

**Reprint  
as at 3 June 2017**



## **Mount Albert Licensing Trust Dissolution Act 1986**

Public Act      1986 No 9  
Date of assent      6 May 1986  
Commencement      6 May 1986

Mount Albert Licensing Trust Dissolution Act 1986: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

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**An Act to make provision for the winding-up and dissolution of the Mount Albert Licensing Trust and the inclusion of its trust area in the trust area of the Portage Licensing Trust**

### **Preamble**

Whereas the Mount Albert Licensing Trust was constituted in 1972, as a suburban licensing trust, in respect of that part of the Mount Albert Borough that formerly comprised part of the no-licence district of Auckland Suburbs West: And whereas for

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Justice.**

various reasons the Trust has not established any premises for the sale and supply of liquor: And whereas the Trust is insolvent and has resolved that it be wound up: And whereas there is presently no provision in law for the winding-up and dissolution of suburban licensing trusts.

## 1 Short Title

This Act may be cited as the Mount Albert Licensing Trust Dissolution Act 1986.

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**Minister** means the Minister of Justice

**Official Assignee** has the meaning assigned to that term by section 2 of the Insolvency Act 1967

**Portage Licensing Trust** means the Portage Licensing Trust constituted by the Portage Licensing Trust Constitution Notice 1972 (published in the *Gazette* of that year at pages 1916 and 1917); and **the trust area of the Portage Licensing Trust** means the land described in Schedule 1 of that notice

**the resolution to wind up** means the resolution passed by the Trust on 15 July 1985 to the effect that the necessary steps be taken for the winding-up of the Trust

**the Trust** or **Mount Albert Licensing Trust** means the Mount Albert Licensing Trust constituted by the Mount Albert Licensing Trust Constitution Notice 1972 (published in the *Gazette* of that year at page 1916); and **Mount Albert Licensing Trust area** means the land described in the Schedule of that notice.

## 3 Application of Part 6 of Companies Act 1955 for purposes of winding-up

- (1) Subject to the succeeding provisions of this section, for the purposes of the winding-up of the Trust the provisions of sections 271, 273, 291 to 315, and 321 to 341 of the Companies Act 1955, so far as they are applicable and with the necessary modifications, shall apply as if—
- (a) the Trust were a company formed and registered under that Act; and
  - (b) each member of the Trust were a director of such a company; and
  - (c) the resolution to wind up were a special resolution passed by such a company that the company be wound up voluntarily; and
  - (d) that resolution were passed on the date of the commencement of this Act; and
  - (e) the winding-up were a creditors' voluntary winding-up within the meaning of section 274(4) of that Act.

- (2) The Official Assignee shall be the liquidator of the Trust for the purpose of winding up its affairs and distributing the assets of the Trust.
- (3) As soon as practicable after the commencement of this Act, the Official Assignee shall take the following steps:
  - (a) cause notice of the fact that the Official Assignee is the liquidator of the Trust to be advertised once in the *Gazette* and once in at least 2 newspapers circulating in Auckland:
  - (b) send to each creditor of the Trust, and to every other person who claims to be a creditor of the Trust and who requests the information, a full statement of the position of the Trust's affairs, together with a list of the creditors of the Trust and the estimated amount of their claims.
- (4) When the affairs of the Trust are fully wound up, the following provisions shall apply instead of the provisions of subsections (4) to (6) of section 291 of the Companies Act 1955:
  - (a) within 7 days after the date of the general meeting of the Trust and a meeting of the creditors required by subsection (1) of that section, or, if the meetings are not held on the same date, after the date of the later meeting, the Official Assignee shall send to the Minister a copy of the account of the winding-up as required by that subsection, and, subject to paragraph (b) of this subsection, shall make a return to the Minister of the holding of the meetings and of their dates:
  - (b) if a quorum is not present at either such meeting, the Official Assignee shall, instead of the return mentioned in paragraph (a), make a return that the meeting was duly summoned and that no quorum was present at that meeting:
  - (c) as soon as practicable after receiving the account and returns, the Minister shall, by notice in the *Gazette*, formally dissolve the Trust.

#### **4 Trust area to be incorporated into Portage Licensing Trust area**

On the dissolution of the Trust, the Minister shall, either by the same or another notice in the *Gazette*, amend the trust area of the Portage Licensing Trust by including in it the Mount Albert Licensing Trust area, and make such provision for the election of members of the Portage Licensing Trust by persons resident in the Mount Albert Licensing Trust area as the Minister thinks fit.

## Reprints notes

### **1** *General*

This is a reprint of the Mount Albert Licensing Trust Dissolution Act 1986 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*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)