

Limbless Soldiers Association, New South Wales, Incorporation Act 1943 No 27

[1943-27]



New South Wales

Status Information

Currency of version

Repealed version for 2 November 1943 to 21 July 2003 (accessed 11 July 2024 at 18:36)

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—

- **Repeal**

The Act was repealed by the [Statute Law \(Miscellaneous Provisions\) Act 2003 No 40](#), Sch 3 with effect from 22.7.2003.

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](#).

File last modified 22 July 2003

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New South Wales

An Act to incorporate the Limbless Soldiers Association, New South Wales; to vest in the association as so incorporated certain property now held in trust for certain purposes in connection with the association subject nevertheless to the trusts affecting such property; and for purposes connected therewith.

1 Name of Act

This Act may be cited as the *Limbless Soldiers Association, New South Wales, Incorporation Act 1943*.

2 Interpretation

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

Association means the “Limbless Soldiers Association, New South Wales”.

Committee means the General Committee of the Association for the time being appointed under the constitution.

Constitution means the constitution for the time being of the Association.

Corporation means the body incorporated by this Act.

Secretary means the general secretary of the Corporation and includes an acting general secretary thereof.

(2) The constitution 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) The rules, regulations and by-laws of the Association as existing immediately before the commencement of this Act shall, subject to this Act, be the rules, regulations and by-laws 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 "Limbless Soldiers Association, 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.

4 Schedule

The provisions of the Schedule to this Act shall be deemed 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 and interest therein and all management and control of any land or thing which is vested in the trustees of the Association or is held in trust for the Association or for the use of the Association or its members as such or held in trust for any fund or purpose of the Association shall vest in and belong to the Corporation, but any such property held subject to any trust shall be held by the Corporation upon a like trust.
- 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 The Committee from time to time may design, redesign, 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 Committee.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any three members of the Committee and of the secretary.

- 10 All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to any deed, instrument or writing and shall, where such deed, instrument or writing 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, writ or other proceeding or document required to be served on the Corporation may be served on the secretary at the office of the Corporation.
- 12 Every notice, order, summons or other 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 and also an instrument certified under the said seal to be a copy of the rules, regulations and by-laws of the Association existing at the commencement of this Act shall be registered in the office of the Registrar-General in the manner prescribed by regulation made under the *Conveyancing Act 1919*, as amended by subsequent Acts; and upon any alterations in the constitution or in the rules, regulations or by-laws 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.

Savings

- 16** The persons who, immediately before the commencement of this Act, hold office as members of the committee or of any subcommittee shall continue to hold such office until their successors are elected or appointed in accordance with the constitution.
- 17** The general 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 as officers of the corporation until the same are terminated in accordance with the constitution.
- 18** The branch in existence immediately before the commencement of this Act, shall, subject to the constitution, be a branch of the Corporation and all persons who, immediately before the commencement of this Act, hold office in such branch shall continue to hold such office until their successors are elected or appointed in accordance with the constitution.