

# City Tattersall's Club Act of 1912 (Private Act)

[1912-ctc]



New South Wales

## Status Information

### Currency of version

Current version for 8 January 2010 to date (accessed 7 May 2024 at 21:58)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Note**

This Act will expire on a day to be appointed by proclamation — see section 13.

### Responsible Minister

- Minister for Gaming and Racing

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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# City Tattersall's Club Act of 1912 (Private Act)



New South Wales

An Act to enable the members of City Tattersall's Club to alter its existing rules; to sue and be sued in the name of its chairman; and in other respects to carry out the objects of the club.

## Preamble

WHEREAS a racing and sporting club has been formed, and has for some years existed in Sydney under the name of City Tattersall's Club, and has from time to time initiated and conducted 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 [City Tattersall's Club Act of 1912](#).

## 2 Definitions

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

**Annually adjusted**, in respect of a monetary amount, means adjusted on 1 January each year in accordance with the annual percentage increase (if any) in the Consumer Price Index.

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

**Chairman** means the chairman for the time being of the club.

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

**Consumer Price Index** means the number appearing in the Consumer Price Index (All

Groups Index) for Sydney issued by the Australian Statistician.

**Member** and **members** mean 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 Committee may call meetings for adoption of new rules or repeal or amendment of existing rules**

The Committee may, and upon the written requisition of not less than ten members, shall from time to time call meetings of the club, of which at least one month's notice shall be given, for the adoption of new rules or the repeal or amendment of the existing rules, such meetings to be called in the same manner and subject to the same conditions as shall be provided by the rules of the club for the time being with respect to the calling of special general meetings thereof. At any such meeting of which not less than thirty members are present, the proposed new rules or repeals or amendments of existing rules shall be submitted for the consideration of the meeting, and the same may be approved, rejected, or amended by the majority of such meeting or any adjournment thereof, and upon being confirmed as hereinafter in this Act provided, shall so far as they are not inconsistent with this Act, become the rules of the club, and binding upon the members.

### **5 Chairman to convene meeting for purpose of confirming or rejecting change in rules**

After any change in the rules has been carried at any meeting of the club duly called for that purpose, the chairman shall convene another meeting of the club in the same manner as aforesaid, for the purpose of confirming or rejecting such change. At any such meeting at which not less than thirty members are present, the new rules, and the repeals and amendments of the existing rules which may have been carried at the former meeting, shall be put separately to the meeting, and shall thereupon be each confirmed or rejected, but no amendments shall be allowed, and such of the new rules, repeals, or amendments as are duly confirmed by a majority of the meeting shall there upon, so far as they are not inconsistent with this Act, be binding on all the members: Provided that any member disapproving of any change in the rules of the club may, within one calendar month of such confirmation, resign his membership, and shall thereupon be relieved from all liabilities which may by such new rules, alterations, 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 name of the chairman from time to time on behalf of and for the purposes of the said club, to borrow money by way of mortgage or other form of security of the lands, tenements, and hereditaments real or personal of the

club, or by issue of debentures, secured upon the lands, tenements and hereditaments, real or personal, of the club, or in any other way upon the security of the lands, tenements, or hereditaments, real and personal of the club, or to sell or grant leases for any term of the lands, tenements, and hereditaments, real or personal of the club, or any portion thereof, and in any way to realise or dispose of the money, goods and chattels, choses in action or other personalty of the club for and in furtherance of the objects of the club: Provided that no such borrowing, mortgage, issue of debentures, or sale or leasing of the said lands, tenements, and hereditaments in an amount, at one time or in one contract, exceeding \$1,500,000 (annually adjusted) or in an amount, at one time or in one contract, that would result in the club's interest-bearing liabilities exceeding \$5,500,000 (annually adjusted) shall be made without the consent of the majority of a special general meeting of the club called to consider such proposed borrowing, mortgage, issue of debentures, sale or leasing.

#### **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 chairman, 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 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 the members as club premises, and in the improvement of such land and the repair or alteration of such premises; and also from time to time, in the name of the chairman, to invest the funds of the club now held by the club, or hereafter accruing or accumulating in bank deposits or Government debentures of any of the Australian States, or in loan on the mortgage of real property in the City of Sydney: Provided that no such purchase or lease shall be made, and no such buildings shall be erected, and no expenditure exceeding \$1,500,000 (annually adjusted) at one time or in one contract shall be made in the improvement of such land or repair or alteration of such premises, and no investment of the funds of the club exceeding \$1,500,000 (annually adjusted) shall be made without the consent in each case of a majority of a special general meeting called to consider the proposed purchase, lease, erection of buildings, improvement, repair alteration, or investment, as the case may be.

#### **8 Real and personal property of the club to be vested in the chairman**

All lands, 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 chairman and his successors in such office in trust for the club, and in the like manner as if such chairman and his respective successors in such office were in law a corporation sole, and as if the personalty were real estate and all lands, 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 chairman and his successors in such office in trust for the club, and in like manner as if such chairman and his successors in such office were in law a corporation sole, and as if the personalty were real estate.

## **9 Actions to be in the name of the chairman**

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, whether such person be a member of the club or otherwise, shall and may be lawfully commenced, instituted, prosecuted, continued, or defended in the name of the chairman holding office at the time of the commencement of such action, suit, proceeding, or prosecution as nominal plaintiff, defendant, petitioner, respondent, or prosecutor, 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 chairman, 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 chairman, and the death, resignation, or removal or other act of the chairman, in whose name 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 name.

## **10 Memorial in the chairman's name to be recorded in the Supreme Court**

Within one calendar month after the passing of this Act a memorial in the name of the chairman, substantially in the form set forth in the Schedule to this Act, signed by the chairman, 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 chairman shall be elected, a memorial in the name of such newly elected chairman in the same or a similar form, and signed by such newly elected chairman, shall, within one calendar month of the election of such new chairman, 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, and the production in any such court or before any person having authority as aforesaid of the then last registered memorial or of any office or examined copy thereof, shall be prima facie evidence that the chairman therein named is the chairman of the club.

### **Note—**

See clause 27 of the Fourth Schedule to the [Supreme Court Act 1970](#).

## **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 proceeding shall be brought by the club or any members thereof on behalf of the club in the name of the chairman.

## **12 Effect of judgment against the chairman**

Every judgment and every decree or order which shall be, at any time after the passing of this Act, obtained against the chairman 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.

## **13 Expiry of Acts**

- (1) This Act and the [City Tattersall's Club Act Amendment Act 1936](#) expire on a day to be appointed by proclamation published on the NSW legislation website.
- (2) The day must be a day not earlier than both of the following:
  - (a) the day on which the club is incorporated under another Act of New South Wales or of the Commonwealth,
  - (b) 31 December 2005.

## **Schedule**

City Tattersall's Club, Sydney.

MEMORIAL to record the name of the Chairman of City Tattersall's Club in the Supreme Court of New South Wales, pursuant to the [City Tattersall's Club Act of 1912](#).

The name of the said Chairman is \_\_\_\_\_ the said \_\_\_\_\_ was duly elected to the office of Chairman on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 191 \_\_\_\_.

Chairman.

I, \_\_\_\_\_ of \_\_\_\_\_, make oath and say that I am the Secretary of City Tattersall's Club, and that I saw the foregoing memorial signed by the abovenamed Chairman, and that he was duly elected Chairman on the day abovementioned.

Sworn this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_, before me,