

**PARLIAMENT OFFICE,
Public Buildings
Georgetown,
Guyana.
23rd November, 1973**

The following Private Bill which will be introduced in the National Assembly by Mr. E. A. H. Fowler, M.P., is published for general information.

**F. A. NARAIN,
Clerk of the National Assembly.**



GUYANA

BILL No. 23 of 1973

HAND-IN-HAND FIRE INSURANCE COMPANY (AMENDMENT) BILL 1973

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 6 of Chapter 208.
3. Repeal and re-enactment of section 22 of Chapter 208.
4. Repeal and re-enactment of section 23 of Chapter 208.
5. Repeal and re-enactment of section 29 of Chapter 208.
6. Repeal and re-enactment of section 38 of Chapter 208.
7. Repeal and re-enactment of section 62 of Chapter 208.
8. Amendment of section 65 of Chapter 208.
9. Amendment of section 81 of Chapter 208.
10. Repeal and re-enactment of section 83 of Chapter 208.

An Act to amend the Hand-In-Hand Fire Insurance Company Ordinance

A.D. 1973 Enacted by the Parliament of Guyana:—

Short title
Cap. 208. 1. This Act may be cited as the Hand-in-Hand Fire Insurance Company (Amendment) Act 1973 and amends the Hand-in-Hand Fire Insurance Company Ordinance, hereinafter referred to as the Principal Ordinance.

Amendment
of section 6
of Chapter
208. 2. Section 6 of the Principal Ordinance is hereby amended by the deletion of paragraph (vii) and the substitution of the following paragraph therefor —

“(vii) subject to the provisions of any other law, to amalgamate with any other company having objects altogether or in part similar to those of the Company or to establish or promote or to concur in establishing or promoting any company for the purpose of acquiring all or any of the property, rights and liabilities of the Company or any company or for the purpose of carrying on any business which the Company is authorised to carry on or for any other purpose beneficial to the Company or to acquire and undertake the whole or any part of the business, property and liabilities of any company, carrying on business which the Company is authorised to carry on, or possessed of property suitable for the purposes of the Company”.

Repeal and
re-enact-
ment of
section 22 of
Chapter 208. 3. Section 22 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

“Capital and
minimum
limit
thereof. 22. The Capital of the Company shall consist of the premium capital, the scrip capital and the reserve funds of the Company and such capital shall subject as hereinafter provided, be maintained at a sum of not less than two million dollars.”

Repeal and
re-enact-
ment of
section 28 of
Chapter 208. 4. Section 23 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

"Replace-
ment of
capital and
distribution
of cash
profits.

23. (1) If at any time the capital of the Company falls below the prescribed minimum such capital shall be replaced or restored by the issue of scrip to members in lieu of cash profits or of new scrip or in such other manner and within such period as the Board may determine.

(2) Notwithstanding the obligation to maintain the capital of the Company at the prescribed minimum, cash profits may be distributed when the capital is below the minimum, if —

(a) the capital is not more than fifty percent below the prescribed minimum; and

(b) the Board is of the opinion that such distribution is in the interests of the Company."

5. Section 29 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and
re-enact-
ment of
section 29 of
Chapter 208.

"Execution of
Documents

29. (1) Subject to the provisions of this Ordinance or the by-laws, any document required by law to be under seal or to be formally executed shall be sufficiently executed by or on behalf of the Company if it is sealed with the Common seal of the Company and is subscribed —

(a) by any director and the secretary or assistant secretary; or

(b) in the case of a policy of insurance or the acceptance of a mortgage, by the secretary or assistant secretary; or

(c) in such manner as may from time to time be prescribed by the by-laws.

(2) Every person subscribing or signing any document as chairman, vice-chairman, secretary, assistant secretary or other officer of the Company shall be taken so to be until the contrary is proved."

6. Section 38 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and
re-enact-
ment of
section 38 of
Chapter 208.

“Proof of copy of, or extract from by-laws or entry in the register, books and records.” 38. (1) Any writing purporting to be a copy of, or extract from, the by-laws or of any entry in the register, the minutes or any books, documents or records, of the Company or a certificate or list of the chairman, vice-chairman, directors, secretary and assistant secretary for the time being of the Company signed by any director, secretary or assistant secretary shall be taken so to be until the contrary is proved.

(2) If any such writing is verified by the oath, affidavit, or statutory declaration of a director, the secretary, assistant secretary or other officer of the Company proving that the copy of , or extract from, the by-laws, or entry in the register, the minutes, books, documents or other records of the Company or the certificate or list, was made, prepared or completed from the books, documents and records of the Company in the custody or control of the Company, and that such copy, extract, certificate or list has been examined with the original books, documents, or records, and is correct, it shall be admissible as *prima facie* evidence of the by-laws, or entry and of the matter, transaction or accounts therein recorded, and that the persons named in the certificate or list hold the respective positions or offices in the Company stated therein.”.

Repeal and re-enactment of section 62 of Chapter 208. 7. Section 62 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

“Register of Directors and Officers.” 62. (1) The Company shall keep at the office a register of its chairman, vice-chairman, directors, secretary and assistant secretary, containing with respect to each of them, his first names and surname, his address and his business or other occupation.

(2) Whenever a new chairman, vice-chairman, director, secretary or assistant secretary is appointed the particulars referred to in subsection (1) shall be entered in the register forthwith.

(3) The register shall during business hours (subject to any reasonable restrictions imposed by the Company in general meeting so that not less than two hours in each day be allowed for inspection) be open to the inspection of any

member, policyholder or scripholder of the Company without charge and to the inspection of any other person on payment of twenty-five cents or any less sum-as the Company may, from time to time, prescribe for each inspection.”.

8. Section 65 of the Principal Ordinance is hereby amended by ^{Amendment of section 65 of Chapter 208.} the deletion of paragraph (e) and the substitution therefor of the following paragraph —

“(e) is absent from Guyana or from meetings of the Board, for a continuous period of one month without the leave of the Board, unless he appoints an alternate director approved by the Board to act for him during such period or the period of any leave granted to him in accordance with the provisions of any by-law regulating the granting of leave and the appointment of alternate directors.”.

9. Section 81 of the Principal Ordinance is hereby amended by ^{Amendment of Section 81 of Chapter 208} the repeal of subsections (3), (4), and (5) and the substitution of the following subsections as subsections (3) and (4), respectively —

“(3) All by-laws so made and notice of all revocations and amendments thereof shall be exhibited in the office within fourteen days after they are made, revoked or amended over the signature of the secretary or assistant secretary and shall come into force and effect on the day on which they are so exhibited unless some other time is therein expressly stated, in which case they shall come into force and effect at that time.

(4) The Company shall, on being so required by any member, policyholder or scripholder send or deliver to him a copy of the by-laws or any extract therefrom subject to the payment of such sum as the Board may from time to time, prescribe.”.

10. Section 83 of the Principal Ordinance is hereby repealed and ^{Repeal and re-enactment of section 83 of Chapter 208.} the following section substituted therefor —

"Payment by
cheque or
warrant."

83. (1) The Company may pay any cash profit, dividend, interest or other money payable under or in respect of any policy or scrip, by cheque or warrant sent through the post directed to the member, policyholder, scripholder, or in the case of joint members, policy holders or scripholders to any of them, or to such person as such member or holder or joint members or holders may be writing direct, to his address in the register or in the document or to such other address as he or they may in writing direct. Any one of two or more persons jointly entitled to payment of money as aforesaid may give effectual receipts for any such money.
- (2) If a cheque or warrant is lost or destroyed, the Company may issue a new cheque or warrant in lieu thereof on such terms (if any) as to evidence of loss and indemnity and the payment of any expenses incurred by the Company as the Board thinks fit.
- (3) The Company shall be under no liability to any member or holder aforesaid for the loss of any cheque or warrant sent through the post as aforesaid; provided that such cheque or warrant is made payable to the order of the person to whom it is sent."

EXPLANATORY MEMORANDUM

The object of this Bill is to modify the provisions of the Hand-in-Hand Fire Insurance Company Ordinance, Chapter 208, (hereinafter referred to as the Principal Ordinance), relating to the capital of the Company and the publication of the list of its directors and of its By-Laws in the Gazette, and other related and incidental provisions which are considered desirable and expedient in the interest of the Company and which have been approved by members of the Company.

2. Clause 2 of the Bill seeks to amplify the power conferred on the Company by section 6 (vii) of the Principal Ordinance.

3. It is considered desirable to fix the capital of the Company at the stated sum of two million dollars instead of calculating it on a percentage of total risks.

Clause 3 of the Bill seeks to effect this change and clause 4 is a consequential amendment.

4. Clause 5 seeks to simplify the requirements of the Principal Ordinance relating to the execution of documents.

5. Clause 6 seeks to make provision relating to the proof of by-laws, books documents, and records of the Company.

6. The publication of the list of directors and by-laws of the Company in the Gazette is considered by members of the Company to be unnecessary and inadequate. Clauses 7 and 9 of the Bill seek to substitute provision for the keeping of a Register of Directors and copies of the By-Laws in the office of the Company.

7. Clause 8 seeks to modernise the provisions relating to the absence of directors from Guyana.

8. Clause 10 seeks to incorporate in section 83 of the Principal Ordinance the usual provisions relating to payment by cheque found in articles of association of joint stock companies.