

# T.B. Sailors and Soldiers' Association of New South Wales Incorporation Act 1943 No 7

[1943-7]



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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# T.B. Sailors and Soldiers' Association of New South Wales Incorporation Act 1943 No 7



New South Wales

An Act to provide for the incorporation of the T.B. Sailors and Soldiers' Association of New South Wales; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the *T.B. Sailors and Soldiers' Association of New South Wales Incorporation Act 1943*.

## 2 Definitions

(1) In this Act unless the context or subject-matter otherwise indicates or requires:

**Constitution** means the constitution for the time being of the T.B. Sailors and Soldiers' Association of New South Wales.

**Corporation** means the body incorporated by this Act.

**Association** means the T.B. Sailors and Soldiers' Association of New South Wales.

**Executive** means the Executive for the time being appointed under the constitution.

**Secretary** means secretary for the time being of the Association.

(2) The constitution, rules, and by-laws of the Association as existing immediately before the commencement of this Act, shall, subject to this Act, be the constitution of the corporation at such commencement.

## 3 Incorporation of Association

The members for the time being of the Association shall be a body corporate under the name of the "T.B. Sailors and Soldiers' Association of New South Wales" and by that name shall have perpetual succession and a common seal and may sue and be sued, and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

### **3A Change of name of corporation**

- (1) As from the commencement of the *T.B. Sailors and Soldiers' Association of New South Wales Incorporation (Amendment) Act 1949*:
  - (a) the name of the body corporate constituted by section three of this Act shall be the "T.B. Sailors, Soldiers and Airmen's Association of New South Wales",
  - (b) a reference in any Act or other instrument to the T.B. Sailors and Soldiers' Association of New South Wales shall be read and construed as a reference to the T.B. Sailors, Soldiers and Airmen's Association of New South Wales.
- (2) Nothing contained in the *T.B. Sailors and Soldiers' Association of New South Wales Incorporation (Amendment) Act 1949* shall prejudice or affect in any way the continuity of the body corporate constituted by section three of this Act, but the same shall continue notwithstanding the provisions of the said Act.
- (3) The alteration of name effected by subsection one of this section shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the said body corporate, or render defective any legal or other proceedings instituted or to be instituted by or against the said body corporate.

Any legal or other proceedings may be continued or commenced by or against the corporation by the name of the T.B. Sailors, Soldiers and Airmen's Association of New South Wales that might have been continued or commenced by or against the corporation by the name of the T.B. Sailors and Soldiers' Association of New South Wales.

### **4 Schedule**

The provision of the Schedule to this Act shall be deemed and taken to have the same force and effect as if contained herein.

### **Schedule**

(Section 4)

#### **Rights liabilities, and property**

- 1** All real and personal property and all right an interest therein and all management and control of any land or thing which is vested in the trustees of the Association in trust for the Association shall vest in and belong to the corporation.
- 2** All moneys, liquidated and unliquidated claims which immediately before the commencement of this Act are payable to or recoverable by the Association or any person for or on behalf of the Association shall be moneys, liquidated and unliquidated claims payable to or recoverable by the corporation.
- 3** All suits, actions and proceedings pending at the suit of the Association or any person

for or on behalf of the Association in relation to any matter or claim whatsoever shall be suits, actions and proceedings pending at the suit of the corporation.

- 4** All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by any person for or on behalf of the Association and in force at the commencement of this Act shall be contracts, agreements, and undertakings entered into with and securities given to or by the corporation.
- 5** The corporation may pursue the same remedies for the recovery of any such moneys and claims, and for the prosecution of such suits, actions, and proceedings as the Association or any person for or on behalf of the Association might have done but for this Act.
- 6** The corporation may enforce and realise any security or charge existing at the commencement of this Act in favour of the Association or any person for or on behalf of the Association in respect of any such moneys and claims as if such security or charge were existing in favour of the corporation.
- 7** All debts due and moneys payable by, and all claims, liquidated and unliquidated, recoverable against the Association or any person for or on behalf of the Association shall be debts due and moneys payable by and claims recoverable against the corporation.

### **Common seal**

- 8** It shall be lawful for the Executive at any time to design and to change or alter the common seal of the corporation.
- 9** The common seal shall be kept in the custody of the secretary and shall not be affixed to any instrument except in pursuance of a resolution of the Executive.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two members of the Executive.

- 10** All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the corporation affixed to any deed or instrument, and shall, where the instrument purports to have been executed in accordance with clause nine of this Schedule, presume that such seal was properly affixed thereto.

### **Notices**

- 11** Any notice, summons, writs or other proceeding required to be served upon the trust may be served by being left at the office of the corporation.
- 12** Every notice, order, summons or other like document requiring authentication by the corporation may be sufficiently authenticated without the seal of the corporation if signed by the secretary.

### **Constitution and amendments thereof to be registered**

- 13** As soon as practicable after the commencement of this Act an instrument certified under the seal of the corporation to be a copy of the constitution shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the [Conveyancing Act 1919](#) as amended by subsequent Acts; and upon any alteration in the said constitution there shall be registered in the said office in like manner an instrument certified under the said seal setting forth the terms of the said alteration.

The production of a copy of any instrument so registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona-fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

### Office

- 14** As soon as practicable after the commencement of this Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the [Conveyancing Act 1919](#) as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.
- 15** It shall be the duty of the secretary to take all necessary steps to comply with the provisions of clauses thirteen and fourteen of this Schedule.
- 16** The persons who, immediately before the commencement of this Act, hold office as members of the Executive shall continue to hold such office until their successors are elected or appointed in accordance with the constitution.
- 17** The secretary and other officers and employees of the Association holding office immediately before the commencement of this Act shall continue to hold their respective offices until the same are terminated in accordance with the constitution.