

CHAPTER 379

FRIENDLY SOCIETIES

1905-1

This Act came into operation on 28th February, 1905.

Amended by:

1956-56

1974-18

1979-32

1963-5

1967/168

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1978

1985

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 379

**FRIENDLY SOCIETIES
1905-1**

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

REGISTRAR OF FRIENDLY SOCIETIES

3. Registrar
4. Minister may fix scale of fees to be charged by Registrar
5. Expenses to be borne from public funds
6. Societies securing annuities or payments to have tables certified by the Auditor-General
7. Recording of documents
8. Documentary evidence
9. Half-yearly reports by Registrar

PART III

REGISTRATION OF FRIENDLY SOCIETIES

10. Societies incorporated by Act not to be registered
11. Societies registered under previous legislation deemed registered under this Act
12. Societies which may be registered
13. Penalty for non-registration
14. Conditions for registration
15. Identical or deceptive similarity of name not allowed
16. Dividing societies may be registered
17. Acknowledgment of registry
18. Appeals from refusal to register
19. Acknowledgment to be issued if appeal allowed
20. Effect of acknowledgment of registry
21. Registry of societies with branches
22. Notices of establishment of new branches
23. Application of previous provisions to branches
24. Registration of branches

-
25. Name of seceding or expelled branch
 26. Contributions from one society to another

PART IV

POWERS, PRIVILEGES AND DUTIES OF FRIENDLY SOCIETIES

27. Registered office
28. Appointment of trustees
29. Audit
30. Annual returns
31. Annual statement to be sent to Registrar
32. Quinquennial valuation
33. Copy of last balance sheet, etc., to be hung up at registered office
34. Auditor-General may require pre-payment of fees according to scale to be fixed by the Minister
35. Books, accounts and all necessary things to be sent to Auditor-General
36. Priority on death, bankruptcy, etc., of officer
37. Membership of minors
38. Evidence of age of proposed member or dependant to be produced
39. Society may subscribe to hospitals

40. Right to supply of copies of the rules
41. Right to supply of copies of annual return
42. Inspection of books by members
43. Limitations of benefit
44. Accumulating surplus of contributions for member's use
45. Investment of funds
46. Loans to assured members
47. Loans may be made out of separate loan fund
48. Holding of land
49. Vesting of property
50. Devolution on death
51. Description in legal proceedings
52. Discharge of mortgages by receipt endorsed
53. Registration of receipt
54. Security to be given
55. Accounts of officers
56. Power of nomination for sums not exceeding \$480
57. *[Repealed]*

-
- 58. Payments under s.56 valid
 - 59. Distribution of sums not exceeding \$240
 - 60. Certificate of burial to be required before payment
 - 61. Payments on death of children under ten years

PART V

DISPUTES

- 62. Disputes

PART VI

CHANGE OF NAME, AMALGAMATION AND CONVERSION OF SOCIETIES

- 63. Change of name
- 64. Amalgamation of societies
- 65. Conversion of societies into companies
- 66. Saving of right of creditors
- 67. Validity of special resolution for amalgamation and transfer of engagements
- 68. Remedy of dissatisfied members
- 69. Confirmation of amalgamation
- 70. Special resolution and proceedings which may be taken thereon

- 71. Registration of special resolutions
- 72. Provisions not applicable to branches
- 73. Conversion of registered societies into branches

PART VII

INSPECTION

- 74. Inspectors

PART VIII

CANCELLATION AND SUSPENSION OF REGISTRY AND DISSOLUTION
OF FRIENDLY SOCIETIES

- 75. Cancellation and suspension
- 76. Dissolution
- 77. Dissolution by award
- 78. Savings

PART IX

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

- 79. Offences
- 80. Offences by societies also to be offences by officers
- 81. Delivery of untrue rules
- 82. Punishment of fraud or misappropriation

- 83. Penalty for falsification
- 84. Penalties for ordinary offences
- 85. Recovery of penalties
- 86. Where offences are to be prosecuted
- 87. Legal proceedings

PART X

MISCELLANEOUS

- 88. Regulations
- 89. Evidence of documents

FIRST SCHEDULE

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

SECOND SCHEDULE

REGISTRAR'S CERTIFICATE OF REGISTRY OF RULES

THIRD SCHEDULE

REGISTRAR'S CERTIFICATE TO ALTERATIONS OR AMENDMENTS OF RULES

FOURTH SCHEDULE

ACKNOWLEDGMENT OF REGISTRY OF BRANCH

FIFTH SCHEDULE

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF BRANCH RULES

SIXTH SCHEDULE

Form of Annual Statement

SEVENTH SCHEDULE

FORM OF BOND

**BARBADOS****FRIENDLY SOCIETIES
1905-1**

An Act to consolidate the Acts of Barbados relating to Friendly Societies.

[Commencement: 28th February, 1905]

**PART I
PRELIMINARY****Short title**

1. This Act may be cited as the *Friendly Societies Act*.

Interpretation

2. For the purposes of this Act, the expression
“amendment of a rule” includes a new rule and a resolution rescinding a rule;
“branch” means any number of the members of a society under the control of a
central body having a separate fund administered by themselves or by a
committee or officers appointed by themselves;
“land” includes hereditaments of whatever description and chattels real;

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

“officer” includes any trustee, treasurer, secretary or member of the committee of management of a society or person appointed by the society to sue and be sued on its behalf;

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

“property” means all real and personal estate including books and papers;

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

“rules” means rules for the time being.

PART II

REGISTRAR OF FRIENDLY SOCIETIES

Registrar

3. The Governor-General shall appoint a Registrar of Friendly Societies (hereinafter referred to as the Registrar).

[1956-56]

Minister may fix scale of fees to be charged by Registrar

4.(1) The Minister may determine a scale of fees to be charged by the Registrar for the performance of the several duties required of him and for any matter.

(2) Such scale when so determined shall be laid before Parliament and when approved by the House and Senate shall have the force of law.

(3) The Registrar shall pay monthly into the Consolidated Fund the fees received by him up to the date of such payment and shall keep a strict account of such fees, and all his books of accounts shall be open to the inspection of the Auditor-General.

Expenses to be borne from public funds

5. The cost of all books, stationery and postage and all incidental expenses which may be incurred for carrying out the purposes of this Act shall be paid from moneys voted for the purpose by Parliament.

[1967/168]

Societies securing annuities or payments to have tables certified by the Auditor-General

6. In the case of any society assuring to any member an annuity or payment, the Registrar shall have power to require the tables of contributions for such assurance to be submitted to and certified as satisfactory by the Auditor-General before such society is registered, and for the examination of such tables and for the giving of a certificate of the results of such examination, the society shall be required to pay into the Consolidated Fund a fee not exceeding \$10.

Recording of documents

7. All documents by this Act required to be sent to the Registrar shall be deposited with the rules of the societies to which the same respectively relate and shall be registered or recorded by the Registrar, with such observations thereon (if any) as he may think fit.

Documentary evidence

8. Every document purporting to be signed by the Registrar or the Auditor-General shall, in the absence of any evidence to the contrary, be received in evidence in any court without proof of the signature.

Half-yearly reports by Registrar

9. The Registrar shall every half-year submit to the Minister, who shall lay before Parliament, a report showing—

- (a) the number of societies on the register;
[1967/168]
- (b) the number of societies (if any) which have been registered during the half-year covered by his report;
- (c) the changes or amalgamations (if any) which have been made during such half-year in or by any registered societies;
- (d) the number of applications for registration (if any) which have been refused during such half-year;
- (e) the number of societies which have been struck off the register during such half-year;
- (f) the fees received by him during such half-year under this Act, and in respect of what each fee has been received; and
- (g) any other matter or thing connected with this Act and his duties thereunder which the Registrar may deem fit to mention or which the Minister may require to be mentioned.

PART III**REGISTRATION OF FRIENDLY SOCIETIES****Societies incorporated by Act not to be registered**

10. No friendly or benevolent society which has been incorporated under any special Act of this Island shall, so long as such special Act continues in force, be registered under this Act.

Societies registered under previous legislation deemed registered under this Act

11. Every society now existing which has been registered under any previous Act relating to friendly societies, or deemed to be registered under any such Act shall be deemed to be a society registered under this Act and its rules shall, so far as the same are not contrary to any express provision of this Act or to the First Schedule, continue in force until altered or rescinded.

Societies which may be registered

- 12.** The following societies may be registered under this Act, namely—
- (a) societies established to provide by voluntary subscriptions of the members thereof with or without the aid of donations—
 - (i) for the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, 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 sixty) or in widowhood or for the relief or maintenance of the orphan children of members until they attain eighteen years of age;
 - (ii) for ensuring money to be paid on the birth of a member's child or on the death of a member or the funeral expenses of the husband, wife, parent or child of a member or of the widow of a deceased member;
 - (iii) for 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;
 - (b) societies for any purpose which is authorised by the Minister as a purpose to which the powers and facilities of this Act ought to be extended:

Provided that notice of such authorisation shall be inserted in the *Official Gazette*.

Penalty for non-registration

13.(1) Every society consisting of more than six persons and being a society belonging to any of the classes mentioned in section 12 which is formed after the passing of this Act shall be registered under this Act.

(2) Where such a society is not so registered, every officer thereof shall for each day during which such society is unregistered incur a penalty of twenty-four dollars which may be recovered summarily by any person.

(3) No society shall, for the purposes of this section, be deemed unregistered if any application to register the same has been made to and is under the consideration of the Registrar.

Conditions for registration

14.(1) With respect to the registry of societies, the following provisions shall have effect.

(2) No society shall be registered under this Act which does not consist of at least seven persons.

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

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

(5) The list of officers mentioned in subsection (3) shall be signed by the secretary and every trustee and other officer named therein and shall, on the registry of the society, be evidence that the persons so named have been duly appointed.

Identical or deceptive similarity of name not allowed

15. No society shall be registered under a name identical with that under which any other existing society is registered or so nearly resembling such name as to be likely or in any name likely, in the opinion of the Registrar, to deceive the public or the members as to its nature or its identity; and no society shall change its name without the sanction of the Registrar as hereinafter provided.

Dividing societies may be registered

16. A society shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof, if the rules of the society contain distinct provision for meeting all claims upon the society existing at the time of division before any such division takes place.

Acknowledgment of registry

17. The Registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry according to the form contained in the Second Schedule.

Appeals from refusal to register

18.(1) Where the Registrar refuses to register a society or any rules, he shall give his reasons for doing so, and the society may appeal from such refusal within fourteen days to a Judge in chambers.

(2) The Judicial Advisory Council may make rules or orders as to the form of appeals and costs thereof, the trying thereof and otherwise relating thereto.

Acknowledgment to be issued if appeal allowed

19. Where the refusal of registry is overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the Registrar.

Effect of acknowledgment of registry

20.(1) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

(2) No amendment of a rule made by a registered society shall be valid until it is registered under this Act, for which purpose copies of the same signed by three members and the secretary shall be sent to the Registrar.

(3) The Registrar shall, on being satisfied that any amendment of a rule is not contrary to this Act, issue to the society an acknowledgment of registry, in the form contained in the Third Schedule, of the same, which shall be conclusive evidence that the same is duly registered.

(4) The provision herein contained as to appeals from a refusal to register shall apply to amendments of rules.

Registry of societies with branches

21.(1) Where a society has branches, the application for registry shall be accompanied by—

- (a) a list of all the branches and notice of the place wherein each is established;
- (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;
- (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 such rules;

- (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.
- (2) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society.

Notices of establishment of new branches

22.(1) There shall be sent under the hand of the secretary of a registered society to the Registrar—

- (a) notice of the establishment of every new branch of the society;
 - (b) notice of the place where the same is established;
 - (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 those of 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 registered.

Application of previous provisions to branches

23. The provisions of this Act as to—

- (a) the acknowledgment of registry of societies and amendments of rules;
- (b) appeals from refusals to register societies and amendments of rules, and the result thereof;
- (c) the registry of amendments of rules; and
- (d) evidence of registry and of the appointment of trustees and officers,

shall apply to branches and amendments of branch rules.

Registration of branches

24.(1) A body which has been registered as 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 chief secretary or other principal officer of the society that the branch has wholly seceded or has been expelled from the society.

(2) An appeal shall lie from the refusal of the chief secretary or other principal officer of the society or his omission, after one month from the receipt of a request in writing made on behalf of the body, to grant such a certificate in the same manner as from the refusal of the Registrar to register the society or any rules.

Name of seceding or expelled branch

25. 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, but such body may be registered as a new society.

Contributions from one society to another

26.(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 registered 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) Where a society has no fund under the control of a central body to which every branch is bound to contribute, every branch is deemed to be and shall be registered as a separate society, whether its rules are identical with those of other branches or not.

(3) The acknowledgment of registry of a branch and of any amendment of the rules of a branch shall be in the forms respectively contained in the Fourth and Fifth Schedules.

PART IV

POWERS, PRIVILEGES AND DUTIES OF FRIENDLY SOCIETIES

Registered office

27.(1) Every registered society and branch shall have a registered office with its name in legible letters affixed outside over the entrance door, 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:

Provided that when the registered office is any building not owned or rented by the society, it shall not be compulsory that the name of the society be affixed to any part of the building.

(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.

Appointment of trustees

28.(1) Every registered society and branch shall have one or more trustees.

(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 a trustee, signed by the trustee so appointed and by the secretary 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.

Audit

29.(1) Every registered society and branch shall once at least in each year submit its accounts for audit to the Auditor-General.

(2) The Auditor-General shall have access to all the books and accounts of the society or branch and shall 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 him to be correct, duly vouched and in accordance with law, or specially report to the society or branch in what respects he finds it incorrect, unvouched or not in accordance with law.

Annual returns

30.(1) Every registered society and branch shall once in every year, not later than the thirty-first day of March, send to the Registrar a return (in this Act called the annual return) in a form to be prescribed by the Registrar with the approval of the Minister of the receipts and expenditure, funds and effects of the society or branch as audited.

(2) The annual return shall—

(a) show separately the expenditure in respect of the several objects of the society or branch; and

(b) be made out to and including the thirty-first day of December immediately preceding.

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

(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.

Annual statement to be sent to Registrar

31.(1) Every society and branch shall once in every year, not later than the thirty-first day of March, send to the Registrar a statement in the form contained in the Sixth Schedule.

(2) The blank forms for the returns mentioned in this section and section 30 shall be supplied by the Registrar for distribution among the several societies and branches.

Quinquennial valuation

32.(1) Every registered society and branch shall once at least in every five years cause its assets and liabilities to be valued by a valuer to be appointed by the society or branch and send to the Registrar a report on the condition of the society or branch.

(2) Every such report as aforesaid shall—

- (a) be signed by the valuer;
- (b) state the address and calling or profession of the valuer; and
- (c) contain an abstract to be made by the valuer of the results of his valuation, 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 may be necessary.

Copy of last balance sheet, etc., to be hung up at registered office

33. 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 Auditor-General, always suspended in a conspicuous place at the registered office of the society or branch.

Auditor-General may require pre-payment of fees according to scale to be fixed by the Minister

34. For the services required to be performed by him under this Act, the Auditor-General shall be entitled to require the pre-payment into the Consolidated Fund of the appropriate fee according to a scale to be fixed by the Minister and he shall not be bound to perform any of those services unless such fee is first paid.

Books, accounts and all necessary things to be sent to Auditor-General

35. For the purposes of audit every registered society or branch shall send all the books and accounts of the society or branch and all vouchers and other documents and things necessary for a proper audit to the Auditor-General.

Priority on death, bankruptcy, etc., of officer

36.(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 or action instituted against any such officer or against his property,

his heirs, executors or administrators, or the Official Assignee or the Chief Marshal or other person executing the process or the party instituting such action respectively 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 of management 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) For the purposes of this section, the expression “bankruptcy” includes liquidation of a debtor’s affairs by arrangement with his creditors.

Membership of minors

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

[1974-18]

Evidence of age of proposed member or dependant to be produced

38. No registered friendly society shall accept any person as a member or register any person as a dependant, unless a certificate of baptism or some other satisfactory evidence of the age of such proposed member or dependant is produced to the committee of management or other proper authority.

Society may subscribe to hospitals

39. A society 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 and their families the benefits of such hospital, infirmary or other institution according to its rules.

Right to supply of copies of the rules

40. Every registered society or branch shall deliver to every person on demand, on payment of a sum not exceeding twelve cents, a copy of the rules for the society or branch.

Right to supply of copies of annual return

41. Every registered society and branch shall supply free of cost to every member or person interested in its funds on his application, either—

- (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.

Inspection of books by members

42. The Registrar or any member or any 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 or of the Registrar.

Limitations of benefit

43. No member of a registered friendly society nor any person claiming through a member shall be entitled to receive more than nine hundred and sixty dollars by way of gross sum or two hundred and forty dollars a year by way of annuity from any one or more of such societies, and any such society may require a member or person claiming through a member to make and sign a statutory declaration that the total amount to which such member or person is entitled from one or more such societies does not exceed such sums.

[1963-5]

Accumulating surplus of contributions for member's use

44. The rules of a society may provide for accumulating at interest, for the use of any member of the same, any surplus of his contributions to the funds of the society which may remain after providing for any assurance in respect of which the same are paid and for the withdrawal of such accumulations from time to time.

Investment of funds

45. The trustees of a registered society or branch may, with the consent of the committee of management or of a majority of the members of the society present and entitled to vote in general meeting, from time to time invest the funds of such society or any part thereof to any amount in any of the following ways, namely—

- (a) in the Government Savings Bank up to any amount;
- (b) in the purchase of land or in the erection or alteration of offices or other buildings thereon, the consent in writing of the Registrar in such form as he may determine having been previously obtained:

Provided that in the provision of offices the money shall be obtained by raising a special fund;

- (c) upon any other security expressly directed by the rules of the society not being personal security, except as hereinafter authorised with respect to loans.

Loans to assured members

46.(1) A registered society and, subject to the rules of the society, a registered branch, may advance to a member of at least one full year's standing any sum not exceeding one-half of the amount of an assurance on his life, on the written security of himself and two satisfactory sureties for repayment.

(2) The sum so advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of the security.

Loans may be made out of separate loan fund

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

- (a) no loan shall at any time be made out of moneys contributed for the other purposes of the society;
- (b) no member shall be capable of holding any interest in the loan fund exceeding nine hundred and sixty dollars;
- (c) no society shall make any loan to a member on personal security beyond the amount fixed by the rules or shall make any loan which, together with any moneys for the time being owing by a member to the society, exceeds two hundred and forty dollars;
- (d) no society shall hold at any time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two-thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund.

Holding of land

48.(1) A registered society or branch may (if the rules there of so provide) hold, purchase or take on lease in the names of the trustees of the society or branch any land and may sell, exchange, mortgage, lease or build upon that land (with power to alter and pull down buildings and again rebuild) and a purchaser, assignee, mortgagee or tenant shall not be bound to enquire as to the authority for any sale, exchange, mortgage or lease by the trustees, and the receipts of the trustees shall be a discharge for all sums of money arising from or in connection with the sale, exchange, mortgage or lease.

(2) A branch of a registered society need not for the purposes of this section be separately registered.

(3) Nothing in this section shall authorise a benevolent society to hold land exceeding one acre in extent.

Vesting of property

49.(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 registered 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 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 only for sums of money actually received by them respectively on account of the society or branch.

Devolution on death

50. 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 trustees 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 of the

United Kingdom shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.

Description in legal proceedings

51. In all legal proceedings whatever concerning any such property, the same shall be stated to be the property of the trustees for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.

Discharge of mortgages by receipt endorsed

52. A receipt under the hands of the trustees countersigned by the secretary in any form specified by the rules of the society or any schedule thereto for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, shall vacate the same and vest the property therein comprised in the person entitled to the equity of redemption of the same without reconveyance.

Registration of receipt

53.(1) Where such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, the Registrar under such Act shall, on production of such receipt verified by oath of any person, enter satisfaction on the register of such mortgage or of the charge made by such assurance and shall grant a certificate either upon such mortgage or assurance or separately to the like effect.

(2) The certificate shall be received in evidence in all courts and proceedings without further proof.

(3) The Registrar is entitled to receive a fee of sixty cents for making the entry and granting the certificate, to be paid into the Consolidated Fund.

Security to be given

54. Every officer of a registered society or branch having receipt or charge of money shall, if the rules of the society or branch require, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to the form set forth in the Seventh Schedule or give the security of a guarantee society, in such sum as the society or branch directs, conditioned for his rendering a just and true account of all moneys received and paid by him 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 of management thereof require him to do and for the payment by him of all sums due from him to the society or branch.

Accounts of officers

55.(1) Every such treasurer and other officer, his executors or administrators shall

- (a) at such times as by the rules of the society he should render account or upon demand made or notice in writing given or left at his last or usual place of residence, render his account as may be required by the society or by the trustees or committee of management of the society to be examined and allowed or disallowed by them; and
- (b) on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or the committee of management or the trustees appoint.

(2) In case of any neglect or refusal to deliver such account or to pay over such moneys or deliver such property as required under subsection (1), the trustees or authorised officers of the society may sue upon the bond or security before-mentioned or may apply to any court.

Power of nomination for sums not exceeding \$480

56.(1) A member of a society not being under the age of 15 years may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person not being an officer or servant of the society (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator) to whom any moneys payable by the society on the death of such member not exceeding \$480 shall be paid at his decease and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent.

(2) On receiving satisfactory proof of the death of a nominator, the society shall pay to the nominee the amount due to the deceased member not exceeding the sum specified in subsection (1).

(3) A nomination may be partly printed and if made in a book kept at the office shall be taken to be delivered at such office.

57. *[Repealed by 1979—32.]*

Payments under s.56 valid

58.(1) All payments made by any committee of management under section 56 to the person who at the time appears to the committee to be entitled shall be valid and effectual against any demand made upon the committee of management or the society by any other person.

(2) Such claimant, if wronged, shall have remedy for recovery of such money so paid against the person or persons who have received the same.

Distribution of sums not exceeding \$240

59. Where any member of a society entitled from the funds thereof to a sum not exceeding \$240 dies intestate and without having made any nomination under this Act which remains subsisting and unrevoked at his death, such sum shall, on the expiration of 1 month after his death, be payable without letters of

administration to the person who appears to a majority of the committee of management, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Certificate of burial to be required before payment

60.(1) No society shall pay any sum of money upon the death of a member or other person except upon the production of a certificate of the burial of such person under the hand of the clergyman or minister officiating or other person having the care of the register of burials in which such burial is entered or, in the case of persons whose burial is not required to be entered in any register, under the hands of two persons present at such burial provided that this section shall not apply to deaths at sea.

(2) The certificate of burial under the hand of the clergyman or minister officiating mentioned in this section shall be given by such clergyman or minister to any one demanding the same on the payment of a fee not exceeding twelve cents.

Payments on death of children under ten years

61.(1) With respect to payments on the death of children under ten years of age the following provisions shall have effect.

(2) No society shall insure or pay on the death of a child under five years of age any sum of money which added to any amount payable on the death of such child by any other society exceeds fourteen dollars and forty cents, 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 such child by any other society exceeds twenty-four dollars.

(3) No society shall pay any sum on the death of a child under ten years of age except to the parent of such child or to the personal representative of such parent and upon the production by such parent or his personal representative of a certificate of burial from the clergyman or minister officiating.

- (4) Any society to which is produced a certificate of the death of a child shall, before paying any money thereon, be bound to enquire whether any and what sums of money have been paid on the same death by any other society.
- (5) It shall be an offence under this Act—
- (a) where any society pays money on the death of a child under ten years of age otherwise than is provided by this Act;
 - (b) where any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is claimed or produces a false certificate or one fraudulently obtained or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

PART V DISPUTES

Disputes

62.(1) Every dispute between a member or person claiming through a member or under the rules of a registered society and the society or an officer thereof or between any registered branch under this Act or an officer thereof of any registered society or registered branch, and the registered society or branch of which the other party to the dispute is a registered branch, or an officer thereof, or between any two or more registered branches of any registered society or branch, or any officers thereof respectively, shall, subject to this section, be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal and shall not be removable into any court or restrainable by injunction, and application for enforcement thereof may be made to a court of summary jurisdiction.

(2) The parties to a dispute in a society may by consent (unless the rules of such society expressly forbid it) refer such dispute to the Registrar who shall hear

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

(3) The Registrar to whom any dispute is referred may administer oaths and may require the attendance of all parties concerned and of witnesses and the production of all books and documents relating to the matter in question, and any person refusing to attend or to produce any documents or to give evidence before such Registrar shall be guilty of an offence under this Act.

(4) When the rules of the society direct that disputes shall be referred to a magistrate, the dispute shall be determined by a court of summary jurisdiction:

Provided that in every case of dispute cognisable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the High Court which may hear and determine the matter in dispute.

(5) Where the rules contain no direction as to disputes or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply to a court of summary jurisdiction, which may hear and determine the matter in dispute.

(6) The court or Registrar may at the request of either party state a case for the opinion of the High Court on any question of law and may also grant to either party such discovery as to documents and otherwise or such inspection of documents as might be granted by any court, such discovery to be made on behalf of the society by such officer of the same as the court or Registrar may determine.

PART VI

CHANGE OF NAME, AMALGAMATION AND CONVERSION OF SOCIETIES

Change of name

63. A society may by special resolution, with the approval in writing of the Registrar, change its name, but no such change shall 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.

Amalgamation of societies

64. Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society with or without any dissolution or division of the funds of such societies or either of them, and any society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Conversion of societies into companies

65.(1) A society may by special resolution determine to convert itself into a company under the *Companies Act*, Cap. 308 or to amalgamate with or transfer its engagements to any such company.

(2) Where any special resolution for converting a society into a company contains the particulars by the Companies Act required to be contained in the memorandum registered by the Registrar, a copy of such resolution under the hand of the Registrar shall have the same effect as a memorandum of association duly signed and attested under the said Act.

(3) Where a society is registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of such 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 for the time being subsisting against such society or any penalty for the time being incurred by such 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 such penalty shall have priority as against the property of such company over all other rights or claims against or liabilities of such company.

Saving of right of creditors

66. No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society which is a party thereto.

Validity of special resolution for amalgamation and transfer of engagements

67. No special resolution by any society for any amalgamation or transfer of engagements shall be valid unless five-sixths in value (to be calculated as for dissolution) of the financial members assent thereto, either at the meetings at which such resolution is passed and confirmed or one of them or in writing if such members were not present thereat, nor without the written consent of every person for the time being receiving or entitled to any relief, annuity or other benefit from the funds of the society unless the claim of such person be first duly satisfied or adequate provision be made for satisfying such claim.

Remedy of dissatisfied members

68. The provisions hereinafter contained in case of dissolution as to the punishment of officers and the remedy of members or persons dissatisfied with the provisions made for satisfying their claims shall apply to the case of amalgamations and transfer of engagements.

Confirmation of amalgamation

69. Upon application of the trustees or committee of management of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the *Official Gazette*, the Registrar, after hearing such trustees or committee of management and any other person whom he considers entitled to be heard upon the application, may order that any of the consents and the conditions prescribed in this Act or in any regulations be dispensed with and may confirm the amalgamation or transfer.

Special resolution and proceedings which may be taken thereon

70.(1) The expression “special resolution” means a resolution which is passed by a majority of not less than three-fourths of such members of a society for the time being entitled under the rules to vote as may be present in person at any general meeting, of which notice specifying the intention to propose such resolution has been duly given according to the rules and which is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present in person 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.

(2) At any meeting referred to in this section, a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Registration of special resolutions

71. 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 such copy is so registered such special resolution shall not come into effect.

Provisions not applicable to branches

72. The provisions as to change of name, amalgamation and conversion of societies shall not apply to branches.

Conversion of registered societies into branches

73.(1) A society may, by a resolution passed by three-fourths of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose such resolution has been duly given according to the rules, determine to become a branch under this Act of any other registered society and, also if thought fit, of any registered branch thereof; and if the rules of such society do not comply with all the provisions of this Act in respect of the registry of branches, the meeting at which such resolution is passed may amend such rules so as to bring the same in compliance with this Act.

(2) A copy of the rules of such first-mentioned society marked to show the amendments, if any, made at such meeting, and two copies of such resolution as aforesaid and of such amendments of rules, if any, each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of any other society and countersigned by the secretary of such other society, shall be sent to the Registrar, and if the Registrar finds that such rules with or without such amendment as aforesaid comply with this Act, he shall cancel the registry of such first-mentioned society and register the same as a branch of such other society and also, if so specified in the resolution before-mentioned, of any such branch of such other society without further request or notice and shall register such amendment of rules without further application or evidence, and until such registry such resolution shall not come into effect.

(3) No advertisement of any cancelling of registry under this section shall be requisite.

(4) The rules of a society which becomes a branch under this section shall, so far as the same are not contrary to any express provision of this Act and subject

to any amendment thereof as hereunder provided, continue in force as the rules of such branch until amended.

PART VII
INSPECTION

Inspectors

74.(1) Upon the application of one-fifth of the whole number of members of a registered society or of any branch thereof or upon his own initiative, the Registrar may—

- (a) appoint one or more inspectors to examine into the affairs of such society or of any branch thereof and to report thereon, who 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; or
 - (b) call a special meeting of the society or of any branch thereof in such manner and at such time and place as the Registrar may direct and may direct what matters shall be discussed and determined on at such meeting which 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.
- (2) The application herein mentioned shall be supported by such evidence for the purpose of showing that the applicants have good reason for requiring such 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 shall direct.
- (3) The Registrar may if he thinks fit require the applicants to give security for the cost of the proposed inspection or meeting before appointing any inspector or calling such meeting.

- (4) All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same or out of the funds of the society or by the members or officers or former members or officers, as the Registrar shall direct.
- (5) This section shall not apply to an application of a branch of a society, unless with the consent of the central body of such society.

PART VIII

CANCELLATION AND SUSPENSION OF REGISTRY AND DISSOLUTION OF FRIENDLY SOCIETIES

Cancellation and suspension

75.(1) The Registrar may cancel the registry of a society by writing under his hand—

- (a) if he thinks fit at the request of a society to be evidenced in such manner as he shall from time to time direct;
 - (b) with the approval of a Judge, 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 the society's rules, or has ceased to exist.
- (2) The Registrar, in any case in which he might with the approval of a Judge cancel the registry of a society, may suspend the same by writing under his hand for any term not exceeding three months and may, with the approval of a Judge, renew such suspension from time to time for the like period.
- (3) Not less than one month's previous notice in writing, specifying briefly the ground of any proposed cancellation or suspension of registry, shall be given by the Registrar to a society before the registry of the same can be cancelled (except at its request) or suspended, and notice of every cancellation or

suspension shall be published three times in the *Official Gazette* as soon as practicable after the same takes place.

(4) A society may appeal from the cancellation of its registry or from any suspension of the same which is renewed after six months, in manner herein provided for appeal from the Registrar's refusal to register.

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

Dissolution

76.(1) A society may terminate or be dissolved in any of the following ways, namely—

- (a) upon the happening of any event declared by the rules to be the termination of the society;
 - (b) by the consent of five-sixths in value of the financial members testified by their signatures to the instrument of dissolution and also by the written consent of every person for the time being receiving or entitled to receive any relief, annuity or other benefit from the funds of the society, unless the claim of such person be first duly satisfied or adequate provision made for satisfying such 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;
 - (c) by the award of the Registrar in the cases herein specified.
- (2) The instrument of dissolution shall set forth—
- (a) the liabilities and assets of the society in detail;

- (b) the number of members and the nature of their interests in the society respectively;
 - (c) the claims of creditors (if any) and the provision to be made for their payment;
 - (d) the intended appropriation or division of the funds and property of the society unless the same is stated in the instrument of dissolution to be left to the award of the Registrar.
- (3) Alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided and testified in the same manner.
- (4) A statutory declaration shall be made by one of the trustees or by three members and the secretary of the society that the provisions of this Act have been complied with and shall be sent to the Registrar with the instrument of dissolution.
- [1963-5]
- (5) The instrument of dissolution and all alterations therein shall be registered in the manner herein provided for the registry of rules and shall be binding upon all the members of the society.
- (6) The Registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the manner provided by this Act for advertising an award of the Registrar for dissolution, and, unless within three months from the date of the *Official Gazette* or some other newspaper in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.
- (7) The value of members shall be ascertained by giving one vote to every member and an additional vote for every two years that he has been a member, but to no one member more than four votes in the whole.

(8) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof for the time being, unless the claim of every member or person claiming any relief, annuity or other benefit from the funds thereof is first duly satisfied or adequate provision is made for satisfying such claim.

(9) Any officer or person aiding or abetting in the dissolution of a society, otherwise than as in this Act provided, shall on summary conviction be liable either to such penalty as is by section 84 imposed for an offence under this Act or to imprisonment for three months.

(10) Where any member of a dissolved society or person claiming any relief, annuity or other benefit from the funds thereof is dissatisfied with the provision made for satisfying his claim, such member or other person may apply to the High Court.

Dissolution by award

77.(1) Upon the application of one-fifth of the whole number of members of any registered society or of one hundred members in the case of a society of not less than one thousand members, made in writing under their hands setting forth that the funds of the society are insufficient to meet the existing claims thereon or that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged and requesting an investigation into the affairs of such society with a view to the dissolution thereof the Registrar may, by himself or by any accountant whom the Registrar may appoint in writing under his hand, investigate the affairs of the society, giving nevertheless not less than two months' previous notice in writing to the society whose affairs are to be investigated, at the registered office of such society.

(2) Where upon such investigation it appears that the funds of the society are insufficient to meet the existing claims thereon or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to

be given by the same, the Registrar may, if he considers it expedient so to do, award that the society shall be dissolved and its affairs wound up, and shall direct in what manner the assets of the society shall be divided or appropriated:

Provided that the Registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations and adjustment of contributions and benefits as will in his judgement prevent the necessity of such award of dissolution being made.

(3) 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.

(4) Every award under this section whether for dissolution or distribution of funds shall be final and conclusive on the society in respect of which the same is made and on all members of the same and other persons having any claim on the funds of the society, without appeal and shall be enforced in the same manner as a decision on a dispute under this Act, and the expenses of every investigation and award and of publishing every notice of dissolution shall be paid out of the funds of the society before any other appropriation thereof shall be made.

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

Savings

78.(1) The provisions of sections 76 and 77 shall not apply to any society having branches without the consent of the central body of the society.

(2) Notice shall be sent to the Registrar of any proceeding to set aside the dissolution of a society or branch not less than seven days before it is commenced by the person taking such proceeding and of any order setting aside a dissolution by the society or branch within seven days after such order is made.

PART IX

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Offences

79. It shall be an offence under this Act where any registered society or branch or any officer or member thereof—

- (a) fails to give any notice, send any return or document or do or allow to be done any act or thing which the society, officer or person is by this Act required to give, send, do or allow to be done;
- (b) wilfully neglects or refuses to do any act or furnish any information required for the purpose of this Act by the Registrar or any other person authorised under this Act or does any act or thing forbidden by this Act;
- (c) makes a return or wilfully furnishes information in any respect false or insufficient.

Offences by societies also to be offences by officers

80.(1) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil any duty whereof such offence is a breach or, if there is no such officer, then by every member of the committee of management of the same, unless such member is proved to have been ignorant of, or to have attempted to prevent the commission of, such offence.

(2) Every default under this Act constituting an offence if continued shall constitute a new offence in every week during which it continues.

Delivery of untrue rules

81. Any person who, with intent to mislead or defraud, gives to any other person a copy of any rules, regulations or other documents other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society or that there are no other rules of such society or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered shall be deemed guilty of a misdemeanour.

Punishment of fraud or misappropriation

82.(1) Any person who obtains possession by false representation or imposition of any property of a society or, having the same in his possession, withholds or misapplies the same or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, shall, on the information of the society or of any member authorised by the society or the trustees or committee of management of the same or, in the case of a branch, on the information of the central body of the society of which the branch forms part or of any member of the society or branch authorised by the central body or in any case on the information of any member of the society or branch authorised by the Registrar, be liable on summary conviction to a penalty of ninety-six dollars and costs and to be ordered to deliver up all such property or to repay all moneys applied improperly and, in default of such delivery or repayment or of the payment of such penalty and costs, to be imprisoned for three months.

(2) Nothing herein contained shall prevent any such person from being proceeded against by way of indictment if not previously convicted of the same offence under this Act.

Penalty for falsification

83. Any person who wilfully makes, orders or allows to be made any entry, erasure in or omission from any balance sheet of a registered society or any

contribution or collecting book or any 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, shall be liable to a penalty of ninety-six dollars recoverable summarily, and in default of payment of such penalty and costs shall be liable to be imprisoned for three months.

Penalties for ordinary offences

84. Every society, officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a penalty of not less than five dollars and not more than twenty-four dollars.

Recovery of penalties

85.(1) All penalties imposed by this Act or to be imposed by any regulations or by the rules of a registered society shall be recovered in a summary manner before a magistrate.

(2) Informations under this section may be laid—

- (a) in the case of a registered society, by the society or any member authorised by the society or the trustees or committee of management of the society;
- (b) in the case of a registered branch, by—
 - (i) the branch or any member authorised by the branch or the trustees or committee of management thereof; or
 - (ii) the central body of the society of which the branch forms part; or
 - (iii) any member of the society or branch authorised by the central body;
- (c) in any case, by the Registrar or by any member of the society or branch authorised by the Registrar in writing or by any person aggrieved.

Where offences are to be prosecuted

86. All offences and penalties under this Act may be prosecuted and recovered before a magistrate in a summary manner, as respects a prosecution against a society or its officers, in the place where the registered office of the society is situated or where the offence has been committed or, as respects any prosecution against any person other than a society or its officers, in the place where such person is resident at the time of the institution of such prosecution or where the offence has been committed.

Legal proceedings

87.(1) The trustees of any society or branch or any other officer authorised by the rules thereof may bring or defend or cause to be brought or defended any action or other legal proceeding in any court whatsoever touching or concerning any property, right or claim of the society or branch, as the case may be, and shall sue and be sued, implead and be impleaded, in their proper names without other description than the title of their office.

(2) In legal proceedings which may be brought under this Act by a member or person claiming through a member, the society 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 within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words “ on behalf of the society ” (naming the same).

(3) No legal proceeding shall abate or be discontinued by the death, resignation or removal from office of any officer or by any act of 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 society shall be sufficiently served by personally serving such officer or other person or by leaving a true copy thereof at the registered office of the society or at any place of business of the society within the jurisdiction of the court in which the proceeding is brought or,

if such office or place of business is closed, by posting such copy on the outer door of the same, but in all cases where the 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, a copy thereof shall be transmitted addressed to the committee of management at the registered office of the society, and the same shall be enclosed in a registered letter posted at least six days before any further step is taken on such summons, writ or other proceeding.

PART X

MISCELLANEOUS

Regulations

- 88.**(1) The Minister may from time to time make regulations respecting—
- (a) registry and procedure under this Act;
 - (b) the form to be used for such registry;
 - (c) the duties and functions of the Registrar;
 - (d) the inspection of documents kept by the Registrar under this Act; and
 - (e) generally the carrying of this Act into effect.
- (2) All such regulations shall be published in the *Official Gazette* and thereupon shall have full force and effect.
- (3) Any rule now in force shall continue in force until otherwise provided.

Evidence of documents

89. Every instrument or document, copy or extract of any instrument or document, purporting to be signed by the Registrar shall in the absence of any evidence to the contrary be received in evidence without proof of the signature.

FIRST SCHEDULE*(ss. 11 and 14 (4))*

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.
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 the fixing of their remuneration (if any), not exceeding in the aggregate one-seventh of the total income of the society, and in the case of a society with branches the composition and powers of the central body and 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 receipts, funds, effects and expenditure and number 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 between the society and any of its members, or any person claiming through a member or under the rules, shall be settled.
- 9.** In case of dividing societies a provision for meeting all claims upon the society existing at the time of division before any such division takes place.
- 10.** The keeping of 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 is adopted, and the keeping of separate account of the expenses of management and of all contributions on account thereof.
- 11.** A valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.
- 12.** 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 is first satisfied or adequately provided for.
- 13.** The right of one-fifth of the total number of members or of one hundred members in the case of a society of not less than one thousand members to apply to the Registrar for an investigation of the affairs of the society or for winding up the same.

SECOND SCHEDULE*(s. 17)**REGISTRAR'S CERTIFICATE OF REGISTRY OF RULES*

I hereby certify that the foregoing Rules of the Society are in conformity with law, and that the Society is duly established from the present date and is subject to the provisions and entitled to the privileges of the Friendly Societies Act, Chapter 379, *Laws of Barbados*.

Dated this day of 19 .

(Signed) Registrar.

THIRD SCHEDULE*(s. 20 (3))**REGISTRAR'S CERTIFICATE TO ALTERATIONS OR AMENDMENTS OF RULES*

I hereby certify that the alterations (or amendments) of the Rules of the
Society are in conformity with law and the Friendly Societies Act,
Chapter 379, *Laws of Barbados*.

Dated this day of 19 .

(Signed) Registrar.

SIXTH SCHEDULE*(s.31 (1))**Form of Annual Statement*

Name of Society	Object	Date of establishment, and whether under any legislative authority	Number of members	Amount of invested fund	Whether in receipt of assistance from the Government

SEVENTH SCHEDULE

(s. 54)

FORM OF BOND

Know all men by these presents that we _____ of _____ of
 the officers of the _____ Society, established at _____ and
 _____ of _____ (as surety on behalf of the said _____) are
 jointly and severally held and firmly bound to _____ of
 and _____ of _____ the trustees of the said Society, in the sum of
 _____ to be paid to the said _____ and _____ 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.

Dated _____ the day of _____ in the year of our Lord

Whereas the above bounden _____ has been duly appointed to the
 office of _____ of the _____ Society, established as aforesaid,
 and he together with the above bounden _____ 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
 _____ do render a just and true account of all moneys received and paid
 by him on account of the said Society at such time as the rules thereof appoint,
 and do pay over all the moneys remaining in his hands and assign and transfer
 or deliver all property, including books and papers belonging to the said Society
 in his hands or custody, to such person or persons as the said Society or the
 trustees or committee of management thereof shall appoint according to the rules
 of the said Society, together with the proper and legal receipts or vouchers for
 such payment, and likewise shall in all respects well and faithfully discharge the
 duties of his said office, then the above-written bond shall be void, otherwise
 shall remain in full force.

Sealed and delivered in the presence of

[two witnesses]