

**Version
as at 28 October 2021**

Agricultural and Pastoral Societies Act 1908

Public Act 1908 No 4
Date of assent 4 August 1908

Contents

	Page
Title	2
1 Short Title, etc	2
2 Interpretation	2
3 Associations of 50 persons may be incorporated	2
4 Property of association to belong to corporate society	3
5 Reserves may be granted to corporate society	3
6 Power to lease reserves granted to society	3
7 Power to sell or exchange for other lands	3
8 Power to acquire and manage lands	4
9 Power to mortgage	4
10 Objects of societies	5
11 Power to make bylaws	6
12 General bylaws to apply to all societies	6
13 Society may sue for arrears of subscriptions	9
14 Members may resolve to put society into liquidation	9
15 High Court may put society into liquidation	9
16 Application to Court to appoint liquidator	10
17 Dissolution of society by Governor-General	10
18 Disposition of surplus assets	11

Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation.
See the notes at the end of this consolidation for further details.

This Act is administered in the Ministry for Primary Industries.

19	Regulations	11
	Schedule	12
	Enactments consolidated	

An Act to consolidate certain enactments of the General Assembly relating to the incorporation and management of Agricultural and Pastoral Societies

1 Short Title, etc

- (1) The Short Title of this Act is the Agricultural and Pastoral Societies Act 1908.
- (2) This Act is a consolidation of the enactments mentioned in the Schedule, and with respect to those enactments the following provisions shall apply:
 - (a) all societies, corporations, offices, appointments, regulations, rules, bylaws, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated:

provided that every such corporation shall be deemed to be the same corporation under this Act without change of corporate entity or otherwise:

provided also that in the case of members of the governing body of the corporation elected or appointed for a specified term the current term shall be computed from the date of its commencement:
 - (b) all matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2 Interpretation

In this Act, if not inconsistent with the context,—

livestock includes horses, cattle, sheep, pigs, dogs, poultry, pigeons, canaries, and animals and birds of kindred varieties

society means a society formed for all or any of the objects mentioned in this Act and incorporated thereunder, and includes a society existing at the date when this Act comes into operation and incorporated under any Act heretofore in force for like purposes.

Compare: 1893 No 8 s 2

3 Associations of 50 persons may be incorporated

- (1) Where any number of persons not being less than 50 have associated themselves together into a society for any of the objects hereinafter mentioned, the Governor-General in Council may, on the petition of not fewer than two-thirds

of such persons, incorporate the petitioners and all other persons who at that time are members of the society, or are thereafter admitted members thereof agreeably to the rules of the society and the provisions of this Act, into a body corporate by a style to be named in the Order in Council incorporating the same.

- (2) Every such society, when incorporated, shall have perpetual succession and a common seal, and in its corporate name shall be able to do and suffer all that corporate bodies may do and suffer.
- (3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1877 No 12 ss 2 and 3

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 3(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

4 Property of association to belong to corporate society

All the real and personal property belonging to or held in trust for any society shall, on and after the incorporation of such society, vest in and belong to the incorporated society under its corporate name.

Compare: 1877 No 12 s 4

5 Reserves may be granted to corporate society

If any Crown lands are set apart and reserved for the purposes of any society, the Governor-General may grant such lands or any part thereof to the society.

Compare: 1877 No 12 s 5

6 Power to lease reserves granted to society

The society may let on lease any portion of the lands so granted, but so that a sufficient portion of such lands shall, if in the opinion of the society the same is suitable for the purpose, be always available for holding meetings and exhibitions, and for other legitimate objects of the society.

Compare: 1877 No 12 s 6

Section 6: amended, on 26 September 1912, by section 2(1) of the Agricultural and Pastoral Societies Amendment Act 1912 (1912 No 7).

7 Power to sell or exchange for other lands

If such lands are not suitable for the purposes herein mentioned, the society may and shall, out of the proceeds of the leasing thereof, or of any portion

thereof, procure other suitable land and render and keep the same available for such purposes; or, on the resolution of two-thirds of the members present at any general meeting of the society, the society may sell or exchange any lands granted to or vested in the society, if it appears advantageous to do so; but in case of a sale the money received shall, as soon as conveniently may be, be invested in the purchase of other lands suitable for the purposes of the society.

Compare: 1877 No 12 s 7

8 Power to acquire and manage lands

- (1) A society may purchase or otherwise acquire any freehold or leasehold lands, with or without buildings, and may put up any buildings or erections thereon, or pull down, rebuild, repair, or alter any buildings or erections already existing thereon, whether erected or purchased by the society, and may furnish and equip any such buildings or erections for the use either of the society or of any of its tenants.
- (2) The 2 last preceding sections apply to all lands acquired by any society under the provisions of this section.
- (3) The committee of management of the society shall have full power, if it thinks fit, to appoint a subcommittee, to consist of not fewer than 3 persons, who may be entrusted with the management of any lands and buildings heretofore or hereafter purchased or otherwise acquired under this Act, with full power to enter into and execute contracts in the name and on behalf of the society for letting the whole or any part thereof, to sue for rents, and do all things necessary in or about such management.
- (4) All money arising from the letting of any such lands or buildings shall be applied, first, in the payment of all necessary outgoings in connection with the land or buildings and, secondly, in payment of any interest, principal, or other money payable in accordance with the terms of any mortgage or other loan raised under this Act; and, after payment of such interest, principal, or other money, shall be applied to the general purposes of the society.

Compare: 1900 No 13 ss 2, 4, 6, and 7

Section 8(3): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 8(4): substituted, on 21 November 1973, by section 2 of the Agricultural and Pastoral Societies Amendment Act 1973 (1973 No 48).

9 Power to mortgage

- (1) A society may from time to time borrow money by debentures, or by mortgage of any lands granted to or acquired by the society, and may execute all necessary mortgages or other instruments containing a power of sale and other usual powers and provisions, and may apply the money so borrowed for any of the following purposes:
 - (a) the repayment of any existing or future debt or liability of the society:

- (b) the erection, alteration, or repair of any building or erection, or the making of improvements on any land held by the society:
 - (c) the purchase or other acquisition of land or any interest in land required for the purposes of the society.
- (2) No money shall be borrowed under this section without the consent, expressed by resolution, of at least two-thirds of such members of the society as are present at a meeting specially called for the purpose of adopting the provisions of this section:
provided that no member shall vote on such resolution unless he has been a member of the society for at least 3 months previously.
- (3) Such meeting shall be called by notice posted to the last known address of each member, stating the object of the meeting, at least 21 days before the holding of the meeting.
- (4) No mortgagee or debenture holder shall be concerned to inquire as to the necessity or propriety of any mortgage or debenture, or as to whether any resolution has been passed or notice given, or be concerned to see to the application of the money borrowed, or be answerable for the misapplication or non-application thereof.

Compare: 1903 No 70 ss 2, 3, and 4

10 Objects of societies

The objects of every society shall be some 1 or more, either wholly or in part, of those hereinafter set forth:

- (a) to collect such information contained in agricultural publications and in other works as has been proved by practical experience to be useful to the cultivator of the soil:
- (b) to correspond with agricultural and other societies, and to select from such correspondence all information that is, in the opinion of the society, likely to be of practical benefit to the cultivator of the soil:
- (c) to pay to any occupier of land or other person who undertakes, at the request of the society, to ascertain by experiment how far such information leads to useful results in practice, compensation for any loss he incurs in doing so:
- (d) to encourage men of science in their attention to the improvement of agricultural implements, the application of chemistry to the general purposes of agriculture, the destruction of insects injurious to vegetable life, and the eradication of weeds:
- (e) to promote the discovery of new varieties of grain and other vegetables useful to man or as food for domestic animals: