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1882, No. 36.

AN ACT to consolidate the Law relating to Friendly and other Societies. **Title.**

[13*th September*, 1882.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Friendly Societies Act, 1882." **Short Title.**

2. In this Act, if not inconsistent with the context,— **Interpretation.**

"Amendment of 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 of officers appointed by themselves:

"Collector" includes every paid officer, agent, or person, howsoever remunerated, who, by himself or by any deputy or substitute, collects contributions for a society or holds any interest in a collecting-book of the same, but does not include—

(*a.*) The secretary or other officer of a branch of a society who receives contributions on behalf of such society, or of any other branch of the same;

(*b.*) Any officer appointed to superintend and receive moneys from collectors within a specified area, and not being himself a collector as hereinbefore defined;

(*c.*) Any agent appointed and remunerated by members, and not under the control of the society, or of any officer thereof:

"Industrial assurance company" means any company, as defined by "The Life Assurance Companies Act, 1873," which grants assurances on any one life for a less sum than twenty pounds, and which receives premiums or contributions by means of collectors at less periodical intervals than two months:

"Land" includes hereditaments and chattels real:

"Meeting" includes (where the rules of a society so allow) a meeting of delegates appointed by members:

"Officer" extends to 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 nominee where nomination is allowed:

"Property" means all real and personal estate:

"Registered society" means a society registered or deemed to be registered under this Act:

"Rules" means rules for the time being:

"Secretary" means the officer appointed by the society to act in that capacity, or the clerk or person who keeps the books and accounts of the society.

REGISTRATION.

As to existing societies.

3. Every society or branch of a society now subsisting whose rules have been registered, enrolled, or certified under any Act relating to friendly societies shall be deemed to be a society or branch registered under this Act, and its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded.

Registrar, Revising Barrister, and officers continued in their offices.

4. The Registrar of Friendly Societies and the Revising Barrister, and every other officer or person holding any office under either of the Acts hereby repealed, shall respectively be deemed to have been appointed to and to hold any office of a like title for exercising similar functions under this Act, and subject to the provisions hereof, without any further act or appointment whatsoever.

Registry Office.

5. With respect to the Registry Office, the following provisions shall have effect:—

Registrar.

(1.) The Governor shall by warrant under his hand appoint some fit person to be the Registrar of Friendly Societies (herein termed "the Registrar"), and such person may hold the office of Registrar in conjunction with any other office which the Governor shall deem to be not incompatible.

(2.) The Governor may in like manner from time to time remove any such Registrar from his office, and in case of any such removal, or of the death or resignation of any Registrar, shall appoint another in his place. Removal from office and reappointment.

(3.) The Registrar shall have his office at such place as the Governor may from time to time appoint, and such office shall, for all the purposes of this Act, be and be deemed to be the Registry Office. Registrar's Office.

(4.) The Registrar may, with the approval of the Governor, have attached to his office such assistants skilled in the business of an actuary and an accountant as shall from time to time be required for discharging the duties imposed on the Registrar by this Act. Assistants.

(5.) The Governor shall from time to time appoint a barrister, or solicitor of the Supreme Court practising as a barrister (herein called "the Revising Barrister"), to peruse the rules and alterations and amendments of rules of every society which may be registered under this Act, and the Governor may from time to time as he shall think fit remove such barrister, and in case of his removal, death, or resignation, may appoint another in his place. Revising Barrister.

(6.) The Governor may from time to time appoint fit and proper persons to be Public Auditors and Valuers for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such Auditors and Valuers: Provided that it shall not be compulsory upon any society to employ any Auditor or Valuer appointed under this provision. Public Auditors.

(7.) The Registrar shall, with the approval of the Governor, from time to time,— Functions of Registrar.

(*a.*) Prepare and cause to be circulated, for the use of societies, model forms of accounts, balance-sheets, and valuations: Preparation of model forms.

(*b.*) Collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known, such information on the subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and from time to time publish generally or in particular districts such particulars of their returns and valuations, and such other information useful to the members of or to persons interested in friendly or other societies registered, or which might be registered under this Act, as the Registrar shall from time to time think fit: Circulation of information.

(*c.*) Cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorized under this Act which may appear to be calculable: Provided, nevertheless, that the adoption of such tables by any society shall be optional. Construction of tables.

(8.) The Registrar shall every year lay before the General Assembly a report of his proceedings and of the principal matters transacted by him, and of the valuations returned to or caused to be made by the Registrar during the year preceding. Registrar to report yearly to the General Assembly.

6. Every instrument or document, copy, or extract of an instrument or document, bearing the seal of the Registrar, shall be received in evidence without further proof. Evidence of documents.

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.

WHAT SOCIETIES MAY BE REGISTERED.

7. The following societies may be registered under this Act, viz.,— Classes of societies.

Friendly societies.

(1.) Societies (herein called "friendly societies") established to provide by voluntary subscriptions of the members thereof, with or without the aid of donations—

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 fifty), or in widowhood, or for the relief or maintenance of the orphan children of members during minority;

For insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning;

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;

For the endowment of members or nominees of members at any age;

For the insurance against fire to any amount not exceeding fifteen pounds of the tools or implements of the trade or calling of the members:

Provided that no society which contracts with any person for the assurance of an annuity exceeding fifty pounds per annum, or of a gross sum exceeding two hundred pounds, shall be registered under this Act:

Cattle insurance societies.

(2.) Societies (herein called "cattle insurance societies") for the insurance to any amount against loss by death of neat cattle, sheep, lambs, swine, and horses from disease or otherwise:

Benevolent societies.

(3.) Societies (herein called "benevolent societies") for any benevolent or charitable purpose:

Working-men's clubs.

(4.) Societies (herein called "working-men's clubs") for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation:

Specially authorized societies.

(5.) Societies (herein called "specially authorized societies") for any purpose which the Governor may authorize as a purpose to which the powers and facilities of this Act ought to be extended.

Limited application of Act.

8. The Governor may limit the application of this Act, as respects specially-authorized societies, to such of the provisions herein contained as may be specified in the authority for registering any such society.

REGISTRY OF SOCIETIES.

Registry of societies.

9. With respect to the registry of societies, the following provisions shall have effect:—

Societies for registry to consist of seven persons at least.

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

The application for registry.

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

Identity or deceptive similarity of name not to be allowed.

(3.) 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 members or the public as to its identity; and no society shall change its name without the sanction of the Registrar as hereinafter provided.

Dividing societies may be registered.

(4.) 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 thereof contain distinct provision for meeting all claims upon the society existing at the time of division before any such division takes place.

Societies granting annuities to have tables certified by actuary.

(5.) No society assuring to any member a certain annuity shall be entitled to registry unless the tables of contributions for such assurance, certified by the actuary attached to the office of the Registrar, or by some actuary approved by the Governor who has exercised the profession of actuary for at least five years, be sent to the Registrar with the application for registry.

Rules to be submitted to Revising Barrister.

(6.) The Registrar shall forwith transmit one copy of the rules to the Revising Barrister; and if it shall appear to such barrister that such rules are consistent with the requirements of this Act and the laws in force in New Zealand, he shall certify thereon according to the form (1) set forth in the Second Schedule hereto.

If rules not in accordance with Act, Revising Barrister may object to same.

(7.) If the Revising Barrister shall be of opinion, after a perusal of the rules, that the objects of the society or any of them, or any of the rules, are repugnant to or inconsistent with this Act or any of the laws in force in New Zealand, he shall notify the same in writing to the Registrar, specifying in what particulars the rules or other matters are repugnant to or inconsistent as aforesaid, and the Registrar shall thereupon return the rules to the secretary of the society with a copy of the objections made by the Revising Barrister, and the society may thereupon transmit amended rules, signed as before required, or, if possible, comply with the requirements of this Act previously omitted.

The acknowledgment of registry.

(8.) 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, which shall specify the designation of the society according to the classification herein set forth. Such acknowledgment shall be in the form (2) set forth in the Second Schedule hereto.

Appeals from refusal to register.

(9.) If the Registrar refuse to register the society or any rules, the society may appeal from such refusal to the Supreme Court; and the Judges of the said Court, or any three of them, of whom the Chief Justice shall be one, may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

If refusal overruled, acknowledgment of registry to be given.

(10.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the Registrar.

Effects of acknowledgment of registry.

(11.) 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.

Acknowledgment of registry to be gazetted.

(12.) Every acknowledgment of registry shall be gazetted.

CANCELLING OR SUSPENSION OF REGISTRY.

Cancelling and suspension of registry.

10. With respect to the cancelling or suspension of registry the following provisions shall have effect :—

Cancelling.

(1.) The Registrar may cancel the registry, by writing under his hand,—

(*a.*) Of a society or branch, if he thinks fit, at the request of the society, to be evidenced in such manner as he shall from time to time direct, or on proof to his satisfaction, that the society or branch has less than seven members or has ceased to exist.

(*b.*) Of a society, with the approval of the Governor, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of this Act.

Suspension.

(2.) The Registrar, in any case in which he might, with the approval of the Governor, 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 the Governor, renew such suspension from time to time for the like period.

Notice of cancelling or suspension.

(3.) Not less than two months' previous notice in writing, specifying the ground of any proposed cancelling 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 where the society or branch has ceased to exist, or can be suspended; and notice of every cancelling or suspension shall be published in the *Gazette*, and in some newspaper circulating in the city, town, or place in which the registered office of the society is situated, as soon as practicable after the same takes place.

Appeal from cancelling or suspension.

(4.) A society may appeal from the cancelling of its registry, or (when the same has been suspended for two consecutive periods not exceeding six months in the whole) against any renewal of suspension, in manner herein provided for appeals from the Registrar's refusal to register.

Effect of cancelling or suspension.

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

RULES OF SOCIETIES.

Rules and amendments.

11. With respect to the rules of societies the following provisions shall have effect:—

Provisions to be contained in rules.

(1.) The rules of every society sent for registry shall, according to the class in which the society is to be registered, and, so far as they are applicable to the constitution of such society, contain provisions in respect of the several matters mentioned in the First Schedule to this Act.

Amendments to be registered.

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

Provision applicable to amendments.

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

Amendments of rules to be subject to revision.

(4.) All amendments of rules shall be submitted for the perusal of the Revising Barrister in the manner before provided with respect to rules transmitted to the Registrar upon an application for registry.

Acknowledgment of registry of amendments.

(5.) 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 same in the form (3) in the Second Schedule hereto, which shall be conclusive evidence that the same is duly registered.

Copies of rules to be delivered on demand.

(6.) A copy of the rules of a registered society or of a registered branch shall be delivered by the society or registered branch to every person on demand, on payment of a sum not exceeding one shilling.

(7.) 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 for the time being registered under this Act, on the pretence that the same are existing rules of a registered society or of a registered branch, or that there are no other rules of such society or registered branch, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society or of a registered branch when the society or branch is not registered, the person so offending shall be deemed guilty of a misdemeanour. **Delivery of untrue rules.**

(8.) No rule or amendment of a rule of a society or branch shall be disentitled to registry by reason of its expressing or implying any subordination to the central body of the same order outside New Zealand, or by reason of its containing any reference to one or more of the general laws of the said order: Provided that such general laws shall be or have been forwarded to the Registrar by such society or branch. **Rules entitled to registry.**

If provision is made in such general laws for any of the matters specified in the First Schedule hereto, the society shall be deemed to have sufficiently complied with subsection one of this section if reference be made in the rules of the society to the general law or laws making such provision: Provided that nothing herein contained shall have the effect of giving force to any general law that is contrary to any of the express provisions of this Act.

DUTIES AND OBLIGATIONS OF SOCIETIES.

12. With respect to the duties and obligations of registered societies the following provisions shall have effect:— **Duties and obligations of societies.**

(1.) Every registered society shall,—

(*a.*) Have a registered office to which all communications and notices may be addressed, and send to the Registrar notice of the situation of such office, and every change therein: **Registered office.**

(*b.*) From time to time at some meeting of the society, and by a resolution of a majority of the members present and entitled to vote thereat, appoint one or more trustees of the society, and 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: **Appointment of trustees.**

(*c.*) Once at least in every year submit its accounts for audit either to one of the Public Auditors appointed under this Act, or to two or more persons appointed as the rules of the society provide, which auditors shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects they find it incorrect, unvouched, or not in accordance with law: **Audit.**

(*d.*) Once in every year before the first day of April send to the Registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects, of the society as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to and inclusive of the thirty-first day of December then last; and a copy of the auditor's report, if any, shall also be sent to the Registrar with such general statement; **Annual returns.**

Such annual return shall state whether the audit has been conducted by a Public Auditor appointed as in this Act provided, and by

whom; and, if by any person or persons other than a Public Auditor, shall state the name, address, and calling or profession of each of such persons, and the manner in which and the authority under which they were respectively appointed;

And, in the case of friendly societies only, there shall also be sent with such general statement a list of the members of the society, together with the age of each, and the periods of sickness, deaths, and other contingencies in respect of which benefits are given by the society, experienced by the society during the year ending as aforesaid, specifying the members in respect of whom such sickness, deaths, or contingencies have been experienced, and such other information as the Registrar may from time to time prescribe:

Quinquennial valuations.

(*e.*) Every registered society shall, once at least in the five years next after the first day of January, one thousand eight hundred and seventy-eight, or the registry of the society, and so again within six months after the expiration of every five years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a valuer, to be appointed by the society and approved of by the Governor, and send to the Registrar a report, signed by such valuer (and which shall also state his address and calling or profession), on the condition of the society, and an abstract to be made by him of the results of his valuation, together with a return containing such information with respect to the benefits assured and contributions receivable by the society, and of its funds and effects, debts and credits, as the Registrar may from time to time require; or send to the Registrar a return of the benefits assured and contributions receivable from all the members of the society, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the Registrar may prescribe, together with the fee appointed in such cases, in which case the Registrar shall cause the assets and liabilities of the society to be valued and reported on by some actuary, and shall send to the society a copy of his report and an abstract of the results of his valuation:

The valuation required by this provision is called the "quinquennial valuation:"

Inspection of books.

(*f.*) Allow any valuer or any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society, or at any place where the same are kept; except that no such member or person, unless he be an officer of the society or be specially authorized by a resolution of the society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member:

Supplying copies of annual returns.

(*g.*) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being, or with a balance-sheet or other document duly audited, containing the same particulars as to the receipts and expenditure, funds and effects, of the society as are contained in the annual return:

Copy of balance-sheet and quinquennial valuation to be conspicuously exhibited at office of society.

(*h.*) Keep a copy of the last annual balance-sheet for the time being, and of the valuer's report of the last quinquennial valuation for the time being, together with the report of the auditors, if any, always hung up in a conspicuous place at the registered office of the society.

(2.) In all registered societies and branches all moneys received or paid on account of each particular fund shall be kept separate and distinct, and shall be entered in a separate account distinct from the moneys received and paid on account of any other fund, and a separate fund or funds shall be established for the payment of all expenses of management, and of all expenses (if any) on account of medical and surgical attendance, including medicine and medical and surgical requisites.

Funds to be kept separate.

(3.) No transfer shall be made of the moneys of any one benefit fund to meet the liabilities of any other fund, nor shall such moneys, or interest accruing therefrom, be in any manner applied for the use, whether temporary or permanent, of any fund save the fund to which they properly belong:

Provided that if any valuer, in any report made in accordance with sub-head (*e*) of subsection one of this section, shall report that such transfer can be safely made, it shall be lawful to make such transfer accordingly.

Transfers from one fund to another only to be made on report of valuer.

(4.) In the case of a society having branches, there shall be included in the returns and valuations required by this Act returns and valuations in respect of all the branches of the society, whether they be registered or not.

And in the case of a branch registered as a separate society, the returns and valuations required to be made by such branch shall be made at the same period of time as the returns and valuations are made by the society of which it is a branch.

Returns and valuations to be made by branches.

It shall be the duty of every branch of a registered society to supply the secretary of the society with all such information as may be required to enable him to prepare the returns he is directed by this Act to furnish to the Registrar, and also with all such information as may be required to enable a valuation of the assets and liabilities of the society to be made in the terms of this Act.

Branches to supply secretary with necessary information.

(5.) No society or registered branch shall pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths, except upon the production of a certificate of such death, under the hand of the Registrar of Births and Deaths or other person having the care of the register in which such death is or ought to be entered, or under the hand of a duly-qualified medical practitioner, or other satisfactory proof of such death: Provided that the foregoing provision shall not apply to deaths at sea.

Certificates of death to be required.

(6.) It shall be an offence under this Act if any registered society or any registered branch—

Offences.

(*a*.) Wilfully fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society or registered branch is by this Act required to give, send, do, or allow to be done:

(*b*.) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person authorized 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.

(7.) Every offence by a society or by a registered branch 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 be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence, if continued, constitutes a new offence in every week during which the same continues.

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

Returns to be in prescribed form.

(8.) Every 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.

Recording of documents.

(9.) All documents by this section required to be sent to the Registrar shall be deposited with the rules of the societies or registered branches thereof to which the same respectively relate, and shall be registered or recorded by the Registrar, with such observations thereon, if any, as the Registrar shall direct.

In what cases valuation may be dispensed with.

The Registrar may dispense with the quinquennial valuation herein required in respect of societies to whose purposes or to the nature of whose operations he may deem the same inapplicable.

The provisions herein contained in respect of the quinquennial valuation shall not apply to benevolent societies, working-men's clubs, or cattle insurance societies, nor to specially authorized societies, unless it be so directed in the authority for registering the same.

PRIVILEGES OF SOCIETIES.

Privileges of societies.

13. Registered societies shall be entitled to the following privileges :—

Corresponding Societies Acts, &c., not to affect registered societies.

(1.) No society or registered branch or meeting of a society or registered branch shall be affected by any of the provisions of the Acts of the thirty-ninth George the Third, chapter seventy-nine, or the fifty-seventh George the Third, chapter nineteen, if in such society or registered branch, or at such meeting, no business is transacted other than that which directly and immediately relates to the objects of the society or registered branch as declared in the registered rules thereof; but such society or registered branch, and all officers of the same, shall, on request in writing by two Justices of the Peace, give full information to such Justices of the nature, objects, proceedings, and practices of the society or registered branch, in default whereof the provisions of the Acts in this section referred to shall, so far as applicable, be in force in respect of such society or registered branch.

Exemption from stamp duty.

(2.) Stamp duty shall not be chargeable upon any of the following documents :—

(*a.*) Power, warrant, or letter of attorney granted by any person as trustee, for the transfer of any money of the society or registered branch invested in his name in any debentures, bonds, or Treasury bills issued under any Act of the General Assembly :

(*b.*) Order or receipt for money contributed to or received from the funds of the society or registered branch by virtue of its rules or of this Act :

(*c.*) Bond given to or on account of the society or registered branch, or by the treasurer or other officer thereof :

(*d.*) Draft or order, or form of policy, or appointment or revocation of appointment of agent, or other document required or authorized by this Act, or by the rules of the society or registered branch.

Exemption from Customs duties.

(3.) Customs duties shall not be chargeable on regalia, emblems, certificates, and banners, being the property of any society or registered branch.

Power of nomination for sums not exceeding fifty pounds.

(4.) A member of a society or registered branch (other than a benevolent society or working-men's club), not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society or registered branch, nominate any person, not being an officer or servant of the society or registered branch, 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 or registered branch on the death of such member, not exceeding fifty pounds, 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; and on receiving satisfactory proof of the death of

a nominator, the society or registered branch shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid.

Distribution of sums not exceeding fifty pounds.

(5.) If any member of a society or registered branch, entitled from the funds thereof to a sum not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such sum shall be payable, without letters of administration, to the person who appears to a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Payments to persons apparently entitled valid.

(6.) Whenever the society or registered branch, after the decease of any member, pays any sum of money to the person who at the time appears to the trustees to be entitled under this section, the payment is valid and effectual against any demand made upon the trustees or the society or registered branch by any other person.

When trustees are absent, &c., Registrar may order funds, &c., to be transferred.

(7.) When any person, being or having been a trustee of a society or registered branch, and whether appointed before or after the legal establishment thereof, in whose name any funds, debentures, securities, or moneys belonging to such society or registered branch are standing or vested, either jointly with another or others or solely, is absent from New Zealand, or becomes bankrupt, or files any petition or executes any deed of assignment, arrangement, or composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the Registrar, on application in writing from the secretary and three members of the society or registered branch, and on proof satisfactory to him, may direct the transfer of such funds, debentures, securities, or moneys into the names of such other persons, as trustees for the society or registered branch, as shall be appointed by such society or registered branch.

Such transfer shall be made by the surviving or continuing trustees; and if there be no such trustees, or if such trustees refuse or be unable to make such transfer, the Registrar may direct that where such funds, debentures, securities, or moneys—

(*a.*) Are standing in the books of the Colonial Treasurer, or are in his control, such transfer be made by the Colonial Treasurer or some officer of the General Government to be named in the order:

(*b.*) Are standing in the books or in the control of any bank or banking corporation or other corporation or body, such transfer be made by some officer of such bank or banking corporation or other corporation or body, to be named in the order:

(*c.*) Are standing in the books or are in the hands or control of any other person or persons, such transfer be made by such person or persons.

Indemnity to persons acting under orders of Registrar.

(8.) The Colonial Treasurer and every such bank and banking corporation, and all corporations, companies, and persons, and their officers and servants, respectively, are hereby indemnified for anything done by him or them, or any of his or their officers, in pursuance of the provisions of subsection seven of this section against any claim or demand of any person injuriously affected thereby.

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

(9.) Upon the death, or bankruptcy, or insolvency of any officer of a society or registered branch having in his possession by virtue of his office any money or property belonging to the society or registered branch, or if any execution, attachment, or other process be issued, or action raised against such officer or against his property, his heirs, executors or administrators, or trustee in bankruptcy or insolvency, or the Sheriff or other person executing such process, or the party using such action, shall, upon demand in writing of the trustees of the society or of the registered branch, or any two of them, or any person authorized

by the society or registered branch or by the committee of management of the same to make such demand, pay such money and deliver over such property to the trustees of the society or registered branch in preference to any other debts or claims against the estate of such officer.

Membership of minors.

(10.) A person under the age of twenty-one but above the age of sixteen may be a member of a society or registered branch, unless provision be 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 trustee, manager, or treasurer of the society or registered branch:

Provided as follows:—

(*a.*) Societies and branches consisting wholly of members of any age under sixteen years, but exceeding three years, may be allowed to register under this Act, subject to such regulations as may be made in that behalf:

(*b.*) No rule or practice in force at the commencement of this Act for the admission of members under sixteen years of age shall be deemed contrary to any express provision of this Act as respects any society already registered.

Limitation of cost of certificates of birth or death.

(11.) For the purpose of this Act a certificate of the birth or death of any member of or person insured or to be insured with a registered friendly society or registered branch shall be given under his hand by the Registrar of Births and Deaths, or other person having the care of the register of births or deaths in which such birth or death is entered, for a sum not exceeding one shilling, in place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as shall be approved of by the Registrar-General for the colony.

(*a.*) Whenever application is made at one time to any Registrar or other person having the care of any register of births or deaths for more certificates than one of the same birth or death, for the purposes of and in the manner prescribed by this subsection, or by subsection three of section twenty-three, the sum charged for every such certificate other than the first shall not exceed sixpence;

(*b.*) And whenever the Registrar or other person having the care of the register is required by the person applying for any certificate of birth or death to fill up the form of application, he may demand a sum not exceeding sixpence for so filling up any such form.

Society may subscribe to hospitals.

(12.) A society or a registered 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 registered branch and their families the benefits of such hospital, infirmary, or other institution, according to its rules.

PROPERTY AND FUNDS OF SOCIETIES.

Property and funds of societies.

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

Investment of funds.

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

(*a.*) In the Post Office Savings Bank, or in any savings bank constituted under "The Savings Bank Act, 1858," or in such other bank or banks in the colony as the Governor may from time to time appoint:

(*b.*) In any debentures, bonds, or Treasury bills issued by or on behalf of the General Government of the colony under the authority of any Act of the General Assembly:

(*c.*) In the purchase of land, or in the erection or alteration of offices or other buildings thereon:

(*d.*) Upon any other security expressly directed by the rules of the society or registered branch, not being personal security, except as hereinafter authorized with respect to loans.

Nothing herein shall interfere with or restrict any special power or authority given to friendly societies by any Act of the General Assembly to invest the funds of such society or registered branch in any security by such Act authorized.

Holding land.

(2.) A society, or any branch of a society, may (if the rules thereof so provide) hold, purchase, or take on lease, in the names of the trustees for the time being of such society or branch, in every city town or place where it has an office, any land, and may sell, exchange, mortgage, lease, or build upon the same, with power to alter or pull down buildings and again rebuild.

No purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease; and for the purpose of this section no branch of a registered society need be separately registered:

Provided that nothing herein contained shall authorize any benevolent society to hold land exceeding one acre in extent at any one time.

Property of society how vested.

(3.) All property belonging to a society, whether acquired before or after the same 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.

And the property of any branch of a society shall vest in the trustees of such branch, or in the trustees of the society if the rules of the society so provide, for the use and benefit either of the members of such branch and persons claiming through such members, or of the members of the society generally, and persons claiming through them according to the rules of the society.

Devolution on death, &c.

(4.) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees, and until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, as personal estate (whether the same be real or personal), subject to the same trusts, without conveyance or assignment, except that funds invested in any debentures, bonds, or Treasury bills issued under any Act of the General Assembly shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.

Return of officers, &c.

(5.) Every society or registered branch shall forward from time to time to the District Land Registrar of every district to which its operations extend a return, setting forth the names of the trustees in whom the property of the society or registered branch may by law be or become vested, and also notice in writing of the death, resignation, or removal of existing and the

appointment of new trustees; also a copy of the rules of the society or registered branch.

Every such return and notice shall be accompanied by a statutory declaration made by one of the trustees of the said society or registered branch in whom the property of such society or registered branch is vested, stating that the declarant is one of the trustees in whom the property of such society or registered branch is vested, and verifying the statements contained in such return or notice.

How property subject to "Land Transfer Act, 1870," to be dealt with.

(6.) Land under "The Land Transfer Act, 1870," shall be transferred, leased, mortgaged, or incumbered to such societies or registered branches only by memorandum of transfer, lease, mortgage, or incumbrance made to such officers, denoted by their official denomination, and not by their own proper names, and the persons in whom the property of the society or registered branch shall for the time being be vested shall be deemed to be the registered proprietors of the land so transferred, leased, mortgaged, or incumbered.

Registration, &c.

(7.) When any instrument shall be presented for registration affecting the land included in any such transfer, lease, mortgage, or incumbrance, and shall purport to be executed by the persons in whom the property of the society or registered branch appears to the District Land Registrar to have been vested at the time of the execution of such instrument, he shall register the same; and no person claiming under any such instrument shall be affected by notice, direct or constructive, that the property of the society or registered branch was not vested in the persons executing the same, nor that such instrument was executed in contravention of the rules of the society or registered branch, or the terms of the mortgage, lease, or incumbrance; and no claim on the assurance fund shall arise from the fact that the property was not so vested, or that such instrument was so executed as aforesaid.

In legal proceedings, property to be stated as property of trustees in their own names.

(8.) In all legal proceedings whatsoever 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 indorsed.

(9.) A receipt under the hands of the trustees, in the form (4) contained in the Second Schedule to this Act, or in any form specified by the rules of the society or registered branch or any schedule thereto, for all moneys secured to the society or registered branch by any mortgage or other assurance, such receipt being indorsed upon or annexed to such mortgage or other assurance, vacates the same, and vests the property therein comprised in the persons entitled to the equity of redemption of the same, without re-conveyance or re-surrender.

Punishment of fraud or misappropriation.

(10.) If any person obtains possession by false representation or pretence of any property of a society or registered branch, 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 or the registered branch and authorized by this Act, or applies money belonging to any benefit fund in any manner contrary to the provisions of subsection three of section twelve, he shall, on the complaint of the society or the registered branch, or of any member authorized by the society or by the registered branch, or the trustees or committee of management of the same, or of the Registrar, be liable on summary conviction to a penalty not exceeding fifty pounds 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 aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding six months.

Nothing herein contained prevents any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

(11.) Every person elected or appointed to be the treasurer, secretary, or other officer of a society or of a registered branch registered under this Act, or registered or established under any Act repealed hereby, or who shall act in the capacity of or be employed as such treasurer, secretary, or officer, is, for the purposes and within the meaning of the sixty-seventh, sixty-eighth, seventy-first, and seventy-second sections of "The Larceny Act, 1867," to be deemed to be the servant of the trustee or trustees for the time being of such society or of such registered branch, as the case may be; and any such person who commits an offence against the said provisions of "The Larceny Act, 1867," may be proceeded against, indicted, tried, and if convicted punished, in accordance with the provisions of the last-mentioned Act, as in the case of larceny or embezzlement by a clerk or a servant.

Treasurer of a society to be deemed to be servant of trustees within meaning of "The Larceny Act, 1867."

(12.) All other the provisions of "The Larceny Act, 1867," which would be applicable or extend to the case of larceny or embezzlement by clerks or servants, are to extend and apply to the treasurer, secretary, or other officer of any such society, and to the treasurer, secretary, or other officer of any registered branch.

"Larceny Act, 1867," to apply.

(13.) Trustees of a society or of a registered branch are not liable to make good any deficiency in the funds of such society or registered branch, but are liable only for moneys actually received by them respectively on account of such society or registered branch.

Trustees not to be personally liable.

AMALGAMATION, CHANGE, ETC., OF SOCIETIES BY SPECIAL RESOLUTIONS.

15. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect:—

Special resolutions, and proceedings which may be taken thereon.

(1.) A special resolution is one 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 or by proxy (where the rules allow proxies), at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present in person or by proxy 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.

Special resolutions.

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

(2.) 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 such society, notwithstanding its new name.

Change of name.

(3.) 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.

Amalgamation of societies.

Conversion of societies into companies, &c.

(4.) A society may, by special resolution, determine to convert itself into a company under any Act in force relating to joint-stock companies, or to amalgamate with or transfer its engagements to any such company.

Right of creditors.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Registration of special resolutions.

(6.) A copy of any special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the Registrar and be registered by him, and until such copy is so registered such special resolution shall not take effect.

Registration of copy of special resolution as memorandum of association.

(7.) If a special resolution for converting a society into a company contains the particulars by any Act relating to joint-stock companies required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the office of the Registrar of Joint-Stock Companies, a copy of such resolution under the seal of the Registrar shall have the same effect as a memorandum of association duly signed and attested under the said Act.

Registry of society under Act to become void on registration as a company, &c.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of such society under this Act thereupon becomes void, and the same 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, has priority, as against the property of such company, over all other rights or claims against or liabilities of such company:

Proviso as to friendly societies.

Provided as follows, as respects friendly societies:—

(*a.*) No special resolution by any society for any amalgamation or transfer of engagements under this section is valid unless five-sixths in value, to be calculated as for dissolution of the members, as provided in subsection seven of section sixteen, 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:

(*b.*) The provisions hereinafter contained in case of dissolution, as to the punishment of officers, and the remedy of members or persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements:

(*c.*) Upon application of the trustees or committee of management of a society desiring to amalgamate or transfer its engagements, notice of such application being gazetted, the Registrar, after hearing such trustees or committee of management and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Governor, order that any of the consents and conditions prescribed in this Act, or in any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer:

(*d.*) The provisions of this section relating to change of name shall apply to all registered branches, and the provisions relating to amalgamation and transfer of engagements shall apply and extend to registered branches of the same society; but no change of name, amalgamation,

or transfer of engagements shall take place in such cases unless in accordance with the general rules of the society to which such branches belong, or the consent of the central body of such society is obtained thereto.

Except as aforesaid the provisions of this section shall not apply to branches.

DISSOLUTION OF SOCIETIES.

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

(1.) A society may terminate or be dissolved in any of the following ways:— How societies may be dissolved.

(*a.*) Upon the happening of any event declared by the rules to be the termination of the society:

(*b.*) As respects all societies other than friendly societies, by the consent of three-fourths of the members, testified by their signatures to the instrument of dissolution:

(*c.*) As respects friendly societies, 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 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, in accordance with the general rules of the society:

(*d.*) By the award of the Registrar in the cases herein specified.

(2.) The instrument of dissolution shall set forth— Contents of instrument of dissolution.

(*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 be 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, testified in the same manner. Alterations in instrument of dissolution.

(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; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour. Statutory declaration.

(5.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society. Registry of instrument of dissolution.

(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 *Gazette* 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 Notice of dissolution.

be considered to have been duly obtained without proof of the signatures thereto.

Special provisions as to friendly societies.

(7.) As respects friendly societies,—

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

(*b.*) 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 be first duly satisfied, or adequate provision be made for satisfying such claim:

(*c.*) Any officer or person aiding or abetting in the dissolution of a society or branch, otherwise than as in this Act provided, shall, on summary conviction, be liable to be committed to the common gaol, there to be kept to hard labour for any term not exceeding three months:

(*d.*) If any member of a dissolved society, or person claiming any relief, annuity, or other benefit from the funds thereof, be dissatisfied with the provision made for satisfying his claim, such member or other person may apply to the Resident Magistrate's Court of the district within which the chief or any other place of business of the society is situate for relief or other order, and such Court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Dissolution by award, &c.

(8.) With respect to dissolutions and the distribution of funds upon the award of the Registrar,—

(*a.*) 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 one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, 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 actuary whom the Registrar may appoint in writing under his hand, investigate the affairs of the society, giving nevertheless not less than two month's previous notice in writing to the society whose affairs are to be investigated at the registered office of such society:

(*b.*) If 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 always 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 judgment prevent the necessity of such award of dissolution being made:

(*c.*) The Registrar proceeding under this section has all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Act:

(*d.*) 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:

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

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

(*g.*) This section may apply to any branch of a registered society, with the consent of the central body of the society. In such case the word "society" shall be deemed to include a branch of a society.

Awards to be final without appeal.

17. Every award under the last preceding section, whether for dissolution or distribution of funds, is 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 if a decision on a dispute under this Act.

SOCIETIES WITH BRANCHES.

Societies with branches.

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

How to be registered.

(1.) The application for registry shall be accompanied with,—

(*a.*) A list of every branch, and of the place wherein the same is established:

(*b.*) If any branch is to have trustees or officers authorized to sue and be sued on its behalf other than the trustees or officers authorized 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 authorized to sue and be sued;

(*c.*) If the rules of all the branches (herein 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;

(*e.*) If any branch is not to have any rules other than the rules of the society, a statement to that effect.

Notice of establishment of new branches.

(2.) Notice of the establishment of every new branch by a registered society, and of the existence of every branch not previously registered, and of the place where the same is established, and, if such branch is to have trustees or officers authorized to sue and be sued on its behalf other than the trustees or officers authorized to sue and be sued on behalf of the society, a list of the names of such trustees or officers, and a statement whether or not the rules of such branch are identical with those of the other branches of the society, and, if not so, a copy of the rules (if any) of such branch, shall be sent under the hand of the secretary to the Registrar.

Until copies of branch rules registered, Act not to apply to branch.

(3.) Until a copy of the rules of a branch (in the case hereinbefore mentioned) has been registered, as by this Act required, the society is not entitled to any of the privileges of this Act in respect of such branch; and until a copy of any amendment of the rules of a branch has been so registered, the same does not take effect as respects such branch.

Provided that a branch shall not be disentitled to registration on account of its having no other rules than those of the society, if such rules make provision for all matters mentioned in the First Schedule to this Act which are applicable to such branch.

Application of previous provisions.

(4.) The provisions of this Act as to revision of rules by the Revising Barrister, as to appeals and the result thereof, as to amendments of rules, as to the acknowledgment of registry, and the evidence of registry and of rules, apply to branch rules.

Form of acknowledgment of registry of branches.

The acknowledgment of registry of a branch, and of any amendment of the rules of a branch, shall be in the forms (5) and (6) in the Second Schedule.

Where branches must be separately registered.

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

CONVERSION OF SOCIETIES INTO BRANCHES.

Conversion of registered societies into branches.

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

(1.) A registered 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.

If the rules of such society do not comply with all the provisions of this Act, and of regulations made by the Governor 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 and with such regulations.

(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 amendment 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.

If the Registrar finds that such rules, with or without such amendment as aforesaid, are in accordance with the provisions of this Act,

and that the regulations made by the Governor have been complied with, he shall cancel the registry of such first-mentioned society, and register the same as a 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 as aforesaid shall not take 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 or of the regulations made by the Governor, and subject to any amendment thereof as hereinbefore provided, continue in force as the rules of such branch until amended.

Registered societies or branches may contribute to funds of other societies.

20. Nothing in this Act contained shall prevent any registered society or branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered society or registered branch of a society, as may be provided in the rules of such first-named society or branch, without becoming a branch under the Friendly Societies Acts of such other society or branch.

SPECIAL SOCIETIES.

Societies receiving contributions by collectors.

21. The provisions of the present section apply only to such friendly societies, whether registered or unregistered, and industrial assurance companies as receive contributions by means of collectors at a greater distance than ten miles from the registered office or principal place of business of the society or company.

Members to receive copies of rules and policies.

(1.) The society or registered branch shall deliver to every person, on his becoming a member of or insuring with a society or registered branch, a copy of the rules of the society or registered branch, together with a printed policy signed by two of the committee or managers of the society or registered branch and by the secretary, at a price not exceeding sixpence for the rules and sixpence for the policy. In the case of a family enrolled in one book or card, one copy of rules and one family policy shall be sufficient.

Notice to be given before forfeiture.

(2.) No forfeiture is incurred by any member or person insured by reason of any default in paying any contribution, until after a written or printed notice has been delivered or sent by post prepaid to him, or left at his last-known place of abode, by or on behalf of the society or registered branch, stating the amount due by him, and apprizing him that, in case of default of payment by him within a reasonable time, not being less than fourteen days, and at a place to be specified in such notice, his interest or benefit will be forfeited, and after default has been made by him in paying his contribution in accordance with such notice.

No transfers without written consent.

(3.) No member of or person insured with any society or registered branch can, unless in the case of an amalgamation, transfer of engagements, or conversion into a company under section fifteen of this Act, or as respects an industrial assurance company of an amalgamation or transfer of business under "The Life Assurance Companies Act, 1873," become or be made a member of or be insured with any other society or registered branch without his written consent, or, in the case of an infant, without that of his father or other guardian; and the society or registered branch to which such member or person is sought to be transferred shall, within seven days from his application for admission to the same, give notice thereof in writing to the society or registered branch from which he is sought to be transferred.

The provisions of this subsection shall apply to all friendly societies, whether

registered under this Act or unregistered, and industrial assurance companies receiving contributions by means of collectors.

No collector to be member of committee of management.

(4.) No collector, whilst he is such, is capable of being a member of the committee of management, or other governing body (by whatever name) of the society or registered branch, or of holding any other office in the society or registered branch, except that of superintending collector within an area to be from time to time specified.

Collectors not to vote.

(5.) No collector of a society or registered branch is capable of voting at or taking part in the proceedings of any meeting of the same.

One general meeting every year.

(6.) At least one general meeting of the society or registered branch shall be held in every year.

Notice of meetings.

(7.) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall be given by the society or registered branch to the members by advertisement, to be published at least twice in two or more of the newspapers in general circulation in every city, town, or place where the society or registered branch carries on business, or shall be delivered in writing or sent by post prepaid to every member.

Such notice shall specify the day, hour, and place, and the objects of the meeting, and, in case any amendment of a rule is intended to be proposed, shall contain a copy of every such amendment; and the society or registered branch shall publish the last of such advertisements, or deliver or send such notice as aforesaid, at least fourteen days before the day appointed for such meeting, and shall during such fourteen days keep affixed a copy of such notice in legible characters in some conspicuous place in or outside of every office at which the business of the society or registered branch is carried on.

Balance-sheets.

(8.) A copy of every balance-sheet of a society or registered branch shall, during the seven days next preceding the meeting at which the same is to be presented, be kept open by the society or registered branch for inspection at every office at which the business of the society or registered branch is carried on, and shall be delivered or sent prepaid to every member on demand.

Certification of annual returns.

(9.) The annual returns shall be certified by some person not an officer of the society or registered branch (otherwise than as auditor thereof), carrying on publicly the business of an accountant, and if not so certified shall be deemed not to have been made.

Disputes.

(10.) In all disputes between a society or a registered branch and any member or person insured, or any person claiming through a member or person insured, or under the rules, such member or person may, notwithstanding any provisions of the rules of such society or registered branch to the contrary, apply to the Resident Magistrate's Court having jurisdiction for the place where such member or other person resides, and such Court may settle such dispute in manner herein provided.

Service by post.

(11.) In proving service of any notice by this section authorized to be sent by post, it is sufficient to prove that such notice was properly directed, and was put, as a prepaid letter, into the post office in such time as to admit of its being delivered in due course of delivery within the period, if any, prescribed for sending the same.

Offences under this section.

(12.) It shall be an offence under this Act,—

(*a.*) If any collector of a society or registered branch to which this section applies becomes a member of the committee, or holds any other office in the same (except as aforesaid), or if any member of the committee of management becomes a collector, or if any collector votes at or takes part in the proceedings of a general meeting:

(*b.*) If any person attempts to transfer a member or person insured from one society or registered branch to another without such written consent as herein mentioned:

(*c.*) If a society or registered branch to which a member or person is sought to be transferred fails to give such notice as hereinbefore required.

Provisions of present section to be contained in rules.

(13.) All the provisions of the present section apply to societies existing at the commencement of this Act, and shall be contained in the rules of all future societies to which this section applies; and any act or omission which by virtue of this and any other section of this Act would be an offence on the part of a registered society or registered branch shall be an offence on the part of any other society or branch to which this Act applies, and of any officer of such society or branch bound to fulfil the duty, if any, whereof such offence is a breach.

The word "society" or "registered branch" in the present section shall, except in provisions one, eight, and nine, include all industrial assurance companies; but nothing in the present section contained shall apply to any assurance with any such company the premiums in respect of which are receivable at greater periodical intervals than two months.

As to cattle insurance and certain other societies.

22. The provisions of the present section apply only to registered cattle insurance societies, and to such specially authorized societies as the Governor may allow to take the benefit of the present section:

Rules to have effect of covenant by members.

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

Money payable by members to be recoverable as debt.

(2.) All moneys payable by a member to the society or registered branch are deemed to be a debt due from such member to the society or registered branch, and are recoverable as such in any Court of competent jurisdiction in the district in which such member resides.

Payments on death of children.

23. With respect to payments on the death of children under ten years of age, the following provisions shall be and be deemed to have applied to all registered and unregistered societies and branches.

Limitation of payments.

(1.) No society or registered branch 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 or registered branch, exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of such child by any other society or registered branch, exceeds ten pounds.

Who may receive payments.

(2.) No society or registered branch 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 death issued by the Registrar of Births and Deaths, or other person having the care of the register of deaths, containing the particulars after mentioned.

Particulars of certificates.

(3.) Whenever a certificate of the death of a child is applied for for the purpose of obtaining a sum of money from a society or registered branch, the name of such society or registered branch, and the sum sought to be obtained therefrom, shall be stated to the Registrar of Births and Deaths, who shall write on or at the foot of the certificate the words "To be produced to the Society" or "registered branch of the Society" [*naming the same*] "said to be

liable for payment of the sum of £ " [*stating the same*]; and all certificates of the same death shall be numbered in consecutive order, and the sum charged by the Registrar of Births and Deaths for each such certificate shall not exceed one shilling.

Registrars of Births and Deaths only to give certificates in certain cases.

(4.) No Registrar of Births and Deaths shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding six pounds on the death of a child under five years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under ten years; and no such certificate shall be granted unless the cause of death has been previously entered in the register of deaths on the certificate of a Coroner, or of a registered medical practitioner who attended such deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a registered medical practitioner, or of other satisfactory evidence of the same.

Inquiry to be made by societies.

(5.) Any society or registered 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, be bound to inquire whether any and what sums of money have been paid on the same death by any other society or registered branch.

Offences under this section.

(6.) It shall be an offence under this Act,—

(*a*.) If any society or registered branch pays money on the death of a child under ten years of age otherwise than is provided by this Act;

(*b*.) If 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 registered branch, or societies or registered branches, 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.

Extent of word "society."

(7.) The word "society" in the present section shall include all industrial assurance companies assuring the payment of money on the death of children under the age of ten years.

Assurances on children's lives not to be void under 14 Geo. III., c. 48.

(8.) No assurance made or to be made by any industrial assurance company of a sum of money payable on the death of a child under the age of ten years which would be valid if effected with a registered society or registered branch shall be invalidated by reason of any provision contained in the Act of the fourteenth year of his late Majesty King George the Third, chapter forty-eight, for regulating insurances upon lives and for prohibiting all such insurances except in cases where the person insuring shall have an interest in the life of the person insured.

Insurable interests.

(9.) Provided that nothing in this section contained shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured, or to existing contracts.

Loans to members.

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

Limitation of loan.

(1.) Except out of a separate loan fund, not more than one-half of the amount of an assurance on the life of a member of at least one full year's standing may be advanced to him, on the written security of himself and two satisfactory sureties for repayment; and the amount advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of such security.

Loans may be made out of separate loan fund.

(2.) Out of any separate loan fund, to be formed by contributions or deposits of its members, a society may 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:—

(*a.*) No such loan can 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 two hundred pounds:

(*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, shall exceed fifty pounds:

(*d.*) No society shall hold at any one time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two-thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund.

Accumulating surplus of contribution for members' use.

25. The rules of a society or of a registered branch 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 or registered branch 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.

PROCEEDINGS IN RELATION TO SOCIETIES.

Legal proceedings.

26. With respect to legal proceedings by or against registered societies or branches, the following provisions shall have effect:—

(1.) The trustees of any society or branch, or any other officers authorized by the rules thereof, may bring or defend, or cause to be brought or defended, any action, suit, 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 or registered 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 registered 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 "registered branch 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 or registered branch 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 registered branch, or at any place of business of the society or registered branch within the jurisdiction of the Court in which the proceeding is brought, or, if such office or place of business be closed, by posting such copy on the outer door of the same.

But in all cases where the said summons, writ, process, or other proceeding shall not be served by means of such personal service, or by leaving a true copy thereof at the registered office of the society or registered branch, a copy thereof shall be transmitted addressed to the committee of management at the registered office of the society or registered branch, and the same shall be enclosed in a registered letter posted at least six days before any further step shall be taken on such summons, writ, process, or other proceeding.

Disputes.

27. Every dispute between a member or person claiming through a member, or under the rules of a registered society or registered branch, and the society or registered branch or an officer thereof, shall be decided in manner directed by the rules of the society or registered branch, and the decision so made 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 a Resident Magistrate's Court:

Provided as follows:—

(1.) The parties to a dispute in a society or registered branch may, by consent (unless the rules of such society or registered branch expressly forbid it), refer such dispute to the Registrar, who shall, with the consent of the Governor, 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 registered branch or by such parties to the dispute as he shall think 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 or registered branch:

(2.) The Registrar, when any dispute is referred to him, 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 the Registrar, shall be guilty of an offence under this Act:

(3.) Where the rules of a society or registered branch direct that disputes shall be referred to Justices, the dispute shall be determined by a Resident Magistrate's Court:

(4.) 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 or registered branch for a reference under its rules, the member or person aggrieved may apply to a Resident Magistrate's Court, which may hear and determine the matter in dispute:

(5.) The Registrar or the said Court may, at the request of either party, state a case for the opinion of the Supreme 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 of law or equity, such discovery to be made on behalf of the society or registered branch by such officer of the same as such Registrar or first-mentioned Court may determine.

Special powers of Registrar to be exercised on application from members.

28. Upon the application of one-fifth of the whole number of members of a registered society or branch, or of one hundred members in the case of a society or branch of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society or branch of more than ten thousand members, the Registrar, but with the consent of the Governor in every case, may—

Inspectors.

(1.) Appoint one or more inspectors to examine into the affairs of such society or branch, and to report thereon, who may require the production of all or any of the books and documents of the society or branch, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly:

Special meetings.

(2.) Call a special meeting of the society or branch in such manner and at such time and place as the Registrar may appoint, 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 or branch, and shall in all cases have power to appoint its own chairman, any rule of the society or branch to the contrary notwithstanding:

Provided that—

(*a.*) 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 or branch as the Registrar shall direct:

(*b.*) The Registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting before appointing any inspector or calling such meeting:

(*c.*) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society or branch, as the Registrar shall direct.

(*d.*) This section shall not apply to the branches of a registered society without the consent of the central body of the society.

Officers in receipt or charge of money.

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

Security to be given.

(1.) Every officer 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 the Third Schedule to this Act, or give the security of a guarantee society, in such sum as the society or registered 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 registered branch at such times as its rules appoint, or as the society or registered branch or the trustees or committee of management thereof require him to do so, and for the payment by him of all sums due from him to the society or registered branch.

Accounts of officers.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society or registered 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 registered branch, or by the trustees or committee of management of the society or registered branch, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or registered branch, or the committee of management, or the trustees appoint.

Procedure in case of neglect or refusal to account, &c.

In case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such property in manner aforesaid, the trustees or authorized officers of the society or registered branch may sue upon any bond or security given by such officer, or may apply to the Resident Magistrate's Court of the district in which the registered office of the society is situated, and the order of such Court shall be final and conclusive.

Militiamen and Volunteers not to lose benefits.

30. No person, by reason of his enrolment or service in the Militia, or as a Volunteer in any corps of Volunteers whatsoever, shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any friendly society or branch, registered or unregistered, or be fined for absence from or non-attendance at any meeting of the society or branch, such absence or non-attendance being occasioned by the discharge of his military or naval duty as certified by his commanding officer, any rules of such society or branch to the contrary notwithstanding, and any dispute between any such society or branch

and such person by reason of such enrolment or service shall be decided by a Resident Magistrate's Court.

Limitations of benefits.

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

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 the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanour.

OFFENCES AND PENALTIES.

Penalties. Penalty for falsification. Penalty for ordinary offences.

32. If any person wilfully sends, makes, orders, or allows to be made or sent, any entry, erasure in, or omission from any balance-sheet of a registered society or registered branch, 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, he is liable to a penalty not exceeding fifty pounds, recoverable at the suit of the Registrar or of any person aggrieved.

Penalty in cases not expressly provided for.

33. Every society, registered branch, officer, or member of a society or registered branch, or other person guilty of an offence under this Act for which no penalty is expressly provided herein, is liable to a penalty of not less than one pound and not more than five pounds, recoverable at the suit of the Registrar or of any person aggrieved.

PROSECUTIONS, ETC.

Penalties recoverable summarily.

34. All penalties imposed by this Act, or to be imposed by any regulations under the same, or by the rules of a registered society or registered branch, are recoverable in a summary way before any two or more Justices of the Peace.

Offences and penalties where recoverable.

35. All offences and penalties under this Act may be prosecuted and recovered,—

As respects a prosecution against a society or a registered branch or its officers, in the place where the registered office of the society or registered branch is, or where the offence has been committed; or,

As respects any prosecution against any person other than a society or registered branch 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.

Description of offences.

In any information or complaint under this Act it is sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived.

Registrar may authorize persons to prosecute on his behalf.

36. Wherever in any provision of this Act the Registrar is empowered to prosecute for any offence, or to sue for any penalty, he may, in writing, authorize any person to be named in such writing to take all necessary proceedings on his behalf for the purpose of giving full effect to such provision. This power may be exercised from time to time and as often as occasion shall require.

Offences may be prosecuted within three years.

And notwithstanding any enactment limiting the time within which proceedings may be taken for the prosecution of offences punishable summarily, any

prosecution by the Registrar under this Act may be lawfully commenced at any time within six months after the date or time when an offence has been actually brought to his knowledge: But no such proceedings shall be commenced after the expiration of three years from the date when the offence was first committed.

37. In all informations and complaints under this Act made by or on behalf of the Registrar against a society or branch, or any trustee, or member of the committee of management, or officer thereof, or other person in its employment, respectively, the onus of proving that any return, report, notice, or document required to be sent or given to the Registrar has been sent or given, or that any return, report, notice, or document has been compiled or made, as required by this Act, shall lie with the society, branch, trustee, member of committee, officer, or other person against which or whom the information or complaint is laid or made.

In informations and complaints, onus of proof to lie with society, &c.

On the hearing of any information or complaint as aforesaid, any returns duly signed and forwarded to the Registrar by the Secretary of any society in conformity with the requirements of this Act may be received in evidence in proof of any matter stated therein respectively.

Returns, &c., may be received in evidence.

38. Every application authorized or required to be made to a Resident Magistrate's Court for the settlement of disputes, or for any relief, direction, adjudication, or order, shall be made to such Court in a summary way.

Procedure on application to Resident Magistrate's Court.

Every Resident Magistrate's Court shall have power to entertain such application, and give such relief and make such orders and directions in relation to the matter of such application as the case may require.

Where the order of a Resident Magistrate's Court shall be for the payment of money, the same may be enforced in the same manner as the ordinary judgments or orders of such Court are enforced.

39. Where the order of such Court shall be for the doing of some act not being the payment of money, the Court may order the party to do such act, and that in default of his doing it he shall pay a certain sum of money; and in case he refuse to do the act required upon demand, the sum of money mentioned in the order may then be recovered and enforced in the same manner as a judgment or order for debt or damages in such Court.

How orders of Resident Magistrate's Court enforced.

MISCELLANEOUS PROVISIONS.

40. The Governor may from time to time make regulations respecting—

Regulations.

Registry and procedure under this Act, and the seal and forms to be used for such registry;

Prescribing the form of bond or security to be given when required, which, in the absence of any other form prescribed, may be in the form in the Third Schedule;

Form of bond.

The duties and functions of the Registrar;

The inspection of documents kept by the Registrar under this Act;

Fixing a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act;

Fees.

Generally for carrying this Act into effect.

41. All regulations made under this Act shall be laid before both Houses of the General Assembly within six weeks after the making thereof if the General Assembly is then sitting, or, if not then sitting, then within six weeks from the then next sitting thereof.

Regulations to be laid before General Assembly.

A copy of such regulations shall be sent by post to every registered society and branch at least three weeks previous to being laid before the General Assembly.

Societies exempt from fees.

42. No fee shall be payable on the registry of any friendly, benevolent, or cattle insurance society, or working-men's club, or of any amendment of the rules of the same.

Application of fees.

43. All fees which may be received by the Registrar under or by virtue of this Act shall be paid into the Public Account, and form part of the Consolidated Fund.

Payment of salaries and expenses.

44. The Colonial Treasurer shall pay the expenses of carrying this Act into execution out of moneys appropriated for the purposes of this Act by the General Assembly.

References to repealed Acts to apply to this Act.

45. Where any unrepealed Act incorporates or refers to any provisions of any Act hereby repealed, such unrepealed Act shall be deemed to incorporate or refer to the corresponding provisions of this Act.

Repeals.

46. The Acts set forth in the Fourth Schedule hereto are repealed from the passing of this Act.

But this repeal, or anything herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, right title obligation or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or certified thereunder, before the passing of this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Sec. 11, (1), (8).

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, in the case of a society with branches, the composition 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 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.

And also, in the case of friendly and cattle insurance societies,—

1. The keeping separate accounts of all moneys received or paid on account of each and every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted:

2. The establishment of a separate contribution or table of contributions to defray the necessary expenses of management, medical and surgical expenses (if any), including medicine and medical and surgical requisites, and the keeping separate accounts of such expenses and of all contributions on account thereof.

3. (Except as to cattle insurance societies) returns every year to the Registrar of the sickness and mortality of the society.

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

5. The voluntary dissolution of the society by consent of not less than five-sixths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.

6. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the Registrar for an investigation of the affairs of the society, or for winding up the same.

SECOND SCHEDULE.

(1.) FORM OF REVISING BARRISTER'S CERTIFICATE.

Sec. 9, (6).

I HEREBY certify that the foregoing rules [*or* the alterations *or* amendments of the rules] of the Society, at , in the Colony of New Zealand, are in conformity with law and the provisions of "The Friendly Societies Act, 1882."

Dated this day of , 18 .

[*Signature*],
Revising Barrister.

(2.) ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

Sec. 9, (8).

THE Society is registered as a friendly society [cattle insurance society, benevolent society, working men's club, *or* specially authorized society,] under "The Friendly Societies Act, 1882," this day of , 18 .

[*Seal or stamp of Registrar.*]

(3.) ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

Sec. 11, (5).

THE foregoing amendment of the rules of the Society is registered under "The Friendly Societies Act, 1882," this day of , 18 .

[*Seal or stamp of Registrar.*]

(4.) FORM OF RECEIPT TO BE INDORSED ON MORTGAGE OR FURTHER CHARGE.

Sec. 14, (9).

THE Trustees of the Society hereby acknowledge to have received all moneys intended to be secured by the within [*or* above] written deeds.

Signed: [*Signatures of Trustees*],
Trustees.

Countersigned: [*Signature of Secretary*],
Secretary.

Sec. 18, (4).

(5.) 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, 1882," this day of .

Sec. 18, (4).

(6.) ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF BRANCH RULES.

THE foregoing amendment of the branch rules of the is registered under "The Friendly Societies Act, 1882," this day of .

THIRD SCHEDULE.

Secs. 29, 40.

FORM OF BOND.

KNOW all men by these presents, that we, A.B., of , one of the officers of the Society, established at , in the Colony of New Zealand, and C.D., of , in the said colony (as surety on behalf of the said A.B.), are jointly and severally held and firmly bound to A.B., of , C.D., of , and E.F., of , the trustees of the said society, in the sum of — to be paid to the said A.B., C.D., and E.F., as such trustees, or their successors trustees for the time being, or their certain attorney; for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of , one thousand eight hundred and .

Whereas the above-bounden A.B. has been duly appointed to the office of of the Society, established as aforesaid, and he, together with the above-bounden C.D. as his surety, 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 moneys received and paid by him on account of the said society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his 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 payments, then the above-written bond shall be void, otherwise shall remain in full force.

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

A.B.
C.D.
E.F.
} Signatures and seals.

FOURTH SCHEDULE.

Sec. 46.

ACTS REPEALED.

1877, No. 10.—The Friendly Societies Act, 1877.

1878, No. 23.—The Friendly Societies Act Amendment Act, 1878.

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