ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER F65

FRIENDLY SOCIETIES ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

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FRIENDLY SOCIETIES ACT

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FRIENDLY SOCIETIES ACT

PRELIMINARY

Interpretation

1. In this Act—

"amendment of rule" includes a new rule, and a resolution rescinding a rule;

"bank" means a bank licensed under the Banking Act[*];

"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, and bound to contribute to a fund under the control of a central body;

"committee" means the committee of management or other directing body of a society or branch;

"land" includes any interest in land;

"meeting" includes (where the rules of a society or branch 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 branch, or person appointed by the society or branch to sue and be sued on its behalf;

"persons claiming through a member" includes the nominees of the member where nomination is allowed;

"property" includes all property whether real or personal (including books and papers);

"signed", in relation to a body corporate, means sealed;

"society" means a society registered under this Act, and includes societies subsisting on 14th May, 1928, to which the provisions of this Act apply.

Application to existing societies

2. Subject to the provisions of section 6, this Act shall apply to societies and branches subsisting on 14th May, 1928, and the rules of those societies and branches shall, so far as they are not contrary to any express provision of this Act, continue in force until altered or rescinded.

[*] Banking Act, 2015 (Act 6/2015) *repealed* the Banking Act, R.S.A. c. B11.

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REGISTRAR

Registrar

3. (1) There shall be a Registrar of Friendly Societies (in this Act called the "Registrar") who shall hold his office during pleasure.

(2) The Governor shall appoint a fit and proper person to be the Registrar.

Annual return by Registrar

4. The Registrar shall in every year make a return to the Governor containing, in respect of every society, the following particulars—

(a) the date of registration and the objects of the society;

(b) the number of members on the roll of the society and the amount of money invested on real security or deposited in a bank or in the treasurer's hands on the preceding 31st of December;

(c) a statement as to whether or not the society is in receipt of assistance from the Government;

(d) such other matters as may be prescribed.

REGISTRY OF SOCIETIES

Societies to which this Act applies

5. The following societies shall be societies to which this Act applies—

(a) societies (in this Act called "friendly societies") for the purpose of providing by voluntary subscriptions of the members thereof, with or without the aid of donations, for—

(i) 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 50), or in widowhood, or for the relief or maintenance of the orphan children of members during minority,

(ii) insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member,

(iii) the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets,

(iv) the endowment of members or nominees of members at any age, or

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(v) the insurance against fire, to any amount of $72, of the tools or implements of the trade or calling of the members,

but this Act shall not apply to a friendly society which contracts with any person for the assurance of an annuity exceeding $240 per annum, or of a gross sum exceeding $960;

(b) societies (in this Act called "cattle insurance societies") for the purpose of insurance to any amount against loss of neat cattle, sheep, lambs, swine, horses, and other animals by death from disease or otherwise;

(c) societies (in this Act called "benevolent societies") for any benevolent or charitable purpose;

(d) societies (in this Act called "working-men's clubs") for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation;

(e) societies (in this Act called "specially authorised societies") for any purpose 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, but where any provisions of this Act are so specified those provisions only shall be so extended.

Societies to be registered

6. (1) Every society to which this Act applies shall be registered under this Act, but it shall be deemed to be a sufficient compliance with the provisions of this section if, before any subscriptions or fees are collected from any member, the Registrar, by writing under his hand, permits any person named therein to take the necessary steps for the formation of a society and if such society is in fact registered within 6 months of such permission being given as aforesaid.

(2) In the event of any contravention of the provisions of this section, every secretary, trustee, member of the committee, or other officer of an unregistered society is liable to a penalty of $192 for every day during which such society remains unregistered.

Conditions of registration

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

(2) For the purpose of registry, there shall be sent to the Registrar an application to register the society, signed by 7 members and the secretary, and copies of the rules, together with a list of the names of the secretary, of every member of the committee, and of every trustee or other officer intended to be authorised to sue and be sued on behalf of the society.

(3) The rules of the society so sent shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in Schedule 1.

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 any name likely, in the opinion of the Registrar, to deceive the members or the public as to its nature or its identity.

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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 acknowledgement of registry specifying the designation of the society according to the classification set forth in this Act, and this acknowledgement 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. (1) From a refusal to register a society, an appeal shall lie by the society to a Judge of the High Court.

(2) 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 society shall not be valid until the amendment has been registered under this Act, for which purpose copies of the amendment, signed by 3 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 appeals from a refusal to register a society shall apply to a refusal to register an amendment of a rule.

Registry of dividing societies

12. A society (other than a benevolent society or working-men's club) 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.

Registry of societies assuring annuities

13. A society assuring a certain annuity shall not be entitled to registry, unless the tables of contributions for the assurance, certified by the Government Auditor or some other person approved by the Governor, are sent to the Registrar with the application for registry.

SOCIETIES WITH BRANCHES

Registry of societies with branches

14. (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 where the registered office of each branch is situated;

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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;

(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.

(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.

Establishment of new branches

15. There shall be sent under the hand of the secretary of a society to the Registrar—

(a) notice of the establishment of every new branch of the society;

(b) notice of the place where the registered office of the branch is situated;

(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.

Application of previous provisions to branches

16. 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 the 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.

Requisites for registry of branches as societies

17. (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 of which it was a branch, that the body has wholly seceded or has been expelled from the society.

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(2) An appeal shall lie from the refusal of the chief secretary or other principal officer of the society, or his omission, after 3 months from the receipt of a request in writing made on behalf of the body to grant a certificate, to a Judge of the High Court.

Name of seceding or expelled branch

18. 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

19. A society or branch may contribute to the funds, and take part by delegates or otherwise in the government of any other 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.

CONSEQUENCES OF REGISTRY

Subscriptions not recoverable at law

20. Save as provided by section 31, the subscription of a person being or having been a member of a society or branch shall not be recoverable at law.

Registered office

21. (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.

Appointment of trustees

22. (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.

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Change in list of officers of society

23. Any change in the names shown on the list mentioned in section 7(2) shall be forthwith communicated in writing to the Registrar by the secretary of a society, and any secretary failing to make such communication is guilty of an offence under this Act.

Distribution of contribution cards

24. Every society and branch shall cause contribution cards in the prescribed form to be issued to members for the purpose of being filled in, returned, and dealt with in the prescribed manner.

Manner of keeping accounts

25. Every society and branch shall—

(a) cause its accounts to be regularly entered in the prescribed books, separate accounts being kept of all money received or paid on account of every particular fund or benefit assured by the society or branch for which a separate table of contributions payable is adopted, distinct from all money received and paid on account of any other benefit or fund; and

(b) keep a separate account of the expenses of management of the society and of all contributions on account thereof.

Return of members and investments

26. Once in every year, not later than the 31st day of January, every society and branch shall send to the Registrar a return showing the number of members on its roll, the amount of money deposited in banks, the amount of money invested in real security, and the amount of money in the treasurer's hands on the preceding 31st day of December.

Audit

27. (1) Every society and branch shall, once at least in every year, submit its accounts for audit to the prescribed person or persons at the prescribed time and shall pay the prescribed fees to such persons.

(2) The prescribed persons 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, contribution cards, 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.

Annual returns

28. (1) Every society and branch shall, once in every year, not later than the 31st day of March, 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 shall—

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

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(b) be made out to the preceding 31st day of December inclusively.

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

(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 valuation

29. (1) Every society and branch shall, except as in this section provided, once at least in every 5 years either—

(a) cause its assets and liabilities to be valued by a valuer to be appointed by the society or branch and approved by the Registrar, and send to the Registrar a report on the condition of the society or branch; or

(b) 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) If the society or branch sends to the Registrar such report as aforesaid, the report 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 the Registrar may require.

(3) If the society or branch sends to the Registrar such return as aforesaid, he shall cause the assets and liabilities of the society or branch to be valued and reported on by some qualified person, and shall send to the society or branch a copy of the report and an abstract of the results of the valuation.

(4) This section shall not apply to—

(a) a benevolent society, working-men's club, cattle insurance society or branch thereof; or

(b) a specially authorised society or branch unless it is so directed in the authority for registering that society or branch.

(5) 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.

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Copy of last balance sheet

30. Every 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, always hung up in a conspicuous place at the registered office of the society or branch.

Cattle insurance and other societies

31. (1) The rules of a cattle insurance society or branch, and of such specially authorised societies 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 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.

(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 before the Magistrate in accordance with the provisions of the Magistrate's Code of Procedure Act.

PRIVILEGES OF REGISTERED SOCIETIES

Exemptions from stamp duty

32. Stamp duty shall not be chargeable upon any of the following documents—

(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.

Priority on death, bankruptcy, etc., of officer

33. (1) In the following cases, namely—

(a) upon the death or bankruptcy of any officer of a 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 in bankruptcy, or the person executing the process, respectively, shall upon demand in writing of the trustees of the society or branch, or of any two of

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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, "bankruptcy" includes liquidation of a debtor's affairs by arrangement.

Membership of minors

34. (1) The rules of a registered society or branch may provide for the admission of a person under 18 years of age as a member.

(2) Any such member may, if he is over 16 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

35. A 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 OF MEMBERS

Right to supply of copies of the rules

36. Every society and branch shall deliver to every person on demand, on payment of a sum of 24¢, a copy of the rules of the society or branch.

Right to supply of copies of annual return

37. Every society and branch shall supply gratuitously 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

38. 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.

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Limitation of benefits

39. (1) A member, or person claiming through a member, of a friendly society or branch shall not be entitled to receive more than $960 by way of gross sum, together with any bonuses or additions declared upon assurances of that amount, or $240 a year by way of annuity, from any one or more such societies or branches.

(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.

Accumulation of surplus of contributions

40. The rules of a 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.

Service in Defence Force

41. (1) A person shall not, by reason of his enrolment or service in any Defence Force or Defence Reserve, lose or forfeit any interest in a friendly 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 of his military 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 the Magistrate.

PROPERTY, FUNDS AND INVESTMENTS

Investment of funds

42. (1) The trustees of a 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 a bank;

(b) in the purchase of land, or in the erection or alteration of offices or other buildings thereon;

(c) 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 loans; or

(d) in any investment in which trustees are for the time being by law authorised to invest trust funds.

(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

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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.

Loans to assured members

43. (1) A society and, subject to the rules of the society, a 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 amount 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 out of separate loan fund

44. A 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 $480;

(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 $120;

(d) a society shall not hold at any one time on deposit from its members any money 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.

Holding of land

45. (1) A society or branch may (if the rules thereof 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 receipt 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 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

46. (1) All property belonging to a society 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.

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(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 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

47. Upon the death, resignation, or removal of a trustee of a 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.

Description in legal proceedings

48. In all legal proceedings whatsoever concerning any property vested in the trustees of a 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.

Receipt for mortgage money

49. Subject to compliance with the Registered Land Act and any other Act, a receipt under the hands of the trustees of a society or branch, countersigned by the secretary, for all sums of money secured to the society or branch by any mortgage or other assurance, in the form referred to in section 91(4) discharges a mortgage or other assurance.

OFFICERS IN RECEIPT OR CHARGE OF MONEY

Security by officers

50. Every officer of a society or branch having receipt or charge of money shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond in the form contained in Schedule 2, 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 sums of money 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 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

51. (1) Every officer of a society or branch having receipt or charge of money 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

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all property in his hands, or custody to such person as the society or branch, or the committee or the trustees, appoint.

(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 the Magistrate, who may order the delivery of such account or property or the payment over of such sums of money with costs, and, in default of such delivery or payment, the person making such default may be sentenced to imprisonment for a term of 3 months; and the order of such Magistrate shall be final and conclusive.

PAYMENTS ON DEATH GENERALLY

Member may dispose of sums payable on his death by nomination

52. (1) A member of a society (other than a benevolent society or working-men's club) or branch thereof, not being under the age of 16 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 $240 shall be paid at his decease.

(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, but this subsection shall not apply to a clinical marriage.

(6) A nomination or a variation or revocation of a nomination by writing under the hand of a member of a branch and delivered at or sent to the registered office of that branch, or made in a book kept at that office, shall be effectual notwithstanding that the money to which the nomination relates or some part thereof is not payable by that branch, but is payable by the society or some other branch.

Proceedings on death of a nominator

53. (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 sum of $240.

(2) The receipt of a nominee over 16 years of age for any amount so paid shall be valid.

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Intestacy

54. (1) If any member of a society or branch entitled from the funds thereof to a sum, not exceeding $240, 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 as they may deem satisfactory, to be entitled by law to receive that sum.

(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.

Validity of payments

55. (1) A payment made by a 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

56. (1) A 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 entered.

(2) This section shall not apply to deaths at sea, nor to any death certified by a coroner to be the subject of a pending inquest.

PAYMENTS ON DEATH OF CHILDREN

Limitation of amount payable

57. A society or branch shall not insure or pay on the death of a child under 5 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 $9.60, or on the death of a child under 10 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 $14.40.

Person to whom payment may be made

58. A society or branch shall not pay any sum on the death of a child under 10 years of age except to the parent of the child, or to the personal representative of the parent, and upon the production by

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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.

Particulars of certificates

59. (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.

(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 $ …….. (stating the same)."

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

(4) A fee of 24¢ shall be charged by the registrar of deaths for each such certificate.

Cases in which certificates may be given

60. (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 $4.80 on the death of a child under 5 years, or for the payment in the whole of a sum exceeding $9.60 on the death of a child under 10 years.

(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 medical officer 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 medical officer, or of other satisfactory evidence thereof.

Enquiries by societies

61. A society or 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, enquire whether any and what sums of money have been paid on the same death by any other society or branch.

Saving as to insurable interest, etc.

62. Nothing in this Act respecting payments on the death of children shall apply to insurances on the lives of children of any age, where the person insuring has an insurable interest in the life of the person insured.

DISPUTES

Decision of disputes

63. (1) Every dispute between—

(a) a member or person claiming through a member or under the rules of a society or branch, and the society or branch or an officer thereof;

(b) any person aggrieved who has ceased to be a member of a society or branch, or any person claiming through such person aggrieved, and the society or branch or an officer thereof;

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(c) any branch of any society or branch and the society or branch of which it is a branch;

(d) an officer of any such branch and the society or branch of which that branch is a branch; or

(e) any two or more branches of any society or branch, or any officers thereof respectively;

shall, subject to the express provisions of this section be decided in 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 Magistrate.

(2) Any party to a dispute in a society or branch may apply to the Registrar to hear and determine the same, and the Registrar may, if he thinks fit, and after proper notice given to the other parties to such dispute, hear and determine such dispute, and shall have power to order the expenses of determining the dispute to be paid either out of the funds of the society or branch, or by such parties to the dispute as he may think fit, and his 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 or branch.

(3) For the purpose of hearing and determining any such dispute, the Registrar to whom a 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.

(4) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within 40 days after application to the society or branch for a reference under its rules, or where the Registrar refuses to hear and determine a dispute, the member or person aggrieved may apply to the Magistrate who may hear and determine the matter in dispute; but in the case of a society with branches the said 40 days shall not begin to run until application has been made in succession to all the bodies entitled to determine the dispute under the rules of the society or branch, so however that no rules shall require a greater delay than 3 months between each successive determination.

(5) Notwithstanding anything contained in the Arbitration Act, or in any other Act, the Magistrate and the Registrar or any arbitrator or umpire to whom a dispute is referred under the rules of a society or branch shall not be compelled to state a special case on any question of law arising in the case, but the Magistrate 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 the High Court, and the discovery shall be made on behalf of the society or branch by such officer thereof as the Court or Registrar may determine.

(6) In this section, the expression "dispute" includes any dispute arising on the question whether a member or person aggrieved is entitled to be or to continue to be a member or to be reinstated as a member, but, save as aforesaid, in the case of a person who has ceased to be a member, does not include any dispute other than a dispute on a question between him and the society or branch or an officer thereof which arose whilst he was a member, or arises out of his previous relation as a member to that society or branch.

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CHANGE OF NAME, AMALGAMATION, AND CONVERSION OF SOCIETIES

Power to change name

64. (1) A 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.

Amalgamation and transfer of engagements

65. (1) 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 those societies or either of them.

(2) A society may, by special resolution, transfer its engagements to any other society which may undertake to fulfil the engagements of that society.

(3) A special resolution by a friendly society for an amalgamation or transfer of engagements under this Act shall not be valid without—

(a) the assent thereto of five-sixths in value of the members, given either at the meetings at which the resolution is, according to the provisions of this Act, passed and confirmed, or at one of them, or, if the members were not present thereat, in writing; and

(b) the written consent of every person receiving or entitled to any relief, annuity, or other benefit from the funds of the society, unless the claim of that person is first duly satisfied, or adequate provision is made for satisfying that claim.

(4) On application of the trustees or committee of a friendly society desiring to amalgamate or transfer its engagements, and upon notice of that application being published in the *Gazette*, the Registrar, after hearing the trustees or committee and any other persons whom he considers entitled to be heard upon the application, may, with the consent of a Judge, order that any of the assents, consents, and conditions required by this Act, or by any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer.

(5) A society consisting wholly of members under 18 years of age, and a society or branch or branches of a society having members above 18 years of age, may, by resolutions registered in the manner required for the registration of an amendment of rules, become amalgamated together as one society or branch, or provide for distributing among several branches the members of a society consisting wholly of members under 18 years of age, and the other provisions of this section shall not apply to that amalgamation.

(6) The value of members shall be ascertained by giving one vote to every member, and an additional vote for every 5 years that he has been a member, but to no one member more than 5 votes in the whole.

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(7) If any member of a friendly society which has amalgamated or transferred its engagements, 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 Magistrate for relief or other order, and such Magistrate shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Conversion of society into company

66. (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.

(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 articles of incorporation of a company, and a copy thereof has been registered with the Registrar, a copy of that resolution under the hand of the Registrar shall have the same effect as articles of incorporation duly signed and attested under the 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.

Saving for right of creditors

67. 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.

Meaning of special resolution

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

(a) passed by a majority of not less than three-fourths of such members of a 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 that resolution 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 14 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 a declaration by the chairman that the resolution has been carried shall be conclusive evidence of the fact.

[†] Business Companies Act, 2022 (Act 2/2022) *repealed* the Companies Act, R.S.A. c. C65.
[‡] Business Companies Act, 2022 (Act 2/2022) *repealed* the Companies Act, R.S.A. c. C65.

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Registration of special resolutions

69. 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's office and registered by him, and until that copy is so registered the special resolution shall not take effect.

INSPECTION, CANCELLING AND SUSPENSION OF REGISTRY, AND DISSOLUTION

Inspection of books

70. (1) The Registrar may, if he thinks fit, appoint a qualified person to inspect the books of a society and to report thereon at the costs and charges of the society.

(2) In case any member of a society applies to the Registrar to direct an inspection of the books of such society, the Registrar may, in his absolute discretion, make it a condition of granting the application that such member deposit such sum as will be, in the opinion of the Registrar, sufficient to cover the costs and charges of such inspection.

(3) The Registrar may, after the inspection is over and in his absolute discretion, either return such sum to the member or cause to be repaid to the society the costs to which it has been put in and over such inspection out of such sum; the balance, if any, being returned to the member so depositing as aforesaid.

(4) A person appointed under this section shall have power to make copies of any book of the society, and to take extracts therefrom, at all reasonable hours, at the registered office of the society or at any place where the books are kept.

(5) Any person, whether connected with the society or not, who hinders, obstructs, or molests any person appointed by the Registrar to inspect the books of such society is liable to a penalty of $1,920, or to imprisonment for a term of 1 month or to both.

Cancelling and suspension of registry

71. (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 a Judge of the High Court, 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;

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 a Judge, cancel the registry of a society, may, by writing under his hand, suspend the registry for a term not exceeding 3 months, and may, with the approval of a Judge, renew the suspension for the like period.

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(3) Unless the Registrar has given to a 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 published 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 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 6 months, to a Judge of the High Court.

Dissolution of societies

72. (1) Subject to the provision of this Act as to the dissolution of societies with branches, a 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;

(b) as respects societies or branches other than friendly societies or branches, by the consent of three-fourths of the members, testified by their signatures to the instrument of dissolution;

(c) as respects friendly societies or branches, by the consent of five-sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the 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 provisions of this Act as to the method of calculating the value of members and the remedy of members and persons dissatisfied with the provisions made for satisfying their claims in the case of the amalgamation or transfer of engagements of a friendly society shall apply to the dissolution of a friendly society or branch.

Instrument of dissolution

73. (1) When a society or branch is terminated by an instrument of dissolution, the instrument shall set forth—

(a) the liabilities and assets of the society or branch in detail;

(b) the number of members and the nature of their interests in the society or branch;

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(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 3 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 friendly 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) 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 published in the *Gazette* at the expense of the society or branch, and, unless, within 3 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.

Dissolution by award

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

(a) of one-fifth of the whole number of members of a society or branch; or

(b) in the case of a society or branch of 1,000 members and not exceeding 10,000, of 100 members;

the Registrar may by himself, or by any actuary or other person whom the Registrar may appoint in writing under his hand, investigate the affairs of the society or branch, but shall give not less than 1 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;

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(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.

(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 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 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, but 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.

(7) Notice of every award for dissolution shall, within 21 days after the award has been made, be published by the Registrar in the *Gazette*; and unless, within 3 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 signatures thereto.

Dissolution of societies having branches

75. 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.

Notice of proceedings or order to set aside dissolution

76. (1) Where a person takes any proceeding to set aside the dissolution of a society or branch, he shall give notice of the proceeding to the Registrar not less than 7 days before the proceeding is commenced.

(2) Where an order is made setting aside the dissolution of a society or branch, the society or branch shall give notice of the order to the Registrar within 7 days after the order has been made.

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OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Offences

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

(a) a 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 any thing, which the society, branch, officer, or person is by this Act required to give, send, do, or allow to be done;

(b) a 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;

(c) a society or branch or an officer or member thereof makes a return or wilfully furnishes information in any respect false or insufficient;

(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;

(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;

(f) a society or branch, whether registered or unregistered, pays money on the death of a child under 10 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.

Bankrupt, etc., not to be officer of a society

78. (1) No person who is an undischarged bankrupt or has compounded with his creditors or has made an arrangement or composition with his creditors under the Bankruptcy Act, shall be appointed, or if appointed, shall act as the president, secretary, treasurer, or trustee of a registered society.

(2) Any person acting in contravention of the provisions of this section is liable to a penalty of $3,840.

Medical officer or druggist not to hold other office

79. No person holding any other office therein shall be, or act as, the medical officer or druggist of any society, and any person contravening the provisions of this section is liable to a penalty of $3,840.

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Offences by societies to be also offences by officers, etc.

80. Where a society or branch is guilty of an offence under this Act, every member of the committee, unless that member is proved to have been ignorant of or to have attempted to prevent the commission of the offence, is liable to the same penalty as if he had committed the offence.

Continuing offences

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

Punishment of fraud, false declarations and misappropriations

82. (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 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 or branch is not registered, the person so offending is guilty of an offence under this Act.

(2) If any person obtains possession by false representation or imposition of any property of a 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 is liable, on such complaint as is in this section mentioned, to a penalty of $3,840, 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 penalty and costs as aforesaid, to be imprisoned, for a term of 3 months, but, where on such a complaint against a person for withholding or misapplying property, or applying it for unauthorised purposes, it is not proved that that person acted with any fraudulent intent, he shall not be liable to conviction but may be ordered to deliver up all such property, or may be ordered to repay any sum of money applied improperly, with costs, and in default of such delivery or repayment or of the payment of such costs as aforesaid to be imprisoned, for a term of 3 months.

(3) Complaint under this section may be made—

(a) in the case of a society, by the society or any member authorised by the society, or the trustees or committee of the society;

(b) in the case of a branch, by—

(i) the branch or any member authorised by the branch or the trustees or committee thereof,

(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; or

(c) in any case, by the Registrar or by any person authorised in writing by the Registrar.

Penalty for falsification

83. If any person wilfully makes, orders, or allows to be made, any entry, erasure in, or omission from a balance sheet of a society or branch, or a return or document required to be sent, produced, or

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delivered, for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he is liable to a penalty of $9,600.

Penalty for ordinary offences

84. 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 a penalty is not expressly provided is liable to a penalty of $3,840.

Special offences in the case of friendly societies

85. 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 is liable to the penalty imposed by this Act for offences thereunder, or to be imprisoned for a term of 3 months.

Recovery of penalties

86. (1) All penalties imposed by this Act or by any regulations thereunder, or by the rules of a society or branch, shall be recoverable on summary conviction before the Magistrate.

(2) Any such penalty shall be recoverable at the suit of the Registrar or of any person authorised in writing by the Registrar or of any person aggrieved.

Limitation

87. In every case where no time is specially limited for making a complaint for an offence under this Act, such complaint shall be made within 3 years from the time when the matter of such complaint arose, and not after.

Legal proceedings

88. (1) The trustees of a 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 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 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.

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(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 6 days before any further step is taken on the proceeding.

(6) Where proceedings are taken against a society or branch for the recovery of any penalty under this Act, the summons or other process shall be sufficiently served 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.

(7) Where the person against whom the proceedings are to be taken is himself a trustee of a society or branch, the proceedings may be brought by the other trustees or trustee of the society or branch.

FEES, FORMS, REGULATIONS AND EVIDENCE

Fees

89. A scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act may be prescribed by the Governor in Council, and all such fees shall be paid by means of stamps.

Fees payable to Registrar-General of Births, Deaths and Marriages

90. (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 society or branch shall, on application being made as in this Act provided, be given under his hand by the Registrar-General of Births, Deaths and Marriages, for a sum not exceeding 24¢, in place of all fees or payments otherwise payable in respect thereof.

(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 by this Act, the sum charged for every such certificate other than the first shall not exceed 12¢.

Forms

91. (1) Acknowledgement of registry of a society and of amendments of the rules of the society shall be in Forms 2 and 3 respectively of Schedule 2 or such other forms as are prescribed.

(2) The acknowledgement of registry of a branch and of any amendment of the rules of a branch shall be in Forms 4 and 5 respectively of Schedule 2.

(3) 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.

(4) A receipt under this Act endorsed upon or for the repayment of a mortgage or other assurance shall be in Form 6 of Schedule 2, or in any form specified in the rules of the society or branch or any schedule thereto.

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(5) 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 Governor in Council.

Regulations for carrying out Act

92. The Governor in Council may make regulations respecting registry and procedure under this Act, 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.

Approval and publication of regulations

93. Regulations made under this Act shall not have any force or effect until they have been approved by the House of Assembly, and when so approved by resolution shall have the same force and effect as if they were contained in and formed part of this Act.

List of officers to be evidence of appointment

94. The list mentioned in section 7(2) and any change therein communicated by the secretary of a society under section 23 shall be signed by the secretary, and when received by the Registrar shall be entered in the register, each entry being initialled by the Registrar, and a copy of any such entry, purporting to be certified under the hand of the Registrar, shall, without any further proof of the signature of the Registrar, be *prima facie* evidence in all Courts of justice that any person named therein has been duly appointed to the office or for the purposes therein set forth.

Evidence of documents

95. 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.

Citation

96. This Act may be cited as the Friendly Societies Act, Revised Statutes of Anguilla, Chapter F65.

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SCHEDULE 1

(Section 7(3))

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES

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

2. (1) The whole of the objects for which the society is to be established.

(2) The purposes for which the funds thereof shall be applicable.

(3) The terms of admission of members.

(4) The conditions under which any member may become entitled to any benefit assured thereby.

(5) The fines and forfeitures to be imposed on any member.

(6) 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. In case of dividing societies, and also in the case of friendly and cattle insurance 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 money 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 of a separate account of the expenses of management, and of all contributions on account thereof.

11. (Except as to cattle insurance societies) a valuation once at least in every 5 years of the assets and liabilities of the society, including the estimated risks and contributions.

12. The voluntary dissolution of the society by consent in a friendly society 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; and in a cattle insurance society by consent of three-fourths in number of the members.

13. The right of one-fifth of the total number of members, or of 100 members in the case of a society of 1,000 members and not exceeding 10,000, to apply to the Registrar for an investigation of the affairs of the society, or for winding up the same.

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SCHEDULE 2

(Sections 50 and 91)

FORMS

FORM 1

(Section 50)

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 Anguilla, 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.

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 hereafter 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 money 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 money 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.

Signed and delivered in the presence of [*two witnesses*]

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FORM 2

(Section 91(1))

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY

The …… Society is registered as a [*friendly society, cattle insurance society, benevolent society, working-men's club,* or *specially authorised society*] under the Friendly Societies Act, this …… day of ……, 20…….. .

……..……..
Signature of Registrar

———————

FORM 3

(Section 91(1))

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES

The foregoing amendment of the rules of the …… Society is registered under the Friendly Societies Act, this…… day of ……, 20…….. .

……..……..
Signature of Registrar

———————

FORM 4

(Section 91(2))

ACKNOWLEDGMENT OF REGISTRY OF BRANCH

The ……is registered as a branch of the …….. Society [and of the ……. branch of the same] under the friendly Societies Act, this …… day of ……, 20…….. .

……..……..
Signature of Registrar

———————

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FORM 5

(Section 91(2))

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF BRANCH RULES

The foregoing amendment of the branch rules of the …… is registered under the Friendly Societies Act, this…… day of ……, 20…….. .

……..……..
Signature of Registrar

———————

FORM 6

(Section 91(4))

FORM OF RECEIPT FOR REPAYMENT OF MORTGAGE OR FURTHER CHARGE

The trustees of the …….. Society [*or* the ……..… branch of the ……. Society] hereby acknowledge to have received all money intended to be secured by [state particulars]

Signed …… [*Signatures of Trustees.*]

……..
Trustees

Countersigned [*Signature of Secretary*]

Secretary.

———————

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