



Incorporated Societies Regulations 2019

Sir Tom J. Marsters, KBE

Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this 3rd day of December 2019

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to section 39 of the Incorporated Societies Act 1994 and section 20 of the Incorporated Societies Amendment Act 2017, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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Schedule Fees

Regulations

- 1 Title**
These regulations are the Incorporated Societies Regulations 2019.

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2 Commencement

These regulations come into force on 10 December 2019.

3 Interpretation

(1) In these regulations,

Act means the Incorporated Societies Act 1994

Ministry means the Ministry of Justice

online means—

- (a) in relation to a registry, an electronic registry accessed via the Internet: ;
- (b) in relation to filing a document or notice, filing the document or notice via the online registry:
- (c) in relation to the publication of a form, publication of the form via the online registry.

online registry means the online registry established by the Ministry for the purposes of the Act.

(2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

4 Filing

(1) The filing of a notice or other document under the Act or these regulations must be made online.

(2) The Registrar must not accept for registration or otherwise a notice or document in physical form and the purported filing of a notice or document in physical form has no legal effect.

(3) Subclause (2) does not apply in the case of service on the Registrar of a court order.

5 Forms

The forms for use under the Act are the forms approved by the Registrar for online publication.

6 Transitional provision for updating online register

(1) Each existing incorporated society must file a transitional updating notice that updates the information initially migrated into the online registry.

(2) The transitional updating notice must be completed prior to the filing of any other notice or document required under the Act or these regulations.

(3) There shall be no fee charged for the transitional updating notice filed pursuant to this clause.

7 Fees generally

For the purposes of the Act, a fee is payable in the circumstances and in the amounts set out in the third column of the Schedule.

8 Late filing fees

For the purposes of the Act, a late filing fee is payable in the circumstances and in the amounts set out in the fourth column of the Schedule

Incorporated Societies Regulations 2019**9 Payment of fees and late filing fees**

- (1) Fees and late filing fees prescribed by these regulations must be paid at the time when the transaction in question occurs.
- (2) Fees and late filing fees must be paid—
 - (a) online; or
 - (b) by debit to a client account that is in credit for not less than the amount of the fee or late filing fee.

10 Client accounts

- (1) On the application of an authorised user, the Ministry may at its discretion establish a client account in the name of an approved client for the purpose of payment of fees by the user.
- (2) The application must be—
 - (a) in the format approved by the Ministry; and
 - (b) accompanied by proof to the satisfaction of the Ministry of the identity of the client.
- (3) The deposit of funds to a client account may be made by any means approved by the Ministry from time to time.
- (4) The Ministry must—
 - (a) generate a statement each month for each client account showing the debits to the account; and
 - (b) ensure that a client account is not accessible by any other client.

11 Fees and late filing fees inclusive of VAT

The fees prescribed by these regulations are inclusive of value added tax under the Value Added Tax Act 1997.

12 Fees regulations repealed

The Incorporated Societies (Fees) Regulations 2005 are repealed.

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**Schedule
Fees**

Transaction	Provision in Act	Fee NZD	late filing fee
Transitional updating notice	20, Incorporated Societies Amendment Act 2017	None	
Application for incorporation of Cook Islands incorporated society	8	50	
Notice of change of registered office or postal address	20A	20	
Notice of change of committee members, change in name of committee member, or change of committee member details		None	
Notice of change of officers, change in name of officer, or change of officer details		None	
Notice of alteration of rules	23	25	
Notice of details of current members if requested by the Registrar	24	None	\$500 if details of current members are filed more than 20 working days after the Registrar's request
Annual notice of financial position	25	50	\$200 if filed more than one month after due date
Notice of appointment of liquidator	26	None	
Liquidator's first report to creditors	26	None	
Copy of committee members' resolution concerning liquidation	26	None	
Liquidators six-monthly report(s)	26	None	
Notice of liquidator's intent to dispense with reporting	26	None	
Liquidator's final report and accounts	26	None	
Notice of Court order	26	None	

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Transaction	Provision in Act	Fee NZD	late filing fee
terminating liquidation			
Notice of vacation of office of liquidator	26	None	
Notice of appointment of successor liquidator	26	None	
Notice of appointment of successor liquidator by Court	26	None	
Application for revocation of dissolution for failure to file annual notice of financial position	30B	200	
Application for revocation of dissolution on other grounds	30C	200	
Inspection of basic details of an incorporated society held in the register	36E	None	
Inspection of documents filed by an incorporated society in the register	36F	5 for 24-hour access to view the contents of filed documents held in the registry	
Certificate of Good Standing, short form	36F	15	
Certificate of Good Standing, Long form	36F	25	
Certificate of Historical Extract	36F	25	

JJ Harold Browne

Clerk of the Executive Council

These regulations are administered by the Ministry of Justice.

These regulations were made on the _____ day of _____ 2019.