or by consent of parties authority to hear evidence of any such memorial or any office or examined copy thereof, shall be prima facie evidence of the truth of the statements in such memorial, or office, or examined copy thereof, shall be prima facie evidence that the president and vice-president therein named is the president and vice-president of the Club.

#### **11 No action to be brought until memorial is recorded**

Until such memorial as hereinbefore first-mentioned shall be recorded in the manner hereinbefore in this Act directed no action, suit, prosecution, or other proceedings shall be brought by the Club or any members thereof on behalf of the Club in the names of the president and vice-president.

#### **12 Effect of judgment against the president and vice-president**

Every judgment and every decree or order which shall be, at any time after the passing of this Act, obtained against the president and vice-president on behalf of the Club, shall and may take effect and be enforced and execution thereon be issued against the property and effects of the Club in the same manner as if such judgment, decree or order had been made against the said Club.

### **Schedule**

#### NEWCASTLE TATTERSALL'S CLUB, NEWCASTLE

Memorial to record the names of the president and vice-president of Newcastle Tattersall's Club in the Supreme Court of New South Wales, pursuant to the [Newcastle Tattersall's Club Act of 1945](#).

The name of the said president is \_\_\_\_\_ the said \_\_\_\_\_ was duly elected to the office of president on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_ .

The name of the said vice-president is \_\_\_\_\_ the said \_\_\_\_\_ was duly elected to the office of vice-president on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_ .

I, \_\_\_\_\_ of \_\_\_\_\_ make oath and say that I am the secretary of Newcastle Tattersall's Club, and that I saw the foregoing memorial signed by the abovenamed president and vice-president respectively on the day abovementioned.

Sworn this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_ . Before me

\_\_\_\_\_  
A Justice of the Peace.