



Western Australia

The City Club Act 1965

Compare between:

[06 Jul 1998, 00-a0-08] and [04 Dec 2009, 00-b0-04]

The City Club Act 1965

An Act to resolve certain difficulties concerning the legal position of “The City Club Ltd.”, 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 (59 Vict., No. 20), 1895-1962*, and for other purposes arising out of such difficulties and incidental to such vesting.

[Assented to 8th November 1965.]

WHEREAS:

- (a) Certain difficulties have arisen concerning the legal position of The City Club Ltd., 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.
- (b) In order to overcome the said difficulties it is proposed to form and register an association under the *Associations Incorporation Act 1895-1962*, to be known as “The City Club Incorporated” for the purpose of carrying on the activities heretofore conducted by the Company.
- (c) It is deemed advisable and expedient that such difficulties should be resolved and the assets of the Company vested in the said The City Club Incorporated when so formed and registered.

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Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

1. Short title

This Act may be cited as *The City Club Act 1965*.

2. Definition

In this Act, unless the context otherwise requires —

“Association” means the Association proposed to be registered under the *Associations Incorporation Act 1895-1962*, and to be known as “The City Club Incorporated”;

“Club” means The City Club Ltd., a company duly registered under the *Companies Act 1893*;

“member” means a financial member of the Club as defined by the Articles of Association;

“Registrar” means the Registrar of Companies under the *Companies Act 1961-1964*.

3. Vesting of Club property in Association

Immediately upon —

- (a) the issue by the Registrar of a Certificate of Incorporation under the *Associations Incorporation Act 1895-1962*, in respect of the Association; and
- (b) the filing with the Registrar of a notice of resolution in the form required by the *Companies Act 1961-1964*, to the effect that at a properly convened special general meeting of the Club a special resolution within the meaning of the *Companies Act 1961-1964*, was passed approving of the vesting of the property of the Club under this section,

all property 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 heretofore entered into by any person or persons with the Club shall thereafter, to the extent that the same shall be uncompleted, be deemed to have been entered into with the Association and each and every member shall become a member of the Association without payment of any entrance fee.

4. Club to be released from liabilities and wound up

Upon the vesting of the property of the Club in the Association pursuant to section three of this Act the club shall —

- (a) be released from any liability to pay any fine, fee or other monetary payment whatsoever resulting from the Club's past failure to comply with any Act or regulation applicable to companies;
- (b) be deemed to be dissolved and wound up and the Registrar shall thereupon strike the Club off the register of companies kept by him.

5. No stamp duty payable when vesting property

Any act, manner or thing done or agreement entered into in order to vest the property of the Club in the Association pursuant to this Act shall be exempt from stamp duty chargeable under the Stamp Act and amendments thereto.

6. Licences to continue in force

On the passing of this Act any license or licenses previously issued to the Club pursuant to the provisions of the *Licensing Act 1911*, and amendments thereto or any other Act whatsoever shall be deemed to have been issued to the Association and subject only to the provisions of the relevant Act or Acts and regulations applicable to such license or licenses the same shall

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continue in force and be applicable to the Association as though the Association and the Club were and had always been one and the same.

7. Club to continue prior to issue of Certificate of Incorporation

Between the period of the passing of this Act and the date of the issue by the Registrar of a Certificate of Incorporation for the Association under the *Associations Incorporation Act 1895-1962*, the club may continue to exercise all the rights and privileges and be subject to the liabilities of a registered club within the meaning of the *Licensing Act 1911*, and amendments thereto.

8. Association to be registered club

On the issue of a Certificate of Incorporation for the Association under the *Associations Incorporation Act 1895-1962*, the Association shall thenceforth be entitled to exercise all the rights and privileges of and become subject to the liabilities of a registered club within the meaning of the *Licensing Act 1911*, and amendments thereto.

Notes

- ^{1.} This is a compilation of *The City Club Act 1965 (Private Act)* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Compilation table

Act <u>Short title</u>	Number and Year <u>year</u>	Assent	Commencement	Miscellaneous
<i>The City Club Act 1965</i>	Private Act 1965	8 November <u>Nov</u> 1965	8 November <u>Nov</u> 1965	
<u>This Act was repealed by the <i>Statute (Repeals and Minor Amendments) Act 2009</i> s. 3(1)(i) (No. 46 of 2009) as at 4 Dec 2009 (see s. 2(b)).</u>				