

CHAPTER 214.

FRIENDLY SOCIETIES.

[No. I of 1893.]

[1st April, 1894.]

PRELIMINARY.

1. This Ordinance may be cited as the Friendly Societies Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

“the registrar” means the registrar of Friendly Societies appointed under this Ordinance;

“registered society” means a society registered or deemed to be registered under this Ordinance;

“branch” means any number of the members of a society, under the control of a central body, having a separate fund administered by themselves or by a committee of management or officers appointed by themselves;

“society” applies to a registered branch, unless the application is inconsistent with the position and objects of a branch;

“meeting” includes (where the rules of a society so allow) a meeting of delegates appointed by members;

“officer” means an officer of a society, and extends to any treasurer, secretary, or member of the committee of management of a society;

“rules” means rules for the time being in force;

“amendment of rule” includes a new rule and a resolution rescinding a rule;

“person claiming through a member” includes the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed;

“property” means movable and immovable property of every description including books and papers.

PART I.

CONSTITUTION, REGISTRATION, AND INCORPORATION.

*Classes and Objects of Societies.*Classes of
societies :(a) friendly
societies :

3. The following societies may be registered under this Ordinance, namely,—

(a) societies (herein called friendly societies) established to provide, by subscription of the members thereof, with or without the aid of donations, for—

- (i) the relief or maintenance of the members, their wives, husbands, children, fathers, mothers, brothers, sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which means any age after fifty), or in widowhood, or for the relief or maintenance of the orphan children of members during minority;
- (ii) insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the wife, husband, or child, of a member, or of the widow of a deceased member;
- (iii) the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck or loss or damage of or to boats or nets;
- (iv) the endowment of members or nominees of members at any age; and
- (v) the insurance against fire, to any amount not exceeding seventy-five dollars in each case, of the tools or implements of the trade or calling of the members :

Proviso.

Provided that no society which contracts with any person for the assurance of an annuity exceeding two hundred and fifty dollars, or of a gross sum exceeding one thousand dollars, shall be registered under this Ordinance;

- Repealed
by Sec: 62
of Ord 12/1948*
- (b) societies (herein called loan societies) for establishing a fund for making loans to the industri- (b) loan societies ;
ous classes and taking payment of the loans, whether by instalments or otherwise, with interest;
- (c) societies (herein called building societies) for the (c) building societies ;
purpose of raising by subscriptions of the members thereof a stock or fund for making advances to members upon the security of immovable property;
- (d) societies (herein called co-operative societies) for (d) co-operative societies ;
the carrying on of any labour, trade, or handicraft, whether wholesale or retail, including the farming or cultivation of land and the manufacture of the produce of land;
- (e) societies (herein called benevolent societies) for any (e) benevolent societies ;
benevolent or charitable purposes;
- (f) societies (herein called working men's clubs) for (f) working men's clubs ;
and
purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation; and
- (g) societies (herein called specially authorised (g) specially authorised societies.
societies) for any purpose authorised by the Governor in Council as a purpose to which the powers and facilities of this Ordinance ought to be extended.

4. The Governor in Council may limit the application of this Ordinance, as regards any specially authorised society to those of the provisions herein contained specified in the authority for registering that society. Limitation as regards specially authorised societies.

5. No society for carrying on the business of banking shall be registered under this Ordinance : No registration of banking society :
Proviso.

Provided that the taking of deposits of not more than two dollars in any one payment, or more than one hundred dollars for any one depositor, payable on not less than two days' notice, shall not be deemed to be included in the business of banking within the meaning of this Ordinance, if the society has not any withdrawable share capital.

6.—(1) No member, other than a registered society, shall have or claim an interest exceeding one thousand dollars in the funds of any registered society, other than a building society or a co-operative society. Limitation of member's interest in society.

(2) No member, other than a registered society, shall have or claim an interest exceeding two thousand dollars in the funds of any registered building society or co-operative society.

Registrar of Friendly Societies.

Appointment
and remuneration :

7.—(1) For the purposes of this Ordinance, the Governor may appoint some fit and proper person (who may be a public officer) to be the registrar of friendly societies.

first
schedule :

(2) For his services the registrar shall be entitled to demand and receive the fees set forth in the first schedule hereto :

Proviso.

Provided that the Governor in Council may alter or cancel those fees or any of them, or impose any additional fees under this Ordinance.

Office.

8. The registrar shall keep his office in the city of Georgetown.

Clerical
assistance.

9. The registrar shall be furnished with clerical assistance out of any moneys provided by the Legislative Council for that purpose.

General
duties :

✓ 10.—(1) The registrar shall keep a register of all societies registered under this Ordinance, in the form approved by the Governor in Council, and shall discharge all the duties required of him by this Ordinance and by any regulations made under it .

(2) The registrar shall, with the approval of the Governor in Council—

(a) prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations;

(b) collect from the returns under this Ordinance and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known, any information on the subject of the statistics of sickness and mortality, and the application thereof to the business of friendly societies, and from time to time publish, either generally or in particular districts, any particulars of their returns and valuations, and any other information useful to the members of or to persons interested in

- friendly or other societies registered or which might be registered under this Ordinance, the registrar from time to time thinks fit; and
- (c) cause to be compiled and published tables for the payment of sums of money on death, in sickness, or in old age, or on any other contingency forming the subject of an assurance authorised under this Ordinance appearing to be calculable:

Provided that the adoption of the model forms and tables by any society shall be optional. Proviso.

11. The registrar shall, in the month of January in every year, transmit to the Colonial Secretary, to be laid before the Legislative Council, a report of his proceedings and of the principal matters transacted by him, and of the valuations returned to or caused to be made by him, and generally of the working of this Ordinance, during the preceding year. Annual report of the registrar.

Registration.

12.—(1) Where any number of persons not less than seven have established or intend to establish a society which may be registered under this Ordinance, and which they desire should be so registered, they shall make application in writing to the registrar for that purpose. Application for registration.
Second schedule; form 1.

(2) The application shall be signed by at least seven members, including the secretary.

(3) Two copies of the rules and two lists of the names of the officers (if any), shall be transmitted to the registrar together with the application, and shall be signed by the persons who are required to sign the application.

13. With respect to the registration of societies, the following provisions shall have effect— Registration of societies.

(a) no society shall be registered which does not consist of seven persons at least;

(b) no society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling that name as to be likely, or under any name likely, in the opinion of the registrar, to deceive the members or the public as to its nature or

its identity, and no society shall change its name without the sanction of the registrar as hereinafter provided;

(c) a society, other than a benevolent society or a working men's club, shall not be disentitled to registration by reason of any rule for, or practice of, dividing any part of the funds thereof, if the rules thereof contain distinct provision for meeting all claims upon the society existing at the time of division before the division takes place; and

(d) no society assuring to any member thereof a certain annuity or certain superannuation, whether deferred or immediate, shall be registered unless the tables of contributions payable for that kind of assurance are in accordance with those compiled and published under section ten of this Ordinance, or, in default of those tables, are in accordance with those in use by the General Post Office in England or have been certified under the hand of a competent actuary approved by the registrar, and the certificate, if any, shall be transmitted to the registrar together with the copies of the rules as aforesaid.

Consideration of rules.

14. The registrar shall advise with the secretary or other officer, if necessary, for the purpose of ascertaining whether the rules are calculated to carry into effect the intentions and objects of the persons who have formed or desire to form the society.

Acknowledgment of registration; second schedule; form 2.

15.—(1) The registrar, when satisfied that a society has complied with the provisions as to registration in force under this Ordinance, shall enter the society accordingly in the register, and give to the society an acknowledgment of registration.

Appeal from refusal to register.

(2) If he refuses to register the society, the persons who signed the application for registration, or any of them, may, within fourteen days after the refusal has been notified to any of them, appeal therefrom to the Governor in Council.

(3) If the refusal to register is overruled on appeal, an acknowledgment of registration shall thereupon be given to the society by the registrar.

(4) The acknowledgment of registration shall be conclusive evidence for all purposes that the society therein mentioned is duly registered, unless it is proved that the registration has been suspended or cancelled under the provisions hereinafter contained.

Effect of acknowledgment.

(5) Immediately on giving an acknowledgment of registration to a society, the registrar shall cause it to be published in the Gazette and in a newspaper of the colony.

Publication of acknowledgment.

16. On registering a society, the registrar shall return to the society one of the copies of the rules, and one of the lists of the names of the officers, if any, transmitted with the application for registration, verified by his signature, and shall keep the other copy and the other list in his office.

Disposal of copies of rules transmitted with application.

17. On being registered a society shall be bound to deposit the acknowledgment of registration, and the copy of the rules signed by the registrar, in the deeds registry within one month after receiving them.

Deposit of acknowledgment.

18. Any registered society may, by special resolution, with the approval in writing of the registrar, change its name; but the change shall not affect any right or liability of the society or any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding the change.

Change of name of society.

Incorporation.

19.—(1) On registration a society shall, ipso facto, become and be a body corporate by the name described in the acknowledgment of registration, with perpetual succession and a common seal, and by that name shall be capable of suing and of being sued in all courts of justice and before all magistrates and justices, and, subject to the rules of the society, of purchasing, receiving, possessing, holding, mortgaging, and otherwise dealing with property.

Incorporation of society.

(2) The name of a registered society shall be engraved on its common seal.

Branches.

20. With respect to societies having branches, the following provisions shall have effect :—

Societies having branches :

(a) with the application for registration there shall be transmitted to the registrar—

(i) a list of every branch, and of the place wherein it is established;

- (ii) if the rules of all the branches (herein called branch rules) are or are intended to be identical, a statement to that effect, and two copies of those rules; and
 - (iii) if the branch rules are not or are not intended to be identical, a statement to that effect, and two copies of all branch rules;
- (b) a society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society;
- (c) notice of the establishment of every new branch by a registered society, and of the place where it is established, and a statement whether or not the rules of that branch are identical with those of the other branches of the society, and, if not so, two copies of the rules of that branch, shall be transmitted, under the hand of the secretary, to the registrar;
- (d) until a branch (in the case hereinbefore mentioned) has been registered, the society shall not be entitled to any of the privileges of this Ordinance in respect of that branch, and until a copy of any amendment of the rules of a branch has been registered, the amendment shall not take effect respecting that branch;
- (e) the provisions of this Ordinance as to appeals and the result thereof, as to amendments of rules, as to the acknowledgment of registration, and as to the evidence of registration and of rules, shall apply to branches and branch rules;
- (f) where a society has no fund under the control of a central body to which every branch is bound to contribute, every branch is deemed to be, and must be registered as, a separate society, whether its rules are identical with those of other branches or not; and
- (g) a registered branch shall not be registered as a society except on production to the registrar of a certificate, under the hand of the chief secretary or other principal officer of the society, that the branch has wholly seceded or has been expelled from the society :

Provided that the like appeal shall lie from the refusal of the chief secretary or other

Second
schedule;
form 3 ;
form 4 :

Proviso.

principal officer of the society, or from his omission after one month from the receipt of a request in writing made on behalf of a branch, to grant the certificate, as from the refusal of the registrar to register a society.

21. With respect to the conversion of registered societies into branches, the following provisions shall have effect:—

Conversion of registered societies into branches.

- (a) a society may, by a resolution passed by not less than three-fourths of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose the resolution has been duly given according to the rules of the society, determine to become a branch under this Ordinance of any other registered society, and also, if thought fit, of any registered branch thereof; and if the rules of that society do not comply with all the provisions of this Ordinance and of any regulations made hereunder in respect of the registration of branches, the meeting at which the resolution is passed may amend those rules so as to bring them in compliance with this Ordinance and those regulations;
- (b) a copy of the rules of the first-mentioned society, marked to show the amendments, if any, made at the meeting, and two copies of the resolution aforesaid, and of the amendments of rules, (if any), each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of any other society and countersigned by the secretary of the other society, shall be transmitted to the registrar, and if the registrar finds that those rules, with or without the amendment aforesaid, comply with the provisions of this Ordinance and of the regulations, he shall cancel the registration of the first-mentioned society and register it as a branch of the other society, and also, if so specified in the resolution before-mentioned, of any branch of the other society, without further request or notice, and shall register the amendment of rules without further application or evidence, and until the registration the resolution aforesaid shall not take effect;

- (c) no advertisement of any cancellation of registration under this section shall be requisite; and
- (d) the rules of a society which becomes a branch under this section shall, so far as they are not contrary to any express provision of this Ordinance or of the regulations aforesaid, and subject to any amendment thereof as hereinbefore provided, continue in force as the rules of that branch until amended.

Rules.

General provisions. ✓

22.—(1) The rules of every society for registration shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the third schedule hereto.

Third schedule.

(2) A copy of the rules of a registered society shall be delivered by the society to any person on demand, on payment of a sum not exceeding twenty-four cents.

Amendment :

23.—(1) After the rules of a society have been registered, the society may, by resolution at a meeting specially called for that purpose, alter, amend, or revoke them, or any of them, or make new rules :

Proviso.

Provided that the alteration, amendment, revocation, or rule, shall not take effect until it has been registered.

(2) Two copies of the proposed alterations or amendments, or of the new rules, as the case may be, signed by three members of the society and by the secretary or other officer, shall be transmitted to the registrar, and to one of those copies there shall be attached a declaration by the secretary or one of the officers of the society that in making the alteration or amendment the rules of the society respecting the making, altering, amending, and revoking of rules have been duly observed.

(3) If the registrar is satisfied that the alterations, amendments, or new rules, are not contrary to the provisions of this Ordinance and have been made in accordance with the rules, he shall give to the society an acknowledgment of registration thereof; and shall return one of the copies to the society, verified by his signature, and shall keep the other, with the declaration annexed, with the rules of the society in his custody.

Second schedule; form 5.

(4) The provisions hereinbefore contained relating to appeals from a refusal to register a society shall apply to a refusal to register amendments of rules.

24.—(1) The rules, when registered, shall bind the society and the members thereof and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform therewith subject to the provisions of this Ordinance. Operation.

(2) All moneys payable by a member to the society shall be deemed to be a debt due from him to the society, and shall be so recoverable in the magistrate's court or the Supreme Court, as the case may be.

Amalgamation.

25.—(1) Any two or more registered societies may, by special resolution of both or all of them, become amalgamated together as one society, with or without any dissolution or division of their funds or the funds of either or any of them; and any registered society may, by special resolution, transfer its engagements to any other registered society undertaking to fulfil the engagements of that society. Amalgamation, conversion, and transfer of engagements of registered societies :

(2) A registered society may determine by resolution to convert itself into a company, or to amalgamate with, or transfer its engagements to, a company under the Companies (Consolidation) Ordinance.

(3) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any registered society which is party thereto. Chapter 178.

(4) If a special resolution for converting a registered society into a company contains the particulars by the Companies (Consolidation) Ordinance aforesaid required to be contained in the memorandum of association of a company, and a copy thereof has been registered by the registrar, a copy of the resolution certified by the registrar shall have the same effect as a memorandum of association duly signed and attested under that Ordinance.

(5) If a registered society is registered as, or amalgamates with, or transfers all its engagements to, a company, the registration of the society under this Ordinance shall thereupon be void and shall be cancelled by the registrar; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against that society, or any penalty for the time being incurred by it; and, for the purpose of enforcing that right, claim, or penalty, the society may be sued and

proceeded against in the same manner as if it had not become registered as a company; and the right or claim, or the liability to the penalty, shall have priority, as against the property of the company, over all other rights or claims against or liabilities of the company :

Provided, respecting friendly societies, that—

Proviso.

- (a) no special resolution by a society for any amalgamation or transfer of engagements under this section shall be valid unless five-sixths in value (to be calculated as for dissolution) of the members assent thereto, either at the meetings at which the resolution is passed and confirmed, or one of them, or in writing, if those members were not present thereat, or without the consent in writing of everyone for the time being receiving or entitled to any relief, annuity, or other benefit from the funds of the society, unless his claim is first duly satisfied, or adequate provision is made for satisfying it.
- (b) the provisions hereinafter contained in case of dissolution as to the punishment of officers, and the remedy of members or persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements; and
- (c) on the application of the committee of management of a society desiring to amalgamate or transfer its engagements notice of the application being published in the Gazette, the registrar, after hearing the committee of management and any other persons whom he considers entitled to be heard on the application, may, with the consent of the Governor in Council, order that any of the consents and conditions prescribed in this Ordinance, or in any regulations made thereunder, be dispensed with, and may confirm the amalgamation or transfer.
- (6) This section shall not apply to branches.

General Provisions.

General
duties and
obligations
of registered
societies :

26. With respect to the duties and obligations of registered societies, the following provisions shall have effect :—

(a) every society shall—

(i) have an office (hereinafter referred to as “ the registered office ”) to which all

communications and notices may be addressed, and notice of the situation of the office, and of every change therein, shall be sent to the registrar and be published in the Gazette;

- (ii) paint or affix, and keep painted or affixed, its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, in letters easily legible, and have its name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of exchange, promissory notes, indorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the society, and in all bills of parcels, invoices, receipts, and letters of credit of the society;
- (iii) once at least in every year, submit accounts for audit, either to one of the public auditors appointed and hereinafter mentioned, or to two or more persons appointed as the rules of the society prescribe, and the auditor or auditors shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects, of the society, and verify the statement with the accounts and vouchers relating thereto, and shall either sign it as found by him or them to be correct, duly vouched, and in accordance with law, or specially report to the society wherein he or they finds or find it incorrect, unvouched, or not in accordance with law;
- (iv) once in every year, before the first day of June, send to the registrar a general statement (to be called "the annual return") of the receipts and expenditure, funds and effects, of the society

as audited, and the statement shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirty-first day of December then last inclusively, and shall state the name, address, and calling or profession, of each auditor, and the manner in which and the authority under which he was appointed; and together therewith shall send a copy of the auditor's report;

- (v) within six months after the thirty-first day of December, eighteen hundred and ninety-two, and so again within six months after the expiration of every five years succeeding, send to the registrar a return (to be called "the quinquennial return") of the sickness and mortality experienced by the society during the five years ending with the thirty-first day of December last past; and an abstract of the returns shall be transmitted by the registrar to the Colonial Secretary, to be laid before the Legislative Council;
- (vi) once at least in every five years, either cause its assets and liabilities to be valued, by one of the public valuers appointed as hereinafter mentioned, or by a valuer to be appointed by the society, and send to the registrar a report, signed by the valuer, and stating his address and calling or profession, on the condition of the society, and an abstract to be made by him of the results of his valuation, together with a return containing information with respect to the benefits assured and the contributions receivable by the society, and to its funds and effects, debts and credits, which the registrar from time to time requires, or send to the registrar a return of the benefits assured and contributions receivable

from all the members of the society, and of all its funds and effects, debts and credits, accompanied by any evidence in support thereof prescribed by the registrar, in which case the registrar shall cause the assets and liabilities of the society to be valued and reported on by some actuary, and shall send to the society a copy of his report and an abstract of the results of his valuation;

- (vii) allow any member or person having an interest in the funds of the society to inspect its books at all reasonable hours at its registered office or any place where they are kept, except that that member or person, unless he is an officer of the society or is specially authorised by a resolution of the society to do so, shall not have the right to inspect the loan account of any other member without the other member's written consent;
- (viii) supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being:

Provided that it shall be deemed a sufficient compliance with this requirement if the society supplies gratuitously every member or person interested with a balance sheet or other document, duly audited, containing the same particulars as to its receipts and expenditure, funds and effects, as are contained in the annual return; and

- (ix) keep a copy of the last annual balance sheet for the time being, and of the last quinquennial valuation for the time being, together with the report of the auditor or auditors, if any, always hung up or deposited in a conspicuous place at the registered office.

Paragraph (a) shall apply to a registered branch of a society as if it were a registered society, except that every notice, copy of a resolution, and annual return thereby required to be sent to the registrar shall be sent through an officer appointed in that behalf by the society of which the branch forms part;

- (b) no society shall pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths, except upon the production of a certificate of the death under the hand of the person having the care of the register of deaths in which the death is or ought to be entered :

Proviso :

Provided that this paragraph shall not apply to deaths at sea;

- (c) it shall be an offence under this Ordinance if any registered society, or any officer or member thereof—

(i) fails to give notice, send or transmit any return or document, or do or allow to be done any act or thing which the society, officer, or person, is by this Ordinance, or by any regulation made thereunder, required to give, send, transmit, do, or allow to be done; or

(ii) wilfully refuses or neglects to do any act or to furnish any information required for the purposes of this Ordinance by the registrar or other person authorised under this Ordinance, or does any act or thing forbidden by this Ordinance or by any regulation made thereunder; or

(iii) makes any return or wilfully furnishes information in any respect false or insufficient;

- (d) every offence by a society under this Ordinance shall be deemed to have been also committed by every officer thereof bound by its rules to fulfil any duty whereof the offence is a breach, or, if there is not that officer, then by every member of the committee of management of the society, unless the member is proved to have been ignorant of or to have attempted to prevent the

- commission of the offence; and every act or default under this Ordinance constituting an offence shall, if continued, constitute a new offence in every week during which it continues;
- (e) every annual or other return, abstract of valuation, and other document required for the purposes of this Ordinance shall be made in the form and contain the particulars prescribed by the registrar; and
- (f) all documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which they respectively relate, and shall be registered or recorded by the registrar, with any observations thereon he thinks proper :

Provided that the registrar may, with the approval of the Governor in Council, dispense with the quinquennial return and with the valuation herein required in respect of societies to whose purposes or to the nature of whose operations he deems them inapplicable; and may also dispense with the quinquennial return in cases where, at the request of a society, by inspection of the books thereof by himself or by any person appointed by him for that purpose, he obtains information he deems sufficient of the sickness and mortality experienced by the society; and the provisions herein contained with respect to the quinquennial return and valuation shall not apply to benevolent societies or working men's clubs, or to specially authorised societies, unless it is so directed in the authority for registering them.

27. A person under the age of twenty-one years but above the age of sixteen years may be a member of a registered society, unless provision is made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments, and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, manager, or treasurer of the society :

Provided that—

- (a) societies and branches, consisting wholly of members of any age under twenty-one years,

Membership
of infants :

Proviso.

but exceeding three years, may be allowed to register under this Ordinance, subject to regulations made in that behalf; and

- (b) no rule or practice in force at the commencement of this Ordinance for the admission of members under sixteen years of age shall be deemed contrary to any express provision of this Ordinance touching any society already incorporated.

Fee for certificate of birth or death of member of friendly society.

28. For the purposes of this Ordinance, a certificate of the birth or death of any member of, or person insured or to be insured with, a registered society shall be given under his hand by the person having the care of the register of births or deaths in which the birth or death is entered, for a sum not exceeding two shillings.

PART II.

MANAGEMENT AND ADMINISTRATION.

Officers of registered societies having charge of money; second schedule; form 6.

29. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect:—

- (a) every officer, if the rules of the society so require, shall, before taking upon himself the execution of his office, give the security required by the committee of management of the society, in an obligation by himself and one or more sureties, or give the security of a guarantee society, in the sum directed by the committee of management, for his rendering a just and true account of all moneys received and paid by him on account of the society at the times appointed by its rules, or when the committee of management thereof requires him to do so, and for the payment by him of all sums due from him to the society;
- (b) no one who enters into the obligation as surety, and no guarantee society which gives the security, shall be entitled to the benefit of any exception or shall be permitted in any action or proceeding thereon to rely on any exception or matter of defence, except that the principal has performed his obligation; and
- (c) every officer, or his executors or administrators shall, at the times when, by the rules of the

society, he should render account, or upon demand made or notice in writing given or left at his last or usual place of residence, give in his account as required by the society or by the committee of management thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his custody or possession to the person appointed by the society or the committee of management; and, in case of any refusal or neglect to deliver the account, or to pay over the moneys, or to deliver the property in manner aforesaid, the society may sue upon the obligation or security before-mentioned or may apply to a magistrate, whose order shall be final and conclusive.

30. On the death or insolvency of any officer of a registered society having in his custody or possession, by virtue of his office, any money or property belonging to the society, or if any execution, attachment, or other process is issued against that officer or against his property, his heirs, executors, or administrators, or assignee in insolvency, or the marshal or other person executing the process, shall, upon demand in writing of any person authorised by the society, or by the committee of management thereof, to make the demand, pay the money and deliver over the property to the committee of management of the society in preference to any other debts or claims against the estate of the officer.

Priority of claim of registered society on death or insolvency of officer.

31. Anyone who obtains possession, by false representation or imposition, of any property of a registered society, or, having the property in his possession, withholds or misapplies it, or wilfully applies any part of it to purposes other than those expressed or directed in the rules of the society and authorised by this Ordinance, shall, on the complaint of the society or of any member authorised by the society or by the committee of management thereof, or, in the case of a branch, on the complaint of the central body of the society of which the branch forms part, or of any member of the society or branch authorised by the central body, or, in any case, on the complaint of any member of the society or branch authorised by the registrar, or of the registrar, be liable to a penalty not exceeding one hundred dollars, and to be

Fraud or misappropriation with respect to property of registered society.

Penalty.

ordered to deliver up the property and to repay all moneys applied improperly, and, in default of delivery or repayment or of the payment of the penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any term not exceeding three months; but nothing herein contained shall prevent the person from being prosecuted by way of indictment or otherwise, if not previously convicted of the same offence under the provisions of this Ordinance.

CONTRACTS.

Contracts on behalf of registered society.

32.—(1) Contracts on behalf of a registered society may be made, varied, or discharged as follows:—

- (a) any transport, mortgage, or contract which, if made between private persons, would be by law required to be in writing, and any document required to be executed by the society, may be passed, received, or executed, on behalf of the society in writing, either under the common seal of the society, or under the signature of two members of the committee of management and the secretary, and may in the same manner be varied or discharged;
- (b) any contract which, if made between private persons, would be by law required to be in writing and signed by the person to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged;
- (c) any contract which, if made between private persons, would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged; and
- (d) a signature purporting to be made by a person holding any office in the society attached to a writing whereby any contract purports to be made, varied, or discharged, by or on behalf of the society, shall *primâ facie* be taken to be the signature of a person who, at the time when the signature was made, holds the office so stated.

(2) All contracts made, varied, or discharged according to the provisions herein contained shall, so far as concerns the form thereof, be effectual in law and binding on

the society and all other parties thereto, their heirs, executors, or administrators, as the case may be.

PROPERTY AND FUNDS.

33. With respect to the property and funds of registered societies, the following provisions shall have effect:—

Property and funds of registered societies.

- (a) the committee of management of the society, or a majority of the members thereof present and entitled to vote in general meeting, may from time to time invest the funds of the society, or any part thereof, to any amount in any of the following ways:—
- (i) in any government or post office savings bank in the colony;
 - (ii) in any imperial or colonial government funds;
 - (iii) in the purchase of land, and in the erection or alteration of offices or other buildings thereon; and
 - (iv) upon any other security expressly directed by the rules of the society, not being personal security, except as hereinafter authorised with respect to loans;
- (b) a society, or any branch of a society, may (if the rules thereof so provide) hold, purchase, or take on lease any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the committee of management, and the receipt of the members of the committee of management, or of a majority thereof, shall be a discharge for all moneys arising from or in connection with the sale, exchange, mortgage, or lease;
- (c) for the purposes of this section, no branch of a registered society need be separately registered; and
- (d) any other body corporate may, if its regulations so allow, hold shares in a society by its corporate name.

LOANS AND PAYMENTS.

34. With respect to loans to members of registered societies, the following provisions shall have effect:—

- (a) not more than one-half of the amount of an assurance on the life of a member of at least one full year's standing may be advanced to him, on the written security of himself and two satisfactory sureties for repayment; and the amount advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of the security; and
- (b) a society, not being a building society, may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to its members on their personal security, with or without sureties, as provided by the rules, subject to the following restrictions:—
- (i) no loan can at any time be made out of moneys contributed for the other purposes of the society;
 - (ii) no member shall be capable of holding any interest in the loan fund exceeding one thousand dollars;
 - (iii) no society shall make any loan to a member on personal security beyond the amount fixed by the rules, or make any loan which, together with any moneys for the time being owing by a member to the society, exceeds two hundred and fifty dollars; and
 - (iv) no society shall hold at any one time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two-thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund:

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Provided that nothing in this paragraph shall be construed to require a loan society to form a separate loan fund.

35. The rules of a society may provide for accumulating at interest, for the use of any member thereof, any surplus of his contributions to the funds of the society remaining

Loans to members of registered societies:

Accumulation at interest of surplus contributions.

after providing for any assurance in respect of which they are paid, and for the withdrawal of the accumulations from time to time.

36.—(1) No member of a registered friendly society, nor any person claiming through a member, shall be entitled to receive more than two hundred and fifty dollars a year by way of annuity, or one thousand dollars by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, from any one or more societies.

Limitation of interest of member of registered friendly society.

(2) The society may require a member, or person claiming through a member, to make and sign a declaration that the total amount to which he is entitled from one or more of those societies does not exceed the sums aforesaid; and anyone who knowingly makes a false or fraudulent declaration in the matter shall be guilty of a misdemeanour.

37. With respect to payments on the death of children under five or ten years of age, the following provisions shall have effect:—

Payments on death of children under five or ten years of age.

(a) no society shall insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of the child by any other society, exceeds twenty dollars, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of the child by any other society, exceeds thirty dollars;

(b) no society shall pay any sum on the death of a child under ten years of age except to the parent of the child or to the personal representative of the parent, and upon the production by the parent or his personal representative of a certificate of death issued by the persons having the lawful care of the register of deaths in which the death is or should be entered, containing the particulars hereinafter mentioned;

(c) whenever application is made for a certificate of the death of a child for the purpose of obtaining a sum of money from a society, the name of the society and the sum sought to be obtained therefrom shall be stated to the person aforesaid, who shall write on or at the foot of the certificate the words "to be produced to the society" (naming the society)

"said to be liable for payment of the sum

- of " (stating the sum), and all certificates of the same death shall be numbered in consecutive order, and the sum charged by the person aforesaid for each certificate shall not exceed twenty-four cents;
- (d) no person aforesaid shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding twenty dollars on the death of a child under five years, or for the payment in the whole of any sum of money exceeding thirty dollars on the death of a child under ten years; and the certificate shall not be granted unless the cause of death has been previously entered in the register of deaths on the certificate of a coroner or of a registered medical practitioner who attended the deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a registered medical practitioner, or of other satisfactory evidence thereof;
- (e) any society to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any (and, if any, what) sums of money have been paid on the death of the child by any other society;
- (f) it shall be an offence under this Ordinance—
- (i) if any society pays money on the death of a child under ten years of age otherwise than is hereby provided; and
 - (ii) if any parent, or any personal representative of a parent, claiming money on the death of a child, produces any certificate of the death other than is herein provided to the society or societies from which the money is claimed, or produces a false certificate or one fraudulently obtained, or in any way attempts to defeat the provisions of this Ordinance with respect to payments upon the death of children; and
- (g) nothing in this section shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured.

38.—(1) A member of a registered society (other than a benevolent society or a working men's club), not being under the age of sixteen years, may, by writing under his or her hand delivered at or sent to the registered office of the society, nominate anyone, not being an officer or servant of the society, unless that officer or servant is the wife, husband, father, mother, child, brother, sister, nephew, or niece of the nominator, to whom any moneys payable by the society on the death of the member (which shall include deposits made by the member under section thirty-four of this Ordinance, and moneys accumulated for the use of the member under section thirty-five of this Ordinance, with the interest on those deposits or moneys respectively), not exceeding five hundred dollars, shall be paid at his or her decease, and may from time to time revoke or vary the nomination by a writing under his or her hand similarly delivered or sent; and, on receiving satisfactory proof of the death of a nominator, the society shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid.

Power of nomination for sum not exceeding \$500.

(2) A nomination may be partly printed, and, if made in a book kept at the registered office of the society, shall be taken to be delivered at that office.

(3) Every registered society shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the shares comprised in a nomination shall be transferable to the nominee although the rules of the society declare its shares to be generally not transferable; and, on receiving satisfactory proof of the death of a nominator, the society shall either transfer the shares in the manner directed in the nomination, or pay to every person entitled thereunder the full value of his interest, at its option, unless the shares, if transferred to a nominee, would raise his interest in the society to an amount exceeding the amount hereinbefore specified in respect of that society, in which case the society shall pay him the full value of those shares, not exceeding the sum aforesaid.

39. If any member of a registered society who is entitled from the funds thereof to a sum not exceeding two hundred and fifty dollars dies intestate and without having made any nomination under this Ordinance remaining unrevoked at his death, that sum shall be payable, without administration, to the person who appears to the society, upon evidence it deems satisfactory, to be entitled by law to receive it.

Distribution on intestacy of sum not exceeding \$250.

Validity of payments made under last two sections.

40. Whenever the society, after the decease of any member, pays any sum of money to the person who at the time appears to the society to be entitled under either of the last two preceding sections, the payment shall be valid and effectual against any demand made upon the society by anyone else.

Power of one registered society to contribute to funds of another.

41. Nothing in this Ordinance shall prevent any registered society or branch from contributing to the funds or taking part, by delegates or otherwise, in the government of any other registered society or branch, as provided in the rules of the first named society or branch, without becoming a branch under this Ordinance of the other society or branch.

Power of registered society to subscribe to certain institutions.

42. A registered society may subscribe, out of its own funds, to any hospital, infirmary, or charitable or provident institution, any annual or other sum necessary to secure to members of the society and their families the benefits of the hospital, infirmary, or institution, according to its rules.

DISPUTES AND LEGAL PROCEEDINGS.

Mode of deciding disputes

43. Every dispute between a member, or a person claiming through a member or under the rules, of a registered society and the society or any officer thereof, or between any registered branch under this Ordinance, or an officer thereof, of any registered society or registered branch, and the registered society or branch of which the other party to the dispute is a registered branch or an officer thereof, or between any two or more registered branches of any registered society or branch or any officers thereof, respectively, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of justice or restrainable by injunction; and application for the enforcement thereof may be made to the magistrate's court:

Provided that—

- (a) the parties to a dispute in a society may, by consent (unless the rules of the society expressly forbid it), refer the dispute to the registrar, who shall, with the consent of the Governor in

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Council, hear and determine the dispute, and shall have power to order the expenses of determining it to be paid either out of the funds of the society or by such parties to the dispute as he think fit, and the determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society;

- (b) the registrar may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any document, or to give evidence before the registrar shall be guilty of an offence under this Ordinance;
- (c) where the rules of a society direct that disputes shall be referred to a magistrate, the dispute shall be determined by a magistrate's court, either with or without the right of appeal to the Supreme Court, as provided by the rules;
- (d) where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply to a magistrate's court, which may hear and determine the matter in dispute;
- (e) the registrar or the magistrate, as the case may be, may, at the request of either party, state a case for the opinion of the Supreme Court on any question of law; and,
- (f) subject to the provisions of paragraph (c), any decision given under this section shall be binding and conclusive on all parties without appeal.

44.—(1) In any legal proceeding by a registered society, the power ad litem may be signed by any two members of the committee of management.

Legal proceedings by and against registered society.

(2) In any legal proceeding against a registered society, service of process on the secretary or on any member of the committee of management shall be deemed sufficient service.

INSPECTION OF AFFAIRS, ETC.

Direction by registrar of inspection of affairs of registered society :

45. On the application of not less than one-fifth of the whole number of members of a registered society, or of not less than one hundred members in the case of a registered society having more than one thousand members, the registrar may, with the consent of the Governor in Council,—

- (a) appoint one or more inspectors to examine into the affairs of the society, and to report thereon, and the inspector or inspectors may require the production of all or any of the books and documents of the society, and may examine upon oath its officers, members, agents, and servants in relation to its business, and may administer the oath accordingly; and
- (b) call a special meeting of the society in the manner and at the time and place he thinks fit, and may direct what matters shall be discussed and determined at that meeting, which shall have all the powers of a meeting called according to the rules of the society and in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding :

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Provided that—

- (i) the application herein mentioned shall be supported by the evidence required and directed by the registrar for the purpose of showing that the applicants have good reason for requesting that the inspection be made or the meeting called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as required and directed by the registrar;
- (ii) the registrar may, if he thinks fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling the meeting;
- (iii) all expenses of and incidental to the inspection or meeting shall be defrayed by the members applying for it, or out of the funds of the society, or by the members or officers, or former members or officers, of the society, in the proportions directed by the registrar; and
- (iv) this section shall not apply to a society having branches, except with the consent of the central body of that society.

46. With respect to special resolutions by registered societies, the following provisions shall have effect :—

Passing and registration of special resolutions.

- (a) a special resolution is one which is passed by a majority of not less than three-fourths of the members of a society, for the time being entitled under the rules of the society to vote, present in person or by proxy (where the rules allow proxies), at any general meeting of which notice specifying the intention to propose the resolution has been duly given according to the rules, and which resolution is confirmed by a majority of those members, for the time being entitled under the rules to vote, who are present in person or by proxy (where the rules allow proxies) at a subsequent general meeting of which notice has been duly given, held not less than fourteen days or more than one month from the day of the meeting at which the resolution was first passed;
- (b) at any meeting mentioned in this section, a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact; and
- (c) a copy of every special resolution, signed by the chairman of the meeting and countersigned by the secretary of the society, shall be sent to the registrar and be registered by him, and until the copy is so registered the special resolution shall not take effect.

PART III.

SUSPENSION AND DISSOLUTION.

47. With respect to the cancellation or suspension of the registration of societies, the following provisions shall have effect :—

Cancellation or suspension of registration of societies.

- (a) the registrar may, or, in the case hereinafter mentioned in paragraph (iii) shall, by writing under his hand, cancel the registration of a society—
- (i) if he thinks fit, at the request of a society, to be evidenced in the manner he directs, or
- (ii) with the approval of the Governor in Council, on proof, to his satisfaction,

that a certificate of registration has been obtained by fraud or mistake, or that a society exists or is used for an illegal or improper purpose, or has wilfully, and after notice from him, violated any of the provisions of this Ordinance, or has ceased to exist; or

- (iii) by the direction of the Governor in Council, on proof, to the satisfaction of the Governor in Council, that a society exists or is used for an illegal or improper purpose;
- (b) the registrar, wherever he might, with the approval or by the direction of the Governor in Council, cancel the registration of a society, may or shall, with or by the like approval or direction, by writing under his hand suspend the registration, for any term not exceeding three months, and may or shall, with or by the like approval or direction, renew the suspension from time to time for the like period;
- (c) not less than two months' previous notice in writing, specifying briefly the ground of any proposed cancellation or suspension of registration, shall be given by the registrar to a society before the registration can be cancelled (except at its request) or suspended; and notice of every cancellation or suspension shall be published in the Gazette and in a newspaper circulating in the county in which the registered office of the society is situate, as soon as practicable after the same takes place;
- (d) a society may appeal from the cancellation of its registration, or from any suspension of the registration which is renewed after six months, in manner hereinbefore provided for appeals from the refusal of the registrar to register a society; and
- (e) a society whose registration has been cancelled or suspended shall, from the time of the cancellation or suspension (but if suspended, only while the suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as a registered society the privileges

thereof, but without prejudice to any liability actually incurred by the society, which may be enforced against the society as if the suspension or cancellation had not occurred.

48. With respect to the dissolution of registered societies, the following provisions shall have effect:—

Dissolution
of registered
societies :

(a) a society may terminate or be dissolved in any of the following ways:—

(i) upon the happening of any event declared by the rules to be the termination of the society;

(ii) respecting all societies other than societies having shares and friendly societies, by the consent of not less than three-fourths of the members, testified by their signatures to the instrument of dissolution;

(iii) respecting societies having shares, by the consent of members holding not less than two-thirds of the number of shares in the society, testified by their signatures to the instrument of dissolution;

(iv) respecting friendly societies, by the consent of not less than five-sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the consent in writing of everyone for the time being receiving or entitled to any relief, annuity, or other benefit from the funds of the society, unless his claim is first duly satisfied, or adequate provision is made for satisfying it, and, in the case of a branch, with the consent of the central body of the society or in accordance with the general rules of the society; and

(v) by the award of the registrar in the cases hereinafter specified;

(b) the instrument of dissolution shall set forth—

(i) the liabilities and assets of the society in detail;

- (ii) the number of members and the nature of their interests in the society respectively;
 - (iii) the claims of creditors, if any, and the provision to be made for their payment; and
 - (iv) the intended appropriation or division of the funds and property of the society, unless that is stated in the instrument of dissolution to be left to the award of the registrar;
- (c) alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided, testified in the same manner;
- (d) a declaration in writing shall be made by three members and the secretary of the society that the provisions of this Ordinance have been observed, and shall be sent to the registrar with the instrument of dissolution; and any person who knowingly makes a false or fraudulent declaration in the matter shall be guilty of a misdemeanour;
- (e) the instrument of dissolution, and all alterations therein, shall be registered in manner hereinbefore provided for the registration of rules, and shall be binding upon all the members of the society;
- (f) the registrar shall cause a notice of the dissolution to be notified at the expense of the society, in the manner hereinafter provided for notifying an award of the registrar for dissolution; and unless, within three months of the date of the Gazette in which the notification appears, a member, or other person interested in or having any claim on the funds of the society, commences proceedings to set aside the dissolution of the society, and the dissolution is set aside accordingly, the society shall be legally dissolved from the date of that notification, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained, without proof of the signatures thereto;
- (g) respecting friendly societies—
- (i) the value of members shall be ascertained by giving one vote to every member,

- and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole;
- (ii) no instrument of dissolution shall direct or contain any provision for an appropriation or division of the funds of the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof, unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof, is first duly satisfied or adequate provision is made for satisfying that claim;
- (iii) any officer or person who aids or abets in the dissolution of a society, otherwise than as in this Ordinance provided, shall be liable to a penalty not exceeding twenty-five dollars; and Penalty;
- (iv) if any member of a dissolved society, or any person claiming any relief, annuity, or other benefit from the funds thereof, is dissatisfied with the provision made for satisfying his claim, that member or other person may apply to the magistrate's court of the district within which the chief or any other place of business of the society is situate for relief or other order, and the court shall have the same powers in the matter as in regard to the settlement of disputes under this Ordinance;
- (h) respecting dissolutions and the distribution of funds upon the award of the registrar:—
- (i) on the application of not less than one-fifth of the whole number of members of any registered society, or of not less than one hundred members in the case of a society having more than one thousand members, made in writing under their hands, setting forth that the funds of the society are insufficient to meet the existing claims thereon, or that the

rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured by it, and the grounds upon which the insufficiency is alleged, and requesting an investigation into the affairs of the society with a view to the dissolution thereof, the registrar may, by himself or by any actuary, or public auditor, or other person whom he appoints in writing under his hand, investigate the affairs of the society, giving, nevertheless, not less than two month's previous notice in writing to the society whose affairs are to be investigated at its registered office;

- (ii) if, on the investigation, it appears that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to be given by it, the registrar may, if he considers it expedient to do so, award that the society shall be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society shall be appropriated or divided :

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Provided that the registrar may suspend his award for any period he deems necessary to enable the society to make the alterations and adjustment of contributions and benefits which will, in his judgement, prevent the necessity of the award of dissolution being made;

- (iii) the registrar, when proceeding under this section, shall have all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Ordinance;
- (iv) every award under this section, whether for dissolution or distribution of

funds, shall be final and conclusive on the society in respect of which it is made, and on all members of the society and other persons having any claims on the funds thereof, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Ordinance; and the expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society before any other appropriation thereof shall be made; and

(v) notice of any award for dissolution shall, within twenty-one days after it has been made, be given by the registrar in the Gazette and in a newspaper circulating in the county in which the registered office of the society is situate and unless, within three months from the date of the Gazette in which the notice appears, a member, or other person interested in or having any claim on the funds of the society, commences proceedings to set aside the dissolution of the society consequent upon the award, and the dissolution is set aside accordingly, the society shall be legally dissolved from the date of that notice, and the requisite consents to the application to the registrar shall be considered to have been duly obtained, without proof of the signatures thereto:

(j) this section shall not apply to a society having branches, except with the consent of the central body of that society; and

(k) notice shall be sent to the registrar of any proceeding to set aside the dissolution of a society or branch, not less than seven days before it is commenced by the person taking that proceeding, and of any order setting a dissolution aside by the society or branch, within seven days after that order has been made.

Liability of
members in
winding-up.

49. When a society is dissolved and its affairs are wound up under the last preceding section, the liability of present or past members of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding-up, and the adjustment of the rights of contributors amongst themselves shall be qualified as follows:—

- (a) no individual, society, or company, who or which has ceased to be a member for one year or upwards prior to the commencement of the winding-up shall be liable to contribute;
- (b) no individual, society, or company, shall be liable to contribute in respect of any debt or liability contracted after he or it ceased to be a member;
- (c) no individual, society, or company, not a member shall be liable to contribute, unless it appears that the contributions of the existing members are insufficient to satisfy the just demands on the society;
- (d) no contribution shall be required from any individual, society, or company, exceeding the amount (if any) unpaid on the shares in respect of which he or it is liable as a past or present member; and
- (e) an individual, society, or company, shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal.

PART IV.

MISCELLANEOUS PROVISIONS.

Offences.

Making false
entry in
balance sheet
or book of
registered
society.

50. Everyone who wilfully makes, or orders or allows to be made, any entry or erasure on, or any omission from, any balance sheet of a registered society, or in or from any contribution or collecting book of a registered society, or in or from any return or document required to be sent, produced, or delivered, for the purposes of this Ordinance, with intent to falsify it or to evade any of the provisions of this Ordinance, shall be liable to a penalty not exceeding two hundred and fifty dollars, recoverable on the complaint of the registrar, or of the society, or of any person aggrieved.

Penalty.

51.—(1) Any officer of a registered society, or any person on behalf of a registered society, who—

(a) uses any seal purporting to be the seal of the society, whereon its name is not so engraved as hereinbefore provided; or

(b) issues or authorises the issue of any notice, advertisement, or other official publication of the society, or signs or authorises to be signed on behalf of the society any bill of exchange, promissory note, indorsement, cheque, or order for money or goods; or

(c) issues or authorises the issue of any bill of parcels, invoice, receipt, or letter of credit, of the society, wherein its name is not mentioned in manner aforesaid,

shall be liable to a penalty not exceeding two hundred and fifty dollars, and shall further be personally liable to the holder of the bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless it is duly paid by the society.

(2) The penalty shall be recoverable on the complaint of the registrar, or of any officer of police, or of anyone aggrieved.

52. Every society, or officer or member of a society, or other person guilty of an offence under this Ordinance for which no penalty is expressly provided by this Ordinance shall be liable to a penalty not exceeding twenty-five dollars.

53. Where in this Ordinance it is enacted that any proceeding may be had or taken before a magistrate or in a magistrate's court, every magistrate or magistrate's court shall, unless the contrary is expressed or implied, have full power and jurisdiction to entertain the proceeding and determine the matter involved.

54. Everyone who, with intent to mislead or defraud,—

(a) gives to any member of a registered society, or to any person intending or applying to become a member thereof, a copy of any rules, or of any alterations or amendments of the rules other than those respectively which have been registered by the registrar, on the pretence that they are binding upon the members of the society, or that there are no other rules of that society;

or

Officer using improper seal or improperly issuing documents.

Penalty.

Penalty for offence where none prescribed.

Proceedings before magistrates.

False representations as to rules of society.

- (b) makes any alteration in or addition to any of the rules or tables of the society after they have been registered by the registrar, and circulates them purporting that they have been duly registered, when they have not been so duly registered; or
- (c) gives to any person a copy of any rules, on the pretence that those rules are the rules of a registered society, when the society is not registered; or
- (d) forges or counterfeits, or utters, knowing it to be forged or counterfeited, the seal of a registered society,

shall be guilty of a misdemeanour.

Misdemeanour.

Regulations, etc.

Making of regulations.

55. The Governor in Council may make regulations for defining the duties and functions of the registrar under this Ordinance; and, generally, for the better carrying out of the provisions of this Ordinance.

Use of forms; second schedule.

56. The forms contained in the second schedule hereto, with such variations and additions as the circumstances of any particular case require, may be used in the cases to which they respectively apply and, when so used, shall be good and sufficient in law.

Appointment of public auditors and valuers.

57. The Governor may appoint public auditors and valuers for the purposes of this Ordinance, and may determine the rates of remuneration to be paid by societies for the services of auditors and valuers; but the employment of auditors and valuers shall not be compulsory on any society.

Use as evidence of official documents.

58. Every instrument or document, or copy of or extract from an instrument or document, bearing the seal or stamp, if any, of the deeds registry, shall be received in evidence without further proof; and every document purporting to be signed by the registrar, or any inspector, or public auditor, or valuer under this Ordinance, shall, in the absence of any evidence to the contrary, be received in evidence in all courts of justice and for all other purposes, without proof of the signature, or of the official position of any person signing it, and shall be *primâ facie* evidence of the truth of all matters contained therein.

59. No person, by reason of his enrolment or service in any corps of militia, yeomanry, or volunteers whatsoever, shall lose or forfeit any interest which he possesses, at the time of his being so enrolled or serving, in any friendly society, whether registered or unregistered, or be fined for absence or non-attendance at any meeting of the society, if his absence or non-attendance is occasioned by the discharge of his military duty as certified by his commanding officer, any rules of the society to the contrary notwithstanding.

Protection of rights of militiaman, yeoman, or volunteer.

60. Any penalty imposed by this Ordinance may be recovered, and punishment for any offence not being an indictable offence may be enforced, under the Summary Jurisdiction Ordinances.

Procedure and appeal.

Temporary Provisions.

61. Every society subsisting on the first day of April, eighteen hundred and ninety-four, whose rules were approved or provisionally approved by the Governor and Court of Policy, and which was incorporated under the Friendly Societies Ordinance, 1883, shall be deemed to be a society registered under this Ordinance, and its rules shall, so far as the same are not contrary to any express provision of this Ordinance, continue in force until altered or rescinded.

Saving of existing societies.

SCHEDULE.

FIRST SCHEDULE.

(Section 7.)

TABLE OF FEES PAYABLE TO THE REGISTRAR.

	\$	c.
1. Considering application for registration and proposed rules of society	5	00
2. Registering a society and its rules and giving an acknowledgment of registration	5	00
3. Registering a branch and its rules and giving an acknowledgment of registration	2	50
4. Examining any new rules or any proposed alteration or amendment of existing rules, and registering the same, if necessary	2	50
5. Registering the amalgamation of two or more societies or the conversion of a society into a company	5	00
6. Hearing and determining any dispute	10	00
7. Cancelling or suspending the registration of a society	2	50
8. Entertaining and deciding any application for an inspection of the affairs of a society	5	00
9. All proceedings connected with the dissolution or the proposed dissolution of a society	10	00

4.

(Section 20.)

Acknowledgment of Registration of Amendment of Branch Rules.

BRITISH GUIANA.

The foregoing amendment of the branch rules of the society is registered under the Friendly Societies Ordinance, this day of _____, 19 _____.

(Signed)

Registrar of Friendly Societies.

5.

(Section 23.)

Acknowledgment of Registration of Amendment of Rules.

BRITISH GUIANA.

The foregoing amendment of the rules of the Society is registered under the Friendly Societies Ordinance, this day of _____, 19 _____.

(Signed)

Registrar of Friendly Societies.

6.

(Section 29.)

Bond to be given by Officer of Society in receipt of Money.

BRITISH GUIANA.

Know all men by these presents, that we, *A.B.*, of _____ one of the officers of the _____ Society, established at _____ in the county of _____ and *C.D.*, of _____ (as surety on behalf of the said *A.B.*), are jointly and severally held and firmly bound to the said society in the sum of _____ dollars, to be paid to the said society, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents.

Dated this _____ day of _____, 19 _____.

(Signed)

A.B.

C.D.

Whereas the above-bounden *A.B.* has been duly appointed to the office of _____ of the _____ Society, established as aforesaid, and he, together with the above-bounden *C.D.* as his surety, has entered into the above-written bond, subject to the condition hereinafter contained:— Now therefore the condition of the above-written bond is such, that if the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the said society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his custody or possession to such person or persons as the said society, or the committee of management thereof, appoint, according to the rules of the said society, together with the proper and legal receipts or vouchers for those payments, then the above-written bond shall be void, otherwise shall remain in full force.

Signed in our presence on the above-mentioned day.

(Signed)

L.M.

N.O.

THIRD SCHEDULE.

(Section 22.)

MATTERS TO BE PROVIDED FOR BY THE RULES OF A REGISTERED SOCIETY.

Name and office.

1. The name and place of office of the society.

Objects, terms of admission, fines.

2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member.

Meetings, voting, and rules.

3. The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules.

Committee and officers.

4. The appointment and removal of a committee of management (by whatever name), and of a treasurer and other officers, and, in the case of a society with branches, the composition and powers of the central body, and the conditions under which a branch may secede from the society.

Financial matters.

5. The investment of the funds, the keeping of the accounts, and the audit thereof once a year at least.

Annual returns.

6. The making of annual returns to the registrar of the receipts, funds, effects, and expenditure, and the number of members, of the society.

Inspection of books.

7. The inspection of the books of the society by every person having an interest in its funds.

Settlement of disputes.

8. The manner in which disputes between the society and any of its members or shareholders, or any person claiming through a member under the rules, shall be settled.

Division of profits.

9. In the case of a dividing society, a provision for meeting all claims upon the society existing at the time of division before the division takes place.

Withdrawal of members.

10. The right of withdrawal of members and the time and manner in which that right may be exercised.

Seal.

11. The device on, and the custody and use of, the seal of the society.

Matters in case of friendly society.

12. And also, in the case of a friendly society :—

- (a) the keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable has been adopted, and the keeping separate accounts of the expenses of management, and of all contributions on account thereof ;
- (b) the making of returns every five years to the registrar of the sickness and mortality of the society ;
- (c) a valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions ;
- (d) the voluntary dissolution of the society by consent of not less than five-sixths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for ;
- (e) the right of not less than one-fifth of the total number of members, or of not less than one hundred members in the case of a society having more than one thousand members, to apply to the registrar for an inspection of the affairs of the society, or for winding it up.