

No. VIII.

INDUSTRIAL
AND PROVIDENT
SOCIETIES.

An Act to establish Industrial and Provident Societies. [21st June, 1865.]

Preamble.

WHEREAS it is expedient to encourage the establishment of Societies the members whereof voluntarily unite to carry on and exercise in common any labour trade or handicraft or several labours trades or handicrafts except the business of banking Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Societies registered
under "Friendly
Societies Act of
1853."

1. All Societies registered under the "Friendly Societies Act of 1853" and all Societies duly constituted under the subsequent provisions of this Act shall be entitled to obtain a certificate of approval under this Act in the form set forth in Schedule A of this Act on application to the Attorney General or other officer appointed by the Governor

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Governor to certify under the seventh section of the Friendly Societies Act of 1853 and for which certificate no fee shall be payable to any one.

2. Any number of persons not being less than seven may establish a Society under this Act for the purpose of carrying on any labour trade or handicraft whether wholesale or retail except the business of banking and of applying the profits for any purposes allowed by the Friendly Societies Act or otherwise permitted by law.

Constitution of Societies under this Act.

3. The rules of every such Society shall contain provisions in respect of the several matters mentioned in Schedule B annexed to this Act.

Rules.

4. Two copies of the rules when certified as above mentioned shall be forwarded to the Clerk of the Peace for the district where the business of the Society is proposed to be carried on and shall be dealt with by him in the manner provided by the Friendly Societies Act of 1853 and he shall thereupon give his certificate of registration and such certificate shall in all cases be conclusive evidence that the Society has been duly registered and thereupon the members of such Society shall become a body corporate by the name therein described having perpetual succession and a common seal with power to hold lands and buildings with limited liability as hereinafter mentioned.

Registration of Society.

5. The certificate of registration shall vest in the Society all the property that may at the time be vested in any person in trust for the Society and all legal proceedings then pending by or against any such trustee or other officer on account of the Society may be prosecuted by or against the Society in its registered name without abatement.

Certificate to vest all property of Society previously held in trust.

6. A copy of rules shall be delivered by the Society to every person on demand on payment of a sum not exceeding one shilling.

Copy of rules on demand.

7. No Society shall be registered under a name identical with that by which any other existing Society has been registered or so nearly resembling such name as to be likely to deceive the members or the public and the word "Limited" shall be the last word in the name of every Society registered under this Act.

No Society to be registered by same name as that of any existing Society.

8. No member shall be entitled in any Society registered under this Act to hold or claim any interest exceeding the sum of two hundred pounds.

Member's interest limited to £200.

9. Every Society registered under this Act shall paint or affix and shall 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 shall have its name engraven in legible characters on its seal and shall have its name mentioned in legible characters in all notices advertisements and other official publications of such 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 such company and in all bills of parcels invoices receipts and letters of credit of the Society.

Publication of name by a Society.

10. If any Society under this Act does not paint or affix and keep painted or affixed its name in manner directed by this Act it shall be liable to a penalty not exceeding five pounds for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed and if any officer of such Society or any person on its behalf uses any seal purporting to be a seal of the Society whereon its name is not so engraven as aforesaid or issues or authorizes the issue of any notice advertisement or other official publication of such Society or signs or authorizes to be signed on behalf of such Society any bill of exchange promissory note indorsement cheque order for money or goods or issues or authorizes to be issued any bill of parcels invoice receipt or letter of credit of the Society wherein its name

Penalties on non-publication of name &c.

name

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name is not mentioned in manner aforesaid he shall be liable to a penalty of fifty pounds and shall further be personally liable to the holder of any such bill of exchange promissory note cheque or order for money or goods for the amount thereof unless the same is duly paid by the Society.

Every Society to have a registered office Penalty on default

11. Every Society under this Act shall have a registered office to which all communications and notices may be addressed If any Society registered under this Act carries on business without having such an office it shall incur a penalty not exceeding five pounds for every day during which business is so carried on.

Notice of situation of office registered.

12. Notice of the situation of such registered office and of any change therein shall be given to the Clerk of the Peace aforesaid and recorded by him and until such notice is given the Society shall not be deemed to have complied with the provisions of this Act.

Signature and effect of rules.

13. The rules of every Society registered under this Act shall bind the Society and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto and as if there were in such rules contained a covenant on the part of himself his heirs executors and administrators to conform to such rules subject to the provision of this Act and all moneys payable by any member to the Society in pursuance of such rules shall be deemed to be a debt due from such member to the Society.

Application of Friendly Societies Act to this Act.

14. The provision of the Friendly Societies Act shall apply to Societies registered under this Act in the following particulars—

Settlement of disputes by arbitration or Justices.

Compensation to members unjustly expelled.

Power of Justices in case of fraud.

Jurisdiction of the Clerk of the Peace.

Other provisions of the Friendly Societies Act.

15. The provisions of the Friendly Societies Act of 1853 whereby the executors of officers are directed to pay moneys due to such Societies before other debts and for the payment of moneys due to deceased members of such Societies shall extend in the case of Societies registered under this Act to the executors of officers of the last-mentioned Societies and to deceased members of such Societies.

As to the winding up of Societies.

16. Any Society registered under this Act may be wound up either by the Supreme Court the Chief Commissioner of Insolvent Estates or voluntarily in the same manner and under the same circumstances under and in which any company may be wound up under any Act or law for the time being in force for winding up Companies and all the provisions of such Act or law with respect to winding up shall apply to all Societies registered under this Act.

Dissolution of Society not to prevent winding up of its affairs.

17. In case of the dissolution of any such Society such Society shall nevertheless be considered as subsisting and be in all respects subject to the provisions of this Act so long and so far as any matters relating to the same remain unsettled to the intent that such Society may do all things necessary to the winding up of the concerns thereof and that it may be sued and sue under the provisions of this Act in respect of all matters relating to such Society.

Liability of present and past members of Society.

18. In the event of a Society registered under this Act being wound up every present and past member of such Society shall be liable to contribute to the assets of the Society to an amount sufficient for payment of the debts and liabilities of the Society and the costs charges and expenses of the winding up and for the payment of such sums as may be required for the adjustment of the rights of the contributors amongst themselves with the qualifications following (that is say)—

- (1.) No past member shall be liable to contribute to the assets of the Society if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding up.
- (2.)

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- (2.) No past member shall be liable in respect to any debt or liability of the Society contracted after the time at which he ceased to be a member.
- (3.) No past member shall be liable to contribute to the assets of the Society unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in order to satisfy all just demands upon such Society.
- (4.) No contribution shall be required from any member exceeding the amount (if any) unpaid on the shares in respect of which he is liable as a past or present member.
19. Every person or member having an interest in the funds of any Society registered under this Act may inspect the books and the names of the members at all reasonable hours at the office of the Society. Members may inspect books.
20. A general statement of the funds and effects of any Society registered under this Act shall be transmitted to the Clerk of the Peace aforesaid once in every year and shall exhibit fully the assets and liabilities of the Society and shall be prepared and made out within such period and in such form and shall comprise such particulars as the Attorney General or other officer as aforesaid shall from time to time require and the Attorney General or other officer as aforesaid shall have authority to require such evidence as he may think expedient of all matters required to be done and of all documents required to be transmitted to him under this Act and every member of or any depositor in any such Society shall be entitled to receive on application to the Treasurer or Secretary of that Society a copy of such statement without making any payment for the same. Annual returns to be prepared as Registrar may direct.
21. All penalties imposed by this Act or by the rules of any Society registered under this Act may be recovered in a summary manner before two Justices. Recovery of penalties.
22. This Act may be cited as the "Industrial and Provident Societies Act 1865." Short title.

SCHEDULE A.

Form of Attorney General's or other officer's Certificate to Rules of Society registered under this Act.

I hereby certify that these Rules (or alterations of Rules as the case may be) are in conformity to Law and to the provisions of the Act in force relating to Industrial and Provident Societies.

Dated this day of 18 . (Signed)

SCHEDULE B.

Matters to be provided for in the Rules.

- 1.—Object and name and place of office of the Society which must in all cases be registered as one of limited liability.
- 2.—Terms of admission of members.
- 3.—Mode of holding meetings and right of voting and of making or altering rules.
- 4.—Determination whether the shares shall be transferable Provision for the form of transfer and registration of shares and for the consent of Committee of Management and confirmation by the General Meeting of the Society and in case shares shall not be transferable provision for paying to members balance due to them on withdrawing from the Society.
- 5.—Provision for the audit of accounts.
- 6.—Power to invest part of capital in another Society Provided that no such investment be made in any other Society not registered under this Act.
- 7.—Power and mode of withdrawing from the Society and provisions for the claims of executors administrators or assigns of members.
- 8.—Mode of application of profits.
- 9.—Appointment of Managers and other officers and their respective powers and remuneration.