

## THE WEST AUSTRALIAN CLUB.

12° GEO. VI.

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AN ACT to resolve certain difficulties concerning the legal position of The West Australian Club, a Company duly registered under the Companies Act, 1893, and to vest the assets of the Company in an Association to be formed and registered under the Associations Incorporation Act, 1895-1947, and for other purposes arising out of such difficulties and incidental to such vesting.

*[Assented to 9th December, 1948.]*

**W**HEREAS certain difficulties have arisen concerning Preamble.  
the legal position of The West Australian Club, a company duly registered under the Companies Act, 1893, by reason of the omission over a period of years to keep proper records of the shareholders of the Company and of the impossibility of determining who are the present shareholders of the Company; and whereas it is proposed to form and register an Association under the Associations Incorporation Act, 1895-1947, to be known as "The West Australian Club Incorporated" for the purpose of carrying on the activities hitherto conducted by the Company; and whereas it is deemed desirable and expedient that such difficulties should be resolved and the assets of the Company vested in such Association when so formed and registered: 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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.        1. This Act may be cited as *The West Australian Club Act, 1948.*

Interpretation.    2. In this Act, if not inconsistent with the context or subject matter—

“Association” means the Association proposed to be registered under the Associations Incorporation Act, 1895-1947, to be known as “The West Australian Club Incorporated.”

“Club” means The West Australian Club a Company duly registered under The Companies Act, 1893.

“Member” means a town or country member of the Club as defined by the Articles of Association of the Club.

“Registrar” means the Registrar of Companies under the Companies Act, 1943-1947.

Capital and shareholders.    3. For all purposes whatsoever—

(a) the Club shall be deemed to have an authorised nominal capital of £750 divided into 750 shares of £1 each;

(b) up to and inclusive of the 31st day of August, 1948, there shall be deemed to have been issued out of such nominal capital such number of shares as shall be equal to the number of members on the said date and no more;

(c) each of such issued shares shall be deemed to be paid up to four shillings and each of such members shall be deemed to be the registered holder of one of such shares.

Vesting of assets.        4. (1) Immediately upon—

(a) the issue by the Master of the Supreme Court of a Certificate of Incorporation under the Associations Incorporation Act, 1895-1947, in respect of the Association; and

- (b) the filing with the Registrar of a statutory declaration by the Secretary of the Club declaring that at a properly convened Extraordinary General Meeting of the Club a special resolution, within the meaning of the Companies Act, 1943-1947, was passed approving of the vesting of the property of the Club under this section,

all property, both real and personal, belonging to, or held by any person in trust for, or on behalf of, the Club, and the right of the Club to recover and receive all debts and other choses in action, shall, without any conveyance, transfer, or assignment, by force of this Act be vested in the Association; and all liabilities and engagements of the Club at the time of such vesting shall become the liabilities and engagements of the Association, and all uncompleted contracts or engagements theretofore entered into by any person or persons with the Club shall thereafter, to the extent the same shall be uncompleted, be deemed to have been entered into with the Association and all the members shall become members of the Association without payment of any entrance fee.

(2) In relation to such of the property of the Club becoming so vested in the Association as shall consist of land under the Transfer of Land Act, 1893-1946, the Registrar of Titles shall, upon application in writing in that behalf by the Association, accompanied by the relative instruments of title, and upon payment of such registration fees as would be payable if such application were an instrument of transfer under such Act, and payment of such portion (if any) of the *ad valorem* stamp duty as the Treasurer may require, make such entries in the Register Book kept under such Act as shall be necessary to constitute the Association the registered proprietor of such land, subject to any encumbrances thereover appearing in the said Register Book.

5. Upon the vesting of the property of the Club in the Association pursuant to Section 4 of this Act, the Club shall be deemed to be dissolved and wound-up and the Registrar shall thereupon strike the Club off the Register of Companies kept by him.