

Version
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Rural Intermediate Credit Act 1927

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Date of assent 23 November 1927
Commencement 1 January 1928

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An Act to provide facilities for affording financial assistance by the making of loans for terms not exceeding 5 years to farmers and other persons engaged in primary production

1 Short title and commencement

This Act may be cited as the Rural Intermediate Credit Act 1927, and shall come into force on 1 January 1928.

2 Interpretation

[Repealed]

Section 2: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Part 1

Rural Intermediate Credit Board

[Repealed]

Part 1: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Constitution and procedure of Board

[Repealed]

Heading: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

3 Rural Intermediate Credit Board established

[Repealed]

Section 3: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

4 Public Trustee to be the principal executive member of the Board

[Repealed]

Section 4: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

5 Provision for appointment of Deputy Commissioner

[Repealed]

Section 5: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

6 Commissioner may act through officers of the Board

[Repealed]

Section 6: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

7 Contracts of Board

[Repealed]

Section 7: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

8 First meeting of Board

[Repealed]

Section 8: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

9 Appointment of Chairman

[Repealed]

Section 9: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

10 Deputies of members

[Repealed]

Section 10: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

11 Minutes of proceedings to be kept

[Repealed]

Section 11: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

12 Rules of procedure

[Repealed]

Section 12: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

13 Officers of Board

[Repealed]

Section 13: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

14 District Boards

[Repealed]

Section 14: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

15 Functions of the Board

[Repealed]

Section 15: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Funds of the Board

[Repealed]

Heading: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

16 Minister of Finance may make advances to Board not exceeding aggregate of £400,000

[Repealed]

Section 16: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

17 Application of moneys advanced to Board under last preceding section

[Repealed]

Section 17: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

18 Minister of Finance may make advances to Board to provide for preliminary expenses of associations established under this Act

[Repealed]

Section 18: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

19 Grant to Board from Consolidated Fund towards expenses of administration

[Repealed]

Section 19: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Debentures issued by Board

[Repealed]

Heading: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

20 Board may issue debentures to provide capital for carrying on its business

[Repealed]

Section 20: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

21 Terms of debentures and conditions attaching thereto

[Repealed]

Section 21: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

22 Authority for Board to borrow moneys pending issue or sale of debentures*[Repealed]*

Section 22: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

23 Execution of debentures*[Repealed]*

Section 23: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

24 Issue of debentures in London*[Repealed]*

Section 24: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

25 Inscribed stock*[Repealed]*

Section 25: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

26 Exemption from stamp duty*[Repealed]*

Section 26: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

27 Public Trustee to be custodian of securities*[Repealed]*

Section 27: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

28 Board may be required to accept debentures in repayment of any loan made by it*[Repealed]*

Section 28: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

29 Redemption of debentures*[Repealed]*

Section 29: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

30 Trust funds and public moneys may be invested in debentures issued by Board

[Repealed]

Section 30: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

31 Income derived by person not resident in New Zealand from debentures issued under this Act to be exempt from taxation

[Repealed]

Section 31: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Rights of debenture holders.

[Repealed]

Heading: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

32 As to appointment of receiver

[Repealed]

Section 32: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

33 Accidental defacement of debentures

[Repealed]

Section 33: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

34 Authority for issue of new debentures to replace lost or destroyed debentures

[Repealed]

Section 34: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Rural Intermediate Credit Account.

[Repealed]

Heading: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

35 Establishment of Rural Intermediate Credit Account

[Repealed]

Section 35: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

36 Application of moneys in Rural Intermediate Credit Account

[Repealed]

Section 36: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

37 Audit of Board's accounts

[Repealed]

Section 37: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

38 Accounts to be kept and reports to be furnished by Board

[Repealed]

Section 38: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

39 Application of profits

[Repealed]

Section 39: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Part 2**Co-operative rural intermediate credit associations***Incorporation***40 Incorporation of co-operative rural intermediate credit associations**

- (1) Any 20 or more persons engaged in farming operations may apply for registration as a company with limited liability under the Companies Act 1993 under the name of “The [Distinctive name of association] Co-operative Rural Intermediate Credit Association Limited”, by complying with the requirements of that Act in relation to registration, as modified by this Act.
- (2) At least 25 shares must be issued to each person named in the application for registration as a shareholder.
- (3) Every person named in the application for registration as a shareholder shall, when required by the Corporation (being not later than 1 year after the incorporation of the association and before the grant to the shareholder of a loan under this Act), pay in cash not less than 5% of the amount required to be paid under the constitution or by the terms of issue of the shares for the shares issued to that person.
- (4) It shall not be necessary to state in the constitution, the number of shares with which the association proposes to be registered.
- (5) The directors of the association may issue additional shares at any time to any—

- (a) shareholder of the association; or
 - (b) any person who is not a member or a shareholder, as the case may be, in accordance with section 51.
- (6) No association shall be registered under this section except with the consent of the Corporation.

Section 40: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

41 First directors of association

- (1) Four persons who shall be named as directors in an application for registration shall be the first directors of the association.
- (2) Notwithstanding anything in the constitution of the association, the District Intermediate Credit Supervisor appointed by the Corporation for the district in which the registered office of the association is situated shall, by virtue of his or her office, be and continue to be a director of the association.

Section 41: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

42 Registration of association

- (1) The constitution shall be delivered to the Registrar, who shall retain and register the same.
- (2) A statutory declaration by the District Intermediate Credit Supervisor to the effect that the requirements of the Companies Act 1993 or of this Act in respect of registration and of matters precedent or incidental thereto have been complied with shall be produced to the Registrar, who may accept the same as sufficient evidence of such compliance.
- (3) On the incorporation of any association under this Part the Registrar shall cause a notice thereof to be published in the *Gazette*.
- (4) No fees shall be charged by the Registrar in respect of any matter or thing arising out of the requirements of this section.
- (5) The Registrar shall keep as part of the Register of Companies under the Companies Act 1993, but in a separate list, a register of all associations registered under this Part.

Section 42(1): amended, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 42(2): amended, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 42(2): amended, on 1 January 1972, by section 100 of the Stamp and Cheque Duties Act 1971 (1971 No 51).

Section 42(4): amended, on 1 January 1972, by section 100 of the Stamp and Cheque Duties Act 1971 (1971 No 51).

Section 42(5): amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Proceedings subsequent to incorporation

43 Appointment of directors of associations

- (1) Every association shall have 4 directors.
- (2) The Corporation may from time to time appoint a member or shareholder of the association to be an additional director who shall hold office at the pleasure of the Corporation.
- (3) Nothing in this section limits or affects section 41(2).

Section 43: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

44 Chairman and deputy chairman of directors

The directors elected or appointed as provided in the last preceding section shall as soon as practicable elect one of their number to be the chairman of directors, and another director to be the deputy of the chairman.

45 Appointment of secretary and treasurer

- (1) The directors may appoint a suitable person, whether a director or not, to be the secretary and treasurer of the association, or may appoint 1 such person as secretary and another such person as treasurer:

provided that not more than 1 person shall be paid any salary or other remuneration in respect of the duties of the secretary and the treasurer.

- (2) The secretary of the association shall forthwith send written notice to the Corporation of all appointments made pursuant to this or the last preceding section, and of all subsequent appointments that may thereafter be made.

Section 45(2): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

46 Expenses of directors

Except as provided in the last preceding section, no director of an association shall be entitled to receive any payment from the association other than a refund of travelling expenses actually and reasonably incurred by him or her in attending meetings of the directors or otherwise in attending to the business of the association.

47 Uniform regulations for incorporated associations

- (1) The Corporation may from time to time prepare and promulgate model regulations and bylaws applicable to all associations incorporated under this Act.
- (2) Every such association, when required by the Corporation so to do, shall by resolution adopt such regulations or bylaws, with such variations (if any) as may be approved by the Corporation, having regard in any particular case to the special circumstances of the association.

- (3) Despite anything to the contrary in the Companies Act 1993, the regulations of an association incorporated under this Act may not come into force or be amended except with the approval of the Corporation.

Section 47(1): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 47(2): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 47(3): replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Objects of associations

48 Objects of associations incorporated under this Act

The principal object of an association incorporated under this Act shall be to borrow money from the Corporation, or from any bank or other approved financial institution, and to lend such money to its shareholders on the security of mortgages or other charges on land or chattels, or on approved personal security, for any of the following purposes, namely:

- (a) the clearing, fencing, draining, and general improvement of land in the occupation of the applicant:
- (b) the erection of buildings on any such land:
- (c) the purchase of implements, stock, seeds, plants, trees, and other things required in respect of the occupation and use of any land:
- (d) the payment of any mortgage, debt, or other liability of the applicant incurred in relation to farming operations:
- (e) any other purpose in relation to farming operations that may be approved by the Corporation.

Section 48: amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 48(e): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

49 Term of loans

[Repealed]

Section 49: repealed, on 10 March 1933, by section 31(4) of the Finance Act (No 2) 1932–33 (1932–33 No 45).

50 Amount of loans which may be granted

No person shall be entitled to receive under the provisions of this Part any loan or loans so that the amount for the time being outstanding in respect thereof exceeds an amount—

- (a) fixed from time to time by the Minister by notice in the *Gazette*; or

- (b) 10 times the amount owing under the constitution of the association or the terms of issue for that person's shares in the association,—

whichever is the lesser.

Section 50: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50(b): replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

51 Applications for loans by persons other than shareholders

- (1) If application for a loan is made to an association by any person who is not a member or shareholder of the association, the application is deemed to include an application for shares in the association on which the amount payable under the constitution or by the terms of issue equals 10% of the amount of the loan, but in no case less than 25 shares.
- (2) Before any such application is approved the applicant shall be required to pay to the association in respect of his or her shares an amount not less than 5% of the amount payable under the constitution or by the terms of issue, as the case may be.

Section 51: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 51(1): replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 51(2): amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

52 Procedure on application for loans under this Part

- (1) Applications for loans from any association under this Part shall be in writing in the prescribed form, addressed to the secretary of the association.
- (2) On receipt of any such application the directors shall proceed to consider the same, and if the application is approved shall apply to the Corporation to advance to the association the amount required to enable it to comply with the application:

provided that where the application is for a loan for a term not exceeding 6 months the association may, with the approval of the Corporation, arrange with any bank carrying on business in New Zealand, or with any other approved financial institution, for a loan to the association to enable it to grant the application:

provided further that where the application is for a longer term than 6 months the association, with the approval of the Corporation, may make temporary arrangements with any such bank or financial institution as aforesaid, and may defer application for an advance from the Corporation so long as satisfactory arrangements can be made with such bank or financial institution.

- (3) The association shall not grant any application for a loan under this Part except on such security and subject to such terms and conditions as the Corporation may approve.
- (4) All advances made by a bank or other financial institution to an association for the purposes of this Part shall be secured in such manner as the bank or other institution aforesaid may require.
- (5) All advances made by the Corporation to an association for the purposes of this Part shall be secured in such manner as the Corporation may require.
- (6) Without limiting the foregoing provisions of this section, the Corporation, or any bank or other financial institution as aforesaid, may require an association to assign or hypothecate, as security for any advance made to it as aforesaid, any securities given or to be given to the association by any of its shareholders in respect of loans under this Part.
- (7) All securities given to an association by a shareholder therein in respect of any loan granted under this section out of moneys borrowed by the association from the Corporation shall be delivered to the District Intermediate Credit Supervisor and forwarded by him or her to the Corporation for safe custody.
- (8) Save as provided in this section, an association shall have no power to borrow money or to create any charge or encumbrance on its assets.
- (9) The interest payable on any loan granted by an association to a shareholder therein, as provided in this section, shall not exceed a rate from time to time fixed by the Corporation.

Section 52(2): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 52(2) first proviso: amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 52(2) second proviso: amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 52(3): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 52(5): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 52(6): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 52(7): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 52(9): amended, on 10 August 1978, by section 2(1) of the Rural Intermediate Credit Amendment Act 1978 (1978 No 14).

52A Terms and conditions of loans

Every loan granted under this Act by the Corporation or an association may be made repayable upon demand or by such instalments at such times and generally upon such conditions as the Corporation or the association, with the consent of the Corporation, thinks fit.

Section 52A: inserted, on 10 August 1978, by section 3(1) of the Rural Intermediate Credit Amendment Act 1978 (1978 No 14).

53 Repayment of loans

- (1) *[Repealed]*
- (2) All moneys received by an association in repayment of any loan shall be forthwith applied in reduction of the indebtedness of the association incurred in respect of the moneys out of which such loan was granted.

Section 53(1): repealed, on 10 March 1933, by section 31(4) of the Finance Act (No 2) 1932–33 (1932–33 No 45).

54 Application of paid up capital of association

- (1) The paid up capital of any association shall be invested by the association, and shall be so invested only in Government securities or in securities approved by the Corporation:

provided that where the association is indebted to the Corporation in respect of any loan the paid up capital of the association, or a portion thereof, not exceeding the amount of the loan, may be placed on deposit with the Corporation and shall bear interest at the same rate as is payable by the association on the amount of the loan.

- (2) The income derived from such investments shall be available to meet the current expenditure of the association.

Section 54(1): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 54(1) proviso: inserted, on 1 October 1946, by section 8 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

55 Application of profits

Any profits derived by an association in carrying out its objects under this Act may be applied as follows:

- (a) firstly, in accumulating a reserve of such amount as the Corporation may approve or require, to be invested in the same manner as the paid up capital of the association:
- (b) secondly, in payment of dividends to the shareholders, not exceeding in any case 7% of the paid up capital:

provided that no such dividend shall be paid by an association until any loan made by the Corporation to that association towards the preliminary expenses incidental to its incorporation has been repaid.

Section 55(a): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 55(b) proviso: amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

General

56 On repayment of loan, shareholder may surrender his shares in association

- (1) If any shareholder intimates to the association by notice in writing that he or she does not wish to obtain a loan from the association, or if the application for a loan duly made by a shareholder is declined by the association, or when any shareholder of an association has repaid to the association the full amount of his or her loan, with interest and other charges (if any) thereon, he or she shall be entitled to surrender his or her shares and to receive from the association out of its assets such amount as, with the approval of the Corporation, is agreed upon between the association and the shareholder by way of consideration for such surrender, and upon the acceptance of such surrender by the association the shareholder shall cease to be a member of the association:

provided that no surrender of shares shall be accepted under this section so as to reduce the number of shareholders remaining in the association below 20:

provided also that no shareholder shall be entitled to surrender any shares unless all calls previously made in respect thereof have been paid or satisfied.

- (2) All shares surrendered pursuant to this section shall be forthwith cancelled by the association.

Section 56(1): amended, on 8 November 1929, by section 6 of the Rural Intermediate Credit Amendment Act 1929 (1929 No 27).

Section 56(1): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 56(1) second proviso: inserted, on 1 October 1946, by section 9 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

57 Transfer of shares

No shares in an association under this Part shall be assigned or transferred except with the precedent approval of the Corporation.

Section 57: amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

58 Association not to issue share certificate in respect of shares

No share certificate shall be made or issued in respect of any shares in an association under this Part.

59 Exemption from company fees

Every association under this Part is exempt from all fees payable by companies under the Companies Act 1993.

Section 59: replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 59: amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Part 3

Advances to farmers without intervention of associations

[Repealed]

Part 3: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

60 Farmers may apply to District Boards for loans under this Part

[Repealed]

Section 60: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

61 Form of applications for loans

[Repealed]

Section 61: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

62 Funds of Board

[Repealed]

Section 62: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

63 Maximum amount of loan that may be granted under this Part

[Repealed]

Section 63: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

64 Security for loans under this Part

[Repealed]

Section 64: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

65 Term of loans under this Part

[Repealed]

Section 65: repealed, on 10 March 1933, by section 31(4) of the Finance Act (No 2) 1932–33 (1932-33 No 45).

66 Moneys repaid to Board to be available for further loans

[Repealed]

Section 66: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

67 Accounts to be kept by Boards

[Repealed]

Section 67: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Part 4

Loans to co-operative societies

[Repealed]

Part 4: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

68 Application of this Part

[Repealed]

Section 68: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

69 Board to compile a register of co-operative societies to which this Part is applicable

[Repealed]

Section 69: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

70 Board may advance money to co-operative societies on security of produce or livestock

[Repealed]

Section 70: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

71 Societies to furnish periodical reports to Board

[Repealed]

Section 71: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Part 5

Miscellaneous

72 Exemptions from stamp duties

[Repealed]

Section 72: repealed, on 1 January 1972, by section 101(1) of the Stamp and Cheque Duties Act 1971 (1971 No 51).

73 When securities over chattels may take priority over existing securities

Despite anything to the contrary in the Personal Property Securities Act 1999, any security interest within the meaning of that Act given for the purpose of securing a loan granted by the Corporation, or by any association under this Act, has priority over any security interest that has previously been perfected by registration (as defined in that Act), comprising in whole or in part any of the same chattels, as regards the title to or right to the possession of those chattels, if the secured party under the previously perfected security interest agrees

that the security interest given for the purposes of this Act has priority over that previously perfected security interest.

Section 73: replaced, on 1 May 2002, by section 191(1) of the Personal Property Securities Act 1999 (1999 No 126).

74 Books of associations and co-operative societies to be open for inspection by officers of Board

- (1) Any officer of the Corporation shall at all reasonable times have full and free access to all lands, buildings, places, books, and documents being the property of or in the possession of any association indebted to the Corporation in respect of a loan under this Act for the purpose of inspecting the same, and for that purpose may make extracts from or copies of any such books or documents.
- (2) Every person who obstructs any such officer in the exercise of his or her powers under this section commits an offence, and is liable on conviction to a fine of £50.

Section 74(1): amended, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

Section 74(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

75 Annual report by District Intermediate Credit Supervisor

[Repealed]

Section 75: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

76 Annual report as to operations of Board

[Repealed]

Section 76: repealed, on 1 October 1946, by section 11 of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

77 Regulations

[Repealed]

Section 77: repealed, on 1 October 1946, by section 10(4) of the Rural Intermediate Credit Amendment Act 1946 (1946 No 5).

78 Repeal

The Rural Credit Associations Act 1922 is hereby repealed.

Schedule

[Repealed]

Schedule: repealed, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Rural Intermediate Credit Amendment Act 1946

Public Act	1946 No 5
Date of assent	30 August 1946
Commencement	1 October 1946

1 Short title

- (1) This Act may be cited as the Rural Intermediate Credit Amendment Act 1946, and shall be read together with and deemed part of the Rural Intermediate Credit Act 1927 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on 1 October 1946.

2 Interpretation

For the purposes of this Act and the principal Act, unless the context otherwise requires,—

association means a co-operative rural intermediate credit association established under and for the purposes of the principal Act and incorporated under the Companies Act 1993

Corporation means the National Bank of New Zealand Limited

District Intermediate Credit Supervisor means an officer of the Corporation appointed by the Corporation to exercise in respect of any district the functions of a District Intermediate Credit Supervisor under the principal Act

Minister means the Minister of Finance

Registrar means the Registrar of Companies, and includes an Assistant Registrar of Companies.

Section 2 **association**: replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 2 **Corporation**: replaced, on 1 July 1994, by section 14 of the National Bank of New Zealand Limited Act 1994 (1994 No 3 (P)).

3 Abolition of Rural Intermediate Credit Board

- (1) The Rural Intermediate Credit Board established under the principal Act is hereby dissolved.
- (2) The functions conferred on that Board by the principal Act shall hereafter be exercised by the Corporation.

4 Transfer of securities to Corporation

- (1) On the commencement of this Act all mortgages, charges, and other instruments whatsoever given to secure or evidencing loans made by the Rural Intermediate Credit Board under the principal Act and vested in the Board shall be deemed to be transferred to and vested in the Corporation without the necessity of any instrument of assignment, transfer, or other assurance, and thereupon the

Corporation shall have in respect of the mortgages, charges, and other instruments and in respect of the property charged thereby all the rights, powers, privileges, and discretions formerly vested in the Board.

- (2) After the commencement of this Act all moneys which, if this Act had not been passed, would thereafter be payable to the Rural Intermediate Credit Board shall be paid to the Corporation.
- (3) All the other property of the Board, except the moneys in the Rural Intermediate Credit Account, is hereby vested in the Corporation.
- (4) As consideration for the mortgages, charges, instruments, and other property vested in it pursuant to the foregoing provisions of this section the Corporation shall pay to the Public Account such sum as may be mutually agreed to by the Corporation and the Minister of Finance.

5 Rural Intermediate Credit Account abolished

- (1) The Rural Intermediate Credit Account established under the principal Act is hereby abolished.
- (2) All moneys in the Rural Intermediate Credit Account on the commencement of this Act shall, without further authority than this section, be transferred to the Public Account.

6 Application of moneys paid and transferred to Public Account

- (1) The liability of the Rural Intermediate Credit Board in respect of advances made to it before the date of the commencement of this Act by the Minister shall be deemed to be discharged on that date.
- (2) The Minister of Finance shall out of the moneys paid or transferred to the Public Account pursuant to the last two preceding sections pay and discharge any other unsatisfied liabilities of the Board.
- (3) The balance of the moneys paid or transferred to the Public Account pursuant to the last two preceding sections, after deducting the amount of the liabilities referred to in the last preceding subsection, shall be credited to the Loans Redemption Account and be used for the redemption of securities charged upon the public revenues of New Zealand.

7 Loans by Corporation for purposes of principal Act

- (1) In order to enable associations to render financial assistance to their members in accordance with the principal Act, the Corporation may make advances to associations.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*

Section 7(2): repealed, on 19 October 1965, by section 45(1) of the State Advances Corporation Act 1965 (1965 No 47).

Section 7(3): repealed, on 19 October 1965, by section 45(1) of the State Advances Corporation Act 1965 (1965 No 47).

Section 7(4): repealed, on 19 October 1965, by section 45(1) of the State Advances Corporation Act 1965 (1965 No 47).

10 Regulations

- (1) The Governor-General may from time to time by Order in Council make all such regulations as may in his or her opinion be necessary or expedient for giving full effect to the provisions of the principal Act and for the due administration thereof.
- (2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:
 - (a) regulating the management of the affairs of associations:
 - (b) prescribing the forms of accounts to be kept by associations for the purposes of the principal Act:
 - (c) excluding any provisions of the Companies Act 1993 from operation in relation to any association:
 - (d) prescribing the conditions on which loans may be granted by the Corporation for the purposes of the principal Act to any person or association:
 - (e) prescribing maximum legal charges that may be made for the preparation of securities or otherwise in respect of any business of the Corporation under the principal Act.
- (3) *[Repealed]*
- (4) This section is in substitution for section 77 of the principal Act and that section is hereby accordingly repealed:

provided that all regulations made pursuant to the said section 77 and in force on the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, continue in force as if they had been made under this section.
- (5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Section 10(2)(c): replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 10(3): repealed, on 10 August 1978, by section 4 of the Rural Intermediate Credit Amendment Act 1978 (1978 No 14).

Section 10(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Reprints notes

1 *General*

This is a reprint of the Rural Intermediate Credit Act 1927 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Companies Amendment Act 2013 (2013 No 111): section 14

Criminal Procedure Act 2011 (2011 No 81): section 413

Personal Property Securities Act 1999 (1999 No 126): section 191(1)

Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16): section 2

Rural Intermediate Credit Amendment Act 1978 (1978 No 14)

Stamp and Cheque Duties Act 1971 (1971 No 51): section 100, 101(1)

Rural Intermediate Credit Amendment Act 1946 (1946 No 5)

Finance Act (No 2) 1932–33 (1932–33 No 45): section 31(4)

Rural Intermediate Credit Amendment Act 1929 (1929 No 27)