

Act No. 31, 1899.

An Act to amend the law relating to Friendly Societies; and for other purposes. [5th December, 1899.]

FRIENDLY
SOCIETIES.
—

BE it 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:—

The registry office.

1. (1) There shall be a Registrar of Friendly Societies appointed by the Governor, subject to the provisions of the Public Service Act of 1895, and every Registrar shall be appointed by, and shall hold his office during the pleasure of, the Governor. The registry-office and the Registrar.

(2) The office of the Registrar of Friendly Societies may, with the approval of the Governor, have attached to it such assistants skilled in the business of an actuary and an accountant as may be required for discharging the duties imposed on the office by this Act.

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Functions of the
registry-office.

2. The office of the Registrar shall, with the approval of the Governor—

- (a) prepare and cause to be circulated, for the use of societies, model forms of accounts, balance-sheets, and valuations; and
- (b) collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known, such information on the subject of the statistics of life and sickness and the application thereof to the business of friendly societies, and such particulars of their returns and valuations, and such other information useful to the members of or to persons interested in societies registered or capable of being registered under this Act as the Registrar may think fit; and
- (c) cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorised under this Act which may appear to be calculable: Provided that the adoption of any one or more of these tables by a society shall be optional.

Salaries and
expenses.

3. The Colonial Treasurer shall, out of money to be provided by Parliament, pay to the Registrar such salary or other remuneration, and such sums of money for defraying the expenses of office rent, salaries of assistants, clerks, and servants, remuneration for actuaries, accountants, and inspectors, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses and other allowances of the Registrar, and other expenses which may be incurred for carrying out the purposes of this Act as the Governor may allow.

Annual report
of Registrar.

4. The Registrar shall every year make 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 the Registrar during the year preceding, and that report shall be laid before Parliament.

Deposit of
documents.

5. All documents by this Act required to be sent to the Registrar shall be deposited with the rules of the societies to which the documents respectively relate, and shall be registered or recorded by the Registrar, with such observations thereon, if any, as the Registrar may direct.

Registry of societies.

Societies which may
be registered.

6. The following friendly societies may be registered under this Act:—

- (1) Societies for the purpose of providing by subscriptions of the members thereof, with or without the aid of donations, for—
 - (a) the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers, or sisters, nephews

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- nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which shall mean any age after fifty) or in widowhood, or for the relief or maintenance of the orphan children of members during minority ; or
- (b) medical attendance for and the dispensing of medicines to the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans ;
- (c) 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 husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning ; or
- (d) 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 ; or
- (e) the endowment of members or nominees of members at any age ; or
- (f) the insurance against fire, to any amount not exceeding fifteen pounds, of the tools or implements of the trade or calling of the members.
- (2) Societies for any purpose of mutual benefit and advantage to the members only, and not being within the purposes mentioned in Parts IV and V of the Friendly Societies Act of 1873, which the Governor may authorise as a purpose to which the provisions of this Act, or such of them as are specified in the authority, ought to be extended : Provided that where any provisions of this Act are so specified, those provisions only shall be so extended.

7. (1) A society shall not be registered under this Act unless it consists of seven persons at least. Conditions of registration.

(2) For the purpose of registry there shall be sent to the Registrar an application to register the society, signed by seven members and the secretary, and copies of the rules, together with a list of the names of the secretary and of every trustee or other officer intended to be authorised to sue or be sued on behalf of the society.

(3) The rules of the society so sent shall contain provisions in respect of the several matters mentioned in the First Schedule to this Act.

(4) If the list is signed by the secretary and every trustee and other officer named therein, it shall, on the registry of the society, be evidence that the persons so named have been duly appointed.

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Name of society.

8. A society shall not 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 in the opinion of the Registrar likely, to deceive the members or the public as to its nature or its identity.

Acknowledgment of registry.

9. The Registrar, on being satisfied that a society has complied with the provisions of this Act as to registry, shall issue to that society an acknowledgment of registry specifying the designation of the society and, if the society has branches, the designations of those branches, and this acknowledgment shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registry of the society has been suspended or cancelled.

Appeals from refusal to register.

10. From a refusal to register a society, an appeal shall lie to the Supreme Court, and if the refusal to register is overruled on appeal, the Registrar shall give an acknowledgment of registry to the society.

Registry of amendments of rules.

11. (1) An amendment of a rule made by a registered society or branch of such society shall not be valid until the amendment has been registered under this Act, for which purpose copies of the amendment, signed by three members and the secretary, shall be sent to the Registrar.

(2) The Registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the amendment, and that acknowledgment shall be conclusive evidence that the amendment is duly registered.

(3) The provisions of this Act as to appeal from a refusal to register a society shall apply to a refusal to register an amendment of a rule.

Certain societies disentitled to registry.

12. A society assuring to any member thereof a certain annuity or certain superannuation, deferred or immediate, or any sum or sums payable as endowment or in case of sickness or death or in pursuance of any other object authorised by this Act, which is susceptible of calculation by way of average shall not be entitled to registry unless the tables of contributions payable for such kind of assurance certified under the hand of an actuary who has exercised his profession for at least five years are transmitted to the Registrar, together with the copies of the rules aforesaid.

Societies with branches.

Registry of societies with branches.

13. Where a society has branches, the application for registry shall be accompanied with—

(a) a list of all the branches, and notice of the place where the registered office of each branch is situate; and

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- (b) if any branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of all such trustees or officers, distinguishing the branches for which they are authorised to sue and be sued; and
- (c) if the rules of all the branches (in this Act called branch rules) are or are intended to be identical, a statement to that effect, and copies of those rules; and
- (d) if the branch rules are not or are not intended to be identical, a statement to that effect, and copies of all branch rules.

14. (1) There shall be sent under the hand of the secretary of a registered society to the Registrar— Establishment of new branches.

- (a) notice of the establishment of every new branch of the society; and
- (b) notice of the place where the registered office of the branch is situate; and
- (c) if the branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of such trustees or officers; and
- (d) a statement whether or not the rules of the branch are identical with those of the other branches of the society, and, if not so, a copy of the rules of the branch.

(2) Where the rules of the new branch are not identical with the other branches of the society, the society shall not be entitled to any of the privileges of this Act in respect of that branch until that branch has been duly registered.

(3) The Registrar shall, on being satisfied that the establishment of the new branch and that the rules thereof are not contrary to the provisions of this Act, register the rules and issue to the society an acknowledgment of the establishment of the branch and an acknowledgment of the registry of the rules, and those acknowledgments shall respectively be conclusive evidence that the branch is established and that the rules had been duly registered.

15. The provisions of this Act as to appeal from a refusal to register a society shall apply to a refusal to acknowledge the establishment of a new branch or to register the rules of a new branch. Application of previous provisions to branches.

16. (1) A branch of a society shall not be registered as a society except on production to the Registrar of a certificate, under the hand of the secretary or other principal officer of the society of which it was a branch, that the body has wholly seceded or has been expelled from the society. Requisites for registry of branches as societies.

(2) An appeal shall lie to the Supreme Court from the refusal of the secretary or other principal officer of the society, or his omission after three months from the receipt of a request in writing made on behalf of the body to grant a certificate.

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Name of seceding
or expelled branch.

17. A body which, having been a branch of a society, has wholly seceded or been expelled from that society shall not thereafter use the name of that society or any name implying that it is a branch thereof, or the number by which it was designated as such branch.

Contributions from
one society to
another.

18. (1) A registered society or branch may contribute to the funds and take part, by delegates or otherwise, in the government of any other registered society or branch of a society, as provided in the rules of that first-named society or branch, without becoming a branch under this Act of that other society or branch.

(2) A registered society or branch thereof shall not withdraw from contributing to the funds of any medical society except on three month's notice to the society and on payment of all contributions accrued or accruing due to the date of the expiration of the notice.

Consequence of registry.

Recovery of
subscriptions.

19. An action may be brought in any court of competent jurisdiction to recover any sum not exceeding the amount of six months' subscription due by any person being or having been a member of a registered society or branch who has received three months' notice to pay the same: Provided that a member of a friendly society may resign from such society at any time, and shall only be liable to be sued under the provisions of this Act for arrears of subscription up to the date of such resignation, but save as aforesaid or as otherwise expressly provided in this Act, no action shall be brought to recover any subscription or other moneys payable by any such person as aforesaid.

Registered office.

20. (1) Every registered society and branch shall have a registered office to which all communications and notices may be addressed, and shall send to the Registrar notice of the situation of that office, and of every change therein.

(2) In the case of a branch, the notice shall be sent to the Registrar through an officer appointed in that behalf by the society of which the branch forms part.

Authority of
Registrar to inspect
books of societies.

21. The Registrar shall have authority under this Act should it appear to him to be necessary in connection with the annual returns or with the valuation of the assets and liabilities of any friendly society, or on the request of the trustees of any society or of a branch thereof, to require the production of the books of the society or branch for inspection and examination by himself or any other person duly authorised under his hand; and the Registrar shall also be authorised at his discretion to obtain from any bank in which the funds of any friendly society or of a branch thereof are deposited or invested a statement of the amount of such deposit.

Appointment of
trustees.

22. (1) Every registered society and branch shall have three or more trustees.

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(2) The trustees shall be appointed at a meeting of the society or branch, and by a resolution of a majority of the members present and entitled to vote thereat.

(3) The society or branch shall send to the Registrar a copy of every resolution appointing trustees, signed by each of the trustees so appointed and by the secretary and three members of the society or branch.

(4) The same person shall not be secretary or treasurer of a registered society or branch and a trustee of that society or branch.

(5) In the case of a branch the copy of the resolution shall be sent to the Registrar through an officer appointed in that behalf by the society of which the branch forms part.

23. (1) Every registered society and branch shall once at least ^{Audit.} in every year submit its accounts for audit either to one of the auditors appointed as in this Act mentioned or to two or more persons appointed as the rules of the society or branch provide, which auditors shall have access to all the books, papers, deeds, documents, and accounts of the society or branch, and shall examine the general statement of the receipts and expenditure, funds, and effects of the society or branch, and verify the same with the accounts and vouchers relating thereto, and by examining the securities held by the society or branch, and shall either sign the same as found by them to be correct, duly vouched and in accordance with the law, or specially report to the society or branch in what respects they find it incorrect, unvouched, or not in accordance with law, and shall accompany such report by a balance-sheet signed by them giving a correct statement of the financial position of the society or branch and of each of its funds.

(2) The auditors shall also examine the annual return mentioned in this Act, and verify the annual return with the accounts and vouchers relating thereto; and shall either sign the annual return as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society or branch in what respects they find it incorrect, unvouched, or not in accordance with law.

24. (1) Every registered society and branch shall once in every ^{Annual returns.} year, not later than the thirty-first day of May, send to the Registrar a return (in this Act called the annual return) of the receipts and expenditure, funds, and effects of the society or branch as audited.

(2) The annual return must—

- (a) show separately the expenditure in respect of the several objects of the society or branch; and
- (b) show a return containing a list of the members of such society or branch, together with the age of each, and the periods of sickness, deaths, and other contingencies in respect of which benefits are given by the society or branch experienced by the

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the society or branch during the year ending the thirty-first of December then last, specifying the members in respect of whom such sickness, deaths, or contingencies have been experienced, and such other information as the Registrar with the approval of the Governor may from time to time prescribe, and

- (c) be made out to the thirty-first day of December then last inclusively; and
- (d) state whether the audit has been conducted by an auditor appointed as by this Act provided, and by whom, and, if by persons other than such auditor, state the name, address, and calling or profession of every such person, and the manner in which, and the authority under which, he is appointed.

(3) The society or branch shall, together with the annual return, send a copy of any special report of the auditors.

(4) In the case of a branch the annual return shall be sent to the Registrar through an officer appointed in that behalf by the society of which the branch forms part.

Quinquennial
report.

25. (1) Every registered society and branch shall, once at least in every five years, send to the Registrar a return of the benefits assured and contributions receivable from all the members of the society or branch, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the Registrar prescribes.

(2) The report must—

- (a) be signed by the auditors; and
- (b) state the address and calling or profession of the auditors; and
- (c) contain an abstract to be made by the auditors of the results of their audit, together with a statement containing such information with respect to the benefits assured and the contributions receivable by the society or branch, and of its funds and effects, debts and credits, as the Registrar may require.

(3) On receipt of such return the Registrar shall cause the assets and liabilities of the society or branch to be valued and reported on by the actuary attached to the office of the Registrar, and shall send to the society or branch a copy of the report and an abstract of the results of the valuation.

(4) Provided that this section shall not apply to a society authorised by the Governor under section six of this Act, or branch of such society, unless it is so directed in the authority for registering that society.

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(5) Provided also that the Registrar may, with the approval of the Governor, dispense with the provisions of this section in respect of societies or branches to whose purposes or to the nature of whose operations he may deem those provisions inapplicable.

26. Every registered society and branch shall keep a copy of the last annual balance-sheet, and of the last quinquennial valuation, together with any special report of the auditors, which shall be open to the inspection of any member at all reasonable hours. Copy of last balance-sheet.

27. For the purpose of audits, the Governor, subject to the provisions of the Public Service Act of 1895, may appoint auditors. Valuations required to be made under this Act shall be made by an actuary attached to the office of the Registrar, and no fees shall be payable in respect of such audits or valuations. Remuneration of actuary.

28. (1) The rules of such societies authorised by the Governor under subsection two of section six of this Act or branches thereof as the Governor may allow to take the benefit of this section, shall bind the society or branch 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 to the rules subject to the provisions of this Act. Binding effect of rules of certain authorised societies.

(2) All sums of money payable by a member to such society or branch as aforesaid shall be deemed to be a debt due from the member to the society or branch, and shall be recoverable as such in any court of competent jurisdiction.

Privileges of registered societies.

29. Stamp duty shall not be chargeable upon any of the following documents:— Exemptions from stamp duty.

- (a) Draft or order or receipt given by or to a registered society or branch in respect of money payable by virtue of its rules or of this Act.
- (b) Letter or power-of-attorney granted by any person as trustee for the transfer of any money of a registered society or branch invested in his name in the public funds.
- (c) Bond given to or on account of a registered society or branch, or by the treasurer or other officer thereof.
- (d) Policy of insurance, or appointment or revocation of appointment of agent, or other document required or authorised by this Act, or by the rules of a registered society or branch.
- (e) Agreement to which a society or branch is a contracting party.

30. (1) In any of the following cases, namely:—

- (A) Where a person being, or having been, a trustee of a registered society or branch, and whether appointed before or after the registry Transfer of stock standing in name of trustee.

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registry thereof, in whose name any funds belonging to the society is standing, either jointly with another or others, or solely—

- (a) is absent from the Colony; or
- (b) becomes bankrupt or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors; or
- (c) becomes lunatic, or is dead; or
- (d) has been removed from his office of trustee.

(B) If it is unknown whether such person is living or dead, the Registrar may, on application in writing from the secretary and three members of the society or branch, and on proof satisfactory to him, direct the transfer of the funds into the names of any other persons as trustees for the society or branch.

(2) The transfer shall be made by the surviving or continuing trustees, or if there is no such trustee, or if the trustees refuse or are unable to make the transfer, as the Registrar may direct.

Priority on death, bankruptcy, &c., of an officer.

31. (1) In the following cases, namely:—

- (a) upon the death or bankruptcy of any officer of a registered society or branch having in his possession, by virtue of his office, any money or property belonging to the society or branch; or
- (b) if any execution, attachment, or other process is issued against any such officer or against his property,

his executors or administrators, or trustee or assignee in bankruptcy, or the sheriff or other person executing the process, shall, upon demand in writing of the trustees of the society or branch, or of any two of them, or of any person authorised by the society or branch, or by the committee thereof, to make the demand, pay the money, and deliver over the property to the trustees of the society or branch in preference to any other debt or claim against the estate of the officer.

(2) In this section the expression “bankruptcy” shall include liquidation of a debtor’s affairs by arrangement.

Membership of minors.

32. (1) The rules of a registered society or branch may provide for the admission of a person under twenty-one years of age but above three years of age as a member.

(2) Any such member may, if he is over sixteen years of age by himself, and if he is under that age, by his parent or guardian, 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, or a trustee, manager, or treasurer of the society or branch.

Subscriptions to hospitals.

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

*Friendly Societies.**Rights of members.*

34. Every registered society and branch shall deliver to every person on demand, on payment of a sum not exceeding one shilling, a copy of the rules of the society or branch. Right to supply of copies of the rules.

35. Every registered society and branch shall supply gratuitously, or produce for his inspection, to every member or person interested in its funds, on his application, either— Right to supply of copies of annual return.

- (a) a copy of the last annual return of the society or branch; or
- (b) a balance-sheet or other document duly audited containing the same particulars as to the receipts and expenditure, funds, and effects of the society or branch as are contained in the annual return.

36. A member or person having an interest in the funds of a registered society or branch may inspect the books at all reasonable hours at the registered office of the society or branch, or at any place where the books are kept, except that the member or person shall not, unless he is an officer of the society or branch, or is specially authorised by a resolution of the society or branch to do so, have the right to inspect the loan account of any other member without the written consent of that member. Inspection of books by members.

37. (1) A member or person claiming through a member of a registered friendly society or branch, shall not be entitled to receive more than two hundred pounds by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, or (except as provided by this Act) fifty pounds a year by way of annuity, or sick pay in excess of forty-two shillings per week from any one or more such societies or branches. Limitation of benefits.

(2) Any such society or branch may require a member or person claiming through a member to make and sign a statutory declaration that the total amount to which that member or person is entitled from one or more such societies or branches does not exceed the sums aforesaid.

38. The rules of a registered society or branch may provide for accumulating at interest, for the use of any member, any surplus of his contributions to the funds of the society or branch which may remain after providing for any assurance in respect of which they are paid and for the withdrawal of the accumulations. Accumulation of surplus of contributions.

39. (1) A person shall not, by reason of his enrolment or service in the permanent or partially-paid or volunteer military or naval forces of the Colony, lose or forfeit any interest in a society or branch, which he possesses at the time of his being so enrolled or serving, or be fined for absence from or non-attendance at any meeting of the society or branch if his absence or non-attendance is occasioned by the discharge Persons in military or naval forces.

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discharge of his military or naval duty as certified by his commanding-officer, any rules of the society or branch to the contrary notwithstanding.

(2) A dispute between any such society or branch and person by reason of that enrolment or service shall be decided by a police or stipendiary magistrate or any two justices of the peace in petty sessions.

(3) If the rules of a society or branch, certified before the commencement of the Act, and in force at the time of the enrolment or service, provide that a member shall be deprived of any benefit by reason of that enrolment or service, the society or branch may, during the time those rules are in force, require of the member a contribution exceeding the rate of contribution otherwise payable by him to an amount not exceeding one tenth of that rate during the time the member is serving out of the Colony, or may suspend all claim of the member to any benefits assured by the society or branch, and all claim of the society or branch to any contributions payable by the member, during the time only he is serving out of the Colony, but so that if he returns to the Colony he shall forthwith be replaced on the same footing as before he went abroad on service.

Property, funds, and investments.

Investment of funds.

40. (1) The trustees of a registered society or branch may, with the consent of the committee or of a majority of the members present and entitled to vote in general meeting, invest the funds of the society or branch, or any part thereof, to any amount in any of the following ways :—

- (a) in the Government Savings Bank, or in the Savings Bank of New South Wales ; or
- (b) in the public funds ; or
- (c) in the purchase of land, or in the erection or alteration of offices or other buildings thereon ; or
- (d) upon any other security expressly directed by the rules of the society or branch, not being personal security, except as in this Act authorised with respect to a loan fund.

(2) The rules of a society with branches and of any branch thereof may provide for the investment of funds of the society or of that branch by the trustees of any branch, or by the trustees of the society, and the consent required for any such investment shall be the consent of the committee or of such majority as aforesaid of the society or branch by whom the funds are invested.

41. Where any portion of the funds of a society or branch have been invested upon mortgage of land, a receipt under the hands of the trustees, countersigned by the secretary, in the form in the

Receipts of
trustees to act as
reconveyance.

Second

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Second Schedule hereto, if endorsed upon, or annexed to the mortgage or other assurance, shall without reconveyance or resurrender vacate the mortgage or assurance and vest the property therein comprised in the person entitled to the equity of redemption of that property to the uses and upon the trusts to or upon which the equity of redemption at the date of such receipt stood limited.

42. A registered society may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to members on their personal security, with or without sureties, as may be provided by the rules, subject to the following restrictions:—

- (a) A loan shall not at any time be made out of money contributed for the other purposes of the society;
- (b) a member shall not be capable of holding any interest in the loan fund exceeding two hundred pounds;
- (c) a society shall not make any loan to a member on personal security beyond the amount fixed by the rules, or make any loan which, together with any money owing by a member to the society, exceeds fifty pounds;
- (d) a society shall not hold at any one time on deposit from its members any money as distinct from contributions beyond the amount fixed by the rules, and the amount so fixed shall not exceed two-thirds of the total sums owing to the society by the members who have borrowed from the loan fund.

43. A registered society, or with the consent of the central body, any branch of a society may (if the rules of the society so provide), for the purpose of holding the meetings and transacting the business of such society or branch, hold, purchase, or take on lease in the names of the trustees for the time being of such society or branch any land, and may build upon the same, and sell, exchange, mortgage, or lease such land and buildings or any part thereof, with power to alter and pull down buildings and again rebuild thereon; 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 trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease.

44. (1) All property belonging to a registered society, whether acquired before or after the society is registered, shall vest in the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society.

(2) The property of a branch of a society shall vest wholly or partly in the trustees for the time being of that branch or of any other branch of which that branch forms part (or, if the rules of the society so provide, in the trustees for the time being of the society),
for

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for the use and benefit either of the members of any such branch and persons claiming through those members, or of the members of the society generally, and persons claiming through them, according to the rules of the society.

(3) The trustees shall not be liable to make good any deficiency in the funds of the society or branch, but shall be liable for sums of money actually received by them respectively on account of the society or branch.

Devolution on death.

45. Upon the death, resignation, or removal of a trustee of a registered society or branch, the property vested in that trustee shall, without conveyance or assignment, and whether the property is real or personal, vest, as personal estate subject to the same trusts, in the succeeding trustee of that society or branch either solely or together with any surviving or continuing trustees, and, until the appointment of succeeding trustees, shall so vest in the surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, except that stocks and securities in the public funds shall be transferred into the names of the succeeding trustees either solely or jointly with any surviving or continuing trustees.

Description in legal proceedings.

46. In all legal proceedings whatsoever concerning any property vested in the trustees of a registered society or branch, the property may be stated to be the property of the trustees in their proper names as trustees for the society or branch without further description.

Officers in receipt or charge of money.

Security by officers.

47. Every secretary and treasurer of a registered society or branch shall, before taking office, give the security of a guarantee society, in such sum as the society or branch directs, conditioned for rendering a just and true account of all sums of money received and paid by them, or either of them, on account of the society or branch at such times as its rules appoint, or as the society or branch, or the trustees or committee thereof, require them, or either of them, to do, and for the payment by them, or either of them, of all sums due from them, or either of them, to the society or branch.

Accounts of officers.

48. (1) Every officer of a registered society or branch having receipt or charge of money, securities, books, papers, or other effects shall, at such times as by the rules of the society or branch 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 may be required by the society or branch, or by the trustees or committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all sums of money and deliver all property in his hands or custody to such person as the society or branch, or the committee or the trustees, may appoint.

(2)

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(2) In case of any neglect or refusal to deliver the account, or to pay over the sums of money, or to deliver the property in manner aforesaid, the trustees or authorised officers of the society or branch may sue upon the bond or security before mentioned, or may apply to a court consisting of a police or stipendiary magistrate, or any two justices of the peace in petty sessions, and the order of either such court shall be final and conclusive.

Payments on death generally.

49. (1) A member of a registered society or branch thereof, not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society or branch, or made in a book kept at that office, nominate a person to whom any sum of money payable by the society or branch on the death of that member, not exceeding one hundred pounds, shall be paid at his decease.

Power of member to dispose of sums payable on his death by nomination.

(2) The sum of money payable by the society or branch on the death of a member shall include sums of money contributed to or deposited in the separate loan account, and the sums of money accumulated for the use of the member under the provisions of this Act with interest thereon.

(3) The person so nominated must not be an officer or servant of the society or branch, unless that officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator.

(4) A nomination so made may be revoked and varied by any similar document under the hand of the nominator, delivered, sent, or made as aforesaid.

(5) The marriage of a member of a society or branch shall operate as a revocation of any nomination theretofore made by that member under this section.

50. (1) On receiving satisfactory proof of the death of a nominator the society or branch shall pay to the nominee the amount due to the deceased member, not exceeding the said sum of one hundred pounds.

Proceedings on death of a nominator.

(2) The receipt of a nominee over sixteen years of age for any amount so paid shall be valid.

51. (1) If any member of a registered society or branch entitled from the funds thereof to a sum not exceeding one hundred pounds dies intestate and without having made any nomination thereof then subsisting, the society or branch may, without letters of administration, distribute the sum among such persons as appear to a majority of the trustees, upon such evidence, supported by statutory declaration, as they may deem satisfactory, to be entitled by law to receive that sum.

Intestacy.

(2)

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(2) If any such member is illegitimate the trustees may pay the sum of money which that member might have nominated to or among the persons who, in the opinion of a majority of them, would have been entitled thereto if that member had been legitimate, or if there are no such persons the society or branch shall deal with the money as the Governor may direct.

(3) In case of no claim to the amount due on account of a deceased member being made by any nominee or next of kin, or other such person as aforesaid, within six years from the death of the member, the balance of the amounts due, after the payment of funeral expenses, shall revert wholly to the funeral fund of the society or branch.

Validity of payments.

52. (1) A payment made by a registered society or branch under the foregoing provisions of this Act with respect to payments on death generally to the person who at the time appears to a majority of the trustees to be entitled thereunder, shall be valid and effectual against any demand made upon the trustees or the society or branch by any other person, but the next of kin or lawful representative of the deceased member shall have remedy for recovery of the money, so paid as aforesaid, against the person who has received that money.

(2) Where the society or branch has paid money to a nominee in ignorance of a marriage subsequent to the nomination, the receipt of the nominee shall be a valid discharge to the society or branch.

Certificates of death.

53. (1) A registered society or branch shall not 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 that death under the hand of the Registrar of deaths or other person having care of the register of deaths in which that death is or ought to be registered.

(2) This section shall not apply to deaths at sea, nor to a death by colliery explosion or other accident where the body cannot be found, nor to any death certified by a coroner or magistrate holding a coronial or magisterial inquiry, to be the subject of a pending inquest or inquiry.

Payments on death of children.

Limitation of amount payable.

54. A society, whether registered or unregistered, or a branch shall not 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 that child by any other society or branch exceeds six pounds, 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 that child by any other society or branch exceeds ten pounds.

Person to whom payment may be made.

55. A society, whether registered or unregistered, or a branch shall not pay any sum on the death of a child under ten years of age
except

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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 registrar of deaths or other person having the care of the register of deaths, containing the particulars mentioned in this Act.

56. (1) Where application is made for a certificate of the death of a child for the purpose of obtaining a sum of money from a society or branch, the name of the society or branch, and the sum sought to be obtained therefrom, shall be stated to the registrar of deaths. Particulars of certificates.

(2) The registrar of deaths shall write on or at the foot of the certificate the words "To be produced to the society or branch" (*naming the same*) "said to be liable for payment of the sum of pounds" (*stating the same*).

(3) All certificates of the same death shall be numbered in consecutive order.

57. (1) A registrar of deaths shall not give any one or more certificates of death for the payment in the whole of any sum of money exceeding six pounds on the death of a child under five years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under ten years. Cases in which certificates may be given.

(2) A registrar of deaths shall not grant any such certificate 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.

58. A society, whether registered or unregistered, or a branch 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, inquire whether any and what sums of money have been paid on the same death by any other society or branch. Inquiries by societies.

59. Nothing in this Act respecting payments on the death of children shall apply to insurance on the lives of children of any age, when the person insuring has an interest in the life of the person insured. Saving as to insurable interests.

Disputes.

60. Every dispute between—

- (a) a member or person claiming through a member or under the rules of a registered society or branch, and the society or branch, or an officer thereof; or Decision of disputes.
- (b) any person aggrieved who has for not more than six months ceased to be a member of a registered society or branch, or any person claiming through such person aggrieved, and the society or branch, or an officer thereof; or

(c)

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- (c) any branch of any society and the society of which it is a branch ; or
- (d) an officer of any branch and the society of which that branch is a branch ; or
- (e) any two or more branches of any society, or any officers thereof respectively,

shall be decided in a manner directed by the rules of the society or branch, and the decision so given shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction ; and application for the enforcement thereof may be made to the District Court.

Change of name, amalgamation, and conversion of Societies.

Power to change name.

61. (1) A registered society may, by special resolution, with the approval in writing of the Registrar, change its name, and shall not change its name in any other manner.

(2) Any such change of name shall not affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society, or any other officer who may sue or be sued on behalf of the society, notwithstanding its new name.

An amalgamation and transfer of engagements.

62. (1) Any two or more registered societies, or any two or more branches of a registered society with the consent of such society, may become amalgamated together as one society or branch, with or without any dissolution or division of the funds of any of those societies or branches.

(2) A registered society, or branch of a registered society with the consent of such society, may transfer its engagements to any other registered society or branch which may undertake to fulfil the engagements of that society or branch.

(3) The terms upon which any societies or branches may become amalgamated, or upon which any society or branch may transfer its engagements under this section shall be—

- (a) agreed upon by the committees of management of all the societies or branches proposed to become amalgamated, or of the society proposing to transfer its engagements and the society proposing to undertake to fulfil such engagements ; and
- (b) confirmed by the votes of a majority of the members of each of such societies or branches present or voting by writing (where and in such manner as the rules allow voting by writing) at a general meeting duly convened for that purpose ; and
- (c) approved by the Registrar after such confirmation.

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63. (1) A registered society may, by special resolution, determine to convert itself into a company under the Companies Act, or to amalgamate with or transfer its engagements to any such company. Conversion of society into company.

(2) If a special resolution for converting a society into a company contains the particulars required by the Companies Act, to be contained in the memorandum of association of a company, and a true copy thereof has been registered by the Registrar, a copy of that resolution under the seal or stamp of the Registrar shall have the same effect as a memorandum of association duly signed and attested under the said Act.

(3) If a society is registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of the society under this Act shall thereupon become void, and shall be cancelled by the Registrar; but the registration of a society as a company shall not affect any right or claim subsisting against that society, or any penalty incurred by that society; and for the purpose of enforcing any such 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 every such right or claim, or the liability to any such penalty, shall have priority as against the property of the company, over all other rights or claims against or liabilities of the company.

64. An amalgamation or transfer of engagements in pursuance of this Act shall not prejudice any right of a creditor of either or any society party thereto. Saving rights of creditors.

65. (1) A registered society may, by a resolution passed by a majority of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose any such resolution has been duly given according to the rules, determine to become a branch of any other registered society. Conversion of society into branch.

(2) If the rules of the society do not comply with all the provisions of this Act, the meeting at which any such resolution is passed may amend the rules so as to bring the rules into compliance with this Act.

(3) A copy of the rules of the society marked to show the amendments, if any, made at the meeting, and two copies of the resolution and of such amendment of rules, if any, as aforesaid, each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of another society, and countersigned by the secretary of that other society, shall be sent to the Registrar.

(4) If the Registrar finds that the rules, with or without such amendment as aforesaid, comply with the provisions of this Act, he shall cancel the registry of the first-mentioned society, and shall register the rules and issue acknowledgments in the same manner as is provided by this Act in respect of the establishment of new branches; and

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and the provisions of this Act as to appeals from the refusal to register a society shall apply to a refusal to register rules or issue acknowledgments under this section as a branch of that other society.

(5) An advertisement of any cancelling of registry under this section shall not be requisite.

(6) This section shall apply only to societies registered before the commencement of this Act.

Meaning of special resolution.

66. For the purposes of this Act a special resolution shall mean a resolution which is—

- (a) passed by a majority of not less than two-thirds of such members of a registered society entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies), at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules; and
- (b) confirmed by a majority of such members entitled under the rules to vote as may be 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 nor more than one month from the day of the meeting at which such resolution was first passed.

At any meeting mentioned in this section, unless a poll is demanded, a declaration by the chairman that the resolution has been carried shall be conclusive evidence of the fact.

Registration of special resolutions.

67. A copy of every special resolution for any of the purposes mentioned in this Act, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the Registrar and registered by him, and until that copy is so registered the special resolution shall not take effect.

Inspection, cancelling, and suspension of registry—dissolution.

Appointment of inspectors.

68. (1) Upon the application of—

- (a) one-fifth of the whole number of members of a registered society; or,
- (b) in the case of a registered society of one thousand members and not exceeding ten thousand, one hundred members; or,
- (c) in the case of a registered society of more than ten thousand members, five hundred members,

the Registrar, with the consent of the Governor in every case, may—

- (a) appoint an inspector or inspectors to examine into and report on the affairs of the society; or,
- (b) call a special meeting of the society.

(2) The application under this section shall be supported by such evidence, for the purpose of showing that the applicants have good
good

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good reason for requiring an inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the Registrar directs.

(3) The Registrar shall require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling the meeting.

(4) All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying therefor or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the Registrar directs.

(5) An inspector appointed under this section may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly.

(6) The Registrar may direct at what time and place a special meeting under this section is to be held and what matters are to be discussed and determined at that meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

(7) This section shall not apply to a society with branches, except with the consent of the central body of that society.

69. (1) The Registrar may—

- (a) if he thinks fit, at the request of a society, to be evidenced in such manner as he may direct; or
- (b) with the approval of the Governor, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of this Act, or has ceased to exist; or
- (c) if any society or branch thereof fails to comply within a period of twelve months, after due notice has been given by the Registrar (acting under the advice of the actuary), with any requirement duly made by him under his hand in reference to the adequacy of its contributions to provide the benefits provided under its rules,

by writing under his hand cancel the registry of a society.

(2) The Registrar in any case in which he might, with the approval of the Governor, cancel the registry of a society, may, by writing under his hand, suspend the registry for any term not exceeding three months; and may, with the approval of the Governor, renew the suspension for the like period.

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(3) Unless the Registrar has given to a registered society not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension, the registry of the society shall not be cancelled (except at its request) or suspended.

(4) Where the registry of a society has been cancelled or suspended, notice thereof shall forthwith be advertised in the Gazette.

(5) Where the registry of a society has been suspended or cancelled the society shall from the time of the suspension or cancelling (but if suspended only while the suspension lasts, and subject also to the right of appeal given by this section) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by the society; and any such liability may be enforced against the society as if the suspension or cancelling had not taken place.

(6) A society may appeal from the cancelling of its registry or from any suspension thereof which is renewed after six months from the Registrar to the Supreme Court.

Dissolution of societies.

70. (1) Subject to the provision of this Act as to the dissolution of societies with branches, a registered society or branch may terminate or be dissolved in any of the following ways—

- (a) upon the happening of any event declared by the rules to be the termination of the society or branch; or
- (b) as respects societies authorised by the Governor under section six of this Act, by the consent of two-thirds of the members, testified by their signatures to the instrument of dissolution; or
- (c) as respects societies other than those authorised by the Governor under section six of this Act, by the consent of five-sixths in value of the members (exclusive of honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the written consent of every person receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society or branch, unless the claim of that person is first duly satisfied, or adequate provision made for satisfying that claim, 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; or
- (d) by the award of the Registrar in the cases specified in this Act.

(2) The central body of any society shall have power if it deem fit to assume the control of all moneys and properties, and to defray all lawful expenses of any branch thereof which has lapsed or has been reduced in membership below the number prescribed in the rules of such society, or which has been dissolved, the members of such branch being safeguarded with respect to all benefits to which they may at the time be entitled.

(3)

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(3) For the purposes of this section the signature of a member shall include the signature of any person being a member duly authorised in that behalf by the first-mentioned member.

(4) 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.

(5) If any member of a society which is dissolved, or if 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 person may apply to the District 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 that court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

71. When a registered society or branch is terminated by an instrument of dissolution:— Instrument of dissolution.

- (1) the instrument shall set forth—
 - (a) the liabilities and assets of the society or branch in detail; and
 - (b) the number of members and the nature of their interests in the society or branch; and
 - (c) the claims of creditors (if any), and the provision to be made for their payment; and
 - (d) the intended appropriation or division of the funds and property of the society or branch, unless the appropriation or division is stated in the instrument of dissolution to be left to the award of the Registrar.
- (2) Alterations in the instrument of dissolution may be made with the like consents as are in this Act required for the dissolution of a society or branch, testified in the same manner.
- (3) A statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society or branch, that the provisions of this Act have been complied with, and shall be sent to the Registrar with the instrument of dissolution.
- (4) The instrument shall not in the case of a registered society or branch direct or contain any provision for a division or appropriation of the funds of the society or branch, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society or branch 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 provisions are made for satisfying those claims.

(5)

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- (5) The instrument of dissolution and all alterations therein shall be registered in manner in this Act provided for the registry of amendments of rules, and shall be binding upon all the members of the society or branch.
- (6) The Registrar shall cause a notice of the dissolution to be advertised in a newspaper circulating within the district in which the society's meetings are held, at the expense of the society or branch, and unless within three months from the date of the Gazette in which the advertisement appears, a member or other person interested in or having any claim on the funds of the society or branch commences proceedings to set aside the dissolution of the society or branch, and the dissolution is set aside accordingly, the society or branch shall be legally dissolved from the date of that advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Award of
dissolution.

72. (1) Upon the application made in writing under their hands of—

- (a) one-fifth of the whole number of members of a registered society or branch ; or
- (b) in the case of a registered society or branch of one thousand members and not exceeding ten thousand, one hundred members ; or
- (c) in the case of a registered society or branch of more than ten thousand members, five hundred members,

the Registrar may by himself, or by his deputy whom he may appoint in writing under his hand, investigate the affairs of the society or branch, but shall give not less than one month's previous notice in writing to the society or branch whose affairs are to be investigated.

(2) The application shall—

- (a) state that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured ; and
- (b) set forth the grounds on which the insufficiency is alleged ; and
- (c) request an investigation into the affairs of the society or branch with a view to the dissolution thereof ; and
- (d) the Registrar shall, before proceeding under this section, demand from the applicants a deposit or security for the cost of the proposed investigation, and such deposit or security shall not be from or upon the funds of the society or branch.

(3) If upon the investigation it appears that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society

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society or branch are insufficient to cover the benefits assured to be given by the society or branch, the Registrar may, if he considers it expedient so to do, award that the society or branch shall be dissolved, and its affairs wound-up, and shall direct in what manner the assets of the society or branch shall be divided or appropriated: Provided always that the Registrar may suspend his award for such period as he may deem necessary to enable the society or branch to make such alterations and adjustment of contributions and benefits as will, in his judgment, prevent the necessity of the award of dissolution being made.

(4) The Registrar 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 Act.

(5) Every award under this section, whether for dissolution or distribution of funds, shall be final and conclusive on the society or branch in respect of which the award is made, and on all members of the society or branch and on all other persons having any claim on the funds of the society or branch, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act.

(6) The expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society or branch before any other appropriation thereof is made, provided that the Registrar may direct that each person applying for the investigation shall contribute a sum not exceeding sixpence towards the expenses thereof.

(7) Notice of award for dissolution shall, within twenty-one days after the award has been made, be advertised by the Registrar and unless within three months from the date on which that advertisement appears, a member or person interested in or having any claim on the funds of the society or branch commences proceedings to set aside the dissolution of the society or branch consequent upon such award, and the dissolution is set aside accordingly, the society or branch shall be legally dissolved from the date of the advertisement, and the requisite consents to the application to the Registrar shall be considered to have been duly obtained without proof of the signature thereto.

73. A notice required by this Act to be advertised shall be published in the Gazette, and in a newspaper circulating in the neighbourhood of the registered office of the society or branch. Advertisement of notices.

74. The provisions of this Act respecting the dissolution of societies shall not apply to any society having branches except with the consent of the central body of the society. Dissolution of societies having branches.

75. Notice shall be sent to the Registrar by the person taking any proceeding to set aside the dissolution of a society or branch, not less than seven days before the proceeding is commenced, and by the society or branch of any order setting a dissolution aside, within seven days after that order is made. Notice of proceedings to set aside dissolution.

Offences,

*Friendly Societies.**Offences, penalties, and legal proceedings.*

Penalty for offences
by members of
committee of
unregistered
societies.

76. Whosoever being a member of the committee of management of any society formed after the commencement of this Act for any of the purposes mentioned in subsection (1) of section six of this Act takes any money or valuable thing in consideration of the allotment of any shares or interest in that society before the society is registered under this Act shall be liable to a penalty not exceeding twenty pounds.

Offences.

77. It shall be an offence under this Act if—

- (a) a registered society or branch, or an officer or member thereof, fails to give any notice, send any return or document, do or allow to be done anything which the society, branch officer, or person, is by this Act required to give, send, do, or allow to be done; or
- (b) a registered society or branch, or an officer or member thereof, wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or by any other person authorised under this Act, or does anything forbidden by this Act; or
- (c) a registered society or branch, or an officer or member thereof, makes a return, or wilfully furnishes information in any respect false or insufficient; or
- (d) an officer or member of a body which, having been a branch of a society, has wholly seceded or been expelled from that society, thereafter uses the name of that society or any name implying that the body is a branch of that society, or the number by which that body was designated as such branch; or
- (e) where a dispute is referred under this Act to the Registrar, a person refuses to attend or to produce any documents, or to give evidence before the Registrar; or
- (f) a society, whether registered or unregistered, or a branch pays money on the death of a child under ten years of age, otherwise than is provided by this Act; or
- (g) a parent or personal representative of a parent claiming money on the death of a child produces a certificate of the death other than is in this Act provided to the society or branch 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 Act with respect to payments upon the death of children.

Offences by societies
to be also offences by
officers, &c.

78. Where a registered society or branch is guilty of an offence under this Act every officer of the society or branch bound by the rules thereof to fulfil any duty whereof the offence is a breach, or if there is no such officer, then every member of the committee, unless
that

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that officer or member is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall be liable to the same penalty as if he had committed the offence.

79. Every default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the default continues. Continuing offences.

80. (1) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents other than the rules of a registered society or branch, on the pretence that they are the existing rules of that society or branch, or that there are no other rules of the society or branch, or gives to any person a copy of any rules on the pretence that those rules are the rules of a registered society or branch when the society is not registered, or the branch is not a branch as defined by this Act, the person so offending shall be guilty of a misdemeanour. Punishment of fraud, false declarations, and misappropriations.

(2) If any person knowingly makes a false or fraudulent statement in any statutory declaration required by this Act, he shall be guilty of a misdemeanour. And if any member of a registered society or branch makes any false statement in any declaration, whether written or verbal, or in any statutory declaration, required by this Act or by the rules made thereunder, he may, in addition to suffering any other penalty under this Act, on the vote of the majority of the members of the society or branch present at a general meeting, be deprived of all benefits of the society and branch, and be expelled from such society or branch.

(3) If any person obtains possession by false representation or imposition of any property of a registered society or branch, or withholds or misapplies any such property in his possession, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society or branch and authorised by this Act, he shall, on such complaint as is in this section mentioned, be liable on summary conviction to a fine not exceeding twenty pounds and costs, and to be ordered to deliver up all such property, or to repay all sums of money applied improperly; and in default of such delivery or repayment, or of the payment of such fine and costs as aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months.

(4) Complaint under this section may be made—

- (a) In the case of a registered society, by the society or any member authorised by the society, or the trustees or committee of the society; or
- (b) In the case of a branch, by—
 - (1) the branch or any member authorised by the branch or the trustees or committee thereof; or
 - (2) the central body of the society of which the branch forms part; or
 - (3)

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(3) any member of the society or branch authorised by the central body ; or

(c) In any case, by the Registrar or by any member of the society or branch authorised by the Registrar.

(5) Nothing in this Act shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

Fine for falsification.

81. If any person wilfully makes, orders, or allows to be made any entry, erasure in, or omission from, a balance-sheet of a registered society or branch, or a return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be liable to a penalty not exceeding fifty pounds.

Fine for ordinary offences.

82. A society or branch, and an officer or member of a society or branch, or other person guilty of an offence under this Act for which no penalty is expressly provided, shall be liable to a penalty of not less than one pound and not more than five pounds.

Special offences in the case of friendly societies.

83. If an officer or person aids or abets in the amalgamation or transfer of engagements, or in the dissolution of a friendly society otherwise than as in this Act provided, he shall be liable on summary conviction to the penalty imposed by this Act for offences thereunder, or to be imprisoned with hard labour for a term not exceeding three months.

Recovery of fines and prosecution of offences.

84. All penalties imposed by this Act or by any regulations made thereunder or by the rules of a registered society or branch may at the suit of the Registrar or any person aggrieved be recovered before, and offences against this Act may be heard and determined by, a police or stipendiary magistrate or any two justices of the peace in petty sessions—

(a) in the petty sessions district where the offence was committed; or

(b) as respects a prosecution against a registered society or branch or an officer thereof, in the petty sessions district where the registered office of the society or branch is situated ; or

(c) as respects a prosecution against a person other than a registered society or branch or an officer thereof, in the petty sessions district where the person is resident at the time of the institution of the prosecution :

Provided that any person aggrieved by any judgment, conviction, or order given or made under this section may appeal therefrom in the manner provided by the Criminal Law Amendment Act of 1883, and the Criminal Law and Evidence Amendment Act of 1891 in respect of appeals from summary conviction.

Legal proceedings.

85. (1) The trustees of a registered society or branch, or any other officers authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action or other legal proceeding in

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in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, and may sue and be sued in their proper names, without other description than the title of their office.

(2) In legal proceedings brought under this Act by a member or person claiming through a member, a registered society or branch may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society or branch within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words "on behalf of the society or branch" (*naming the same*).

(3) A legal proceeding shall not abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of any such officer after the commencement of the proceedings.

(4) The summons, writ, process, or other proceeding to be issued to or against the officer or other person sued on behalf of a registered society or branch shall be sufficiently served by personally serving that officer or other person, or by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch within the jurisdiction of the court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business.

(5) In all cases where the said summons, writ, process, or other proceeding is not served by means of such personal service or by leaving a true copy thereof at the registered office of the society or branch as aforesaid, a copy thereof shall be sent in a registered letter addressed to the committee at the registered office of the society or branch, and posted at least fourteen days before any further step is taken on the proceeding.

Fees, forms, regulations, evidence.

86. (1) The Governor may determine a scale of fees to be paid, ^{Fees.} for matters to be transacted, or for the inspection of documents under this Act.

(2) A fee shall not be payable on the registry of any friendly society, or of any amendment of the rules thereof.

(3) All fees which may be received by any Registrar, under or by virtue of this Act, shall be paid into the Treasury.

87. (1) For the purpose of this Act, a certificate of the birth or death of any member of or person insured or to be insured with a registered friendly society or branch, shall, on application being made as in this Act provided, be given under his hand by the Registrar of Births or Deaths, for a sum not exceeding one shilling, in place of all fees or payments otherwise payable in respect thereof.

Fees payable to Registrar of Births and Deaths.

(2)

Friendly Societies.

(2) Whenever application is made at one time to any such Registrar for more certificates than one of the same birth or death for the purposes of and in the manner prescribed in this Act, the sum charged for every such certificate, other than the first, shall not exceed sixpence.

(3) Whenever the Registrar is required by the person applying for any certificate of birth or death to fill up the form of application, he may demand a sum not exceeding threepence for so doing.

(4) For the purposes of this section the expression Registrar of Births or Deaths shall include any person having the care of the register of births or deaths in which the birth or death is entered.

Acknowledgment of registry of society.

88. (1) The forms to be used for acknowledgments of registry of societies, rules and amendments of rules, and of establishment of branches, shall be those contained in Part I of the Second Schedule to this Act, or such other forms as are prescribed by regulations made by the Governor.

(2) Every annual or other return, abstract of valuation, and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the Registrar prescribes.

(3) A receipt under this Act endorsed upon or annexed to a mortgage or other assurance, shall be in the form set forth in Part II of the same Schedule, or in any form specified in the rules of the society or branch or any Schedule thereto, and a bond to be given by an officer in receipt or charge of money shall be in one of the forms set forth in the said Part.

(4) Applications for certificates of births and deaths under this Act shall be in such form and under such regulations as may be approved of by the Registrar-General of Births, Deaths, and Marriages.

Regulations for carrying out Act.

89. (1) The Governor may make regulations respecting registry and procedure under this Act, and the seal to be used for registry, and the duties and functions of the Registrar, and the inspection of documents kept by the Registrar under this Act, and generally for carrying this Act into effect.

(2) All such regulations shall be published in the Gazette, and shall thereupon, if not repugnant to this Act, have the force of law.

(3) All such regulations shall, on being gazetted, be laid before both Houses of Parliament within fourteen days if Parliament be then sitting, and if not then sitting then within fourteen days after the next meeting of Parliament.

Evidence of documents.

90. Every document bearing the seal or stamp of the Registrar 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 Act shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Application

*Friendly Societies.**Application of Act.*

91. Societies and branches subsisting at the commencement of this Act, which were established under Part III of the Friendly Societies Act of 1873, and whose rules were certified under that Act, or to which the exemptions and privileges of that Act were extended, shall for a period of twelve months from the commencement of this Act be deemed to be societies registered under this Act; and the rules of those societies and branches certified as aforesaid shall, so far as they are not contrary to any express provision of this Act, continue in force for the said period, and no longer.

Application to
existing societies.

Supplemental.

92. In this Act, unless a contrary intention appears—

Definitions.

- “Amendment of rule” shall include a new rule, and a resolution rescinding a rule.
- “Branch” shall mean 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 or officers appointed by themselves, and bound to contribute to a fund under the control of a central body, and which has been designated as a branch of a society in any acknowledgment of the registry of that society, or of the registry of the rules or establishment of a new branch.
- “Central body” shall mean, in the case of a society with branches, the body of delegates appointed under the rules of the society to control the business of such branches.
- “Committee” shall mean the committee of management or other directing body of a society or branch.
- “Land” shall include any interest in land.
- “Meeting” shall include (where the rules of the society so allow) a meeting of delegates appointed by members.
- “Officer” shall include any trustee, treasurer, secretary, or member of the committee of management of a society or branch, or person appointed by the society or branch to sue and be sued on its behalf.
- “Persons claiming through a member” shall include the nominees of the member when nomination is allowed.
- “Property” shall extend to all property (whether real or personal), including books and papers.
- “Registered society” shall mean a society registered under this Act, and shall include societies subsisting at the commencement of this Act to which the provisions of this Act apply.
- “Registrar” shall mean the Registrar under this Act.

93.

Friendly Societies.

Repeal.

93. The Act mentioned in the Third Schedule to this Act is hereby repealed to the extent mentioned in the third column of that Schedule.

Short title.

94. This Act may be cited as the "Friendly Societies Act, 1899."

SCHEDULES.

FIRST SCHEDULE.

Matters to be provided for by the rules of societies registered under this Act.

1. The name and place of office of the society.
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, and the consequences of non-payment of any subscription or fine.
3. The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules.
4. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees; 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.
5. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.
6. Annual returns to the Registrar of the receipts, funds, effects, and expenditure, and numbers of members of the society.
7. The inspection of the books of the society by every person having an interest in the funds of the society.
8. The manner in which disputes shall be settled.
9. 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 shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.
10. A valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.
11. 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.
12. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the Registrar for an investigation of the affairs of the society, or for winding-up the same.

THE SECOND SCHEDULE.

FORMS.

PART I.

Acknowledgment of registry of society.

The society (with branches designated) is registered as a
friendly society, under the Friendly Societies Act, 1899, this day of .
(Seal or stamp of, and signature of Registrar.)
Acknowledgment

Friendly Societies.

Acknowledgment of registry of amendment of rules.

The foregoing amendment of the rules of the _____ society (or of the
branch of the _____ society), is registered under the Friendly Societies Act, 1899,
this _____ day of _____ .
(Seal or stamp of office, and signature of Registrar.)

Acknowledgment of establishment of new branch.

The _____ is acknowledged to be established as a branch of the _____
society under the Friendly Societies Act, 1899, this _____ day of _____ .
(Seal of office and signature of Registrar.)

Acknowledgment of registry of rules of new branch.

The foregoing rules of the _____ branch of the _____ society are registered
under the Friendly Societies Act, 1899, this _____ day of _____ .
(Seal of office and signature of Registrar.)

PART II.

Form of bond.

KNOW all men by these presents that we, A.B., of _____, one of the officers of the
_____ society (or of the _____ branch of the _____ society) having its registered
office 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 E.F. of
_____, G.H. of _____, and I.K. of _____ the trustees of the said society (or
branch) in the sum of _____ to be paid to the said E.F., G.H., and I.K., as such
trustees or their successors, trustees for the time being, or their certain attorney; 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.

Sealed with our seals. Dated the _____ day of _____, in the year of our
Lord _____

Whereas the above-bounden A.B. has been duly appointed to the office of
of the _____ society (or of the _____ branch of the _____ society) having its registered
office situate as aforesaid, and he, together with the above-bounden C.D. as his surety,
have 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 (or branch), 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 (or branch) in his hands or
custody to such person or persons as the said society (or branch), or the trustees or
committee of management thereof shall appoint, according to the rules of the said
society (or branch), together with the proper and legal receipts or vouchers for such
payments, then the above-written bond shall be void, otherwise shall remain in full force.

Sealed and delivered in the presence of—

(Two witnesses.)

Form

Act No. 32, 1899.

*Navigation (Amendment).**Form of receipt to be endorsed on mortgage or further charge.*

THE trustees of the society (or the branch of the society)
 hereby acknowledge to have received all moneys intended to be secured by the within
 (or above) written deed.

Signed (*Signatures of trustees.*)

Trustees.

Countersigned (*Signature of secretary.*)

Secretary.

THIRD SCHEDULE.

Session and chapter.	Title or short title.	Extent of repeal.
37 Vic. No. 4 ...	The Friendly Societies Act, 1873...	The whole Act, except so far as it relates to benefit-building, loan, and investment societies, and to co-operative trading and industrial societies.