

New Zealand.



ANALYSIS.

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1909, No. 12.

AN ACT to amend the Law relating to Friendly and certain other Societies. Title.

[24th December, 1909.]

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

1. This Act may be cited as the Friendly Societies Act, 1909, and it shall come into operation on the first day of January, nineteen hundred and ten. Short Title and commencement.

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

“ Actuary ” means the Actuary of Friendly Societies :

“ 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 Interpretation.

fund administered by themselves or by a committee of officers appointed by themselves, and bound to contribute to a fund under the control of a central body :

“ Committee ” and “ committee of management ” mean the directing body of a society or branch, by whatever name that body is known :

“ Land ” includes any interest in land :

“ Meeting ” includes (where the rules of a society or branch so allow) a meeting of delegates appointed by members :

“ Minister ” means the Minister of the Crown having for the time being the charge of the administration of this Act :

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

“ Persons claiming through a member ” includes the executors, administrators, and assigns of a member, and also his nominee where nomination is allowed :

“ Property ” means all property, whether real or personal (including books and papers) :

“ Registered society ” or “ registered branch ” means a society or branch registered or deemed to be registered under this Act :

“ Registrar ” means the Registrar of Friendly Societies, and, where the Deputy Registrar of Friendly Societies is lawfully acting, includes the Deputy Registrar :

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

Registry Office and Officers.

Appointment of
Registrar and
Deputy Registrar.

3. (1.) The Governor shall from time to time, by warrant under his hand, appoint some fit person to be the Registrar of Friendly Societies.

(2.) The Governor may in like manner from time to time appoint some fit person to be Deputy Registrar of Friendly Societies, with power to act for the Registrar when and so long as so authorised by the Minister.

(3.) On the occurrence from any cause of a vacancy in the office of Registrar, and so long as the vacancy continues, the Deputy Registrar shall have and may exercise all the powers, duties, and functions of the Registrar.

(4.) The fact of the Deputy Registrar exercising any power, duty, or function of the Registrar shall be conclusive proof of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him so to do.

Appointment of
Revising Barrister.

4. (1.) The Governor shall from time to time appoint a barrister of the Supreme Court (hereinafter called “ the Revising Barrister ”) whose duty it shall be to peruse the rules and amendments of rules of every society or branch registered under this Act.

(2.) At any time during the absence from New Zealand or the incapacity of the Revising Barrister the Governor may authorise any other barrister of the Supreme Court to act temporarily in the place of the Revising Barrister. No authority so given shall be questioned in any Court, and every such authority shall continue until revoked by the Governor.

5. (1.) The Governor shall from time to time appoint some fit and proper person skilled in the business of an actuary to be the Actuary of Friendly Societies under this Act.

Appointment of Actuary.

(2.) If the Governor thinks fit, he may appoint the same person, if duly qualified, to be both the Registrar and the Actuary of Friendly Societies, or to be both the Deputy Registrar and the Actuary of Friendly Societies.

(3.) At any time during the absence from New Zealand or the incapacity of the Actuary the Governor may authorise any other person skilled in the business of an actuary to act temporarily in the place of the Actuary. No authority so given shall be questioned in any Court, and every such authority shall continue until revoked by the Governor.

6. The Governor may from time to time appoint such assistants skilled in the business of an accountant as are from time to time required for the discharge of the duties imposed on the Registrar or Actuary by this Act.

Appointment of assistants to Registrar or Actuary.

7. The Registrar shall have his office at such place as the Governor from time to time appoints, and all documents required by this Act to be sent to the Registrar shall be sent to the said office.

Office of Registrar.

8. The Registrar shall, with the approval of the Minister, from time to time—

Statements to be published by Registrar.

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

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

(c.) Cause to be constructed and published tables for the payment of sums of money on death, or during sickness or old age, or on any other contingency forming the subject of an assurance authorised under this Act and appearing to be calculable.

9. The Registrar shall every year make to the Minister a report of his proceedings, and of the principal matters transacted by him, during the year preceding, and the Minister shall lay the report before Parliament.

Annual report by Registrar.

10. (1.) The Governor may from time to time, by warrant under his hand and published in the *Gazette*, license any fit and proper persons to act as Public Auditors under this Act.

Public Auditors.

(2.) All persons who before the commencement of this Act have been appointed as Public Auditors under the Friendly Societies Act, 1908, or any former Act relating to friendly societies, and whose appointments as such are in force at the commencement of this Act shall, so long as their appointments remain in force, be deemed to have been duly licensed as Public Auditors under this Act.

(3.) Any such license or appointment as aforesaid shall be held at the Governor's pleasure, and may at any time be revoked by warrant under the hand of the Governor.

Registration of Societies.

What societies may be registered under this Act.

11. (1.) The following societies may be registered under this Act, namely:—

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

(i.) For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, or in old age (that is to say, any age after fifty years), or in widowhood, or for the relief or maintenance of the orphan children of members during minority; or

(ii.) 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 member, or, in the case of Jews, for the payment of a sum of money during the period of confined mourning; or

(iii.) For the relief or maintenance of members when travelling in search of employment, or when in distressed circumstances; or

(iv.) For medical or surgical attendance, relief, or requisites for the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans; or

(v.) For the endowment of members or nominees of members at any age; or

(vi.) 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; or

(vii.) For guaranteeing the performance of their duties by officers and servants of the society or any branch thereof:

(b.) Societies (herein called benevolent societies) established for any benevolent or charitable purpose:

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

(d.) Societies (herein called specially authorised societies) established for any purpose which the Governor may, by Order

in Council gazetted, authorise as a purpose to which the provisions of this Act, or such of them as are specified in that behalf in the Order in Council, ought to be extended:

Provided that where any of the provisions of this Act are so extended, those provisions only shall be so extended.

(2.) No friendly society which contracts with any person for the assurance of an annuity exceeding fifty-two pounds per annum, or of a gross sum exceeding three hundred pounds, shall be registered under this Act.

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

12. (1.) For the purpose of registration there shall be sent to the Registrar an application to register the society, signed by seven members and the secretary, and at least two copies of the rules, together with a list of the names of the secretary and of every trustee or other officer intended to be authorised to sue and be sued on behalf of the society, and together with a notice of the place where the registered office of the society is situated.

Application for registration to be accompanied by rules.

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

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

13. A society shall not be registered under a name identical with that under which any other existing society is registered, or so nearly resembling that name as to be likely, or in any name likely, in the opinion of the Registrar, to deceive the members or the public as to its nature or its identity.

Two societies not to be registered under identical or nearly identical names.

14. A society (other than a benevolent society or a workingmen's club) shall not be disentitled to registration by reason of any rule for or practice of dividing any part of the funds thereof, if the rules thereof contain distinct provision for satisfying, before any division takes place, all claims on the society existing at the time of division.

Society may provide for division of funds in certain cases.

15. (1.) On receiving the copies of the rules as aforesaid the Registrar shall forthwith transmit one copy to the Revising Barrister.

Rules to be submitted to Revising Barrister.

(2.) If the Revising Barrister is of opinion that the objects of the society and the rules thereof are consistent with the requirements of this Act and the law of New Zealand, he shall give his certificate accordingly in the form numbered (1) in the First Schedule hereto or to the like effect.

Duties of Revising Barrister.

(3.) If the Revising Barrister is of opinion that the objects of the society, or any of them, or any of the rules, are repugnant to or inconsistent with this Act or with the law of New Zealand, he shall notify his opinion in writing to the Registrar, specifying in what particulars the rules or other matters are repugnant 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 there-

upon transmit amended rules, signed as before required, or, if possible, comply with any requirements of this Act which were previously disregarded.

Acknowledgment of registration.

16. (1) When the rules of a society have been certified by the Revising Barrister in manner aforesaid, the Registrar, on being satisfied that the society has complied with the provisions of this Act as to registration, shall issue to the society an acknowledgment of registration under his seal in the form numbered (2) in the First Schedule hereto or to the like effect, specifying the designation of the society according to the classification hereinbefore set forth, and shall publish in the *Gazette* a notice of the registration of the society.

Appeal from refusal to register society.

(2.) If the Registrar refuses to register the society, whether because of the refusal of the Revising Barrister to certify the rules of the society or for any other reason, the society may appeal from that refusal of registration to the Supreme Court.

(3.) If the refusal of registration is overruled on appeal, the rules of the society shall thereupon be certified by the Revising Barrister (unless his certificate has been already given), and an acknowledgment of registration shall forthwith be given to the society by the Registrar.

Acknowledgment to be conclusive evidence of registration.

17. An acknowledgment of registration shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been suspended or cancelled.

Societies with Branches.

Registration of branches concurrently with registration of society.

18. (1) Where a society has branches, the application for the registration of the society shall be accompanied with—

- (a.) A list giving the name of every branch, and of the place where the registered office of every branch is situated :
- (b.) In respect of every branch, a list of the names of all trustees or other officers intended to be authorised to sue and be sued on behalf of that branch :
- (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 two copies of those rules :
- (d.) If the branch rules are not or are not intended to be identical, a statement to that effect, and two copies of all branch rules :
- (e.) If any branch is not to have any rules other than the rules of the society, or of some other branch of which that branch forms part, a statement to that effect.

(2.) No society shall be registered if any branch thereof is incapable of being registered at the same time.

(3.) When the Registrar issues to any such society an acknowledgment of the registration thereof, he shall at the same time issue to each branch which is mentioned in the said application, and which has fulfilled all the requirements of registration, an acknowledgment under his seal of the registration of that branch in the form numbered (3) in the First Schedule hereto or to the like effect.

(4.) Every such acknowledgment shall be conclusive evidence that the branch therein mentioned is duly registered, unless it is proved that the registration of that branch or of the society to which that branch belongs has been suspended or cancelled, or that the branch has seceded or been expelled from the society.

19. (1.) When a new branch of a registered society is established, the society shall send to the Registrar an application for the registration of that branch signed by the secretary of the branch and by three members thereof, and countersigned by the secretary of the society.

Application by society for registration of new branch.

(2.) The application shall contain or be accompanied with—

- (a.) A notice of the establishment of the branch, and of the place where its registered office is situated :
- (b.) A list of the names of all trustees or other officers intended to be authorised to sue and be sued on behalf of the branch :
- (c.) A statement whether or not the rules of the branch are identical with those of the other branches of the society, and, if not so, copies of the rules of the branch :
- (d.) If the branch is not to have any rules other than the rules of the society, or of some other branch of which that branch forms part, a statement to that effect.

(3.) Upon the receipt of the application the Registrar shall, with the necessary modifications, take the same proceedings as upon an application for the registration of a society, and if he is satisfied that all requirements for the registration of the branch have been fulfilled, he shall issue to the branch an acknowledgment under his seal of the registration thereof, which shall be in the same form and shall have the same effect as an acknowledgment of the registration of a branch under the provisions of the last preceding section.

(4.) Every application under this section shall be made within three months after the establishment of the branch, but no such application shall be invalid because made after the expiration of that period.

(5.) If any branch established after the commencement of this Act continues in existence for more than three months without an application being made for its registration, or for more than three months after an application for its registration has been refused, every officer of the branch, or of the registered society of which it is a branch, shall be guilty of a continuing offence against this Act so long thereafter as the branch remains in existence and unregistered.

20. No branch shall be registered unless provisions in respect of the several matters mentioned in the Third Schedule to this Act are made either in the rules of the branch or (with respect to that branch) in the rules of the society, or of any branch thereof of which that branch forms part.

Matters provided for in branch rules.

21. No branch shall be registered unless its objects are identical with or comprised within the objects of the society of which it is a part.

Objects of branch.

22. Section eleven and sections thirteen to fifteen of this Act shall apply to the registration of branches in the same manner as to the registration of societies, and for this purpose all references in those sections to a society shall be read as being references to a branch.

Sections 11 and 13 to 15 to apply to registration of branches.

Appeal from refusal to register branch.

23. A branch, or the society of which it is a part, may appeal from the refusal of the Registrar to register that branch in the same manner as in the case of the refusal of the registration of a society.

Branches of a branch to be deemed branches of the society.

24. For all the purposes of this Act every branch of a branch of a society shall be deemed to be a branch of the society itself, and all the provisions of this Act shall be applicable thereto accordingly.

Secession and Expulsion of Branches.

Effect of secession or expulsion of branch.

25. (1.) Every registered branch may, in manner provided by the rules of the society of which it forms a part, secede from that society.

(2.) Every branch which has duly seceded from the society of which it forms a part, or has been expelled from that society in accordance with the rules of the society, shall be deemed to be no longer registered under this Act, but no such secession or expulsion shall affect any liability theretofore incurred by the branch or by any officer thereof or the mode of enforcement of any such liability.

Certificate of secession or expulsion.

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

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

Registered name or number not to be used by branch after secession or expulsion from society.

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

Rules of Societies and Branches.

Registration of amendments of rules.

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

(2.) The copies so sent to the Registrar shall be accompanied with a statutory declaration, made by the secretary or by some other officer of the society or branch, verifying the copies and stating that the amendments have been made in conformity with the rules of the society or (in the case of branch rules) in conformity with the rules of the branch and of the society to which it belongs.

(3.) All amendments of rules shall be submitted for the perusal of the Revising Barrister in the manner provided by section fifteen hereof as to rules transmitted to the Registrar upon an application for registration of a society.

Acknowledgment of such registration.

29. (1.) Where the Registrar is satisfied, on receiving the certificate of the Revising Barrister to that effect, that any amendment of a rule is not contrary to the provisions of this Act, and is also satisfied that the amendment has been duly made in accordance with the constitution of the society or branch, he shall issue to the society or branch an acknowledgment under his seal of the registration of the same in

the form numbered (4) in the First Schedule hereto, and this acknowledgment shall be conclusive evidence that the amendment is duly registered.

(2.) If the Registrar refuses to register an amendment of a rule of any society or branch on any ground other than the refusal of an actuary to certify under the next succeeding section, the society or branch may appeal to the Supreme Court from such refusal of registration.

30. (1.) If in the opinion of the Registrar any amendment of a rule may adversely affect the financial soundness of the society or branch, the amendment shall not be registered until the Actuary of Friendly Societies, or some other actuary who is approved by the Governor and has practised the profession of an actuary for not less than five years, has certified in writing that the amendment does not adversely affect the financial soundness of the society or branch.

Certificate of Actuary on amendment of rules.

(2.) The Registrar may, if he thinks fit in his discretion, exempt any society or branch from the requirements of this section in respect of any particular amendment, if he considers that those requirements are inapplicable to the kind of business to which the amendment relates.

31. (1.) No amendment of the rules of a society or branch shall be registered unless the rules as so amended contain all the provisions that would be required in such rules, in accordance with the Second or Third Schedule hereto as the case may be, on an application for the registration of the society or branch.

Amended rules to comply with requirements of Second and Third Schedules.

(2.) No amendment of the rules of a branch shall be registered whereby the objects of the branch cease to be identical with or comprised in the objects of the society of which the branch forms a part.

32. (1.) The registration of a society or branch, or of an amendment of the rules of a society or branch, shall not be refused because the rules of the society or branch or the amendments of those rules express or imply any subordination of the society or branch to the central body of the same order outside New Zealand, or contain any reference to the general rules of the said order :

Society may be registered notwithstanding connection with body outside New Zealand.

Provided that in any such case the application for registration shall be accompanied by copies of the said general rules.

(2.) Where provision is made in those general rules for any of the matters specified in the Second or Third Schedule hereto, the society or branch shall be deemed to have sufficiently complied with section twelve or section twenty hereof if reference is made in the rules of the society or branch to the general rule or rules making that provision.

(3.) Nothing in this section shall have the effect of giving force to any such general rule that is contrary to any of the provisions of this Act.

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

Society or branch to supply copies of rules on payment therefor.

Duties and Obligations of Societies and Branches.

34. (1.) Every registered society and branch shall have a registered office to which all communications and notices may be ad-

Registered offices of society and branch.

dressed, and shall, within fourteen days after any change in the situation of the registered office, send to the Registrar notice of the change.

(2.) In the case of a branch the notice shall be sent to the Registrar under the hand of the secretary of the society of which the branch forms part.

Audit of accounts.

35. (1.) Every registered society and branch shall, once at least in every year, submit its accounts for audit either to one of the Public Auditors under this Act or to two or more persons appointed as Auditors in accordance with the rules of the society or branch.

(2.) Every such Auditor shall have access to all the books, accounts, and securities of the society or branch, and shall examine the annual return mentioned in this Act, and shall verify the same with the accounts and vouchers relating thereto, and shall examine the securities held by the society or branch, and shall either sign the said return as found by him to be correct, duly vouched, and in accordance with law, or specially report to the Registrar and the society or branch in what respects he finds the return incorrect, unvouched, or not in accordance with law.

(3.) The Registrar may at any time and from time to time require a registered society or branch to submit its accounts to a Public Auditor under this Act, who shall be selected by the society or branch, and shall in respect of the audit so directed have and exercise all the powers and duties conferred upon Auditors by this section; and it shall be the duty of the society or branch to submit its accounts for audit accordingly.

Society and branch to furnish to Registrar annual return of income and expenditure.

36. (1.) Every registered society and branch shall once in every year, before the thirty-first day of March, send to the Registrar a general statement (in this Act called "the annual return") of the income and expenditure of the society or branch during the year ending on the close of the thirty-first day of December then last past, and of the funds and effects of the society or branch on the said thirty-first day of December.

(2.) Every such annual return shall show separately the expenditure on the several objects of the society or branch.

(3.) In the case of a friendly society, or branch thereof, the annual return shall be accompanied by a list of the members admitted during the year as aforesaid, giving the full name of each, together with the date of his birth, the date of entry, and contributions payable for benefits, and the periods of sickness, deaths, and other contingencies on account of which benefits are given by the society or branch during the year as aforesaid, specifying the members in respect of whom such sickness, deaths, or contingencies have been experienced, and such other information as the Registrar from time to time prescribes.

(4.) In the case of a branch the annual return and list aforesaid shall be sent to the Registrar under the hand of the secretary of the society of which the branch forms part.

(5.) Every such annual return shall, before being sent to the Registrar, be audited in manner provided by the last preceding section.

(6.) The first annual return to be made under this Act shall be made in respect of the year ending on the thirty-first day of December, nineteen hundred and nine.

37. (1.) Every registered society shall once at least in every five years send to the Registrar a return of the benefits assured and contributions receivable from all the members of the society and its branches, whether registered or not, and of all the assets and liabilities of the society and its said branches, accompanied by such evidence in support thereof as the Registrar prescribes, whereupon the Registrar shall cause the assets and liabilities of the society and all its branches as aforesaid to be valued and reported on by the Actuary, and shall send to the society a copy of the Actuary's report.

Actuarial valuation.

(2.) The valuation required by this section is hereinafter called the "actuarial valuation."

(3.) The Registrar may dispense with the actuarial valuation in the case of societies to whose purposes or to the nature of whose operations he may deem the same inapplicable.

(4.) The requirements of this Act with respect to the actuarial valuation shall not apply to benevolent societies or working-men's clubs.

(5.) In the case of any society registered under any former Act relating to friendly societies the first period of five years shall be deemed to have commenced on the date of the report on the last quinquennial valuation made of the assets of that society under any such former Act.

38. Every registered society and branch shall allow the Registrar, Actuary, or any member or person having an interest in the funds of the society or branch, to inspect its books at all reasonable hours at its registered office, or at any place where the same are kept; but no such member or person, unless he is an officer of the society or branch or is specially authorised by a resolution of the society or branch to do so, shall have the right to inspect the loan account of any other member without the written consent of that member.

Inspection of books by Registrar, Actuary, or member.

39. (1.) Every registered society and branch shall supply gratuitously, or produce for his inspection, to every member or person interested in its funds, on his application, either—

Annual return of society or branch to be supplied on application.

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

(2.) A copy of the last annual return for the time being, together with the report of the Auditor (if any), and a copy of the Actuary's report of the last actuarial valuation for the time being, shall be kept always exhibited in a conspicuous place at the registered office of the society or branch.

And exhibited at registered office.

40. (1.) In all registered friendly societies and registered branches thereof all moneys received or paid on account of each particular fund for which a separate table of contributions has been adopted 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.

Separate funds and accounts.

(2.) Save as in this Act expressly provided, 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 any 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.

Appropriation and transfer of surplus funds and interest.

41. (1.) A registered society or branch which has been reported to possess a surplus at the last actuarial valuation may, if the rules of the society so provide, and with the consent of the Actuary and the Registrar, appropriate so much of the surplus as can be safely used to all or any of the following purposes:—

- (a.) An increase of sickness benefits :
- (b.) An increase of funeral benefits :
- (c.) A reduction in the contributions of members :
- (d.) Provision for superannuation benefits :
- (e.) Medical aid, distress, or management purposes :
- (f.) Grants in aid of branches in deficiency.

(2.) When a portion of any fund is so appropriated for the purposes of any other fund a transfer from the one fund to the other of the moneys so appropriated may, with the like consents as aforesaid, be made by the society or branch.

(3.) It shall be a condition of any such appropriation that a certificate in such form as satisfies the Registrar as to the value of the investments of the society or branch is sent to the Registrar with the application for his consent to the appropriation.

(4.) A society or branch which has been reported to possess a surplus at the last actuarial valuation, and whose scales of contributions for new members have been certified by the Actuary of Friendly Societies, or by any other actuary approved by the Governor in accordance with this Act, may apply all interest over and above five per centum per annum, accruing from the capital funds of the society or branch, to such purposes as may be approved by the committee of the society or, in the case of a branch, by the central body of the society :

Provided that no interest shall be so applied in pursuance of this section in any year, unless the Sick and Funeral Fund has been credited during each of the two preceding years with a net rate of interest not less than five per centum per annum.

(5.) Any society or branch which avails itself of the provisions of this section shall, until the next actuarial valuation, be debarred from lowering its rate of contribution to the fund so operated upon, or from increasing the amount of any benefit to be paid out of that fund.

(6.) For the purposes of this section every reference to "the last actuarial valuation" shall, until an actuarial valuation has been made under this Act, be read as a reference to the last quinquennial valuation made under the Friendly Societies Act, 1908, or under any former Act relating to friendly societies.

Branch to furnish society with necessary particulars for returns or valuation.

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

Property and Funds of Societies and Branches.

43. (1.) Every registered society and branch shall have one or more trustees, who shall from time to time be appointed by a resolution of a majority of the members present personally or by proxy (where proxies are allowed by the rules) at a meeting of the society or branch and entitled to vote thereat.

Appointment of trustees of societies and branches.

(2.) If any trustee of a registered society or branch dies, or resigns his office, a new trustee shall as soon as practicable thereafter be appointed in his place in manner aforesaid.

(3.) A registered society or branch may at any time by resolution passed in manner aforesaid remove any trustee and appoint a new trustee in his place.

(4.) No act done by any person appointed as a trustee shall be invalidated by any irregularity or defect in the mode of his appointment, or by the fact that there is any vacancy in the full number of the trustees.

(5.) Within fourteen days after any resolution appointing a trustee, the society or branch, as the case may be, shall send to the Registrar a copy of the resolution signed by the trustee appointed and by the secretary of the society or branch.

(6.) In the case of a branch the said copy of the resolution shall be sent to the Registrar through the secretary of the society of which the branch forms part.

(7.) The same person shall not be secretary, treasurer, or auditor of a registered society or branch and also a trustee of that society or branch; but, with the consent in writing of the Registrar, the same person may be both the secretary and the treasurer of the society or branch.

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

Property to vest in trustees.

(2.) The property of a registered branch of a society, whether acquired before or after the branch is registered, shall, as the rules of the society provide, vest wholly or partly in the trustees for the time being of that branch, or of any other branch of which that branch forms part, or in the trustees of the society, for the use and benefit either of the members of any such branch and persons claiming through those members, or of the members of the society generally and persons claiming through them according to the rules of the society. In the absence of any rules of the society in that behalf, or so far as the rules of the society do not extend, the property of a registered branch of a society, whether acquired before or after the branch is registered, shall vest in the trustees for the time being of that branch for the use and benefit of the members of that branch and persons claiming through them.

(3.) Upon the death, resignation, or removal of a trustee of a society or branch the property vested in that trustee shall without conveyance, transfer, or assignment vest, subject to the same trusts, in the succeeding trustees of that society or branch, either solely or

together with any surviving or continuing trustees, and until the appointment of succeeding trustees in the surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee.

Notice to District Land Registrar of names of trustees.

45. (1.) Every registered society or branch shall forward to any District Land Registrar, as and when required by him, a notice setting forth the names of the trustees in whom the property of the society or branch is vested, and also a copy of the rules of the society or branch.

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

Mode of dealing with land under Land Transfer Act.

46. (1.) Land under the Land Transfer Act, 1908, may be transferred, leased, or mortgaged to the registered society or branch by memorandum of transfer, lease, or mortgage made to the trustees (denoted by their official titles and not by their own proper names) in whom the property of the society or branch, or any part of that property, is for the time being vested; and such trustees for the time being shall be deemed to be the registered proprietors of the land so transferred, or of such lease or mortgage.

(2.) Where any instrument affecting the land included in any such transfer, lease, or mortgage is presented to the District Land Registrar for registration, he shall register the same if it purports to be executed by the persons in whom the property thereby affected appears to him to have been vested at the time of the execution of the instrument.

(3.) No person claiming under any such instrument so registered shall be affected by notice, direct or constructive, that the property of the society or branch was not vested in the persons executing the same, or that the instrument was executed in contravention of the rules of the society or branch; and no claim on the Assurance Fund shall arise from the fact that the property was not so vested, or that the instrument was so executed as aforesaid.

On death of trustee Registrar may authorise transfer of funds, &c., to existing trustees.

47. (1.) When any trustee of a registered society or branch dies or ceases to be a trustee, and has standing in his name, either jointly with others or solely, any funds, debentures, stocks, securities, or moneys belonging to the society or branch, the Registrar, on application in writing by the secretary and three members of the society or branch, and on proof of the facts to his satisfaction, may, by warrant under his seal, direct and authorise the transfer of those funds, debentures, stocks, securities, or moneys into the names of the existing trustees of the society or branch, or, in the case of a branch which has ceased to exist, into the names of the existing trustees of the society of which the branch formed part; and every such warrant shall be sufficient authority to all persons to make such a transfer accordingly in the same manner as if the said funds, debentures, stocks, securities, or moneys had been assigned to the said existing trustees in due course of law.

(2.) The Registrar and all persons acting in pursuance of any such warrant are hereby indemnified for all things done by him or

them in pursuance of this section, or of such warrant, against any claim or demand of any person injuriously affected thereby.

48. Trustees of a registered society or branch shall not be liable to make good any deficiency in the funds of the society or branch, but shall be liable only for moneys actually received by them respectively on account of the society or branch.

Liability of trustees.

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

Mode of investment of funds of society or branch.

- (a.) In the Post-Office Savings-Bank, or in any savings-bank constituted under the Savings-banks Act, 1908, or in any incorporated bank carrying on business in New Zealand:
- (b.) In any debentures, bonds, or Treasury bills issued by or on behalf of or guaranteed by the Government of New Zealand under the authority of any Act:
- (c.) In the purchase of land (if the rules of the society or branch so provide) or in the erection or alteration of offices or other buildings thereon:
- (d.) In the bonds, debentures, or other securities of any Borough Council or County Council in New Zealand:
- (e.) On a first mortgage of freehold lands in New Zealand:
- (f.) Upon any other security expressly directed by the rules of the society or branch, not being personal security, except as in this Act authorised with respect to loans.

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

(3.) When any moneys are invested under the provisions of this section on any mortgage or other security over land, the amount so invested shall not exceed three-fifths of the unimproved value of the land together with one-half of the value of the improvements thereon.

50. (1.) A registered society or branch may (if its rules so provide) hold, purchase, acquire by gift, devise, bequest, or otherwise, or take on lease, any land in the names of the trustees of the society or branch, and may sell, exchange, mortgage, or lease that land, or erect buildings thereon, with power to alter or pull down buildings and to rebuild the same.

Powers of society or branch with respect to land.

(2.) Nothing herein shall authorise a benevolent society to hold land exceeding one acre in extent.

(3.) 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 the sale, exchange, mortgage, or lease.

(4.) If any money forming part of any benefit fund of a registered society or branch is invested after the commencement of this Act in the purchase of land, or the erection or alteration of offices or buildings, and such land, offices, or buildings are used or occupied wholly or in part for the purposes of the society or branch, interest on that money at the rate of not less than four per centum per annum shall be paid by the society or branch into the said benefit fund, and that interest shall be payable out of the management fund of the society or branch so far as it is not otherwise lawfully provided.

(5.) No such investment as is referred to in the last preceding subsection shall be made by a branch without the consent of the central body of the society.

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

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

52. A registered society or branch may subscribe out of its funds (other than benefit funds), to any hospital, infirmary, friendly society dispensary, or charitable or provident institution, any annual or other sum necessary to secure to members of the society or branch and their families the benefits of that hospital, infirmary, friendly society dispensary, or other institution.

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

54. Where any officer of a registered society or branch, having in his possession by virtue of his office any money or property belonging to the society or branch, dies or becomes bankrupt, or where any execution, attachment, or other process is issued against such officer or against his property, in any such case his executors or administrators, or the Official Assignee, or the Sheriff or other person executing such process, shall, upon demand in writing of the trustees of the society or of the branch, or of any two of them, or of any person authorised to make such demand by the society or branch or by the committee thereof, pay the money and deliver over the property to the trustees of the society or branch in preference to any other debts or claims against the estate of the officer.

55. Out of any separate loan fund, to be formed by contributions or deposits of its members, a registered 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 :—

No member or other person entitled to receive from society more than £300 in lump sum, or £52 annuity.

Subscription to hospital or other institution in return for benefits.

One society or branch may, in accordance with rules, take part in government of other society or branch.

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

Loans to members on personal security.

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

Payments on Death, and Insurance on Lives of Children.

56. (1.) No registered society or 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 on the production of a certificate of that death, under the hand of the Registrar of Births and Deaths or other person having the care of the register in which that death is or ought to be entered, or under the hand of a registered medical practitioner.

Notice of death before payment made on account thereof.

(2.) This section shall not apply to deaths happening at sea or out of New Zealand, nor to any case in which the Registrar of Friendly Societies, on being satisfied of the fact of death, grants an exemption from this section.

Exceptions.

57. (1.) A member of a registered society (other than a benevolent society or working-men's club) or of any registered branch thereof may, by writing under his hand delivered at or sent to the registered office of the society or branch during the lifetime of the member, or made in a book kept at that office, nominate a person or persons to whom the money payable by the society or branch on the death of that member, or any portion of that money, not exceeding in either case the sum of one hundred and fifty pounds, shall be paid at his decease.

Nomination by member of person to receive money payable on death of member.

(2.) A nomination so made may be revoked by any similar document under the hand of the nominator, delivered, sent, or made as aforesaid, but shall not be revocable by the will of the nominator or any codicil thereto.

Revocation of nomination.

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

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

(5.) On the death of a nominator the society or branch shall pay to the nominee the amount due to the deceased member, or so much thereof as is specified in the nomination, not exceeding in either case the sum of one hundred and fifty pounds.

Payment to nominee.

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

(7.) If the money payable by the society or branch on the death of the nominator exceeds one hundred and fifty pounds, the nomination shall be valid to the extent only of the sum of one hundred and

fifty pounds, or to the extent only of the sum (if any) specified in the instrument of nomination, whichever of these sums is the smaller.

(8.) If the nomination is in favour of two or more persons, the sum payable thereunder shall be paid in the shares therein specified, and if no shares are so specified, then in equal shares.

(9.) No person shall be capable of making separate and successive nominations in favour of different persons, and if successive nominations are so made by any person the earlier shall be deemed to be revoked by the later.

(10.) The sum of money payable by the society or branch on the death of a member shall include sums of money contributed to or deposited in the separate loan account.

(11.) No person under the age of sixteen years shall be capable of making a nomination under this section.

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

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

(14.) All nominations made under the corresponding provisions of any former Act relating to friendly societies shall be deemed to have been made under this section, and shall be subject to the provisions of this section accordingly.

Distribution on death.

58. (1.) Where a member of a registered society or branch, entitled from the funds thereof to a sum not exceeding one hundred and fifty pounds, dies either testate or intestate, the society or branch may, without probate or letters of administration, but subject to any nomination that may have been made in respect of that sum or any part thereof, distribute the sum among such persons as appear to a majority of the trustees in whom those funds are vested, upon such evidence as they deem satisfactory, to be entitled by law to receive the same.

(2.) A payment made by a registered society or branch under this section to any person who at the time appears to a majority of the trustees to be entitled thereto, shall be valid and effectual against any demand made upon the trustees or the society or branch by any other person; but any person to whom the said moneys or any part thereof ought to have been paid shall have remedy for the recovery thereof against the person who has received that money.

Restriction of payments on account of death of children.

59. (1.) No registered society or branch shall insure or pay on the death of a child under five years of age any sum of money which, added to any sum payable on the death of that child by any other registered society or branch, or by any company within the meaning of Part II of the Life Insurance Act, 1908, or by any trade-union, whether registered or not, exceeds six pounds, or, on the death of a child under ten but not under five years of age, any sum of money which, added to any sum payable on the death of that child by any other registered society or branch, or by any such company or trade-union as aforesaid, exceeds ten pounds.

(2.) No registered society or branch shall pay any sum on the death of a child under ten years of age except to the parent of the child, or to the personal representative of the parent, and upon the production by the parent or his personal representative of a certificate of death issued by a Registrar of Births and Deaths, or other person having the care of the register of deaths, containing the particulars hereinafter mentioned.

(3.) Where application for a certificate of the death of a child under ten years of age is made for the purpose of obtaining a sum of money from a registered society or branch, the name of the society or branch, and the sum sought to be obtained therefrom, shall be stated to the Registrar of Births and Deaths, who shall write on or at the foot of the certificate the words "To be produced to the [*Naming the society or branch*], said to be liable for payment of the sum of £ [*Stating the sum*]."

(4.) All certificates of the same death, whether for production to a registered society or branch or to any such company or trade-union as aforesaid, shall be numbered in consecutive order.

(5.) 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 ten pounds on the death of a child under ten but not under five years, whether the payments are to be made by a registered society or branch or by any such company or trade-union as aforesaid.

(6.) 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 the deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a registered medical practitioner.

(7.) Where a certificate of the death of any child under ten years is produced to any registered society or branch, and the certificate does not purport to be the first certificate issued of the death, the society or branch shall, before paying any money thereon, inquire whether any and what sums of money have been paid on the same death by any other registered society or branch or by any such company or trade-union as aforesaid.

(8.) The reference in section seven of the Trade-unions Act, 1908, to section seventy-one of the Friendly Societies Act, 1908, shall be deemed to be a reference to this section of this Act.

Change of Name, and Amalgamation.

60. (1.) For the purposes of this Act a "special resolution" Special resolutions means a resolution which is—

- (a.) Passed by a majority of not less than three-fourths of such members of a registered society or branch for the time being entitled under the rules to vote as are present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose the resolution has been duly given according to the rules; and

(b.) Confirmed by a majority of such members for the time being entitled under the rules to vote as are present in person or by proxy (where the rules allow proxies) at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which the resolution was first passed.

(2.) At any meeting mentioned in this section a declaration by the chairman that the resolution has been passed or confirmed, as the case may be, shall be conclusive evidence of the fact.

(3.) A copy of any special resolution for any of the purposes hereinafter mentioned, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the Registrar and registered by him by affixing his seal thereto, and until that copy is so registered the special resolution shall not take effect.

Society, by special resolution, may change name.

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

(2.) 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 empowered to sue or be sued on behalf of the society, notwithstanding its change of name.

Amalgamation of societies and transfer of engagements.

62. (1.) Any two or more registered societies may, by special resolution of both or all those societies, become amalgamated together as one society, with or without any dissolution or division of the funds of those societies or any of them.

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

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

Requirements of resolution purporting to amalgamate societies or transfer engagements.

63. (1.) In the case of a registered friendly society, no special resolution by any such society for any amalgamation or transfer of engagements under this Act shall be valid without—

(a.) The assent of two-thirds in value of the members given either at the meetings at which the resolution is, according to the provisions of this Act, passed and confirmed, or at one of them, or in writing in the case of members not present thereat; and

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

Provided that, upon application by the trustees or committee of a registered friendly society desiring to amalgamate, or to transfer its engagements, and upon notice of the application being gazetted, the Registrar, after hearing the trustees or committee, and any other persons whom he considers entitled to be heard, may, with the consent of the Minister, order that any of the assents, consents, and conditions required by this Act, or by any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer.

(2.) 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 member more than five votes in the whole.

(3.) If any member of a friendly society which has amalgamated or transferred its engagements, or if any person claiming any relief, annuity, or other benefit from the funds thereof, is dissatisfied with the provisions made for satisfying his claim, that member or person may apply to the Registrar, who shall thereupon have the same powers as on a reference to him of a dispute under this Act.

64. The provisions hereinbefore contained relating to change of name shall apply to all registered branches, and the provisions relating to amalgamation and transfer of engagements shall apply as between registered branches of the same society; but no change of name, amalgamation, or transfer of engagements shall take place in such cases unless it takes place in accordance with the general rules of the society to which the branches belong or with the consent of the central body of the society.

Provisions with respect to branches effecting change of name, amalgamation, or transfer of engagements.

Dissolution.

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

Mode of dissolution of society or branch.

- (a.) Upon the happening of any event declared by the rules to be the termination of the society or branch; or
- (b.) In the case of all societies or branches other than friendly societies or branches thereof, by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution; or
- (c.) In the case of friendly societies or any branch thereof, by the consent of five-sixths in value of the members (including honorary members, if any), testified by their signatures to an instrument of dissolution, together with the written consent of every person receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society or branch, unless the claim of that person is first duly satisfied, or adequate provision is first made for satisfying that claim; or
- (d.) By the award of the Registrar in the cases specified in this Act.

(2.) The provisions of this Act as to the method of calculating the value of members and as to the remedy of members and persons dissatisfied with the provisions made for satisfying their claims in the case of the amalgamation or transfer of engagements of a registered friendly society shall apply to the dissolution of a registered friendly society or branch.

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

Requirements of instrument of dissolution.

- (a.) The liabilities and assets of the society or branch in detail;
- (b.) The number of members, and the nature of their interests in the society or branch:

(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 or branch, unless it is expressly stated in the instrument that the appropriation or division shall be left to the award of the Registrar.

(2.) Alterations in the instrument of dissolution may be made with the like consents as are in this Act required for the dissolution of a society or branch, testified in the same manner.

(3.) A statutory declaration that the provisions of this Act have been complied with shall be made by one of the trustees, or by three members and the secretary of the society or branch, and shall be sent to the Registrar with the instrument of dissolution.

Registration of instrument.

(4.) The instrument of dissolution and all alterations therein shall be registered in the manner in this Act provided for the registration of amendments of rules, and shall be binding upon all the members of the society or branch.

Notice of dissolution to be gazetted.

(5.) The Registrar shall cause a notice of the dissolution to be advertised at the expense of the society or branch 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 the advertisement appears a member or other person interested in or having a claim on the funds of the society or branch commences proceedings to set aside the dissolution of the society or branch, and the dissolution is set aside accordingly, the society or branch shall be legally dissolved as from the date of the said *Gazette*, and the requisite consents to the instrument of dissolution shall be deemed to have been duly obtained without proof of the signatures thereto.

Dissolution by award.

67. (1.) Upon the application in writing under their hands 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 registered society or branch of not less than five hundred and not more than ten thousand members, or of five hundred members in the case of a registered society or branch of more than ten thousand members, setting forth that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured, and the grounds upon which this insufficiency is alleged, and requesting an investigation into the affairs of the society or branch with a view to the dissolution thereof, the Registrar may by himself or by the Actuary investigate the affairs of the society or branch.

(2.) The Registrar shall give to the society or branch at its registered office not less than one month's previous notice of his intention to make the investigation.

(3.) If upon the investigation it appears that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured, the Registrar may, if he thinks fit, award that the society or branch be dissolved, and its affairs wound up, and shall in that case direct in what manner the assets of the society or branch shall be divided or appropriated:

Provided that the Registrar may suspend his award for so long as he thinks proper, to enable the society or branch to make such alterations and adjustment of contributions and benefits as will in his judgment render it unnecessary to make any such award of dissolution.

(4.) The Registrar proceeding under this section shall have the same powers and authorities, enforceable by the same penalties, as he has in the case of a dispute referred to him under this Act.

(5.) The expenses of every such investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society or branch before any other appropriation thereof is made.

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

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

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

Notice to Registrar of proceeding to oppose dissolution.

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

69. (1.) Notwithstanding anything hereinbefore contained, no registered branch shall be dissolved otherwise than by an award of the Registrar, unless with the consent of the central body of the society of which the branch forms a part.

Dissolution of branch.

(2.) In granting such consent the central body may impose such terms and conditions as it thinks fit.

Cancelling or Suspension of Registration.

70. (1.) The Registrar may, by writing under his hand and seal, cancel the registration of a society or branch,—

Registrar may cancel or suspend registration.

(a.) If he thinks fit, at the request of the society, to be evidenced in such manner as he may direct; or

(b.) With the approval of the Minister, on proof to the satisfaction of the Registrar that the acknowledgment of regis-

tration was obtained by fraud or mistake, or that the society or branch exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of this Act, or has less than seven members, or has ceased to exist.

(2.) Where the Registrar might with the approval of the Minister cancel the registration of a society, he may suspend the registration thereof, by writing under his hand and seal, for any term not exceeding six months.

(3.) Before cancelling the registration of any society or branch, or suspending the registration of any society, the Registrar shall give to the society or branch not less than two months' notice in writing, stating the grounds of the proposed cancelling or suspension :

Provided that such notice shall not be necessary in any case where the society or branch has ceased to exist, or where the society has requested that its registration shall be cancelled.

(4.) A notice of every such cancelling or suspension shall as soon as practicable be published in the *Gazette*, and in some newspaper circulating in the place in which the registered office of the society or branch is or last was situate.

(5.) A society or branch may, within one month after receiving notice thereof from the Registrar, appeal to the Supreme Court from the cancelling or suspension of its registration.

(6.) A society or branch whose registration has been cancelled, and every registered branch of any such society or branch, shall from the time of the cancelling (but subject to the right of appeal hereby given) be deemed to be no longer registered under this Act.

(7.) Such cancelling shall not relieve any society or branch, or any officer thereof, from any liability theretofore incurred, but any such liability may be enforced as if the cancelling had not taken place.

(8.) A society whose registration has been suspended, and every registered branch thereof, shall during the period of suspension (but subject to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society or branch, but shall for all other purposes be deemed to continue to be a duly registered society or branch.

Conversion of Societies into Branches.

One society may become a branch of another society.

71. (1.) A registered society may, by a resolution passed by a majority of the members or delegates present, personally or by proxy (where the rules allow proxies), 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 or of any registered branch thereof.

(2.) If the rules of the first-mentioned society do not comply with all the provisions of this Act, and of any regulations made concerning the registration of branches, the meeting at which the resolution is passed may amend those rules so as to bring the same into compliance with this Act and with the regulations.

(3.) A copy of the rules of the first-mentioned society marked to show the amendments, if any, made at that general meeting, and two copies of the resolution and of the amended rules, if any, each signed by the chairman of the meeting and by the secretary of the first-mentioned society, and countersigned by the secretary of the other society, shall be sent to the Registrar.

(4.) If the Registrar finds that those rules, with or without such amendment as aforesaid, are in accordance with the provisions of this Act and of the regulations, he shall cancel the registration of the first-mentioned society, and register the same as a branch of the other society or, if so specified in the resolution, of any registered branch of the other society without further request or notice, and shall register the amended rules without further application or evidence; and until such registration the resolution aforesaid shall not take effect.

(5.) It shall not be necessary to give notice by advertisement of any cancelling of registration under this section.

(6.) 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 any regulations thereunder, and subject to any amendment thereof as hereinbefore provided, continue in force as the rules of that branch unless and until amended.

Disputes and Inspection.

72. (1.) Every dispute between—

- (a.) A member, or person claiming through a member or under the rules of a registered society or branch, and the society or branch or an officer thereof; or
- (b.) Any person aggrieved who has ceased to be a member of a registered society or branch, or any person claiming through such person aggrieved, and the society or branch or an officer thereof; or
- (c.) Any registered branch of any society or branch and the society or branch of which it is a branch; or
- (d.) An officer of any such registered branch and the society or branch of which that registered branch is a branch; or
- (e.) Any two or more registered branches of any society or branch or any officers thereof respectively; or
- (f.) Any registered society or branch, or any officer thereof, and any other person arising on the question whether that person is entitled to be or to continue to be or to be reinstated as a member of that society or branch,—

shall be decided in the manner directed by the rules of the society or 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 Magistrate's Court, or to any other Court of competent jurisdiction.

(2.) The parties to any such dispute may, by consent (unless the rules of the society or branch expressly forbid it), refer the dispute to the Registrar.

(3.) The Registrar, when a dispute is so referred to him, shall, with the consent of the Minister, hear and determine the dispute,

Settlement of
disputes.

and shall have power to order the expenses of the hearing and determination to be paid either out of the funds of the society or branch or by such parties to the dispute as he may think fit, and may administer oaths and require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question. The determination of the Registrar shall have the same effect and be enforceable in like manner as a decision given in pursuance of the rules of the society or branch.

(4.) Where the rules of a registered society or branch direct that disputes shall be referred to Justices, or to a Magistrate, or to a Magistrate's Court, the dispute shall be determined by way of action in a Magistrate's Court; and the decision of that Court shall be final, and shall be enforceable either in accordance with the Magistrates' Courts Act, 1908, or by way of action in the Supreme Court.

(5.) Where the rules contain no direction as to disputes, or no direction applicable to the dispute existing between the parties, or where no decision is given on a dispute within forty days after application to the society or branch for a reference under its rules, the member or person aggrieved may take proceedings for the settlement of the dispute in any Court of competent jurisdiction; but in the case of a society with branches the said forty days shall not begin to run until application has been made in succession to all the bodies entitled to determine the dispute under the rules of the society, or dispute under the rules of the society or branch, so, however, that no rules shall require a greater delay than three months between each successive determination.

(6.) Notwithstanding anything contained in the Arbitration Act, 1908, or in any other Act, the Registrar, or any arbitrator or umpire to whom a dispute is referred in pursuance of this section, shall not be compelled to state a special case on any question of law arising in the case, but may, if he thinks fit, at the request of any party, state a case for the opinion of the Supreme Court.

(7.) The Registrar, or any arbitrator or umpire to whom a dispute is referred in pursuance of this section, may grant to any party such discovery as to documents and otherwise, or such inspection of documents, as might be granted by the Supreme Court; and the discovery shall be made on behalf of the society or branch by such officer thereof as the Registrar, arbitrator, or umpire may determine.

73. (1.) 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 not less than five hundred and not more than ten thousand members, or of five hundred members in the case of a society or branch of more than ten thousand members, the Registrar may, with the consent of the Minister,—

(a.) Appoint one or more inspectors to examine into the affairs of the society or branch, and to report thereon; or

(b.) Call a special meeting of the society or branch.

(2.) The application aforesaid shall be supported by such evidence as the Registrar requires for the purpose of showing that the applicants have good reason for requiring an inspection to be made or a meeting to be called, and that they are not actuated by

On application of members, Registrar may provide for inspection into affairs of society.

malicious motives in their application ; and such notice of the application shall be given to the society or branch as the Registrar directs.

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

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

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

(6.) The Registrar may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at that meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society 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.

(7.) The Registrar may of his own motion, and without any such application as aforesaid, appoint one or more inspectors to examine into the affairs of a registered society or branch, and to report to him thereon ; and any inspector so appointed shall have all the powers conferred upon an inspector by subsection five of this section.

Offences.

74. It shall be an offence under this Act, punishable on summary conviction by a fine of twenty pounds, if— Offences.

- (a.) A society or branch, or an officer or member thereof, fails to give any notice, send any return or document, do or allow to be done any thing which the society, branch, officer, or person is by this Act required to give, send, do, or allow to be done ; or
- (b.) A society or branch, or an officer or member thereof, neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or by any other person authorised under this Act, or does any thing forbidden by this Act ; or
- (c.) A society or branch, or an officer or member thereof, makes a return or furnishes information in any respect false or insufficient ; or
- (d.) An officer or member of a body which, having been a branch of a society, has wholly seceded or been expelled from that society, thereafter uses the name of that society or any name implying that the body is a branch of that society, or the number by which that body was designated as such branch ; or
- (e.) Where a dispute is referred under this Act to the Registrar, a person refuses to attend, or to produce any documents, or to give evidence before the Registrar ; or

(f.) A registered society or branch pays money on the death of a child under ten years of age otherwise than as provided by this Act; or

(g.) A parent, or personal representative of a parent, claiming money on the death of a child produces a certificate of the death other than is in this Act provided to the registered society or branch from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

Indictable offences with respect to supply of rules of society or branch.

75. Every person is guilty of an indictable offence punishable by imprisonment with or without hard labour for any term not exceeding two years, or by a fine not exceeding fifty pounds, who, with intent to mislead or defraud,—

(a.) Gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules of a registered society or branch, on the pretence that they are the existing rules of that society or branch, or that there are no other rules of that society or branch; or

(b.) Gives to any person a copy of any rules on the pretence that those rules are the rules of a registered society or branch when the society or branch is not in fact registered.

Wrongful attempt to secure the amalgamation or dissolution of societies, or the transfer of engagements.

76. If an officer of a registered friendly society or branch, or any other person, aids or abets any amalgamation or transfer of engagements or the dissolution of any such society or branch, otherwise than as in this Act provided, he shall be liable on summary conviction to a fine of twenty pounds or to be imprisoned for three months.

Wrongful investment of funds.

77. Every trustee or other officer of a registered society or branch who wilfully takes part in or aids or abets any transfer, expenditure, or appropriation of the funds of the society or of any branch thereof contrary to the provisions of section forty-one of this Act, or any investment of the funds of the society or of any branch thereof other than an investment duly authorised by this Act or by the rules of the society or branch, shall be guilty of an offence punishable on summary conviction by a fine of fifty pounds.

Falsifying balance-sheet or returns.

78. Every person who wilfully makes, or orders or allows to be made, any entry or erasure in or omission from any balance-sheet of a registered society or branch, or any contribution-book 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, is liable on summary conviction to a fine of fifty pounds.

Trustees to be deemed trustees within meaning of Crimes Act.

79. The trustees of a registered society or branch shall be deemed to be trustees within the meaning of section two hundred and fifty-four of the Crimes Act, 1908.

Officers of society deemed to be servants of trustees within meaning of Crimes Act.

80. Every person elected or appointed to be an officer or servant of a registered society or branch, or acting or employed as such officer or servant, shall be deemed to be a servant of the trustees of the society or branch within the meaning and for the purposes of sections two hundred and forty-seven and two hundred and fifty-seven of the Crimes Act, 1908.

81. If any person obtains by false representation or pretence possession of any property of a registered society or branch, or withholds or misapplies any such property in his possession, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society or branch and authorised by this Act, he shall be liable on summary conviction to a fine of fifty pounds, 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 the fine and costs (if any), to be imprisoned with or without hard labour for any term not exceeding three months; but no such conviction, order, or imprisonment shall release the defendant from any debt or other civil liability incurred by him.

Penalty for wrongful possession or use of property of society or branch.

82. Where a registered society or branch is guilty of an offence against this Act, every officer of the society or branch bound by the rules thereof to fulfil any duty whereof the offence is a breach, or if there is no such officer, then every member of the committee, unless that member is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall be liable to the same penalty as if he had committed the offence.

Liability of officers and of members of committee on commission of offence.

83. Every default under this Act constituting an offence, and every other continuing offence against this Act, constitutes a new offence in every week during which it continues.

Continuing offences.

84. Every registered society or branch, and every officer or member of a registered society or branch, or other person guilty of an offence against this Act for which no penalty is elsewhere herein expressly provided is liable on summary conviction to a fine of twenty pounds.

Fine of £20 where no other penalty provided for offence.

85. Notwithstanding any enactment limiting the time within which proceedings may be taken for the prosecution of offences punishable on summary conviction, any such prosecution by the Registrar under this Act, or by any person authorised by him, may be lawfully commenced at any time within twelve months after the date or time when an offence was actually brought to the knowledge of the Registrar; provided that no such proceedings shall be commenced after the expiration of three years from the date when the offence was committed.

Commencement of summary prosecutions.

86. (1.) In all prosecutions of any officer of a registered society or branch for an offence against this Act the burden 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 be on the defendant.

Burden of proof in cases of offences against Act to be on defendant.

(2.) In any such prosecution as aforesaid any returns signed and forwarded to the Registrar by the secretary of the society or branch in conformity with the requirements of this Act may be received in evidence in proof of any matter stated therein.

87. Except in the case of offences expressly declared to be indictable, all offences against this Act may be prosecuted, in a summary way before a Magistrate or any two or more Justices in accordance with the Justices of the Peace Act, 1908, on the information of the Registrar, or of any person authorised by him, or

Prosecution of offences.

of any person aggrieved, or of any person authorised by any registered society or branch or by the committee thereof.

Recovery of fines, &c., imposed on society or branch.

88. When a fine has been imposed upon a registered society or registered branch in any proceedings under this Act for an offence punishable on summary conviction, or where in any such proceedings any such society or branch has been ordered to pay any costs, the payment of such fine or costs may be enforced and recovered in the same manner as if the society or branch were a body corporate, and as if all property vested in the trustees of the society or branch was vested in the society or branch itself for the estate or interest of the trustees therein.

Service of summons, &c., upon society or branch.

89. Where proceedings are taken against a registered society or branch for the recovery of any fine under this Act, the summons or any other document required to be served upon the defendant may be served by leaving it at the registered office of the society or branch, or at any place of business of the society or branch, or, if that office or place of business is closed, by posting the summons or other document on the outer door of that office or place of business.

Act not to prevent proceedings by way of indictment.

90. Nothing in this Act shall be so construed as to prevent any person from being proceeded against by way of indictment for any indictable offence, if not previously convicted of the same offence under the provisions of this Act.

Miscellaneous.

Membership of minors.

91. (1.) A person under the age of twenty-one years but above the age of sixteen years may be a member of a registered society or branch, unless provision is made in the rules thereof to the contrary.

(2.) A person under the age of sixteen years may be a member of a registered society or branch if the rules of the society or branch so provide.

(3.) Any member of a registered society or branch who is under the age of twenty-one years may (if he is over the age of sixteen years) by himself or (if he is under that age) by his parent or guardian execute all instruments, and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee or a trustee or treasurer of the society or branch.

(4.) Societies and branches consisting wholly of members of any age under twenty-one years may be allowed to register under this Act subject to such regulations as may be made in that behalf.

Institution of legal proceedings by or against society or branch.

92. (1.) The trustees of a registered society or branch, or any other officers authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action or other legal proceeding in any Court touching or concerning any property, right, or claim of the society or branch, and may sue and be sued in their proper names, without other description than the title of their office.

(2.) In legal proceedings brought under this Act by a member, or person claiming through a member, a registered society or branch may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society

or branch, with the addition of the words "on behalf of the Society or Branch [*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 any such officer, after the commencement of the proceedings.

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

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

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

93. (1.) Every instrument or document purporting to be sealed with the seal of the Registrar shall be received in evidence without further proof.

Proof of documents

(2.) Every instrument or document purporting to be signed by the Registrar, or the Revising Barrister, or the Actuary, or an Auditor under this Act shall be received in evidence without proof of the signature or of the official position of the person appearing to have signed the instrument or document.

(3.) Every instrument or document required by this Act to be sent to the Registrar may be proved by a document purporting to be a copy thereof under the seal of the Registrar.

94. (1.) With respect to officers of a registered society or branch having receipt or charge of money the following provisions shall have effect:—

Provisions as to officers having control of money belonging to society or branch.

(a.) Every officer shall, before taking upon himself the execution of his office, give the security of a guarantee society, in such sum as the society or branch directs, for his rendering a just and true account of all moneys received and paid by him on account of the society or branch at such times as its rules appoint, or as the society or branch or the trustees or committee thereof require, and for the payment by him of all sums due from him to the society or branch.

(b.) Every officer shall, at such times as by the rules of the society or branch he should render account, or upon demand made, or notice in writing given or left at his last or usual place of abode, give in his account, as may be required by the society or branch, or by the trustees or committee thereof, to be examined and allowed or disallowed by them; and shall, on the like demand or notice,

pay over all moneys and deliver all property in his hands or custody to such person as the society or branch, or the committee, or the trustees appoint; and in case of any neglect or refusal to deliver the account, or to pay over the sums of money, or to deliver the property in manner aforesaid, the trustees or authorised officers of the society or branch may sue upon the security before mentioned.

(2.) In this section the term "guarantee society" means—

(a.) Any incorporated company carrying on the business of insurance in New Zealand; or

(b.) Any society registered under this Act and duly authorised to guarantee the fidelity of officers of registered societies or branches.

(3.) In the case of any registered friendly society which makes provision by its rules in accordance with section eleven of this Act for guaranteeing the performance of their duties by officers of the society or its branches, it shall be a sufficient compliance with this section if any officer of the society or of any branch thereof gives the security of the society in accordance with its rules as aforesaid.

95. (1.) Any registered society or branch may at any time and from time to time apply to the Registrar for a certificate of the adequacy of its contributions, either generally or in respect of any specified fund or funds, and it shall thereupon be the duty of the Registrar to cause the Actuary of Friendly Societies to make due inquiry, and if on such inquiry the said Actuary is of opinion that the contributions are adequate he shall give to the society or branch a certificate as to the adequacy of the said contributions.

(2.) No action or other proceeding shall lie against the Actuary at the suit of any person for any erroneous certificate given by him under this or any other provision of this Act.

96. Every return or other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the Registrar prescribes.

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

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

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

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

Application for certificate by Actuary as to adequacy of contributions to society or branch.

Registrar may prescribe forms.

Registrar of Births and Deaths to issue certificates with reference to this Act on payment of one shilling.

Exemptions from stamp duty.

- (b.) A draft, or order, or receipt given by or to a registered society or branch in respect of money payable by virtue of its rules or of this Act :

Provided that a cheque drawn by or on behalf of a registered society or branch shall not be exempt from stamp duty unless it bears on the face thereof the words " Friendly society's cheque " :

- (c.) A policy of insurance, or appointment or revocation of appointment of agent, or other document required or authorised by this Act or by the rules of a registered society or branch.

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

99. (1.) No moneys paid or payable by a registered friendly society or a registered branch of any such society to a member, or on the death of a member, shall be assets in the bankruptcy of that member, or pass to the trustee or assignee in that bankruptcy, or be seized, attached, or otherwise taken in execution under the process of any Court, or pass under a general assignment of the member's property ; nor shall any such moneys, unless otherwise expressly and specifically directed by the will of the member, become available for the payment of his debts or liabilities on his death.

Moneys payable by friendly societies to their members protected against creditors.

(2.) Nothing in this section shall apply to—

- (a.) Any moneys which are paid or payable by a society or branch to any member otherwise than in his capacity as a member ; or to
- (b.) Any moneys lent by a member to a society or branch whether by way of deposit in a separate loan account or otherwise ; or to
- (c.) Any moneys paid or payable under any agreement or transaction whereby the member has attempted to defeat or delay his creditors.

100. Any costs or expenses ordered or directed by the Registrar to be paid by any person under this Act shall be recoverable as a debt in any Court of competent jurisdiction by the person to whom they are payable.

Recovery of costs, &c., awarded by Registrar.

101. Notwithstanding anything in the rules of any friendly society or branch, registered or unregistered, no person, by reason of his enrolment or service in the Defence Forces, shall lose or forfeit any interest he possesses in any such society or branch at the time of his being so enrolled or serving, or be fined for absence from or non-attendance at any meeting of the society or branch, if his absence or non-attendance is occasioned by the discharge of his military or naval duty as certified by his commanding officer.

Rights of members not to suffer by reason of the performance of military duties.

102. (1.) Every appeal to the Supreme Court under this Act shall be by way of motion on notice to the Registrar, and in any such appeal the Supreme Court may make such order as it thinks fit as to the costs of the appeal as between the appellant and the Registrar.

Procedure on appeals.

(2.) The filing of any such motion shall be deemed to be the commencement of the appeal.

(3.) The determination of the Supreme Court on any such appeal shall be final.

Regulations.

103. (1.) The Governor may from time to time by Order in Council make regulations concerning—

- (a.) Registration and other procedure under this Act, and the forms to be used for such registration and procedure :
- (b.) The duties and functions of the Registrar and other officers appointed by the Governor under this Act :
- (c.) The inspection of documents kept by the Registrar under this Act :
- (d.) The fees to be paid for matters to be transacted under this Act and for the inspection of documents :
- (e.) The form, custody, and use of the seal of the Registrar :
- (f.) The duties of Public Auditors, and the rates of remuneration to be paid by registered societies or branches for the services of such Auditors :
- (g.) Any other matters in respect of which regulations are contemplated by this Act or are deemed requisite for carrying this Act into effect.

(2.) All such regulations shall, within six weeks after the making thereof, be laid before Parliament if then sitting, or if not, then within six weeks from the commencement of the next ensuing session thereof.

(3.) A copy of such regulations shall be sent by post to every registered society and branch at least four weeks before they are laid before Parliament.

No fees payable on registration.

104. No fee shall be payable on the registration of any friendly or benevolent society, or of any branch thereof, or of any amendment of the rules of any such society or branch.

Fees payable to Public Account.

105. All fees received by the Registrar under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Expenses of administration.

106. The Minister of Finance shall pay the expenses of carrying this Act into execution out of moneys appropriated by Parliament for the purpose.

Savings.

107. (1.) All references in any other Act in force at the commencement of this Act to the Registrar of Friendly Societies or to the Revising Barrister under the Friendly Societies Act, 1908, shall be deemed to be references to the Registrar of Friendly Societies or the Revising Barrister respectively under this Act, and the offices of such Registrar or Revising Barrister as hereby established shall for all purposes be deemed to be the same offices as those which existed under the like titles under the Friendly Societies Act, 1908.

(2.) The provisions hereinbefore contained enabling the Deputy Registrar of Friendly Societies to act for the Registrar or during any vacancy in the office of Registrar shall extend to all powers conferred upon the Registrar by any other Act already in force or hereafter to be passed.

Repeal.

108. (1.) The Friendly Societies Act, 1908, is hereby repealed.

Saving.

(2.) Every society or branch existing at the commencement of this Act and registered under the Friendly Societies Act, 1908, or under any former Act relating to friendly societies, shall be deemed to be registered under this Act, and shall be subject to the provisions of this Act accordingly.

3. The terms of admission of members, and the conditions under which any member may become entitled to any benefit assured.
4. The fines and forfeitures to be imposed on any member, and the consequences of non-payment of any subscription or fine.
5. The mode of holding meetings, and of giving notice (when required) of the business to be transacted at any meeting.
6. The right of voting.
7. The manner of making, altering, or rescinding rules.
8. The number of the trustees of the society.
9. The appointment and removal of a committee of management (by whatever name) and of a treasurer and secretary.
10. Whether the society is one having branches, and, if so, the composition and powers of the central body, and the conditions on which a branch may secede from the society.
11. The investment of the funds, the keeping of accounts, and the audit of the same once a year at least.
12. The manner in which disputes shall be settled.
13. The making of annual returns to the Registrar of the income and expenditure, funds and effects, of the society, and of all other matters required to accompany or be included in any annual return, including in the case of a friendly society a return of the sickness and mortality of the society.
14. The inspection of the books of the society by every person having an interest in the funds of the society.
15. The right of members of the society to apply to the Registrar for an investigation of the affairs of the society.
16. The voluntary dissolution of the society.
17. In the case of friendly societies, the keeping of separate accounts of all moneys received or paid in respect of every particular fund for which a separate table of contributions payable has been adopted.
18. In the case of friendly societies, the establishment of a separate fund for the payment of all expenses of management and of all expenses on account of medical and surgical attendance, including medicine and medical and surgical requisites, and the keeping of separate accounts of such expenses and of all contributions on account thereof.
19. Any other matters required by regulations to be included in the rules of a society.

Sections 20, 31.

THIRD SCHEDULE.

MATTERS TO BE PROVIDED FOR BY THE RULES OF BRANCHES REGISTERED UNDER THIS ACT.

1. The name of the branch.
2. The whole of the objects for which the branch is established, and the purposes for which the funds thereof shall be applicable.
3. The terms of the admission of members, and the conditions under which any member may become entitled to any benefit assured.
4. The fines and forfeitures to be imposed on any member, and the consequences of non-payment of any subscription or fine.
5. The mode of holding meetings and of giving notice (when required) of the business to be transacted at any meeting.
6. The right of voting.
7. The manner of making, altering, or rescinding rules.
8. The number of the trustees of the branch.
9. The appointment and removal of a committee of management (by whatever name), and of a treasurer and secretary.
10. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.
11. The manner in which disputes shall be settled.
12. The making of annual returns to the Registrar of the income and expenditure, funds and effects, of the branch, and of all other matters required to accompany or be included in any annual return, including in the case of a branch of a friendly society a return of the sickness and mortality of the branch.

13. The inspection of the books of the branch by every person having an interest in the funds of the branch.

14. The right of members of the branch to apply to the Registrar for an investigation of the affairs of the branch.

15. The voluntary dissolution of the branch.

16. In the case of a branch of a friendly society, the keeping of separate accounts of all moneys received or paid in respect of every particular fund for which a separate table of contributions payable has been adopted.

17. In the case of a branch of a friendly society, the establishment of a separate fund for the payment of all expenses of management and of all expenses on account of medical and surgical attendance, including medicine and medical and surgical requisites, and the keeping of separate accounts of such expenses and of all contributions on account thereof.

18. Any other matters required by regulations to be included in the rules of a branch.