

**FRIENDLY SOCIETIES ACT**

**CHAPTER 32:50**

**Act**

**18 of 1950**

Amended by

43 of 1950

16 of 1962

29 of 1964

152/1971

28 of 1973

47 of 1980

\*20 of 1981

4 of 1983

\*18 of 1993

\*See Note on page 2

**Current Authorised Pages**

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
1-169	.. 1/2006

*L.R.O. 1/2006*

**Index of Subsidiary Legislation**

	<i>Page</i>
Friendly Societies Regulations [18 of 1950 (Second Schedule)] ... ..	143

**Note on Act No. 20 of 1981**

This Act has been amended by Act No. 20 of 1981, but Act No. 20 of 1981 had not up to the date of the last revision of this Act been brought into operation.

**Note on Act No. 18 of 1993**

This Act is exempt from sections 62 and 65 of Act No. 18 of 1993 (*See Part I of the Third Schedule to Act No. 18 of 1993*).

**Note on Adaptation**

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

**CHAPTER 32:50**

**FRIENDLY SOCIETIES ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

1. Short title.
2. Interpretation.

**THE REGISTRAR**

3. The Registrar.
4. Annual return by Registrar.

**REGISTRATION OF SOCIETIES**

5. Societies to which this Act applies.
6. Societies to be registered.
7. Conditions of registration.
8. Name of society.
9. Acknowledgment of registration.
10. Appeals from refusal to register.
11. Registration of amendments of rules.
12. Registration of dividing societies.
13. Registration of insurance societies and of societies assuring annuities.

**SOCIETIES WITH BRANCHES**

14. Registration of societies with branches.
15. Establishment of new branches.
16. Application of previous provisions to branches.
17. Requisites for registration of branches as societies.
18. Name of seceding or expelled branch.
19. Contributions from one society to another.

**CONSEQUENCES OF REGISTRATION**

20. Subscriptions not recoverable at law.
21. Registered office.
22. Appointment of trustees.

ARRANGEMENT OF SECTIONS—*Continued*

**SECTION**

23. Change in list of officers of society.
24. Distribution of contribution cards.
25. Manner of keeping accounts.
26. Return of members and investments.
27. Audit.
28. Annual and other returns.
29. Quinquennial valuation.
30. Copy of last balance sheet.
31. Cattle insurance and other societies.

**PRIVILEGES OF REGISTERED SOCIETIES**

32. Exemption from stamp and other duties.
33. Priority on death, bankruptcy, etc., of officer.
34. Membership of minors.
35. Subscriptions to Government, hospitals, etc., and towards education, science and art.

**RIGHTS OF MEMBERS**

36. Right to supply copies of the rules.
37. Right to supply copies of annual return.
38. Inspection of books by members.
39. Limitation of benefits.
40. Accumulation of surplus of contributions.
41. Service in Armed Forces.

**PROPERTY, FUNDS AND INVESTMENTS**

42. Investment of funds.
43. Loans to assured members.
44. Loans out of separate loan fund.
45. Holding of land.
46. Vesting of property.
47. Devolution on death.
48. Description in legal proceedings.
49. Discharge of mortgages by receipt endorsed.

**SECTION**

**OFFICERS IN RECEIPT OR CHARGE OF MONEY**

50. Security by officers.
51. Accounts of officers.

**PAYMENTS ON DEATH GENERALLY**

52. Member may dispose of sums payable on his death by nomination.
53. Proceedings on death of a nominator.
54. Payment of funeral expenses and balance of money due to deceased member in absence of valid nomination.
55. Validity of payments.
56. Certificates of death.

**PAYMENTS ON DEATH OF CHILDREN**

57. Limitation of amount payable.
58. Person to whom payment may be made.
59. Particulars of certificates.
60. Cases in which certificates may be given.
61. Enquiries by societies.
62. Saving as to insurable interest, etc.

**DISPUTES**

63. Decision of disputes.

**CHANGE OF NAME, AMALGAMATION AND  
CONVERSION OF SOCIETIES**

64. Power to change name.
65. Amalgamation and transfer of engagements.
66. Conversion of society into company.
67. Saving for right of creditors.
68. Conversion of society into branch.
69. Meaning of special resolution.
70. Registration of special resolutions.

**INSPECTION: INQUIRY: REMOVAL OF OFFICER:  
CANCELLING AND SUSPENSION OF REGISTRATION:  
DISSOLUTION**

71. Inspection of books.
72. Inspection of society's premises.

ARRANGEMENT OF SECTIONS—*Continued*

**SECTION**

- 73. Inquiry.
- 74. Removal of officer.
- 75. Responsibility of officers and declaration of liability.
- 76. Cancelling registration.
  - Suspension of registration.
  - When society deemed non-existent.
  - Notice before cancelling and suspension.
  - Service of process.
  - Advertisement.
  - Effect of cancelling and suspension of registration.
  - Appeal.
  - Realisation and marshalling of assets.
- 77. Dissolution of societies.
- 78. Instrument of dissolution.
- 79. Dissolution by award.
- 80. Dissolution of societies having branches.
- 81. Notice of proceedings or order to set aside dissolution.

**OFFENCES, PENALTIES AND LEGAL PROCEEDINGS**

- 82. Offences.
- 83. Illicit payments.
- 84. Bankrupt, etc., not to be officer of a society.
- 85. Limitation of office holders.
- 86. Offences by societies to be also offences by officers, etc.
- 87. Continuing offences.
- 88. Punishment of fraud, false declarations and misappropriations.
- 89. Penalties for falsification, etc.
- 90. Mutilation, etc., of books, cards, etc.
- 91. Offences in connection with elections.
- 92. Definition of bribery.
- 93. Definition of treating.
- 94. Definition of undue influence.
- 95. Penalty for bribery, treating or undue influence.

**SECTION**

- 96. Disqualification for bribery, etc.
- 97. Penalty for ordinary offences.
- 98. Special offences in the case of friendly societies.
- 99. Recovery of penalties.
- 100. Limitation.
- 101. Legal proceedings.

**ADVISORY FRIENDLY SOCIETIES COUNCIL**

- 102. Constitution of Advisory Council.
- 103. Main purpose of Advisory Council.
- 104. Powers and duties of Advisory Council.
- 105. Ancillary purposes.
- 106. Provision for staff.

**GENERAL**

- 107. Exemption from estate and succession duties.
- 108. Validation of certain dependants funeral benefits.
- 109. Register of members.  
Register of nominees and dependants of members.
- 110. Fees payable to Registrar of Births and Deaths.
- 111. Evidence of documents.
- 112. Books to be kept in English.
- 113. Bonus.
- 114. Establishment of Reserve Fund.
- 115. Forms.
- 116. Application to existing societies.
- 117. Disposal of fees.
- 118. Access to documents.
- 119. Saving of Registrar from personal liability.
- 120. Regulations.
- 121. Validity of forms etc., under Act and Regulations.

**FIRST SCHEDULE.**

**SECOND SCHEDULE.**

**THIRD SCHEDULE.**

**CHAPTER 32:50**

**FRIENDLY SOCIETIES ACT**

**An Act relating to Friendly Societies**

1950 Ed.  
Ch. 38 No. 2.  
18 of 1950.

Commencement.

[18<sup>TH</sup> MAY 1950]

Short title.

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

Interpretation.

**2.** In this Act—

“amendment of rule” includes a new rule, and a resolution rescinding a rule;

“branch” means any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee of officers appointed by themselves, and bound to contribute to a fund under the control of a central body;

“child” includes son and daughter whether legitimate or illegitimate, adopted son and adopted daughter, and stepson and stepdaughter;

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

“election” means an election of an officer or officers of a committee of management or other directing body of a society or branch, held under the provisions of this Act;

“land” includes any interest in land;

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

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

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

“prescribed person” means a person prescribed by any regulation made under this Act;

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

“savings bank” means the Post Office Savings Bank and the savings department of any bank licensed under the Banking Act;

Ch. 79:01.

“signed” in relation to a body corporate, means sealed;

“society” means a society registered under this Act, and includes societies subsisting at the commencement of this Act to which the provisions of this Act apply;

“subscription” includes any contribution or dues paid in accordance with the Rules of a society or branch.

### THE REGISTRAR

**3.** (1) There shall be in the public service a Registrar of Friendly Societies (in this Act called “the Registrar”).

The Registrar.  
[47 of 1980].

(2) The Registrar shall be an Attorney-at-law of not less than five years’ standing.

(3) There may be established and maintained an office for the Registrar.

(4) There shall be appointed in the public service such officers as may be required for the purposes of this Act and any of the powers of the Registrar under this Act may be conferred upon such officers.

(5) The office of the Registrar shall be open to the public for the transaction of business from the hour of 9.00 o’clock in the forenoon until the hour of 3.00 o’clock in the afternoon of every working day.

(6) The Registrar may—

(a) prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations;

(b) collect from the returns under this Act and from other sources, and publish and circulate, or otherwise make known, such information on the

subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and such particulars of their returns and valuations, and such other information useful to the members of or to persons interested in societies, as he may think fit; and

- (c) cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, fire insurance, or on any other contingency forming the subject of an assurance authorised under this Act which may appear to be calculable; but the adoption of the tables by a society shall be optional.

Annual return  
by Registrar.

**4.** The Registrar shall in every year make a return to the Minister containing, in respect of every society, the particulars set out in section 26.

#### REGISTRATION OF SOCIETIES

Societies to  
which this Act  
applies.

**5. (1)** The following societies shall be societies to which this Act applies:

- (a) societies (in this Act called friendly societies) for the purpose of providing by voluntary subscriptions of the members thereof, with or without the aid of donations, for—
- (i) the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which means any age after fifty) or in widowhood, or for the relief or maintenance of the orphan children of members during minority;
  - (ii) insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the

- husband, wife, child, ward, father, mother, brother, sister, uncle, aunt, nephew or niece of a member, or of such other relation of the member's family as is wholly or in part dependent upon the earnings of the member for the ordinary necessities of life, or of the widow of a deceased member. A person shall be deemed to be the child, father, mother, brother, sister, uncle, aunt, nephew, niece or other relation of the member, notwithstanding that he or she is not a legitimate relative of the member;
- (iii) the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets;
  - (iv) the endowment of members or nominees of members at any age;
  - (v) the insurance against fire, to any amount not exceeding seventy-five dollars, of the tools or implements of the trade or calling of the members;
  - (vi) the insurance against fire, to any amount not exceeding two hundred and fifty dollars, of the household furniture, goods and effects of the members; or
  - (vii) insuring money to be paid in the event of the marriage of members.

However, this Act shall not apply to a friendly society which contracts with any person for the assurance of an annuity exceeding two hundred and fifty dollars a year, or of a gross sum exceeding two thousand five hundred dollars;

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

- (c) societies (in this Act called benevolent societies) for any benevolent or charitable purpose;
- (d) societies (in this Act called workingmen's clubs) for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation;
- (e) societies (in this Act called specially authorised societies) for any purpose which the Minister may authorise as a purpose to which the provisions of this Act, or such of them as are specified in the authority, ought to be extended; but where any provisions of this Act are so specified those provisions only shall be so extended.

(2) For the purposes of subsection (1)(a)(ii) the expression "funeral expenses" shall be deemed to include all incidental and ancillary expenses which the member may incur in connection with the death and is not restricted to the payment of the funeral expenses.

Societies to be registered.

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

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

(3) Every permitted person shall while such society is in process of formation cause to be kept proper books of account with respect to all subscriptions or fees received and all sums of money expended by such person and the matters in respect of which the receipts and expenditure take place and shall immediately prior

to the registration of the society or at the end of the period of six months, whichever occurs sooner, send to the Registrar a true return signed by him of the receipts and expenditure, funds and effects collected, received and expended by him while the society was in process of formation.

(4) If it is shown that proper books of account were not kept by the permitted person throughout the period of six months immediately preceding the registration of the society the permitted person shall unless he shows that he acted honestly or that in the circumstances in which the affairs of the society in formation were carried on the default was excusable, be liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

(5) The Registrar shall on being satisfied that any member or other person has subscribed to the funds so collected or received or has an interest therein permit that member or other person to inspect without payment of any fee the return at the office of the Registrar during the usual or customary hours of business.

(6) The Registrar may at any time either before or after the registration of a society order the books, accounts, vouchers, documents, securities and funds of the society during the period it was unregistered or in course of formation to be inspected or audited by some fit and proper person appointed by him; and the permitted person and every secretary, treasurer, trustee and member of the committee or other officer of the society shall make available to the person so appointed all the books, accounts, vouchers, documents, securities and funds of the society for purposes of inspection or audit. The Registrar may order the person to be paid out of the funds of the unregistered society or society in formation or by Government as he may deem fit, such fee not exceeding such sum as may be prescribed.

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

(2) 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 two copies of the rules, together with a list of the names and addresses of the secretary, the treasurer, every member of the committee, and every trustee or other officer intended to be authorised to sue and be sued on behalf of the society and of other members intending to join the society in order to constitute a minimum membership of thirty-five.

First Schedule.

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

First Schedule.

(4) Any society or branch registered under this Act the rules of which do not make adequate provisions in respect of the several matters mentioned in the First Schedule or required by regulations made under this Act, shall, upon notice in writing from the Registrar to that effect, forthwith amend or supplement its rules by including therein, the necessary provisions required by such notice to be made.

(5) If the list is signed by the secretary, the treasurer, every member of the committee, and every trustee and other officer named therein, it shall on the registration of the society be evidence that the persons so signing have been duly appointed. The list shall be open to inspection by any person on payment of a fee of twenty-five cents in respect of any one registered society, and any such person shall be entitled to take notes or extracts therefrom.

Name of society.

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

Acknowledgment of registration.

**9.** The Registrar, on being satisfied that a society has complied with the provisions of this Act as to registration shall issue to that society an acknowledgment of registration specifying the designation of the society according to the classification set forth in this Act, and this acknowledgment 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.

**10.** (1) From a refusal to register a society, an appeal shall lie by the society to a Judge of the High Court sitting in Chambers.

Appeals from refusal to register.

(2) If the refusal to register is overruled on appeal the Registrar shall give an acknowledgment of registration to the society.

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

Registration of amendments of rules.

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

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

**12.** A society (other than a benevolent society or 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 of the society contain distinct provision for meeting all claims upon the society existing at the time of division before any such division takes place.

Registration of dividing societies.

**13.** A society providing for the endowment of a member or the nominee of a member at any age, or assuring a certain annuity, shall not be entitled to registration, unless the tables of contributions for such respective benefits or assurance, certified by some actuary approved by the Registrar, who has exercised the profession of actuary for at least five years, are sent to the Registrar with the application for registration.

Registration of insurance societies and of societies assuring annuities.

#### **SOCIETIES WITH BRANCHES**

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

Registration of societies with branches.

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

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

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

Establishment of new branches.

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

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

Application of previous provisions to branches.

**16.** The provisions of this Act as to—

- (a) the acknowledgment of registration of societies and amendment of rules;

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

shall apply to branches and amendments of branch rules.

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

Requisites for registration of branches as societies.

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

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

Name of seceding or expelled branch.

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

Contributions from one society to another.

### CONSEQUENCES OF REGISTRATION

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

Subscriptions not recoverable at law.

Registered office.

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

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

Appointment of trustees.

**22.** (1) Every society and branch shall have one or more trustees, who shall be a member or members, as the case may be, of the society or branch except the rules thereof shall otherwise permit.

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

(3) The society or branch shall within fourteen days of the appointment send to the Registrar a copy of every resolution appointing a trustee, signed by the trustee so appointed, and by the secretary of the society or branch. However, if the Registrar is not satisfied that the person appointed as a trustee of a society or branch is a fit and proper person the appointment shall be of no effect.

(4) The same person shall not hold any other office in a society or branch of which he is a trustee.

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

Change in list of officers of society.

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

(2) The Registrar shall keep a book (to be called the Register of Friendly Societies) in which shall be entered—

- (a) the name and address of the registered office of every society;

(b) the names and addresses of the officers shown on the list mentioned in section 7(2) and of all changes therein.

(3) A copy of any entry in the Register of Friendly Societies certified under the hand of the Registrar to be a true copy shall be received in evidence in all Courts of justice in Trinidad and Tobago without further proof.

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

(2) Every member of a society or branch shall, not later than 31st January in every year, send, deliver up or return to the secretary of the society or branch his contribution card in respect of the previous year for the purposes of audit.

**25.** Every society and branch shall—

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

**26.** Once in every year, not later than 31st of January, every society and branch shall send to the Registrar a return made up to the preceding 31st December inclusively, showing—

Return of members and investments.

- (a) the number of members on its roll provided that every person who at any time during the year was a financial member of the society or branch is included;
- (b) the amount of money on deposit in savings banks;

- (c) the amount of money invested in or on the securities of any Municipal Corporation or incorporated Borough of Trinidad and Tobago;
- (d) the amount of money invested in or on the security of the stock, shares or debentures of any bank incorporated, or of any building society established and registered, in Trinidad and Tobago or any Commonwealth country;
- (e) the amount of money invested in real and leasehold securities;
- (f) the amount of money invested in shares in any co-operative undertaking, with limited liability, the shares of which are held by societies;
- (g) the amount of money in the treasurer's hands at the close of work on 31st December aforesaid; and
- (h) the amount of money invested in authorised trustee securities.

Audit.  
[29 of 1964].

**27.** (1) Every society and branch shall, once at least every year, at the prescribed time, submit its accounts for audit to the auditor or auditors appointed under this Act.

(2) Every society and branch shall, subject to subsection (3), pay the prescribed fees to the auditor or auditors referred to in subsection (1).

(3) The Minister may contribute such sums to a society or branch towards the payment of its audit fees as may from time to time be prescribed.

(4) The auditors shall—

- (a) have access to all the books and accounts of a society or branch;
- (b) examine and certify the annual return required to be made by section 28 with the contribution cards, register of members, sick relief books, the record of benefits paid to members, accounts, blotters, and vouchers relating thereto;

- (c) fully and correctly answer the questionnaire addressed to them by the Registrar relating to the audit of the books and accounts of a society or branch;
- (d) either sign the annual return as found by them to be correct, duly vouched and in accordance with law, or specially report to the society or branch and to the Registrar in what respects they find it incorrect, unvouched or not in accordance with law.

(5) For the purposes of carrying out an audit, an auditor may by writing under his hand require any person to whom this section applies—

- (a) to produce at such time and place as may be fixed by the Registrar, all books, cash, securities, deeds, contracts, contribution cards, register of members, record of benefits paid to members accounts, vouchers, receipts and such other documents as he may deem necessary;
- (b) to appear in person and to make and sign declarations in respect of the correctness of any documents referred to in paragraph (a).

(6) Where a person to whom this section applies neglects or refuses to comply with the requirements set out in subsection (5), he is guilty of an offence under this Act; and where such person knowingly and wilfully makes or signs a declaration referred to in subsection (5)(b) which is untrue in any material particular, he is guilty of an offence against section 8 of the Perjury Act.

Ch. 11:14.

(7) A person to whom this section applies shall not conduct an audit of the accounts of a society or branch of which he is an officer or member.

- (8) An auditor shall—
  - (a) disallow every payment made without due authority according to law;
  - (b) surcharge every such payment on the person incurring or authorising it;

L.R.O. 1/2006

(c) charge against any person responsible therefor the amount of any deficiency or loss caused by the negligence or misconduct of that person or any sum that is not brought into account by that person, and shall in every case certify the amount due from such person.

(9) The Registrar may order any sum surcharged or balance certified by an auditor under subsection (8) to be due from any person to be paid by that person into the office of the Registrar within a fixed period or periods not exceeding twelve months in the aggregate.

(10) Where the sums surcharged or balance certified by an auditor under subsection (8) is paid to the Registrar in accordance with subsection (9), the Registrar shall pay such sums to the society or branch thereof.

(11) Notwithstanding the payment of any sum to the Registrar under subsection (10), proceedings under section 51 may be taken at any time after the expiration of the period or periods fixed by the Registrar under subsection (9), and the Court may in such proceedings take into consideration any payment or payments made under subsection (10).

(12) An auditor may summon any person to whom this section applies and may require such person to supply such information in respect of any transaction of a society or branch thereof or the management of the affairs thereof as he may consider necessary for the proper audit of the accounts of any such society or branch.

(13) A person to whom this section applies shall, when summoned in accordance with subsection (12), supply the information referred to in that subsection and if required to do so, shall produce to the auditor at such time and place as may be fixed by the Registrar, any cash, security, book, deed, contract, contribution card, register of members or record of benefits paid to the account of members.

(14) A person to whom this section applies who fails to comply with any requirement of the auditor referred to in subsection (13) is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

(15) An audit carried out under this section includes an examination of overdue debts and a valuation of the assets and liabilities of a society or branch thereof.

(16) This section applies to any person who is or has at any time been—

- (a) an officer, agent or servant of a society;
- (b) a member of a society or branch, and to such other person as may in the opinion of the auditor be able to supply information relating to any transaction of a society or branch thereof.

(17) In this section “Minister” means the Minister responsible for Finance.

**28.** (1) Every society and branch shall, once in every year, not later than 31st of May, send to the Registrar a return (in this Act called the annual return) of the receipts and expenditure, funds, and effects of the society or branch as audited. Annual and other returns.

(2) The annual return shall—

- (a) show separately the expenditure in respect of the several objects of the society or branch; and
- (b) be made out to the preceding 31st December inclusively.

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

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

(5) Every society and branch shall annually prepare and send to the Registrar together with the annual return of the society or branch returns relating to sickness and death benefits and to

maternity, dental, optical and other benefits of the society or branch in accordance with the prescribed forms made out to the preceding 31st December inclusively.

Quinquennial  
valuation.  
[4 of 1983].

**29.** (1) Subject to the provisions of this section the Registrar shall require every society or branch, not less than once in every five years, either—

- (a) to cause its assets and liabilities to be valued by a valuer to be appointed by the society or branch and approved by the Registrar, and to send to the Registrar a report on the condition of the society or branch; or
- (b) to send to the Registrar a return of the benefits assured and contributions receivable from all the members of the society or branch, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the Registrar may require.

(2) If the society or branch sends to the Registrar the report as aforesaid, the report shall—

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

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

- (4) This section shall not apply to—
- (a) a benevolent society, workingmen’s club, cattle insurance society or branch thereof; or
  - (b) a specially authorised society or branch unless it is so directed in the authority for registering that society or branch.

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

(6) If any society fails to comply with any of the requirements of this section it is guilty of an offence against this Act.

**30.** Every society and branch shall keep a copy of the last annual balance sheet, and of the last quinquennial valuation together with any special report of the prescribed persons, always hung up in a conspicuous place of the registered office of the society or branch.

Copy of last balance sheet.

**31.** (1) The rules of a cattle insurance society or branch, and of such specially authorised societies or branches thereof as the Minister may allow to take the benefit of this section, shall bind the society or branch and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name thereto, and there were in the rules contained an agreement on the part of himself, his heirs, executors, and administrators to conform to the rules subject to the provisions of this Act.

Cattle insurance and other societies.

(2) All sums of money payable by a member to the society or branch as aforesaid shall be deemed to be a debt due from the member to the society or branch, and shall be recoverable as such in the Petty Civil Court of the district in which the member resides.

L.R.O. 1/2006

## PRIVILEGES OF REGISTERED SOCIETIES

Exemption from stamp and other duties.

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

- (a) draft or order or receipt given by or to a registered society or branch in respect of money payable by virtue of its rules or of this Act;
- (b) letter or power of attorney granted by any person as trustee for the transfer of any money of a registered society or branch invested in his name in the public funds;
- (c) bond given to or on account of a registered society or branch or by the treasurer or other officer thereof;
- (d) policy of insurance, or appointment or revocation of appointment of agent, or other document required or authorised by this Act or by the rules of a registered society or branch.

(2) Any affidavit or statutory declaration required or authorised by this Act or by the rules of a registered society or branch shall not be chargeable with the fifty cents that is required to be paid by the affixing of stamps thereto.

(3) Customs duty shall not be chargeable for or in respect of regalia, emblems, medals and other articles of ceremonial wear or attire relating to societies.

Priority on death, bankruptcy, etc., of officer.

**33.** (1) In the following cases, namely:

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

his executors or administrators, or trustee in bankruptcy, or the Marshal or other person executing the process, respectively, shall,

upon demand in writing of the trustees of the society or branch, or of any two of them, or of any person authorised by the society or branch, or by the committee thereof, to make the demand, pay the money and deliver over the property to the trustees of the society or branch in preference to any other debt or claim against the estate of the officer.

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

**34.** (1) The rules of a society or branch may provide for the admission of a person under eighteen years of age as a member. Membership of minors. [28 of 1973].

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

(3) The mother of an illegitimate child under sixteen years of age shall, except there is an order of a Court depriving her of the custody of the child, exercise, on behalf of the child any powers in this section expressly or impliedly contained. If the mother is dead, of unsound mind, in prison, or absent from Trinidad and Tobago, the putative father of the child may exercise any powers under this section.

**35.** (1) A society or branch may subscribe out of its funds to the Government or to any hospital, infirmary, charitable or provident institution, any annual or other sum for the purpose of securing to members of the society or branch and their families the benefits of Government hospitals or of any other hospital, infirmary, or other institution, according to its rules. Subscriptions to Government, hospitals, etc., and towards education, science and art.

(2) A society may apply or donate each year from its funds a sum not exceeding twenty-five cents in respect of every financial member for the purpose, or towards the promotion or encouragement, of education, science or art in Trinidad or Tobago.

**RIGHTS OF MEMBERS**

Right to supply copies of the rules. [4 of 1983].

**36.** Every society and branch shall deliver to every person on demand, on payment of a sum not exceeding the cost of printing, a copy of the Rules of the society or branch.

Right to supply copies of annual return.

**37.** Every society and branch shall supply gratuitously to every member or person interested in its funds, on his application, either—

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

Inspection of books by members.

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

Limitation of benefits.

**39.** (1) A member, or person claiming through a member of a society or branch shall not be entitled to receive more than two thousand five hundred dollars by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, or two hundred and forty dollars a year by way of annuity, from any one or more such societies or branches.

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

**40.** The Rules of a society or branch may provide for accumulation of interest, for the use of any member, any surplus of his contributions to the funds of the society or branch which may remain after providing for any assurance in respect of which they are paid and for the withdrawal of the accumulations.

Accumulation of surplus of contributions.

**41.** (1) A person shall not, by reason of his enrolment or service as a member of any police, military, naval or air force, lose or forfeit any interest in a society or branch which he possesses at the time of his being so enrolled or serving, or be fined or otherwise penalised 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 police, military, naval or air duty as certified by his commanding officer, any Rules of the society or branch to the contrary notwithstanding.

Service in Armed Forces.

(2) A dispute between any such society or branch and person by reason of that enrolment or service shall be decided by the Registrar.

#### **PROPERTY, FUNDS AND INVESTMENTS**

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

Investment of funds.

- (a) in a savings bank;
- (b) in the purchase of freehold land, or leasehold land having an unexpired residue of not less than twenty years, or in the erection or alteration of offices or other buildings thereon;
- (c) in or on the securities of any Municipal Corporation or incorporated borough of Trinidad and Tobago;
- (d) in or on the security of the stock, shares or debentures of any bank incorporated or building society established and registered in Trinidad and Tobago or in any Commonwealth country;

- (e) in or on the security of leaseholds having an unexpired residue of not less than twenty years;
- (f) in any co-operative undertaking with limited liability provided that such investment is first approved by the Registrar; or
- (g) in any investment in which trustees are for the time being by law authorised to invest trust funds.

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

Loans to assured members.

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

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

Loans out of separate loan fund.

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

- (a) a loan shall not at any time be made out of money contributed for the other purposes of the society;
- (b) a member shall not be capable of holding any interest in the loan fund exceeding one thousand five hundred dollars;
- (c) a society shall not make any loan to a member on personal security beyond the amount fixed by the rules, or make any loan which, together with any money owing by a member to the society, exceeds two-thirds of the amount standing to the credit of such member;

- (d) a society shall not hold at any one time on deposit from its members any money beyond the amount fixed by the rules, and the amount so fixed shall not exceed two-thirds of the total sums owing to the society by the members who have borrowed from, the loan fund;
- (e) no member who is indebted to a society in respect of a loan made to him by such society shall be accepted as surety for another member of the said society.

(2) The rules shall fix the interest to be charged for loans which in no case shall exceed twelve per cent a year, and the terms and conditions offered to contributors and depositors. Interest shall be payable at such time as the committee shall determine.

(3) Every society shall keep—

- (a) a register of all contributors to or depositors in its loan fund;
- (b) a book showing particulars of loans made and dates on which repayments are made;
- (c) a cash book in which all amounts received or paid for any purpose of the loan fund shall be entered by the responsible officer; and
- (d) proper books of accounts in which shall be posted all entries from the cash and other books relating to the loan fund.

(4) Once in every year, not later than 30th of June, a schedule of all promissory notes and other securities and sums held by or due to a society from its members as at the preceding 31st December in the operation of a loan fund shall be prepared and signed by the trustees and lodged with the secretary, and the same shall be open without charge to every member of the society. The schedule shall give the date of maturity of every such promissory note or other security and the accumulations of interest due thereon as at the preceding 31st December.

Holding of land.

**45.** (1) A society or branch may (if the rules thereof so provide) hold or purchase freehold land, or take on lease land with an unexpired residue of not less than twenty years, in the names of the trustees of the society or branch, and may sell, exchange, mortgage, lease, or build upon that land (with power to alter and pull down buildings, and again rebuild) provided that no sale of freehold or leasehold land of a society or branch shall be effected by the trustees thereof save with the consent of the committee or of a majority of the members present and entitled to vote in general meeting; but a purchaser, assignee, mortgagee, or tenant shall not be bound to enquire as to the authority of any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all sums of money arising from or in connection with the sale, exchange, mortgage, or lease.

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

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

Vesting of property.

**46.** (1) All property belonging to a society shall vest in the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society.

(2) The property of a branch of a society shall vest wholly or partly in the trustees for the time being of that branch or of any other branch of which that branch forms part (or, if the rules of the society so provide, in the trustees for the time being of the society) for the use and benefit either of the members of any such branch and persons claiming through those members, or of the members of the society generally, and persons claiming through them, according to the rules of the society.

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

**47.** Upon the death, resignation, or removal of a trustee of a society or branch, the property vested in that trustee shall, without conveyance or assignment, and whether the property is real or personal, vest, as personal estate subject to the same trusts, in the succeeding trustees of that society or branch either solely or together with any surviving or continuing trustees, and, until the appointment of succeeding trustees, shall so vest in the surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee.

Devolution on death.

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

Description in legal proceedings.

**49.** (1) A receipt under the hands of the trustees of a society or branch, countersigned by the secretary, for all sums of money secured to the society or branch by any mortgage or other assurance, being in the form contained in the Second Schedule, if endorsed upon or annexed to the mortgage or other assurance, shall vacate the mortgage or assurance and vest the property therein comprised in the person entitled to the equity of redemption of that property, without reconveyance or re-surrender.

Discharge of mortgages by receipt endorsed.

Second Schedule.

(2) If the mortgage or other assurance has been registered in the registry of deeds in the office of the Registrar General, the Registrar General shall, on production of the receipt, verified by oath of any person, enter satisfaction of the mortgage or charge made by the assurance on the register, and shall grant a certificate, either upon the mortgage or assurance, or separately to the like effect.

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

(4) The Registrar General shall be entitled to make the entry and grant the certificate for a fee of sixty cents, to be applied in like manner as other fees taken by the Registrar General in his office.

*L.R.O. 1/2006*

**OFFICERS IN RECEIPT OR CHARGE OF MONEY**

Security by officers.

Second Schedule.

**50.** (1) Every officer of a society or branch having receipt or charge of money shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond in the form set forth in Part IV of the Second Schedule or give the security of a guarantee society or company, in such sum as the society or branch directs, conditioned for his rendering a just and true account of all sums of money received and paid by him on account of the society or branch at such times as its rules appoint, or as the society or branch or the trustees or committee thereof require him to do, and for the payment by him of all sums due from him to the society or branch.

(2) Both the principal and the surety shall make a statutory declaration testifying to the sufficiency of the security furnished by the bond.

(3) The bond shall within fourteen days after execution thereof be forwarded, together with the above-mentioned declaration, by the society to the Registrar, who shall thereupon issue his certificate as to the lodgment thereof; and a copy of the bond certified under the hand of the Registrar shall be receivable in evidence without further proof of the contents or the execution thereof.

(4) The committee of management of a society or branch or the Registrar in their or his absolute discretion and without assigning any reason for so doing, may require the principal at any time to verify the sufficiency of the bond so given by him or to furnish a fresh bond with one sufficient surety at the least.

(5) No two officers of a society or branch shall have the same surety save in the case of a guarantee society or company nor shall any officer of a society or branch be or become surety for another officer of the said society or branch.

Accounts of officers.

**51.** (1) Every officer of a society or branch having receipt or charge of money shall, at such times as by the rules of the society or branch he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence,

give in his account as may be required by the society or branch, or by the trustees or committee thereof, or by the Registrar, to be examined and allowed or disallowed by them or him, and shall, on the like demand or notice, pay over all sums of money belonging to the society or branch and deliver all property belonging to the society or branch in his possession or under his control to such person as the society or branch, or the committee, or the trustees, or the Registrar, may appoint.

(2) In case of any neglect or refusal to deliver the account, or to pay over the sums of money or to deliver the property in manner aforesaid, the trustees or authorised officers of the society or branch or the Registrar may sue upon the bond or security mentioned above, or may apply to a Magistrate, who may order the delivery of the account or property or the payment over of such sums of money with costs, and in default of the delivery or payment, the person making the default may be sentenced to imprisonment for three months.

#### PAYMENTS ON DEATH GENERALLY

**52.** (1) A member of a society (other than a benevolent society or workmen's club) or branch thereof, not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society or branch, or made in a book kept at that office, nominate a person or persons to whom any sum of money payable by the society or branch on the death of that member, not exceeding five hundred dollars, shall be paid at his decease, except that any rule or rules for the payment of any sum of money by a society or branch on the death of a member exceeding two hundred and forty dollars shall be subject to the approval of the Registrar. The signature of every such nominator shall be witnessed by at least one person of not less than eighteen years of age.

Member may dispose of sums payable on his death by nomination. [28 of 1973].

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

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

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

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

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

(7) No nomination made by an illiterate person or person incapable of writing through illness, infirmity or otherwise shall be deemed to have any validity for any purpose whatsoever unless the nomination is in writing and executed in manner hereinafter mentioned, that is to say, it shall be made by a person of the age of sixteen years or more; the nominator shall make his mark thereto in the presence of a Justice of the Peace, Attorney-at-law, medical practitioner, minister of religion or a police officer not below the rank of corporal, or such functionary may in the presence of the nominator and by his discretion sign the name of the nominator thereto on his behalf; and such functionary shall attest and subscribe the nomination but no form of attestation shall be necessary. The provisions herein contained shall likewise apply to every variation or revocation of a nomination by an illiterate person or a person incapable of writing through illness, infirmity or otherwise.

Proceedings on death of a nominator.

**53.** (1) On the death of a nominator, the society or branch shall pay to the nominee the amount due to the deceased member, not exceeding the sum of five hundred dollars.

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

(3) Where the nominee is unwilling or refuses to be responsible for the funeral expenses of a deceased member or has not applied for the moneys payable by the society or branch on the death of the member within twelve hours after knowledge of the death of the member has come to the secretary of the society or branch of which the deceased was a member the secretary shall be empowered in his discretion to make arrangements for the funeral of the member and to defray his funeral expenses out of moneys payable by the society or branch in respect of the death of the member.

**54.** (1) If any member of a society or branch entitled from the funds thereof to a sum not exceeding five hundred dollars, dies without having made a valid nomination thereof then subsisting, the secretary may defray thereout the funeral expenses of the deceased member and in the case of an intestacy the committee may without letters of administration distribute the balance among such persons as appear to a majority of the committee, upon such evidence as they may think satisfactory, to be entitled by law to receive that sum.

Payment of funeral expenses and balance of money due to deceased member in absence of valid nomination.

(2) If in the case of an intestacy, any such member is illegitimate and unmarried the committee may distribute the balance among the persons who, in the opinion of a majority of them, would have been entitled thereto, if that member had been legitimate, or if there are no such persons, the society or branch shall deal with the money as the Minister may direct.

(3) Where for a period of three months after the death of a member the committee fail or are unwilling or neglect to exercise the power of distribution vested in them under the provisions of this section the moneys payable on the death of the member of the society shall be paid to the Administrator General to be dealt with by him according to law.

**55.** (1) A payment made by a society or branch, under the foregoing provisions of this Act with respect to payments on,

Validity of payments.

death generally to the person who at the time appears to a majority of the committee to be entitled thereunder, shall be valid and effectual against any demand made upon the trustees or the society or branch by any other person, but the next of kin or lawful representative of the deceased member shall have remedy for recovery of the money so paid as aforesaid, against the person who has received that money.

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

(3) Where an infant, or other person under disability is entitled to receive from a society or branch moneys payable on the death of a member, such moneys shall be paid by the society or branch to the Administrator General to the credit of the infant, or other person under disability and the receipt of the Administrator General shall be a good discharge.

(4) The Administrator General may retain out of the said moneys for fees of office three per cent thereof and shall pay or apply the remainder to or for the care, maintenance, education or benefit of the infant, or such person under disability as he may think fit.

Certificates of death.

**56.** (1) Save as provided in subsection (2) a society or branch shall not pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths, except upon the production of a certificate of that death under the hand of the Registrar of deaths or other person having care of the register of deaths in which that death is or ought to be entered.

(2) Where the death of such member or other person takes place in a public institution a certificate of that death under the hand of the superintendent or other person authorised in that behalf by the superintendent shall be accepted as proof of death.

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

**PAYMENTS ON DEATH OF CHILDREN**

**57.** A society or branch shall not insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of that child by any other society or branch, exceeds one hundred and twenty dollars, or on the death of a child of five years of age and over but under ten years of age any sum of money which, added to any amount payable on the death of that child by any other society or branch, exceeds two hundred dollars.

Limitation of amount payable.

**58.** A society or branch shall not pay any sum on the death of a child under ten years of age except to the parent or guardian of the child, or to the personal representative of the parent or guardian, and upon the production by the parent or guardian or his personal representative of a certificate of death issued by the Registrar of deaths, or other person having the care of the register of deaths, containing the particulars mentioned in this Act.

Person to whom paymant may be made.

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

Particulars of certificates.

(2) The Registrar of deaths shall write on or at the foot of the certificate the words “to be produced to the society or branch (naming the same) said to be liable for payment of the sum of \$ ..... (stating the same)”.

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

(4) A fee not exceeding twenty-five cents shall be charged by the Registrar of deaths for each such certificate.

**60.** (1) A Registrar of deaths shall not give any one or more certificates of death for the payment in the whole of any sum of money exceeding one hundred and twenty dollars on the death of a child under five years, or for the payment in the whole of a sum exceeding two hundred dollars on the death of a child of five years of age and over, but under ten years.

Cases in which certificates may be given.

(2) A Registrar of deaths shall not grant any such certificates unless the cause of death has been previously entered in the register of deaths on the certificate of a Coroner, or of a member of the Medical Board 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 member of the Medical Board, or of other satisfactory evidence thereof.

Enquiries by societies.

**61.** A society or branch to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, enquire whether any and what sums of money have been paid on the same death by any other society or branch.

Saving as to insurable interest, etc.

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

### DISPUTES

Decision of disputes.

- 63.** (1) Every dispute between—
- (a) a member or person claiming through a member or under the rules of a society or branch, and the society or branch or an officer thereof;
  - (b) any person aggrieved who has ceased to be a member of a society or branch, or any person claiming through the person aggrieved, and the society or branch or an officer thereof;
  - (c) any branch of any society or branch and the society or branch of which it is a branch;
  - (d) an officer of any such branch and the society or branch of which that branch is a branch; or
  - (e) any two or more branches of any society or branch, or any officers thereof respectively,

shall, subject to the express provisions of this section, be decided in manner directed by the rules of the society or branch and the decision so given shall be binding and conclusive on all parties

without appeal, and shall not be removable into any Court or restrainable by injunction; and application for the enforcement thereof may be made to any Magistrate except that the parties to the dispute may at any time by consent refer the dispute to the Registrar who shall have power to hear and determine the dispute as if it were a dispute *ab initio* before him as herein provided.

(2) Any party to a dispute in a society or branch may apply to the Registrar to hear and determine the same, and the Registrar may, if he thinks fit, and after proper notice given to the other parties to the dispute, hear and determine the dispute; but the Registrar may before proceeding to hear or determine a dispute make or cause a preliminary investigation to be made into the dispute with the object of ascertaining the facts and limiting the issues and of endeavouring to bring about a voluntary settlement between the parties to the dispute.

(3) For the purpose of hearing and determining any such dispute the Registrar to whom a dispute is referred or to whom application is made to hear and determine a dispute may administer oaths, and may require the attendance of all parties concerned, and witnesses, and the production of all books, documents and material objects relating to the matter in question.

(4) The Registrar to whom a dispute is referred or an application is made to hear and determine a dispute shall have power to order the expenses of determining the dispute including fees to legal practitioners to be paid either out of the funds of the society or branch or by the parties to the dispute as he may in his absolute discretion think fit.

(5) The decision of the Registrar on any matter or question in any such dispute shall be binding and conclusive on all parties without appeal, and shall not be removable into any Court or restrainable by injunction.

(6) The decision given in respect of every dispute under this section shall be recorded in the prescribed form or as near thereto as the circumstances of the case may require, and a copy thereof duly signed by the Registrar issued to each and every party to the dispute.

(7) Application for the enforcement of the determination and order contained in any such decision may be made at any time within two years from the date of the decision to any Magistrate together with an authenticated copy of the determination and order. For the purpose of enforcing the decision the Magistrate shall have, enjoy and exercise in all respects the powers of and attaching to a County Court in England.

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

Ch. 5:01.

(9) Notwithstanding anything contained in the Arbitration Act or in any other Act, any arbitrator or umpire to whom a dispute is referred under the rules of a society or branch or the Registrar to whom a dispute is referred or application is made to hear and determine a dispute under this section shall not be compelled to state a special case on any question of law arising in the case, but the Registrar may, if he thinks fit, or, at the request of either party, state a case for the opinion of the High Court, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, as might be granted by the High Court, and the discovery shall be made on behalf of the society or branch by such officer thereof as the High Court or Registrar may determine.

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

(11) This section shall apply to unregistered societies and societies in process of formation as it applies to societies as defined in section 2.

**CHANGE OF NAME, AMALGAMATION AND  
CONVERSION OF SOCIETIES**

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

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

**65.** (1) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of those societies or either of them. Amalgamation and transfer of engagements.

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

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

- (a) the assent thereto of three-fourths in value of the members, given either at the meetings at which the resolution is, according to the provisions of this Act, passed and confirmed, or at one of them, or, if the members were not present thereat, in writing; and
- (b) the written consent of every person receiving or entitled to any relief, annuity or other benefit from the funds of the society, unless the claim of that person is first duly satisfied, or adequate provision is made for satisfying that claim.

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

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

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

(7) If any member of a friendly society which has amalgamated or transferred its engagements, or if any person claiming any relief, annuity, or other benefit from the funds thereof, is dissatisfied with the provision made for satisfying his claim, that member or person may apply to the Registrar for relief or other order, and the Registrar shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

Conversion of  
society into  
company.  
Ch. 81:01.

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

(2) If a special resolution for converting a society into a company contains the particulars required by the Companies Act to be contained in the memorandum of association of a company,

and a copy thereof has been registered with the Registrar, a copy of that resolution under the hand of the Registrar shall have the same effect as a memorandum of association duly signed and attested under that Act.

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

**67.** An amalgamation or transfer of engagements in pursuance of this Act shall not prejudice any right of a creditor of either or any society party thereto.

Saving for right of creditors.

**68.** (1) A society may, by a resolution passed by a majority of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose any such resolution has been duly given according to the rules, determine to become a branch of any other society, and also, if thought fit, of any branch thereof.

Conversion of society into branch.

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

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

L.R.O. 1/2006

(4) If the Registrar finds that the rules, with or without the amendment as aforesaid, comply with the provisions of this Act, he shall cancel the registration of the first-mentioned society and register it as a branch of that other society, and also, if so specified in the resolution before mentioned, of any branch of that other society, without further request or notice, and shall register the amendment of rules without further application or evidence, and until the registration as aforesaid the resolution shall not take effect.

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

(6) The rules of a society which becomes a branch under this section shall; so far as they are not contrary to any express provision of this Act, and subject to any such amendment thereof as aforesaid, continue in force as the rules of the branch until amended.

Meaning of special resolution.

**69.** For the purposes of this Act, a special resolution means a resolution which is—

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

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

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

Registration of special resolution.

**INSPECTION: INQUIRY: REMOVAL OF OFFICER:  
CANCELLING AND SUSPENSION OF REGISTRATION:  
DISSOLUTION**

**71.** (1) The Registrar may in his absolute discretion and without assigning any reasons for so doing appoint an accountant to inspect and if necessary to audit the books of a society or branch at any time and to report to him thereon. A person appointed as an accountant under this section shall have all the powers, privileges and authority of an auditor appointed under this Act. The cost of the inspection and audit shall be borne by the Government.

Inspection of books.

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

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

(4) A person appointed under this section shall at all reasonable times have access to all the books, accounts, securities and documents of the society or branch and any officer or person in charge, possession, custody or control of the books, accounts, securities or documents who refuses or neglects to afford the access is guilty of an offence under this Act. He shall also have power to make copies of any book of the society or branch, and to take extracts therefrom, at all reasonable hours, at the registered office of the society or at any place where the books are kept.

L.R.O. 1/2006

(5) Any person, whether connected with the society or not, who hinders, obstructs, or molests any person appointed by the Registrar to inspect or audit the books, accounts, securities and documents of the society is liable to a fine of two hundred dollars, and to imprisonment for one month.

Inspection of society's premises.

**72.** (1) The Registrar may enter and inspect, or may authorise any person in writing to enter and inspect, the registered office or place of meeting of any society or branch, at any reasonable time by day or night and may examine the condition and affairs of the society or branch and make such enquiries as are necessary to ascertain its condition and ability to provide for the payment of the benefits payable under its rules and whether or not it has complied with all the provisions of this Act.

(2) The officers and servants of the society or branch shall produce the books, accounts, vouchers, documents, moneys and records of the society or branch for the inspection of the Registrar or person authorised in writing and shall otherwise facilitate the examination as far as it is in their power but the books, accounts, vouchers, documents, moneys and records of a society or branch may be required by the Registrar to be produced at the office of the Registrar or at such other convenient place as the Registrar may direct.

(3) Every request, requisition or order made or given by the Registrar or authorised person under this section shall be carried into effect within such time as the Registrar shall appoint not exceeding one month by the society or branch, officer or servant to whom the same may be directed, and every society or branch, officer or servant, who in any way disobeys or does not carry into effect the request, requisition or order is guilty of an offence under this Act.

Inquiry.

**73.** (1) The Registrar may of his own motion or at the request of a member or on the application of a creditor of a society or branch by himself or by a person or persons duly authorised by him in writing in this behalf, hold an inquiry into the constitution, working, or financial condition of the society or branch and the

position or standing of any member in the society or branch and may investigate all claims against the society or branch, its debts and liabilities.

(2) Nothing herein contained shall prevent the appointment by the Registrar under this section of an officer or officers of the society or branch to carry out an inquiry hereunder.

(3) The remuneration of any person or persons authorised by the Registrar under this section and the other expenses of the inquiry shall be such as the Registrar shall approve and shall, unless the Registrar otherwise directs, be borne by the society or branch.

(4) The result of any inquiry under this section shall be communicated to the society or branch whose affairs have been investigated and in the case of a creditor to the creditor.

(5) All officers and members of the society or branch whose affairs are investigated shall furnish such information in their possession in regard to the affairs of the society or branch as the Registrar or person authorised by the Registrar may require.

(6) If any person wilfully hinders or delays the Registrar or any person duly authorised by him under this section in the exercise of any powers under this section, or fails to comply with the requisition of the Registrar or the duly authorised person in pursuance of this section, or to produce any books, accounts, ledgers, receipts, vouchers, documents or moneys which he is required to produce, that person shall be deemed to obstruct the Registrar or the duly authorised person in the execution of his duties under this section.

(7) Every person who obstructs the Registrar or the duly authorised person in the execution of his duty under this section is guilty of an offence against this Act.

(8) For the purpose of holding an inquiry under this section the Registrar or other authorised person shall have power to administer oaths and shall be vested with the powers of a Magistrate for compelling the attendance of witnesses, maintaining order and otherwise duly conducting the inquiry. Persons summoned to attend at any such inquiry shall be legally bound so to attend.

Removal of  
officer.

**74.** (1) If at any time it appears to the satisfaction of the Registrar after due inquiry into the facts the officer or other person being afforded a full opportunity of being heard that an officer of a society or branch or a person holding office in a society or branch, whether elected or otherwise, has been guilty of negligence, irregularity or misconduct, the officer or person may be removed from office by order of the Registrar, and the Registrar shall notify the society or branch concerned and direct that it proceed to the election of a substitute in the place or stead of the officer or person removed. In the event, that the society or branch fails to elect an officer to fill the vacant office within one month of the date of the direction the Registrar may thereupon appoint a new officer to fill the vacant office.

(2) Every officer or other person who is removed by order of the Registrar having the custody of any books, ledgers, vouchers, registers, bills, documents, moneys or other property or matter belonging to a society or branch or relating to the business or affairs of a society or branch shall forthwith deliver up to the Registrar or to any person authorised by him, the books, ledgers, vouchers, registers, bills, documents, moneys or other property or matter.

(3) Any officer or other person who fails to deliver up all or any such books, ledgers, vouchers, registers, bills, documents, moneys, property or matter, is guilty of an offence against this Act and on summary conviction before a Magistrate is liable to a fine of five hundred dollars or to imprisonment for three months.

(4) In every case in which the Registrar removes an officer of a society or branch or other person from office, he shall, if required to do so by an order of a Magistrate, transmit forthwith to the Magistrate any papers, documents, report or other matter upon which the order of removal was made and if the Magistrate on perusing and considering the same is of opinion that the officer ought not to have been removed, he may call upon the Registrar to show cause why an order should not be made for the reinstatement of the officer. Any order may command the officer either forthwith or on the expiration of any given time as may appear to the Magistrate to be just, to do, execute, or perform any duty or duties

appertaining to or in connection with his office and may order the payment by the officer of such costs and expenses as the Magistrate may think fit.

(5) The time in which to perform or fulfil any duty may be extended on application to a Magistrate, upon such terms and for such time as the Magistrate in his discretion may think fit.

(6) Every application to a Magistrate by an officer or other person who has been removed by order of the Registrar shall be made within thirty days from the day upon which the order of removal was issued, unless further time is allowed by a Magistrate upon special circumstances accounting for the delay as may appear to the Magistrate to be just.

(7) Any officer or other person removed from office by order of the Registrar under this section shall thereupon cease to hold office in the society or branch from the date of the order for the remainder of his then current term of office and shall be disqualified for being elected and for being an officer of any society or branch for a period not exceeding five years as the Registrar shall determine, next after the end of his current term of office.

**75.** (1) If at any time it appears that the funds or the property of any society or branch have been wrongfully withheld, misapplied or applied for unauthorised purposes or that the business of the society or branch has been carried on with intent to defraud the society or branch or any member thereof or any other person or that the conduct of its proceedings or affairs has been carried on corruptly or perversely, the Court, on the application of the Registrar or any person authorised by him in writing, may, if it thinks proper to do so, declare that any of the officers, whether past or present, of the society or branch who were knowingly parties to the wrongful withholding, misapplication or unauthorised use of the funds or property of the society or branch or to the carrying on of the business of the society or branch in manner aforesaid shall be personally liable without any limitation of liability for all or any of the debts or other liabilities of the society or branch as the Court may direct. However, any person who has not held office in a society or branch

Responsibility  
of officers and  
declaration of  
liability.

within a period of six years previous to the time at which any contravention of the provisions of this subsection as respects the society or branch has been discovered shall not be called upon to account under this subsection.

(2) The Court may, on the application of the Registrar, or any person authorised by him in writing, in the case of any person in respect of whom a declaration has been made by it under this section order the person to repay or restore the money or property or any part thereof respectively with interest at such rate as the Court thinks just, or to contribute such sum to the funds of the society by way of compensation in respect of the withholding, misapplication or unauthorised use as the Court thinks just. Where an order for the payment of any money is made as aforesaid under this section the order shall be deemed to be a judgment debt, due to the society or branch entitled to receive the same from the person against whom the order was made and the order for the payment of money or restoration of property may be enforced in the same manner as a judgment or order of the Court in civil cases may be enforced. In this section the expression “the Court” in relation to a declaration or the making of an order as aforesaid means any civil Court of competent jurisdiction in Trinidad and Tobago.

(3) Where the Court makes any such declaration, it may, notwithstanding subsection (2) and that such person be then dead, add such further directions as it thinks proper for the purpose of giving effect to that declaration, and in particular for making the liability of any such person under the declaration a charge in priority to all other claims legal or equitable under any law or any benefits, moneys, credits, debt or obligation due or to accrue from the society or branch to the person, or on any share, insurance, mortgage, charge or interest in, on or upon any of the funds or assets of the society or branch held by or vested in the person or any society or person on his behalf or any person claiming as assignee from or through the society or person, and may from time to time make such further order as may be necessary for the purpose of enforcing any charge imposed under this subsection.

(4) For the purpose of subsection (3) the expression “assignee” includes any person to whom or in whose favour, by the directions of the said person, the benefits, credits, debt, obligation, mortgage or charge was created, issued or transferred or the interest created, but does not include an assignee for valuable consideration (not including consideration by way of marriage) given in good faith and without notice of any of the matters on the ground of which the declaration is made.

(5) The Court may, in the case of any person in respect of whom a declaration is made under subsection (1), order that that person shall not, without the leave of the Court, be an officer of or in any way, whether directly or indirectly, be concerned in or take part in the management of any society or branch for such period, not exceeding ten years, from the date of the declaration as may be specified in the order, and if any person acts in contravention of an order made under this subsection he is in respect of the offence, liable on conviction on indictment to imprisonment for two years, or on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

(6) This section shall have effect notwithstanding that the person concerned may be criminally liable in respect of the matters on the ground of which the declaration is to be made.

**76.** (1) The Registrar may—

- (a) with the approval of the Magistrate assigned to the magisterial district within which is situated the registered office or any place of business of a society (to whom application must be made in the prescribed form), on proof to his satisfaction that an acknowledgment of registration has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of this Act;
- (b) if he thinks fit, at the request of a society to be evidenced in such manner as he may direct; or

Cancelling  
registration.

(c) if a society has ceased to exist, by writing under his hand cancel the registration of a society.

Suspension of registration.

(2) The Registrar in any case in which he might under subsection (1)(a) and (c) cancel the registration of a society, may, by writing under his hand, suspend the registration for any term not exceeding three months, and may, with the approval of the Magistrate, as aforesaid renew from time to time the suspension for the like period.

When society deemed non-existent.

(3) A society shall be deemed to have ceased to exist when—

- (a) no regularly convened meeting of the general body of the society or of its committee of management or other governing body has been held at the times and place appointed by the rules for holding the same during a continuous period of six months;
- (b) no election of officers of the society has been held in the manner prescribed by the rules for two consecutive years;
- (c) any prescribed return required to be submitted to the Registrar has not been so submitted in respect of two consecutive years;
- (d) it has been reported to the Registrar by the prescribed persons referred to in section 27, or by the accountant appointed by the Registrar under section 71, or the Registrar is satisfied from a report so submitted to him by any of the prescribed persons or the accountant, or as a result of any inquiry made or held under section 73, that the society is insolvent or must necessarily become so and in the Registrar's opinion no further business should be transacted; or
- (e) the number of the enrolled financial members of the society is less than twenty.

(4) Unless the Registrar has given to a society not less than one month's previous notice in writing in the prescribed form specifying briefly the grounds of any proposed cancelling or suspension, the registration of the society shall not be cancelled (except at its request) or suspended.

Notice before cancelling and suspension.

(5) Service of process under subsection (1)(a) and the notice in writing referred to in subsection (4) may be given as follows:

Service of process.

- (a) by delivery thereof to any officer of the society personally; or
- (b) by leaving the same at or sending it by prepaid registered post addressed to the society or to any officer thereof at the registered office or last known place of business of the society.

(6) When the registration of a society has been cancelled or suspended, notice thereof shall forthwith be published in the *Gazette*.

Advertisement.

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

Effect of cancelling and suspension of registration.

- (a) after the cancelling, in the manner provided in subsection (9), and
- (b) after the suspension, as if the suspension had not taken place.

(8) A society may within thirty days from the date of the *Gazette* in which the advertisement appears appeal from the cancelling of its registration or from any suspension or renewal of suspension thereof to a Judge of the High Court sitting in Chambers.

Appeal.

Realisation and  
marshalling of  
assets.

(9) Upon the cancelling of the registration of a society with realisable property—

- (a) every officer having receipt or charge of money or other personal property of the society shall forthwith deliver the same to the Registrar or his nominee who shall realise by sale all such other personal property; such money and proceeds of sale shall be applied by the Registrar in the manner provided by paragraph (d);
- (b) the committee of management or other managing body of the society shall forthwith deliver to the Registrar full particulars of all claims outstanding against the society, of all securities and of all property of whatever tenure held by the society and the State grants or other muniments of title or copies of the muniments of title in the possession of the trustee or other member or members of the committee of management or of such managing body; the Registrar shall have power to dispose of the property by sale and in the case of mortgage securities to exercise the power of sale or of seizure which, but for the cancelling of the registration of the society, would otherwise be exercisable by the society or its trustees and to execute in favour of the purchaser a deed of conveyance, memorandum of transfer, assignment or other appropriate instrument for vesting title in the purchaser; the purchase money shall be deposited with the Registrar or his nominee to be applied by the Registrar in the manner provided by paragraph (d). The Registrar shall also have power to sue in his own name in any Court of competent jurisdiction for the recovery of any sums due to the society;
- (c) the Registrar shall upon realisation of all the available property of the society publish an advertisement in the prescribed form in a local

newspaper once in each week for a period of two weeks requiring creditors of the society to submit their claims to him; such claims shall be in detail and be verified by affidavit to the satisfaction of the Registrar;

- (d) upon the expiration of twenty-one days from the date of the first publication of the advertisement, the Registrar shall apply the moneys in hand in the manner and in the following order:
- (i) in payment of the prescribed fees and of all expenses of and incidental to the realisation of the property;
  - (ii) in payment of all local rates and all assessed taxes, land tax, house tax, and all other taxes or sums whatsoever assessed on the society;
  - (iii) in settlement of the amount due for not more than six months' house or land rent;
  - (iv) in satisfaction of all claims submitted by members of the Medical Board, dentists, opticians, druggists, and undertakers;
  - (v) in payment to financial members of sick relief, death benefits or other benefits assured by the society for which claims have been submitted;
  - (vi) in satisfaction of claims submitted for salaries or other remuneration payable to officers of the society;
  - (vii) in satisfaction of all other demands not being in the nature of unliquidated damages;
  - (viii) any balance in the hands of the Registrar may, whether wholly or in part, be applied by him in distribution among such of the members of the society as the Registrar shall in his discretion determine, and the

rest, if any, of such moneys shall be the property of the State and shall be deposited into the Treasury in the prescribed manner;

- (e) the decision of the Registrar in relation to the marshalling and distribution of the assets of the society shall be binding and conclusive on all parties without appeal.

Dissolution of societies.

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

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

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

**78.** When a society or branch is terminated by an instrument of dissolution— Instrument of dissolution.

- (a) the instrument shall set forth—
  - (i) the liabilities and assets of the society or branch in detail;
  - (ii) the number of members and the nature of their interests in the society or branch;
  - (iii) the claims of creditors, if any, and the provision to be made for their payment; and
  - (iv) the intended appropriation or division of the funds and property of the society or branch, unless the appropriation or division is stated in the instrument of dissolution to be left to the award of the Registrar;
- (b) 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;
- (c) a statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society or branch, that the provisions of this Act have been complied with, and shall be sent to the Registrar with the instrument of dissolution;
- (d) the instrument shall not, in the case of a friendly society or branch, direct or contain any provision for a division or appropriation of the funds of the society or branch, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society or branch as declared in the rules thereof, unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof is first duly satisfied, or adequate provisions are made for satisfying those claims;

- (e) the instrument of dissolution and all alterations therein shall be registered in 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;
- (f) the Registrar shall cause a notice of the dissolution to be published in the *Gazette* at the expense of the society or branch, and, unless, within three months from the date of the *Gazette* in which the advertisement appears, a member or other person interested in or having any claim on the funds of the society or branch commences proceedings to set aside the dissolution of the society or branch, and the dissolution is set aside accordingly, the society or branch shall be legally dissolved from the date of that advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Dissolution by  
award.

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

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

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

- (2) The application shall—
- (a) state that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured;
  - (b) set forth the grounds on which the insufficiency is alleged; and
  - (c) request an investigation into the affairs of the society or branch with a view to the dissolution thereof.

(3) If upon the investigation it appears that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured to be given by the society or branch, the Registrar may, if he considers it expedient to do so, award that the society or branch be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society or branch shall be divided or appropriated. However, the Registrar may suspend his award for such period as he may deem necessary to enable the society or branch to make such alterations and adjustment of contributions and benefits as will in his judgment prevent the necessity of the award of dissolution being made.

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

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

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

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

Dissolution of societies having branches.

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

Notice of proceedings or order to set aside dissolution.

**81.** (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.

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

#### OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Offences.

**82.** It is an offence under this Act if—

- (a) a society or branch or an officer or member thereof fails to give any notice, deliver up, return or send any contribution card, return or document, do or allow to be done anything, which the society, branch, officer, or person is by this Act required to give, deliver up, return, send, do, or allow to be done;

- (b) a society or branch or an officer or member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or by any other person authorised under this Act, or does anything forbidden under its rules or by this Act;
- (c) a society or branch or an officer or member thereof makes a return or wilfully furnishes information in any respect false or insufficient;
- (d) an officer or member of a body which, having been a branch of a society, has wholly seceded or been expelled from that society, thereafter uses the name of that society or any name implying that the body is a branch of that society or the number by which that body was designated as such branch;
- (e) where application is made to the Registrar to hear and determine a dispute or where a dispute is referred under this Act to the Registrar, a person refuses to attend or to produce any books, documents, or things, or to give evidence before the Registrar;
- (f) a society or branch pays money on the death of a child under ten years of age otherwise than is provided by this Act;
- (g) a parent or personal representative of a parent claiming money on the death of a child produces a certificate of the death other than is in this Act provided to the society or branch from which the money is claimed, or produces a false certificate, or one fraudulently obtained or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children; or
- (h) an officer of a society or branch wilfully refuses to observe or comply with any of the provisions of the rules of such society or branch relating to

his duties or functions under such rules or with any of the provisions of the Regulations made or deemed to be made under this Act, relating to his duties or functions under those Regulations. However, no complaint shall be laid against any officer under this paragraph except by, or with the consent in writing of, the Registrar.

Illicit payments.

**83.** No officer of a society or branch shall, either in addition to or in substitution for the remuneration prescribed under this Act or authorised by the rules of the society, or branch, receive from any other person any gift, bonus, commission, or benefit, for or in connection with any benefit paid or any loan made by the society or branch, and any person paying or accepting any such gift, bonus, commission, or benefit, is liable, on summary conviction, to a fine of one thousand dollars, and, in default of payment, to be imprisoned for six months, and the person accepting any such gift, bonus, commission, or benefit, shall as and when directed by the Court by whom he is convicted, pay over to the society or branch the amount or value of the gift, bonus, commission, or benefit, and in default of the payment is liable to be imprisoned for six months.

Bankrupt, etc.,  
not to be officer  
of a society.  
Ch. 9:70.  
Ch. 9:71.

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

(2) Any person acting in contravention of the provisions of subsection (1) is liable to a fine of four hundred dollars.

(3) A person shall be disqualified for being elected and for being an officer of any society or branch if within the previous ten years he has been convicted of any offence involving dishonesty. If any person, who, under the provisions of this subsection, is disqualified for being elected and for being an officer of any society or branch, or, if elected to be an officer of any society or branch, has become disqualified to hold such office, acts as an officer of a

society or branch he is guilty of an offence and he is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

**85.** (1) No person shall hold both the offices of president and treasurer or secretary and treasurer of the same society or a branch thereof.

Limitation of office holders.

(2) No person shall hold the office of treasurer in more than one society.

(3) No person holding any other office therein shall be, or act as, the medical officer, dentist, optician or druggist of any society.

(4) Any person contravening any of the provisions of this section is liable to a fine of five hundred dollars.

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

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

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

Continuing offences.

**88.** (1) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules of a society or branch, on the pretence that they are the existing rules of that society or branch, or that there are no other rules of the society or branch, or gives to any person a copy of any rules on the pretence that those rules are the rules of a registered society or branch when the society or branch is not registered, the person so offending is guilty of an offence under this Act.

Punishment of fraud, false declarations and misappropriations.

(2) If any person obtains possession by false representation or imposition of any property of a society or branch, or withholds or misapplies any such property in his possession, or

wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society or branch and authorised by this Act, he is on such complaint as is in this section mentioned, liable to a fine of five hundred dollars, and costs, and to be ordered to deliver up all such property, or to repay all sums of money applied improperly, and in default of the delivery or repayment, or of the payment of the fine and costs as aforesaid, to be imprisoned for three months. However, where on a complaint against a person of withholding or misapplying property, or applying it for unauthorised purposes, it is not proved that that person acted with any fraudulent intent, he shall not be liable to conviction but may be ordered to deliver up all the property or may be ordered to repay any sum of money applied improperly, with costs, and in default of the delivery or repayment or of the payment of such costs as aforesaid to be imprisoned for three months.

(3) Complaint under this section may be made—

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

(b) in the case of a branch, by—

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

(ii) the central body of the society of which the branch forms part; or

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

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

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

(5) In any proceedings instituted under this section against an officer, member or other person in respect of any sum surcharged or balance certified by an auditor appointed under

this Act upon audit of the books and accounts of a society or branch to be due by the officer, member or other person, the onus of proving the same to have been due to any accidental or formal slip, error or omission shall lie upon the officer, member or other person, as the case may be.

**89.** (1) If any person wilfully makes, or causes to be made, any entry, erasure in, or omission from a balance sheet of a society or branch, or a return or document required to be sent, produced, or delivered, for the purposes of this Act with intent to falsify the same, or to evade any of the provisions of this Act, he is liable to a fine of one thousand dollars.

Penalties for  
falsification, etc.

(2) Any officer or other person who makes any material omission or omits to make any material entry which by this Act or the Regulations thereunder or by the rules of a society or branch he is required to make in any cash book, general ledger, blotter, statement showing receipts and expenditure, balance sheet, contribution card, members' register, account, record, return or other document affecting or relating to the property or affairs of a society or branch or to the benefits, rights or privileges of a member thereof shall, unless he proves that he had no intent to defraud, be guilty of an offence under this Act.

(3) If in any statement showing receipts and expenditure, balance sheet, return, record, form, account or other document required for the purposes of this Act any officer wilfully makes a statement or entry false in any material particular or knowing the same to be untrue in any material particular, he shall, unless he proves that he had no intent to defraud, be guilty of an offence under this Act.

**90.** If any person conceals, destroys, mutilates, alters or falsifies any books, papers, securities, contribution cards, receipts, births and deaths certificates or other documents affecting, belonging or relating to a society or branch or makes or is privy to the making of any false or fraudulent entry in any register, book, contribution card, paper or other document, affecting, belonging or relating to the property or affairs of a society or branch with

Mutilation, etc.,  
of books, card,  
etc.

intent to defraud or deceive the society or branch or any person he is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months.

Offences in connection with elections.

**91.** Any person who for purposes of or in connection with an election—

- (a) fabricates in whole or in part or alters, defaces, destroys, abstracts or purloins any voting paper;
- (b) personates any person entitled to vote at any election;
- (c) falsely assumes to act in the name or on behalf of any person so entitled to vote;
- (d) wilfully obstructs or hinders the enumeration of those voting or interferes with the delivery or collection of any voting papers;
- (e) delivers any voting paper under a false pretence of being lawfully authorised to do so; or
- (f) not being a financial member of the society or branch and entitled to vote at any election, knowingly votes thereat,

is liable on summary conviction to a penalty of one thousand dollars or to imprisonment for six months.

Definition of bribery.

**92.** The following persons shall be deemed guilty of bribery within the meaning of this Act:

- (a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure any money or valuable consideration to or for any member of a society or branch, or to or for any person on behalf of any member of a society or branch, or to or for any other person in order to induce any member of a society or branch to vote or refrain from voting at any election, or corruptly does any such act as

aforesaid on account of any member of a society or branch having voted or refrained from voting at any election;

- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected officer of a committee, or the vote of any member of a society or branch at any election;
- (c) every person who, before, during, or after any election, directly or indirectly, by himself or by any other person in his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.

**93.** (1) The following persons shall be deemed guilty of treating within the meaning of this Act:

Definition of treating.

- (a) every person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly, gives, or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting at the election, or on account of such person or any other person having voted or refrained from voting at the election;
- (b) every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

(2) For the purposes of this section “voter” means any person who votes at an election of an officer or officers of a committee of management or other directing body of a society or branch, held under the provisions of this Act.

Definition of undue influence.

**94.** Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order, to induce or compel the person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the vote of any member, or thereby compels, induces, or prevails upon any member either to give or refrain from giving his vote at any election, is guilty of undue influence within the meaning of this Act.

Penalty for bribery, treating or undue influence.

**95.** Any person who is guilty of bribery, treating or undue influence, under the provisions of this Act is on summary conviction liable to a fine of two thousand dollars or to imprisonment for six months.

Disqualification for bribery, etc.

**96.** Every person who is convicted of bribery, treating, or undue influence, shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction—

- (a) of voting at any election of officers;
- (b) of being elected an officer of the committee of management or other directing body of a society or branch, or if elected before his conviction, of retaining his seat as such officer.

Penalty for ordinary offences.

**97.** A society or branch, and an officer or member of a society or branch, or other person guilty of an offence under this Act for which a penalty is not expressly provided shall be liable to a fine of five hundred dollars.

**98.** If an officer or person aids or abets in the amalgamation or transfer of engagements or in the dissolution of a friendly society otherwise than as in this Act provided, he is liable to the penalty imposed by this Act for offences thereunder, or to be imprisoned for three months.

Special offences  
in the case of  
friendly  
societies.

**99.** (1) Unless otherwise expressly provided, all offences under this Act may be prosecuted, and all penalties imposed by this Act or by any regulations thereunder, or by the rules of a society or branch, may be recovered in the manner provided by the Summary Courts Act.

Recovery of  
penalties.

Ch. 4:20.

(2) Save as otherwise herein provided any such penalty shall be recoverable at the suit of the Registrar or of any person authorised in writing by the Registrar or of any person aggrieved.

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

Limitation.

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

Legal  
proceedings.

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

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

*L.R.O. 1/2006*

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

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

(6) Where proceedings are taken against a society or branch for the recovery of any penalty under this Act, the summons or other process shall be sufficiently served by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch, within the jurisdiction of the Court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business.

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

#### ADVISORY FRIENDLY SOCIETIES COUNCIL

Constitution of  
Advisory  
Council.  
[16 of 1962].

**102.** (1) There is hereby established an Advisory Friendly Societies Council (herein referred to as the “Advisory Council”) to consist of the Registrar as Chairman and eight members to be appointed by the Minister. The eight members appointed shall be selected from persons interested in and familiar with matters pertaining to societies in urban or rural areas.

(2) The Minister shall appoint from among the members of the Advisory Council a Vice-Chairman who shall hold office during the Minister's pleasure. Every meeting of the Advisory Council shall be presided over by the Chairman. The decisions of the Advisory Council shall be by a majority of votes.

(3) Every member of the Advisory Council shall, unless he sooner dies, or sooner resigns his office by notice in writing to the Registrar, hold office for two years from the date of his appointment, but shall be eligible for reappointment from time to time.

In the event of a member dying or sooner resigning his office the Registrar shall notify the Minister in writing to the effect.

(4) If a vacancy occurs in the Advisory Council the vacancy shall be filled by the Minister as soon thereafter as is conveniently possible, but if the vacancy is not filled, the acts of the remaining members shall not be thereby invalidated so long as the number of the remaining members does not fall below five.

(5) Decisions of the Advisory Council may be taken at meetings, or, in the cases in which the Chairman so directs, by the recording of the opinions of members on papers circulated among them.

(6) The quorum of the Advisory Council at any meeting or for the purpose of voting on papers circulated shall be five.

(7) The Advisory Council shall meet not less frequently than six times a year and whenever the Chairman or at least five of the members request a meeting. Each member shall be allowed actual and necessary travelling expenses in accordance with the Travelling Regulations for public officers from time to time in force.

(8) The Minister may allow a member of the Advisory Council to be absent on leave.

(9) The Minister may appoint any person to act in the place of any member of the Advisory Council in case of such member's temporary absence or inability to act.

(10) Any member of the Advisory Council may at any time by order of the Minister be removed from office and from the date of the order the member named therein shall cease to be a member.

(11) The appointment, removal or resignation of any member of the Advisory Council shall be notified in the *Gazette*.

Main purpose  
of Advisory  
Council.

**103.** The main purpose of the Advisory Council shall be to promote the general welfare of the people of Trinidad and Tobago by encouraging the growth, development, improvement and expansion of societies throughout Trinidad and Tobago.

Powers and  
duties of  
Advisory  
Council.

**104.** To carry out the objects of section 103 the Advisory Council shall *inter alia*—

- (a) encourage the development throughout Trinidad and Tobago of societies with adequate health services and facilities;
- (b) co-operate with departments and other agencies, associations, organisations, groups, and bodies, Government or non-Government, public or private, functioning in the field of or concerned with social welfare, insurance, labour, nursing, education, workmen's compensation, health or medical care;
- (c) collect and analyse statistics and make studies, investigations, and reports on conditions, problems and needs in the field of health in Trinidad and Tobago and in other countries in relation to societies, and disseminate and make available information in this field;
- (d) make reports and recommendations with respect to the most efficient policies and methods for the promotion of health and related services as respects the members of societies, including recommendations with respect to legislation and matters of administrative policy;

- (e) carry out such specific duties as may be entrusted to it by this and any subsequent enactment of Parliament and exercise general supervision over the agencies transferred to it; and
- (f) make such provision for the holding of conferences, the giving of lectures and talks and the publication of information on questions relating to societies as it thinks necessary or desirable, and may, if it thinks fit, for these purposes make arrangements with departments, organisations, associations, groups or other institutions.

**105.** (1) The Advisory Council shall also advise the Registrar with reference to questions affecting the general policy, administration, management and operation of societies, and in particular with respect to—

Ancillary purposes.

- (a) the ensuring of prompt and efficient care of members of societies entitled to benefits;
- (b) adequate and suitable methods and arrangements for paying, supplying or providing benefits to members;
- (c) the ensuring of adequate professional services to members;
- (d) other auxiliary, surgical, medical, dental, optical and additional benefits designed to benefit or serve members;
- (e) providing for the extension and improvement of juvenile societies;
- (f) studies and surveys of the Friendly Society Movement from all aspects; and
- (g) the medical care and aid of needy or distressed members of societies.

However, no matter or question which is or is likely to be the subject of a dispute, inquiry, investigation, special inspection, audit, or other proceeding, under the provisions of this Act, or of an action, suit, claim or judicial proceeding, civil or criminal, shall be investigated or discussed by the Advisory Council.

(2) The Advisory Council shall exercise no jurisdiction or control whatsoever over the Registrar or the Office of the Registrar or over any society, nor shall any decision by the Advisory Council affect the administration, personnel or operation of any society.

Provision for staff.

**106.** The Advisory Council shall be provided by the Registrar with such secretarial, clerical or other assistants as Parliament shall authorise each year for carrying out the objects and functions of the Advisory Council.

#### GENERAL

Exemption from estate and succession duties.

**107.** (1) Estate and succession duties shall not be assessable or imposed upon or in respect of moneys payable by a society or societies and their branches upon the death of a member amounting in the aggregate to a sum of five hundred dollars or under; and in ascertaining the property passing on the death of a member of a society or societies and their branches for the purposes of estate and succession duties there shall be allowed a deduction up to but not exceeding the sum of four hundred and eighty dollars in respect of moneys so payable.

(2) Every society and branch shall at the end of each quarter make a return on the prescribed form to the Commissioner of Estate Duties of the names and addresses of its deceased members in respect of whose death moneys have been paid by the society or branch during such quarter and of the respective amounts so paid and of the name and address of the person or persons to whom the same have been paid.

Validation of certain dependents funeral benefits.

**108.** Notwithstanding anything to the contrary contained in any law relating to friendly societies prior to the coming into operation of this Act, the insurance of any moneys to be paid for the funeral expenses of persons other than the husband, wife or child of a member, or of the widow of a deceased member of any friendly society and payments made and intended to be made by virtue of any insurance effected under such Act or law shall be held to be good and valid in law for all intents and purposes.

**109.** Every society or branch shall keep in one or more books a register of its members and the secretary shall enter fairly and distinctly therein from time to time the following particulars:

Register of members.

- (a) the names and addresses, and the occupations, if any, of the members and in the case of insurance and shareholding societies a statement of the policy or policies or of the share or shares held by each member, distinguishing each policy or share by its number, of the amount assured by each policy or the value and class of each share and of the amount paid or agreed to be considered as paid on the policy or share of each member;
- (b) the name of each person entered as a member, to be consecutively numbered;
- (c) the date at which each person was admitted as a member;
- (d) the date at which any person ceases to be a member and the cause or reason therefor;
- (e) all payments made from time to time by every member and the particulars thereof; and
- (f) the names and addresses of the nominee or nominees, if any, and the dependant or dependants, if any, of every member and in the case of a dependant or dependants his or their relationship to every member together with the date of the nomination of the nominee or nominees and the date of registration of the dependant or dependants, and the age or ages of those dependant or dependants.

Register of nominees and dependants of members.

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

Fees payable to Registrar of Births and Deaths.

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

Evidence of documents.

**111.** Every document purporting to be signed by the Registrar, or any inspector, or auditor or valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Books to be kept in English.

**112.** The business and affairs of societies and their branches shall be conducted in the English language and all books, forms, contribution cards, entries, accounts, certificates, or other documents relating thereto shall be written and kept in the English language.

Bonus.  
[4 of 1983].

**113.** (1) A society or branch shall if its Rules so provide have power in general meeting to declare once in every year a bonus payable in cash to its members.

(2) No bonus shall be payable except out of the excess of revenue over expenditure for the year in respect of which bonus shall be declarable of a society or branch and no bonus shall carry interest against the society or branch.

(3) No bonus shall be declared, except in express accordance with the Rules of the society or branch and until all the debts, actual and contingent, of the society or branch have been paid or provided for, and after setting aside a sum to meet all claims against the society or branch, and unless a further sum of not less than 5 per cent of the excess revenue over expenditure is allocated to the general savings account of the society.

(4) No member of any society or branch is entitled to bonus unless he has been a member of the society or branch for a period of not less than fifty-two weeks immediately prior to the date of the last meeting before the end of the bonus year and shall also be clear on the books of the society or branch at such time.

**114.** (1) (a) For the purposes of this section every society or branch shall establish and maintain a Reserve Fund. Establishment of Reserve Fund.

(b) Where a society or branch declares in any year the payment of a bonus to members in respect of the twelve months preceding the declaration of bonus, it shall before the declaration set aside out of the excess of revenue over expenditure for that period such sum or proportion thereof as the society or branch may deem expedient being a sum not less than five per cent of the excess and shall forthwith credit the same to the Reserve Fund.

(c) Where in any year a society or branch does not declare a bonus it shall out of the excess of revenue over expenditure in such year credit the Reserve Fund with a sum not less than five per cent of the excess.

(d) The Reserve Fund shall with the consent of the Registrar be utilised in expenditure of any extraordinary nature which may be necessary or desirable in carrying out the objects of the society. The Reserve Fund shall not be utilised, however, in paying a bonus or making any payment whatsoever in the nature of a bonus.

(e) All moneys accruing to the Reserve Fund shall from time to time be invested by the society or branch in manner provided by section 42. For the purposes of investment under this section an investment shall not include the lending out of moneys to members under the provisions of this Act.

(f) A society or branch may with the express permission in writing of the Registrar at the end of every five years calculated from the date on which this Act shall come into effect or from the date of its registration, whichever is the later, apply any part of the Reserve Fund not exceeding fifty per cent of the amount at which the Reserve Fund shall then stand for any of the objects or purposes defined or established under the rules of the society or branch save that no portion thereof shall be applied in paying a bonus or in making any payment whatsoever in the nature of a bonus.

(2) (a) Where the business of a society or branch includes the issuing of insurance policies or the providing for an endowment of a member or the nominee of a member at any age or the assuring of a certain annuity, the society or branch shall in general meeting, set aside in each year out of its net profits as shown by the annual return of the society or branch to the preceding 31st December such sum or proportion thereof, as the society or branch may deem expedient, not being less than thirty-three and one-third per cent of its net profits as aforesaid yearly for a period of not less than three years consecutively immediately following the registration of the society or branch, and thereafter such sum or proportion thereof not being less than twenty per cent of its net profits as aforesaid yearly, to be accumulated as a reserve fund.

(b) The moneys comprised in the Reserve Fund shall be deposited and kept deposited in an account in a bank approved by the Registrar in the name or names of the trustee or trustees of the society or branch and shall be specifically appropriated to meeting the liabilities of the society or branch in respect of claims and demands arising under or in connection with the aforesaid business of the society or branch. However, the Reserve Fund or part thereof may be invested by the trustee or trustees, as the case may be, in securities or investments authorised under this Act and the interest accruing due on all such securities or investments shall be paid directly to the Reserve Fund and shall not be applied for any purpose other than those to which the Reserve Fund is applicable.

(c) Every society or branch transacting such business as aforesaid shall whenever it is intended to make distribution by way of bonus cause an investigation to be made into its financial condition including a valuation of its liabilities by an auditor approved by the Registrar and shall before making any such distribution file with the Registrar a report of the auditor approving or sanctioning the distribution as aforesaid.

(d) The provisions of this subsection shall not apply to societies existing at the commencement of this Act.

**115.** (1) The forms to be used for registration shall be those contained in Part I of the Second Schedule or such other forms as may be prescribed.

Forms.  
Second  
Schedule.

(2) The acknowledgment of registration of a branch and of any amendment of the rules of a branch shall be in the forms provided in Part II of the Second Schedule.

Second  
Schedule.

(3) Every annual or other return, questionnaire relating to audit of books and accounts, statements showing receipts and expenditure and balance sheet, annual return relating to sickness and death benefits, annual return relating to maternity, dental, optical and other benefits, abstract or valuation, return in respect of estate and succession duties, and other document or documents required for the purposes of this Act shall be made in the forms respectively set forth in Part III of the Second Schedule or as near as may be having regard to the circumstances of the case and shall contain such particulars as the Registrar may from time to time prescribe.

Second  
Schedule.

(4) A receipt under this Act endorsed upon or annexed to a mortgage or other assurance shall be in the form set forth in Part V of the Second Schedule, or in any form specified in the rules of the society or branch or any schedule thereto.

Second  
Schedule.

(5) Applications for certificates of births and deaths under this Act shall be in such form and under such regulations as may be approved of by the Registrar General.

**116.** This Act shall apply to societies and branches subsisting at the commencement of this Act, as if they had been registered under this Act, and the rules of those societies and branches shall, so far as they are not contrary to any express provision of this Act, continue in force until altered or rescinded.

Application to  
existing  
societies.

**117.** All fees received by the Registrar under this Act shall be paid into the Treasury for the use of the State.

Disposal of fees.

**118.** The Auditor General, the Comptroller of Accounts and the Administrator General shall at all times have free access to documents and records in the office of the Registrar.

Access to  
documents.

Saving of Registrar from personal liability.

**119.** The Registrar shall not in his personal capacity nor shall any other person acting under the provisions of this Act be liable to any action, suit or proceeding for or in respect of any act or matter *bona fide* done or omitted to be done under this Act.

Regulations.

**120.** (1) The Minister may make Regulations to carry out the purposes of this Act. In particular and without prejudice to the generality of the foregoing power the Regulations may—

- (a) prescribe the duties and functions of the Registrar;
- (b) prescribe provisions respecting registration and procedure under this Act;
- (c) prescribe the form and particulars of the register of members of a society or branch, and register of nominees and dependants of members;
- (d) prescribe provisions respecting levies and the form and particulars of a record to be kept of the levies made by a society or branch;
- (e) prescribe the accounts and books to be kept by a society or branch and provide for the audit of the accounts and other matters affecting the same, and the fees for the audit, and prescribe the duties, functions, powers and authorities to be assigned to auditors;
- (f) prescribe the duties of the committee of management respecting the operation of a loan fund with provision for the due recovery of loans;
- (g) prescribe provisions relating to management and administration, and for a half-yearly inspection and administration report by every committee of management;
- (h) provide for the payment of, and other matters affecting, bonus moneys, and prescribe the mode of recording the payments and the form and particulars relating thereto; and provide for the payment of extra remuneration or allowances to be paid to officers and members in respect of duties appertaining to or connected with the payment of bonus moneys;

- (i) provide for the safe keeping and recording of securities held by the trustees of societies and branches; and prescribe provisions relating to certificates to be given by trustees at certain times;
- (j) provide for the keeping of a rent-roll by a society or branch owning or holding property, and the form and particulars thereof;
- (k) prescribe a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act, and the fees to be paid in respect of any act, matter or thing done or required to be done under the provisions of this Act;
- (l) prescribe procedure with respect to voting at meetings of societies and provisions relating to meetings generally;
- (m) provide for matters incidental to the payment and collection of contributions and dues by the members of societies and branches and for the form, issue, sale, custody, production, and delivery up of contribution cards and re-issue of any which have been lost, destroyed, or defaced, and for the penalties to be imposed for contravention or non-observance of any regulations relating thereto;
- (n) prescribe the amount of security to be given by officers having receipt or charge of money and their sureties and the forms and attestation of bonds to be given by the officers;
- (o) prescribe provisions for the keeping of an annual account of the anniversary expenses of societies;
- (p) prescribe provisions relating to nominations by members;
- (q) prescribe for the keeping of a record of benefits paid to members and the form and particulars thereof;
- (r) prescribe provisions for the control of the funeral expenses of members;

- (s) prescribe provisions for the reduction of benefits in certain circumstances;
- (t) prescribe provisions touching the rights, privileges and status of pensioners;
- (u) prescribe provisions for the examination of members of societies and branches;
- (v) prescribe allowances in respect of vacation and sick leave to officers and members of the committee of management and grants to be made to officers with long service upon retirement;
- (w) prescribe the form and particulars of the quarterly return to be made by every society and branch to the Commissioner of Estate Duties under section 107(2);
- (x) prescribe provisions relating to inspections and enquiries under this Act;
- (y) prescribe in respect of societies which carry on or intend to carry on within Trinidad and Tobago assurance business of any of the following classes:
  - (i) life assurance business; that is to say, the issue of, or the undertaking of liability under, policies of assurance or otherwise as in their rules provided, upon human life or the granting of annuities upon human life;
  - (ii) fire insurance business; that is to say, the issue of, or the undertaking of liability under, policies of insurance or otherwise as in their rules provided, against loss by or incidental to fire,  
subject as respects any class of assurance business to the special provisions of this Act relating to business of that class, regulations relating to—
    - (iii) a deposit of money or securities to be made by every such society;

- (iv) the separation of funds and of accounts in respect of the assurance business or of each class of assurance business to be carried on by every such society;
- (v) actuarial or other satisfactory reports and abstracts to be made from time to time;
- (vi) amalgamation or transfer;
- (z) prescribe penalties not exceeding one hundred and twenty dollars for breaches of the Regulations; and
- (aa) provide for any matters which are authorised by this Act to be prescribed;
- (bb) provide for the extension of the services and facilities of General and District hospitals administering services related to health to the members of friendly societies and arrangements under which the same shall be extended;
- (cc) prescribe the terms and conditions under which the members of friendly societies shall be entitled to medical and surgical care and treatment in General and District hospitals including specialist and consultant services, and arrangements under which friendly societies may subscribe and pay for the provision of the services;
- (dd) provide for co-operation and working agreements as respects the utilisation of health services and facilities by and between friendly societies, the Chief Medical Officer and the Registrar.

(2) Regulations made under this Act shall be subject to affirmative resolution of Parliament.

(3) The Friendly Societies Regulations (formerly contained in the Second Schedule to this Act) shall be deemed to be made under this section and may be amended or revoked under subsection (1).

Validity of forms etc., under Act and Regulations. Second Schedule. Third Schedule.

**121.** Until amended, varied or revoked in the manner respectively provided under this Act or Regulations made under this Act, the forms, returns, records and accounts set out in the Second Schedule and the fees specified in the Third Schedule shall be in force and effect.

Section 7.  
[4 of 1983].

### FIRST SCHEDULE

#### MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES REGISTERED UNDER THIS ACT

1. The name and place of office of the society.
2. (a) The whole of the objects for which the society is to be established.  
(b) The purposes for which the funds thereof shall be applicable.  
(c) The terms of admission of members.  
(d) The conditions under which any member may become entitled to any benefit assured thereby, and the contributions payable by each member which shall not be less than fifteen cents a week; except with the permission of the Registrar.  
(e) The fines and forfeitures to be imposed on any member.  
(f) The consequences of non-payment of any subscription, levy or fine.  
(g) The suspension and expulsion of members.
3. The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules.
4. (a) The appointment and removal of a committee of management (by whatever name), of trustees, of a secretary, a treasurer, and other officers, if any.  
(b) The remuneration (including salary) payable to the members of the committee of management, to the trustees, to the secretary, the treasurer, and other officers.

(c) The remuneration so payable as aforesaid shall not include exemption from payment of subscriptions, levies or fines payable by members as prescribed by the Rules, except in the case of trustees who may be exempted from the payment of subscriptions and levies when they receive no other remuneration for their services.

(d) Members of the committee of management, the treasurer or other officer not in receipt of a salary or other remuneration, or trustees not exempt from payment of subscriptions and/or levies, may each receive as remuneration for attendance at each meeting (other than a general meeting) such sum as the Committee of Management may fix.

5. In the case of a society with branches, the composition and powers of the central body, and the conditions under which a branch may secede from the society.

6. (a) The duties and obligations of officers having receipt or charge of money of a society or branch and the keeping of the accounts.

(b) The obligation on the part of the secretary to receive all moneys payable to a society or branch and to issue receipts for, and pay the same to the treasurer. The treasurer to pay out all moneys payable by the society and obtain proper receipts or other acquittances for the payment. The treasurer to be held responsible for all such financial transactions and to account to the committee of management in the manner prescribed by section 51 of the Act.

7. Annual returns to the Registrar of the receipts, funds, investments, effects, and expenditure and number of members, of the society.

8. The inspection of the books of the society by every person having an interest in the funds of the society.

9. The manner in which disputes shall be settled without prejudice to the jurisdiction conferred upon the Registrar by section 63 of the Act.

10. Provision may be made for the imposition of a levy on each member of the society to be applied towards the cost of its anniversary celebration, the amount of the levy to be fixed by the committee of management and agreed to by the general body.

11. In case of dividing societies, a provision for meeting all claims upon the society existing at the time of division before any such division takes place.

12. The keeping of separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable has been adopted, and the keeping of separate accounts of the expenses of management, and of all contributions on account thereof.

13. A valuation when required by the Registrar of the assets and liabilities of the society, including the estimated risks and contributions.

14. The voluntary dissolution of a society by consent of not less than three-fourths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim is first satisfied or adequately provided for in accordance with section 77(1)(c) of the Act.

15. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the Registrar for an investigation of the affairs of the society, or for winding up the same in accordance with section 79 of the Act.

16. Provisions shall be made—

- (a) that the subscriptions, except levies, payable by every member who has maintained his membership for an unbroken period of twenty years in the society or branch shall not exceed one-half of the subscriptions payable by a member; and
- (b) that no subscriptions or levies of any kind whatsoever, shall be payable by a member who has maintained his membership for an unbroken period of thirty years in the society or branch.

However, no pensioner or member whose subscriptions are waived under paragraph (b) shall be paid bonus or other moneys in the nature thereof; and no waiver of subscriptions under paragraph (b) shall apply to members under the age of fifty years.

17. Paragraphs 13 and 16 shall apply only to friendly societies and paragraphs 12, 14 and 15 shall apply only to friendly societies and cattle insurance societies.

---

**SECOND SCHEDULE**

Section 121.

**TABLE OF CONTENTS**

**FORMS, RETURNS, RECORDS AND ACCOUNTS**

**PART I**

- No. 1. Acknowledgment of Registration of Society.
- No. 2. Acknowledgment of Registration of Amendment of Rules.

**PART II**

- No. 3. Acknowledgment of Registration of Branch.
- No. 4. Acknowledgment of Registration of Amendment of Branch Rules.

**PART III**

- No. 5. Return of members and investments under section 26.
- No. 6. Annual Return of receipts and expenditure, funds and effects of society or branch, as audited, under section 28.
- No. 7. Questionnaire relating to the audit of Books and Accounts.
- No. 8. Statement of Funds showing receipts and expenditure, with Balance Sheet (for local societies).
- No. 9. Statement of Funds showing income and expenditure, with Balance Sheet (for Order societies and societies under the rules of which separate funds are required to be kept for the various benefits).
- No. 10. Return as to Sickness and Death Benefits.
- No. 11. Return as to Maternity, Dental, Optical and other Benefits.
- No. 12. Return to Commissioner of Estate Duties of Death Benefits paid by society or branch in respect of deceased members under section 107(2).

**PART IV**

- No. 13. Rent-roll of society owning or holding property.
- No. 14. Register of Members of a society or branch.
- No. 15. Register of Nominees and Dependants of Members.
- No. 16. Record of Levies made by a society or branch.
- No. 17. List of Bonus Payments to members who have not drawn benefits during year.
- No. 18. List of Bonus Payments to members who have drawn benefits during year.
- No. 19. Form of Contribution Card.

*L.R.O. 1/2006*

TABLE OF CONTENTS—*Continued*

- No. 20. Form of Bond.
- No. 21. Form of Half-yearly Inspection and Administration Report showing personal inspection of books and accounts, funds and effects of society or branch by the committee of management.
- No. 22. Record of Benefits paid to members.

**PART V**

- No. 23. Form of Receipt to be endorsed on Mortgage or Further Charge.

**PART VI**

- No. 24. Form of Summons issued by Registrar under sections 41(2) and 63(2).
  - No. 25. Form of Notice and Requisition to Parties under section 63(1).
  - No. 26. Form of Summons to Witness.
  - No. 27. Form of Summons issued by Registrar or authorised person under section 73.
  - No. 28. Form of Determination and Order.
  - No. 29. Process before Magistrate under section 76(1).
  - No. 30. Form of Notice before cancelling or suspension of registration.
  - No. 31. Advertisement for cancelling or suspension of registration.
  - No. 32. Advertisement of Dissolution of Society by Instrument.
  - No. 33. Advertisement to Creditors of Friendly Society upon its Dissolution to submit their claims to Registrar.
  - No. 34. Form of Suspension or Renewal of Suspension of Registration.
  - No. 35. Form of Cancelling of Registration.
-

**PART I**

No. 1

REPUBLIC OF TRINIDAD AND TOBAGO.

Office of the Registrar of Friendly Societies,  
Port-of-Spain.

**FRIENDLY SOCIETIES ACT**

**ACKNOWLEDGMENT OF REGISTRATION OF SOCIETY**

Name of Society: .....

Register No.: .....

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

(Signature) .....

*Registrar of Friendly Societies*

No. 2

**ACKNOWLEDGMENT OF REGISTRATION OF  
AMENDMENT OF RULES**

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

(Signature) .....

*Registrar of Friendly Societies*

**PART II**

No. 3

REPUBLIC OF TRINIDAD AND TOBAGO.

Office of the Registrar of Friendly Societies,  
Port-of-Spain.

**FRIENDLY SOCIETIES ACT**

**ACKNOWLEDGMENT OF REGISTRATION OF BRANCH**

The ..... is registered as a branch of the ..... Society (and of the  
..... branch of the same) under the Friendly Societies Act this .....  
day of ..... 20.....

(Signature) .....  
*Registrar of Friendly Societies*

---

No. 4

**ACKNOWLEDGMENT OF REGISTRATION OF  
AMENDMENT OF BRANCH RULES**

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

(Signature) .....  
*Registrar of Friendly Societies*

**PART III**

Section 26.

No. 5

**FRIENDLY SOCIETIES ACT**

....., 20 .....

Reg. No. ....

To the Registrar of Friendly Societies.

Return of the ..... Friendly Society for the year ending  
 31st December, 20.....

	Adults	Juvenile	Total
(a) Number of financial members on roll during 20.....			
(b) Number of probationary members on roll during 20.....			
(c) Number of unfinancial members on roll during 20.....			
Total			

\$

Amount on deposit in savings banks as at 31st December,  
 20..... inclusive of interest... ..

Amount invested in real security ... ..

Amount invested in leasehold security ... ..

Amount invested in municipal and borough securities... ..

Amount invested in stock, shares or debentures of banks and  
 building societies ... ..

Amount invested in shares of co-operative undertaking, with  
 limited liability, the shares of which are held by societies ...

Amount invested in authorised trustee securities ... ..

Amount in Treasurer's hands as at 31st December, 20..... ..

Total ... \$ .....

..... Secretary

Address .....

No. 5—Continued

Office of the Registrar of Friendly Societies,  
Port-of-Spain

....., 20 .....

To ....., Secretary of the ..... Friendly Society

Dear Sir/Madam,

You are required to fill up the form printed on the back and return the same to me on or before the 31st January, 20....., together with the sum of one dollar and eighty cents.

.....  
*Registrar of Friendly Societies*

NOTE: It is not necessary to wait on Auditor's Report before sending this Return to the Registrar and on failure to submit this Return by 31st January, the members of the Committee of Management of your Society may all be prosecuted before a Magistrate. Retain duplicate copy of this form for the Auditor.

The Registered Number of the Society and the name and address of the Secretary must be supplied.

Section 28.

No. 6

FRIENDLY SOCIETIES ACT

ANNUAL RETURN FOR A REGISTERED FRIENDLY SOCIETY

Year ended 31st December, 20.....

This Return is to be sent to the Registrar before 31st May. It should be accompanied by—

- (a) A copy of the Auditor's Special Report (if any).
- (b) A copy of the Receipts and Expenditure Account and Balance Sheet  
Statement of Funds

made up to and including 31st day of December of the previous year.

A copy of this Return should be retained by the Society.

Name and number of Society (as registered)

Registered Office

Names and	}	.....	Address .....
Addresses		.....	Address .....
of Trustees		.....	Address .....

Does the Society make Loans to Members under section 44 of the Friendly Societies Act, i.e., out of a separate Loan Fund formed by the contributions or deposits of the Member? ..... If so, the Society should APPLY to the Registrar for an additional form of account applicable to such loan transactions.

The AUDIT for the said year has been conducted by Mr. .... Auditor, appointed by the Minister.

Return of Benefit Members	Ordinary Members		Juvenile Mem- bers	Widows	Total
	Males (1)	Females (2)			
(Membership of a separate Juvenile Society should not be included in the Adult Society's Return).					
Number of Benefit Members on the Books at the beginning of the year. (If in disagreement with previous Return, explain difference.)... ..					
Admitted during the year ...					
*Juvenile members transferred to Adult Section ... ..					
Total ... ..					
†Number who died ... ..					
†Number who left from other causes ... ..					
‡Juvenile members transferred to Adult Section ... ..					
Total Number of Benefit Members on the Books at the end of the year ... ..					

\*Enter at Columns (1) and (2).

†To be deducted from total of Columns (1), (2), (3), (4) and (5).

‡Enter at Column (3).

*Return of benefit Members	Ordinary Members		Juvenile Members	Widows	Total
	Males	Females			
Ages (at end of Year)					
Number—					
Under 16 years of age ...					
16 and under 65 years of age					
65 years of age and over ...					
Total ... ..					

\*To be used where contributions are paid according to age.

‡Benefits Assured to Members

Sickness, Dental, Maternity, Medical, Optical, Distress, Additional Benefits (state specifically)

‡Strike out those that do not apply.

Officers, etc., in Receipt or Charge of Money

Name	Office held	Maximum amount of Cash held	Security	
			Amount	Whether by Bond or Guarantee Society

Names and Addresses of the Committee of Management

as at the ..... day of ....., 20 .....

[on which the Annual Return is signed]

Name	Address

Remarks

Signature of Secretary .....

Address .....

Dated the ..... day of ....., 20 .....

No. 7

Section 115.

**FRIENDLY SOCIETIES ACT**

**QUESTIONNAIRE**

Answers to Questions relating to the Audit of the Accounts of the ..... Friendly Society (Registered No. ....) for the year ending the 31st December, 20 .....

Questions	Answers
1. Are the balances in the various funds correctly brought forward from the previous year?	
2. (a) Are the total receipts of each meeting paid promptly to the treasurer and duly signed for by him? (b) What amount is the treasurer authorised to keep in his hands under the rules? (c) Are the monthly balances within this limit? If in excess give details.	
3. Are the receipts duly entered in the cash books (including blotter) and do they agree with the amounts signed for by the treasurer?	
4. Are the receipts properly allocated as required by the rules of the Society?	
5. (a) Have all bank deposits been made in a savings bank within the meaning of the Act? (b) Have you examined the bank books, and does the balance agree with the Balance Sheet and the Annual Return? (c) Have you examined the bank certificates?	
6. Have you examined the treasurer's cash book, and does the balance agree with the secretary's cash book?	
7. (a) Have you carefully examined the Society's accounts relating to mortgage and property? (b) Has all interest due been paid? (c) Are the mortgaged premises sufficiently insured against loss by fire and the premiums paid? (d) In whose names are the fire policies?	
8. Have you examined the receipts for the premiums paid for fire insurance and rates and taxes on properties owned by or mortgaged to the Society?	
9. (a) Are the funds of the Society invested in accordance with the Friendly Societies Act?	

Questions	Answers
(b) Are any funds of the Society in unauthorised investments? If so, state the name and amount of every such unauthorised investment.	
(c) Have you any recommendations to make with respect to the better investment of the funds?	
10. (a) Have you examined the certificates issued by the trustees to the treasurer certifying the amount of cash in the treasurer's hands on the dates checks were made as prescribed by regulation 67?	
(b) Have you examined the certificate issued by the trustees to the treasurer certifying the deposit in a savings bank of the cash in the treasurer's hands as at close of the financial year in respect of which this audit is being carried out?	
(c) Do the amounts so certified agree with the Balance Sheet and are they within the sum for which the treasurer is bonded under the rules?	
11. (a) Have you thoroughly checked the Register of members with— (i) blotter; and (ii) cards?	
(b) How many contribution cards were submitted for examination?	
(c) How many contribution cards were not produced for examination? Does the action taken upon non-production appear to be satisfactory?	
12. Are the arrears carried forward correctly in the Register of members and on the cards?	
13. Have you seen and checked vouchers and receipts for all payments made by the Society and were these duly authorised?	
14. Have all the books of the Society been produced for your examination? Do they agree with the list submitted?	
15. Have you seen all accounts for the year which have been rendered by doctors, druggists, dentists, opticians and other creditors?	
16. Are the amounts due to doctors, druggists, dentists, opticians and other creditors fully and properly credited in the Society's ledger?	
17. Have proper receipts been produced to you for all payments stated to have been made to doctors, druggists, dentists, opticians and other creditors?	

Questions	Answers
<p>18. Do those receipts agree in all respects with the orders and with the entries in the Society's books and accounts?</p> <p>19. (a) Is the aggregate amount paid for bonus within the sum prescribed by the rules?</p> <p>(b) Have the provisions of regulations 16 to 20 inclusive been complied with strictly?</p> <p>(c) If not, state in what way or ways there has been failure to comply.</p> <p>(d) Have you carefully examined the acknowledgments given by members?</p> <p>(e) Are you satisfied that they are proper quittances for the amounts received?</p> <p>(f) Are the amounts received by officers and members as remuneration for carrying out the provisions of the Act with respect to the payment and distribution of bonus in accordance with the scale of allowances provided under regulation 17?</p> <p>(g) What is the amount of bonus that remained unpaid at close of the year under audit?</p> <p>(h) Has this amount been handed back to the treasurer and an acknowledgment taken for the same?</p> <p>20. (a) Was the Register of members completely written up for the year under review?</p> <p>(b) What is the Society's membership as regards its —</p> <p>(i) Financial members;</p> <p>(ii) Unfinancial members;</p> <p>(iii) Probationary members;</p> <p>(iv) Juvenile members?</p> <p>(c) Have you verified such membership with the Annual Return?</p> <p>21. (a) Is the levy imposed in respect of anniversary expenses within the amount prescribed by the Regulations?</p> <p>(b) Have you seen the detailed statement (referred to in regulation 68) of the expenditure in respect of the Society's anniversary celebrations for the year under review?</p>	

Questions	Answers
(c) Have you checked the vouchers submitted in respect of all such expenditure?	
(d) Have proper receipts been produced to you for all payments made?	
(e) Have there been, in your opinion, any irregularities in connection with the anniversary expenses? If so, state them.	
(f) Has the aggregate amount expended in respect of the anniversary celebrations exceeded the gross amount collectable from the membership?	
22. (a) Have you carefully examined the Record of Levies kept by the Society?	
(b) Is the Record kept strictly in accordance with the provisions of regulation 63?	
(c) Has any levy been excessive?	
(d) Have the amounts arising from levies been duly and properly applied?	
23. (a) Have you carefully examined the Rent-roll kept by the secretary?	
(b) Have you checked the entries therein with the counterfoils of the Society's receipt book or with the Agent's return?	
(c) Do those counterfoils agree in all respects with the entries in the Rent-roll?	
24. (a) Have you personally examined the securities, State Grants and other muniments of title belonging to or held by the Society?	
(b) Have you carefully examined the Society's accounts in relation to its investments and verified the said securities, State Grants and other muniments of title therewith?	
(c) Have you satisfied yourself that the ownership of the said securities, State Grants and other muniments of title is vested in the Society, or that its rights, title or interest therein are duly and properly safeguarded and protected?	
(d) Do the securities and documents of title held by the Society exceed the value of \$5,000.00?	
(e) If so, have the trustees deposited the same in manner provided under regulation 29?	
25. (a) Have the provisions of regulations 25 to 28 inclusive been strictly complied with?	

Questions	Answers
<p>(b) Is there in your opinion any money improperly loaned?</p> <p>(c) Do you consider the Loan Fund is being operated satisfactorily?</p> <p>(d) Is there anything with respect to the Loan Fund to which the attention of the committee of management should particularly be called?</p> <p>26. (a) Have you examined the Registrar's certificates of lodgment issued in respect of officers' bonds deposited with him?</p> <p>(b) Do such certificates relate to all the officers who are required to furnish bonds? If "no", please give the names and addresses of those officers who have not furnished bonds.</p> <p>27. Has the contribution to the Reserve Fund as required by the Act been set aside?</p> <p>28. Are the return of members and moneys and the value of the investments shown in the Return made under section 26 of the Act for the year under review correctly stated?</p> <p>29. Have you obtained all the information and explanations you have required?</p> <p>30. (a) Have you any requirements or recommendations to make for the better operation of the Society?</p> <p>(b) Is there in your opinion any defect in the method of keeping the books and accounts?</p> <p>(c) Have you any recommendations to make in respect of the better arrangement of the accounts of the Society?</p> <p>31. Have all the recommendations of the previous year's Auditor been complied with and carried out?</p> <p>32. Have any of the funds or effects of the Society been misapplied or wrongly withheld by any person or persons whomsoever?</p> <p>33. If any of the funds or effects of the Society have been so misapplied or wrongly withheld:</p> <p>(a) Who are the person or persons who have so misapplied or withheld the same?</p> <p>(b) What are the amounts so misapplied or wrongly withheld?</p>	

NOTE—The Regulations herein referred to are to be found in the Subsidiary Legislation to the Friendly Societies Act.

Answers should be written clearly and concisely. Add additional sheet if the space allotted cannot contain the answer to any question.

I, the undersigned, certify and declare that the above answers are full, honest and true and are given as the result of my examination of the books and accounts, records, returns, receipts, deeds and documents of the above-named Friendly Society for or relating to the year ended 31st December, 20.....

Dated the ..... day of ..... 20.....

..... Auditor

*General Remarks—*

SPECIAL REPORT

Dated the ..... day of ..... 20.....

..... Auditor

---

No. 8

Section 115.

**FRIENDLY SOCIETIES ACT**

Reg. No. ....

..... Friendly Society

**RECEIPTS AND EXPENDITURE ACCOUNT FOR THE  
 YEAR ENDED 31ST DECEMBER, 20 .....**

*Receipts	Expenditure
\$	\$
Entrance Fees ... ..	Sick Relief ... ..
Weekly Contributions ... ..	Medical Attendance ... ..
Death Levies ... ..	Medicines ... ..
Rule Books ... ..	Dental Benefits ... ..
Rosettes, Regalia, etc. ... ..	Optical Benefits ... ..
Cards (Contributions) ... ..	Maternity Benefits ... ..
Anniversary Levy... ..	Death Benefits ... ..
Fees from Registration of Dependants... ..	Other Benefits ... ..
Fees from Nomination ... ..	Pensions ... ..
Rent Collected ... ..	Officers' Salaries ... ..
Audit Fee Refund... ..	Committee, Remuneration of Sick Visitors ... ..
Fines ... ..	Rent and Light ... ..
Building Dues ... ..	Property Expenses (Rates, Taxes, Insurance, etc.) ... ..
Management Dues... ..	Mortgage Interest ... ..
Overs ... ..	Rosettes, Regalia, etc. ... ..
Other Income ... ..	Anniversary Expenses ... ..
	Contribution (Education, Science and Art) ... ..
	Annual Return and Fees to Registrar ... ..
	Printing and Stationery ... ..
	Auditor's Fee ... ..
	Travelling ... ..
	Shorts ... ..
	Miscellaneous ... ..
Total Cash Income	Total Cash Expenditure
\$	\$

\*See Note at back hereof.

[OVER]

**LAWS OF TRINIDAD AND TOBAGO**

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

104

**Chap. 32:50**

*Friendly Societies*

Interest and Dividend, etc.	Accounts Accrued Due
\$	\$
Post Office Savings Bank ...	Auditor's Fee
Trinidad Co-operative Bank, Ltd. ... ..	(members) ... ..
Trinidad Building and Loan Association ... ..	Medical Officers ... ..
Other Banks ... ..	Dentists ... ..
	Opticians... ..
	Druggists... ..
	Rent ... ..
	Other Outstandings... ..
	_____
	Total Expenditure Including Accounts Accrued Due
	\$
Shares ... ..	Reserve Fund
Other Investments ... ..	Bonus paid ...\$
Rent due to Society ... ..	Bonus expenses _____
Total Income from all sources \$	Deficiency (if any) at 1st January, 20.....
Capital Fund:	Capital Fund:
Balance as at 1st January, 20.....	Balance as at 31st December, 20....., as per Balance Sheet ... ..
Grand Total ... .. \$	Grand Total ... .. \$

NOTE—The principal points to be attended to in connection with this Account are—

1. Receipts and Expenditure. It must be carefully remembered that this is not a mere Cash Account, giving particulars of cash received and cash expended. Accordingly such items as—

- (a) Cash withdrawn from bank or cash paid into bank,
- (b) Cash expended in purchase of investments, or cash received on sale of investments, or on discharge of mortgages, etc., etc.,

must not appear beyond entering as a profit or loss, as the case may be, the difference between the amount received and the amount at which the asset previously stood in the Society's Balance Sheet.

2. Interest on the funds which have become due and payable in the course of the year should appear as a receipt, and if not actually paid at end of year will appear in the assets of the Balance Sheet as interest due and unpaid.

3. Where under the rule separate funds are required to be kept for the various benefits, the amounts of these various funds should always be stated separately in the Balance Sheet.

4. Each Account must be correctly added up.

5. The totals at the bottom, on the opposite sides of each Account, must be the same.

**FRIENDLY SOCIETIES ACT**

Section 115.

Reg. No. ....

.....Friendly Society.

**BALANCE SHEET AS AT 31ST DECEMBER, 20 .....**

Liabilities	Assets
Auditor's Fee for 20.....	Cash in Treasurer's hands \$
( Members) ... \$	Cash at Banks as per Certificates:
Medical Officers:	Post Office Savings \$
	Add Interest credited ... \$ \$
	T'dad Co-opera- tive Bank Ltd ... \$
Druggists:	Add Interest credited ... \$ \$
	T'dad Building and Loan Association ... \$
Dentists:	Add Interest credited ... \$ \$
	Other Banks ... \$
	Add Interest credited ... \$ \$
Opticians:	Shares Account: T'dad Co-opera- tive Bank Ltd ... \$

*L.R.O. 1/2006*

Liabilities	Assets
	Add Dividend credited ... \$ _____ \$
Mortgages: \$	T'bad Building and Loan Association ... \$
	Add Dividend credited ... \$ _____ \$
Reserve Fund ... ..	
Sundry Creditors:	Company Limited ... \$
	Add Dividend credited ... \$ _____ \$
Capital Fund:	Other Investments:
Balance as per Recipients and Expenditure Account ...	Sundry Debtors:
\$	\$

Signature of Secretary .....

Address .....

**AUDITOR'S CERTIFICATE**

The undersigned, having had access to all Books, Deeds, Documents and Accounts of the Society, and having examined the foregoing Balance Sheet, and verified the same with the Books, Deeds, Documents and Accounts relating thereto, now sign the same as found to be correct, duly vouched, and in accordance with law (subject to a Special Report dated the ..... day of .....20....., attached to the Registrar's Questionnaire relating to the said ..... Friendly Society for the year ended 31st December, 20.....).\*

Signature of Auditor .....

Address .....

Date of Completion of Audit .....20.....

\* If no Special Report is made, the words in brackets should be struck out. The Auditor must make a Special Report if in any respect the Accounts and Balance Sheet is incorrect, unvouched, or not in accordance with law. A copy of any Special Report must be sent to the Registrar.

No. 9

**FRIENDLY SOCIETIES ACT**

**STATEMENT OF FUNDS AND BALANCE SHEET**

For the “.....” Lodge, No..... of the Trinidad District, Friendly Society for the year ended 31st December 20.....

**SICK AND FUNERAL FUND**

Income	\$	Expenditure	\$
Contributions ... ..		Sickness Pay—	
Entrance Fees ... ..		Full pay ..... days ...	
Interest on Moneys Invested		Reduced pay ..... days ...	
T’dad District, refund of		Funeral Benefits ... ..	
Funeral Benefits... ..		Trinidad District Funeral Fund	
Other Receipts (to be		Levies ... ..	
specified)—		Other Expenditure (to be	
		specified)—	
Total Income for the Year ...		Total Expenditure for the Year	
Amount of Fund, 1st January		Amount of Fund, 31st	
20..... ..		December 20..... ..	
Total ... ..		Total ... ..	

**MANAGEMENT FUND**

Income	\$	Expenditure	\$
Contributions ... ..		Salaries and Remunerations	
Entrance Fees ... ..		Rent of Lodge Room ...	
Registration of Dependents...		Deputies to District Meetings	
Fines ... ..		Printing, Books and	
Levies ... ..		Stationery ... ..	
Other Receipts (to be		Postages... ..	
specified)—		Necessaries Purchased ...	
		Trinidad District, Membership	
		Levy... ..	
		Other Expenditure (to be	
		specified)—	
Total Income for the Year ...		Total Expenditure for the Year	
Amount of Fund, 1st January		Amount of Fund, 31st	
20 ..... ..		December 20 ..... ..	
Total ... ..		Total ... ..	

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

108

Chap. 32:50

Friendly Societies

No. 9—Continued

MEDICAL FUND

Income	\$	Expenditure	\$
Contributions ... ..		Medical Attendance	
Other Receipts (to be specified)—		Druggist for medicines supplied	
		Allowance to Members ... ..	
		Dental Attendance... ..	
		Optical Attendance... ..	
		Other Expenditure (to be specified)—	
Total Income for the Year ...		Total Expenditure for the Year	
Amount of Fund, 1st January		Amount of Fund, 31st	
20 .....		December 20 .....	
Total ... ..	\$	Total ... ..	\$

DISTRESS OR SUBSIDIARY FUND

Income	\$	Expenditure	\$
Contributions ... ..		Grants to Members in Distress	
Other Receipts (to be specified)—		Other Expenditure (to be specified)—	
Total Income for the Year ...		Total Expenditure for the Year	
Amount of Fund, 1st January		Amount of Fund, 31st	
20 .....		December 20 .....	
Total ... ..	\$	Total ... ..	\$

PROPERTY ACCOUNT

Income	\$	Expenditure	\$
Amount received for Rents		Repairs	
Other Receipts (to be specified)—		Rates and Taxes ... ..	
		Ground Rents ... ..	
		Interest on Loans	
		Other Expenditure (to be specified)—	
Total Income for the Year ...		Total Expenditure for the Year	
Amount of Fund, 1st January		Amount of Fund, 31st	
20 .....		December 20 .....	
Total ... ..	\$	Total ... ..	\$

No. 10

Section 115.

**FRIENDLY SOCIETIES ACT**

**RETURN AS TO SICKNESS AND DEATH BENEFITS  
 FOR YEAR ENDED 31ST DECEMBER 20 .....**

Name of Friendly Society .....

Reg. No. ....

	Number of Members	Number of weeks and days pay	Rate per week	Under Rule No.	Amount
Sickness Pay—		W.D.			\$
Full pay lasting ..... weeks					
First period reduced pay lasting ..... weeks					
Second period reduced pay lasting ..... weeks					
Permanent Sick Pay ... ..					
Total Sickness pay ... ..					\$ _____

Sums at Death—

of †	ordinary members at \$	...	...	...	...
of *	wives (or husband) at \$	...	...	...	...
of †	widows...	...	...	...	...
of †	dependants	...	...	...	...
of †	pensions...	...	...	...	...
of †	long-standing members	...	...	...	...
of †	juvenile members...	...	...	...	...

Total ... .. Total sums at Death ... .. \$

\*State number

†State number where both husband and wife are members.

**BALANCE SHEET**

Funds and Liabilities	\$	Assets	\$
Worth of Sick and Funeral Fund ...		Post Office Savings Bank ...	
Worth of Management Fund		Cash in Treasurer's hand ...	
Do. Medical Fund ...		Land and Buildings, Freehold	
Do. Distress Fund ...		Other Assets (to be specified)	
Due to Trinidad District ...			
Other Liabilities (to be specified) ...			
		Total Assets ...	...
		Deficiency (if any) in	in
		Management Fund...	...
	\$		\$

Signature of Secretary .....

Address .....

The undersigned, having had access to all Books, Deeds, Documents and Accounts of the Lodge, and having examined the foregoing Balance Sheet, and verified the same with the Books, Deeds, Documents and Accounts relating thereto, now sign the same as found to be correct, duly vouched, and in accordance with law (subject to a Special Report dated ..... day of ..... 20 .....)\*.

Signature of Auditor .....

Address .....

Date of Completion of Audit ..... 20 .....

\*If no Special Report is made, the words in brackets should be struck out. The Auditor must make a Special Report if in any respect the Accounts and Balance Sheet is incorrect, unvouched, or not in accordance with law. A copy of any Special Report must be sent to the Registrar with this Balance Sheet.

No. 11

Section 115.

**FRIENDLY SOCIETIES ACT**

Reg. No. ....

The ..... Friendly Society

**RETURN AS TO MATERNITY, DENTAL, OPTICAL AND  
 OTHER BENEFITS FOR THE YEAR ENDED  
 31ST DECEMBER 20 .....**

Benefits (1)	Number of Members (2)	Rate or Allowance (3)	Number of Benefits (4)	Under Rule No. (5)	Amount (6)
		\$			\$
Maternity... ..					
Dental—					
(i) Extractions ... ..					
(ii) Treatment ... ..					
Optical—					
(i) Examination or Refraction					
(ii) Glasses ... ..					
Other Benefits— (To be specified)					
Total ...\$					

NOTE—The figures to be given in Columns Nos. (2) and (4) above need not necessarily agree.

Section 107(2).

No. 12

**FRIENDLY SOCIETIES ACT**

Reg. No. ....

**RETURN OF**

The ..... Friendly Society

Address of Registered Office .....

**TO THE COMMISSIONER OF ESTATE DUTIES**

In Respect of Quarter Ending ..... 20.....

Name of deceased member*	Address of deceased member	Amount paid	†Name of person to whom payment made	Address of payee	Remarks

\*Do not include names of deceased members until payment has been made.

†Include Administrator General if payment made to him.

---

**PART IV**

**RENT ROLL**

---

No.

**THE FRIENDLY  
RENT**

of the .....  
Particulars in Respect of Premises No. ....  
(or Leased by) The ..... Friendly

MONTHLY TENANTS

Insert Names of Tenants	\$ per month		\$ per month		\$ per month		\$ per month		\$ per month	
	Agent's Return or Receipt No.	Amount \$	Agent's Return or Receipt No.	Amount \$	Agent's Return or Receipt No.	Amount \$	Agent's Return or Receipt No.	Amount \$	Agent's Return or Receipt No.	Amount \$
Arrears brought forward from previous year										
January										
February										
March										
April										
May										
June										
Carried Forward										

13

**SOCIETIES ACT**

**ROLL**

..... Friendly Society

Situated at ..... Belonging to

Society for the year ending ..... 20 .....

OCCASIONAL TENANTS								
Names	Agent's Return or Receipt No.	Amount \$	Receipt Cash Book Folio	Total Rent Collected \$	Months	Agent's Com- mission Paid \$	Payment Cash Book Folio	Remarks
					January ...			
					February...			
					March ...			
					April ...			
					May ...			
					June ...			

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

116

Chap. 32:50

Friendly Societies

No.

MONTHLY TENANTS										
Insert Names of Tenants	\$ per month		\$ per month		\$ per month		\$ per month		\$ per month	
State Monthly Rental—	Agent's Return or Receipt No.	Amount	Agent's Return or Receipt No.	Amount	Agent's Return or Receipt No.	Amount	Agent's Return or Receipt No.	Amount	Agent's Return or Receipt No.	Amount
		\$		\$		\$		\$		\$
Brought forward										
July										
August										
September										
October										
November										
December										
Total Rent Collected										
Total Rent due to 31st December, 20..... (including previous year's arrears)										
Arrears to 31st December, 20 ..... Carried forward										

Note— This Rent Roll is to be produced to the Auditor upon every audit of the Society's books and accounts together with the Agent's Returns if any.



No.

**REGISTER OF**

The .....

Entrance Fee		Member's Surname		Member's Given Names		
Year	Arrears	January	February	March	April	May
Brought forward						
Contribution ... ..						
Management Dues ...						
Death Levies ... ..						
Fines ... ..						
Card ... ..						
Anniversary Levy ...						
Goods ... ..						
Building Dues Account...						
Banner Dues ... ..						
Registration ... ..						
Rule Book ... ..						
Other Charges ... ..						
Doctor ... ..						
Medicine... ..						
Sick Relief ... ..						
Maternity... ..						
Dental ... ..						
Optical ... ..						
Dependant Death Benefits						
Other Benefits ... ..						



Section 109(f).

No. 15  
FRIENDLY SOCIETIES ACT

Reg. No. .... **REGISTER OF NOMINEES AND DEPENDANTS OF MEMBERS**  
of the ..... Friendly Society

Reg. No.	Name of Member	Name of Nominees	Date of Nomination	Remarks	Names of Dependants	Age of Dependant	Relationship	Date of Registration	Remarks

Section 120.

No. 16  
FRIENDLY SOCIETIES ACT

Reg. No. .... **RECORD OF LEVIES**  
of the ..... Friendly Society for the year 20 .....

Date declared	Reasons	Under Rule No.	Amount Estimated	Amount Payable	To whom Payment is made	Balance, if any	Remarks

No. 17

Section 120.

**FRIENDLY SOCIETIES ACT**

The ..... Friendly Society

Reg. No. ....

**LIST OF BONUS PAYMENTS TO MEMBERS WHO HAVE  
NOT DRAWN BENEFITS DURING YEAR 20 .....**

Bonus declared \$ .....

Name of Member	Reg. No.	Amount Payable	Acknowledge- ment	Remarks

NOTE—The mark or signature of an illiterate person in receipt of bonus must be witnessed by an independent person who shall affix his signature in the “Remarks” column.

*L.R.O. 1/2006*

Section 120.

No. 18

**FRIENDLY SOCIETIES ACT**

The ..... Friendly Society

Reg No. ....

**LIST OF BONUS PAYMENTS TO MEMBERS WHO HAVE DRAWN BENEFITS DURING THE YEAR 20.....**

Bonus Declared \$ .....

Name of Member	Reg. No.	Deductions of Amounts Drawn by Member during the Year				Balance Payable	Acknowledgement	Remarks
		Medical Attendance and Medicine	Sick Relief	Dental and Optical Benefits	Dependant Death and other Benefits			

NOTE—The mark or signature of an illiterate person in receipt of bonus must be witnessed by an independent person who shall affix his signature in the "Remarks" column.

No. 19

<p>The ..... Friendly Society</p> <p>Motto: (if any) .....</p> <p>Established: .....</p> <p>Registered: .....</p>
<p style="text-align: center;"><b>CONTRIBUTION CARD</b></p> <p style="text-align: center;"><b>20.....</b></p>
<p>Reg. No. ....</p> <p>Name of Member: .....</p> <p>Address: .....</p> <p>Date of Admission: .....</p> <p>..... <i>President</i></p> <p>..... <i>Secretary</i></p>
<p style="text-align: center;">Meetings</p> <p><i>General Meetings</i> are held every (give days and hour appointed)</p> <p>.....</p> <p><i>Regular Meetings</i> (if any)</p> <p>.....</p>

Rule Book: \$.....

Arrears to														Total \$
Weeks	Date 20 .....	Contribution	Management Dues	Death Levies	Fines	Card	Anniversary Levy	Goods	Building Dues Account	Banner Dues	Registration	Other Charges	Secretary's Initials	
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														
21														
22														
23														
24														
25														
26														
27														

Note—Please check your Card.



**Arrears to 31st December, 20 .....**

	\$
Contribution ... ..	
Management Dues ... ..	
Death Levies ... ..	
Fines ... ..	
Card ... ..	
Anniversary Levy ... ..	
Goods... ..	
Building Dues Account ... ..	
Banner Dues ... ..	
Registration ... ..	
Rule Book ... ..	
Other Charges ... ..	
<b>Total</b> ... ..	

---

Address of Registered Office: .....

NOTE—This Card must be returned to the Secretary at the Registered Office of the Society not later than 31st January 20....., inclusive. *Failure to return the same within the appointed time renders the holder liable to a fine of five dollars.*

No. 20

Section 50.

**FRIENDLY SOCIETIES ACT**

**FORM OF BOND**

Know all men by these presents, that We, A.B. of ....., one of the officers of the .....Society (or of the ..... branch of the .....Society) having its registered office at ....., in the county of ..... and C.D. of ..... (as surety on behalf of the said A.B.) are jointly and severally held and firmly bound to E.F. of ....., G.H. of .....and I.K. of ..... the trustees of the said Society (or branch), in the sum of ..... to be paid to the said E.F., G.H. and I.K. as such trustees or their successors, trustees for the time being, or their certain attorney; for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself our and each of our heirs, executors, and administrators, firmly by these presents.

Dated the ..... day of ..... in the year of Our Lord .....

Whereas the above bounden A.B. has been duly appointed to the office of ..... of the ..... Society (or of the ..... branch of the ..... Society) having its registered office situated as aforesaid, and he, together with the above bounden C.D. as his surety, have entered into the above written bond, subject to the condition hereinafter contained: Now therefore the condition of the above written bond is such, that if the said A.B. do render a just and true account of all moneys received and paid by him on account of the said society (or branch), at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society (or branch) in his hands or custody to such person or persons as the said society (or branch), or the trustees or committee of management thereof, shall appoint, according to the rules of the said society (or branch), together with the proper and legal receipts or vouchers for such payments, and likewise also during every consecutive term of the said office of ..... held by the said A.B. in the said ..... Society (or branch), then the above-written bond shall be void, otherwise shall remain in full force.

Signed and delivered in the presence of ..... (two witnesses).

Section 120.

No. 21

**FRIENDLY SOCIETIES ACT**

**INSPECTION AND ADMINISTRATION REPORT OF THE COMMITTEE OF MANAGEMENT**

of the ..... Friendly Society  
for Half-Year ending  $\frac{\text{June 30th}}{\text{December 31st}}$  20 .....

REPUBLIC OF TRINIDAD AND TOBAGO.

Reg. No. of Society .....

To the Registrar of Friendly Societies, Trinidad and Tobago.

We the undersigned officers and members of the Committee of Management of the ..... Friendly Society have personally inspected the books of account and checked the funds and effects of this Society, and are satisfied that the work and affairs of the Society have been satisfactorily carried out during the six (6) months ended  $\frac{\text{June 30th}}{\text{December 31st}}$  20 ..... and that all the records and books of account thereof are being properly kept and posted.

2. The system of account laid down for the Society has been duly observed and no irregularities have come to our notice. No part of any fund has been applied directly or indirectly for any purpose other than that to which it is applicable under the rules of the Society.

3. We have also personally checked the deposits in the Bank and the amount of money in the Treasurer's hands as at  $\frac{\text{June 30th}}{\text{December 31st}}$  20....., and have found the same to be—

Amount at ..... Bank \$  
Amount in Treasurer's hands \$

As Witness our hands this ..... day of ..... 20 .....

*President or Chief Executive Officer* *Member of Committee of Management*  
*Vice-President* *Member of Committee of Management*  
*Treasurer* *Member of Committee of Management*  
*Trustee* *Member of Committee of Management*  
*Trustee* *Member of Committee of Management*  
*Secretary* *Member of Committee of Management*  
*Asst. Secretary (if any)* *Member of Committee of Management*

Section 120.

No. 22

**FRIENDLY SOCIETIES ACT**

**RECORD OF BENEFITS PAID TO MEMBERS**

Reg. No. ....

of the ..... Friendly Society, for the month of ..... 20 .....

Date	Reg. No.	Name of Member	Doctor	Medicine	Sick Relief	Maternity	Dental	Optical	Dependant death Benefits	Other Benefits	Total	Remarks
			\$	\$	\$	\$	\$	\$	\$	\$	\$	

**PART V**

No. 23

**FRIENDLY SOCIETIES ACT**

**FORM OF RECEIPT TO BE ENDORSED ON  
MORTGAGE OR FURTHER CHARGE**

REPUBLIC OF TRINIDAD AND TOBAGO

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

Signed: (Signature of Trustees)

..... *Trustee*  
..... *Trustee*

Countersigned: (Signature of Secretary)

..... *Secretary*

---

**PART VI**

No. 24

**FRIENDLY SOCIETIES ACT**

**SUMMONS UNDER SECTIONS 41(2) AND 63(2)**

REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Registrar of Friendly Societies, Port-of-Spain

IN THE MATTER OF A DISPUTE UNDER  
THE FRIENDLY SOCIETIES ACT

Between

..... *Applicant*

And

..... *Respondent*

Whereas application has been made to me the undersigned, Registrar of  
Friendly Societies for Trinidad and Tobago, that .....  
*[Give subject matter of dispute]*

Take notice that you are hereby required to attend before me at the above-  
named Office at ..... on the ..... day of .....  
20 ....., to answer the said application on the part of .....

And further take notice that if you do not appear at the time and place mentioned such order will be made notwithstanding your absence as to the Registrar may appear just or expedient.

Dated the ..... day of ..... 20 .....

.....  
*Registrar of Friendly Societies,  
Trinidad and Tobago*

To: .....

NOTE— You are required to bring with you all books, papers or other documents you may have in your possession relating to the above matter.

Should the Respondent require evidence in defence, notice must be left at the above Office of the names and residences of the witnesses without delay.

No. 25

Section 63(1).

**FRIENDLY SOCIETIES ACT**

**NOTICE AND REQUISITION**

Office of the Registrar of Friendly Societies, Port-of-Spain

DISPUTE

Between .....

And .....

an officer/officers of The ..... Friendly Society.

Register No. ....

Take notice that I shall proceed by myself to hear and determine the matter in dispute herein mentioned, which has been referred to me pursuant to section 63(1) of the Friendly Societies Act, on ..... the ..... day of ....., 20 ....., at the hour of ..... in the forenoon, at my office at .....

And further take notice that I shall require the attendance of all parties concerned, and of their witnesses, and as well the production of all books, documents and material objects relating to the matter in question.

Dated the ..... day of ..... 20 .....

.....  
*Registrar of Friendly Societies*

**MATTER IN DISPUTE**

To: .....

And to: .....

No. 26

FRIENDLY SOCIETIES ACT

SUMMONS TO WITNESS

REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Registrar of Friendly Societies, Port-of-Spain

DISPUTE UNDER FRIENDLY SOCIETIES ACT

Between

..... Applicant

And

..... Respondent

To: .....

of .....

Whereas application has been made to me the undersigned Registrar of Friendly Societies for Trinidad and Tobago to hear the following dispute:

..... [state shortly the substance of the dispute] and it has been made to appear to me that you are likely to give material evidence on behalf of the applicant (or respondent) in this behalf—

This is to require you to be and appear at ..... o'clock, on ..... day the ..... day of ....., 20 ....., before me at the above-named Office to testify what you know concerning the matter of the said application, and to produce the following books and documents [state them].

Dated this ..... day of ..... 20 .....

.....  
Registrar of Friendly Societies,  
Trinidad and Tobago

No. 27

**FRIENDLY SOCIETIES ACT**

**SUMMONS UNDER SECTION 73**

REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Registrar of Friendly Societies, Port-of-Spain

To: .....  
of .....

Whereas it doth appear necessary or expedient to hold an inquiry into the constitution, working or financial condition of the ..... Friendly Society (and the position or standing of ..... therein).

Take notice that you are hereby required to attend before the Registrar (or ..... being a person or persons authorised by the Registrar) at ..... on ..... the ..... day of ....., at the hour of ..... for the purpose of the said inquiry.

And further take notice that if you do not appear at the time and place mentioned, proceedings may be taken against you in accordance with the provisions of section 73(8) of the Friendly Societies Act.

Dated the ..... day of ....., 20 .....

.....  
*Registrar of Friendly Societies,  
Trinidad and Tobago  
(or Authorised person)*

No. 28

**FRIENDLY SOCIETIES ACT**

REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Registrar of Friendly Societies, Port-of-Spain

**DETERMINATION AND ORDER**

IN THE MATTER OF A DISPUTE

Between

..... *Applicant*

And

..... *Respondent*

This Matter having been referred to me pursuant to the Friendly Societies Act, or Application having been made to me pursuant to the Friendly Societies Act, I, ....., Registrar of Friendly Societies, Order and determine as follows:

Given under my hand this ..... day of ....., 20 .....

.....  
*Registrar of Friendly Societies,*  
*Trinidad and Tobago*

NB—Under the Friendly Societies Act, and the Regulations made thereunder, application for the enforcement of this Order may be made to a Magistrate for the County of ..... sitting therein.

No. 29

**FRIENDLY SOCIETIES ACT**

**PROCESS BEFORE MAGISTRATE UNDER SECTION 76(1)**

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE MAGISTRATE'S COURT HOLDEN AT

.....

IN THE MATTER OF THE FRIENDLY SOCIETIES ACT, SECTION 76(1)

and

IN THE MATTER OF THE APPLICATION OF

Take notice that you are hereby required to attend before his Worship the Magistrate of the County of ..... at the Magistrate's Court of ....., on ....., the ....., day of ..... 20 ....., at the hour of ..... o'clock in the forenoon on the hearing of an application on the part of ..... for an Order that—

And further take notice that if you do not appear at the time and place mentioned such Order will be made notwithstanding your absence as to the Magistrate may appear just or expedient.

Dated the ..... day of ....., 20 .....

To: ..... Friendly Society.  
[or as the case may be]

.....  
*Applicant*

.....  
*Applicant's Address*

\_\_\_\_\_

No. 30

FRIENDLY SOCIETIES ACT

NOTICE BEFORE CANCELLING OR  
SUSPENSION OF REGISTRATION

Name of Society: .....

Register No. ....

Notice is hereby given to the above-named Society that it is the intention of the Registrar to proceed on the ..... day of ....., 20 ....., [not being less than one calendar month after service hereof—section 74(6)] to cancel or to suspend [for any term not exceeding three months—section 76(2)] the registration of the Society, unless cause be shown to the contrary in the meantime.

The ground of such cancelling or suspension is that the acknowledgment of registration has been obtained by fraud or issued in mistake, or that the Society exists for an illegal purpose, or has wilfully and after notice from me violated the provisions of the Friendly Societies Act or has ceased to exist.

And further take notice that immediately upon such cancellation or suspension of registration all realisable personal property of the Society must be delivered, and full particulars of all other the realisable property of the said Society must be submitted to the Registrar or his nominee.

Dated this ..... day of ....., 20 .....

.....  
Registrar of Friendly Societies

To: .....

The .....

No. 31

**FRIENDLY SOCIETIES ACT**

**ADVERTISEMENT FOR CANCELLATION OR  
SUSPENSION OF REGISTRATION**

Notice is hereby given that the Registrar of Friendly Societies has, pursuant to section 76 of the Friendly Societies Act, by writing under his hand dated this ..... day of ....., 20 ....., Cancelled (or Suspended) for [state the term] the registration of the ..... Society, Register No. ...., held at .....

The registration of the said Society has been cancelled on the ground that .....

The Society (subject to the right of appeal given by the Act) shall cease to enjoy (during such suspension) the privileges of a registered society but without prejudice to any liability incurred by the Society, which may be enforced against it as if such cancellation or suspension had not taken place.

Dated this ..... day of ..... 20 .....

.....  
*Registrar of Friendly Societies*

No. 32

**FRIENDLY SOCIETIES ACT**

**ADVERTISEMENT OF DISSOLUTION OF  
SOCIETY BY INSTRUMENT**

REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Registrar of Friendly Societies, Port-of-Spain

Notice is hereby given that the ..... (branch of the) ..... Society, Register No..... having its registered office at ....., in the Island of ..... is dissolved by Instrument, registered at this office the ..... day of ....., 20 ....., unless, within three (3) months from the date of the *Gazette* in which this advertisement appears, proceedings be commenced by a member or other person interested in, or having any claim on, the funds of the said Society to set aside such dissolution, and the same is set aside accordingly.

Dated this ..... day of ..... 20 .....

.....  
*Registrar of Friendly Societies,  
Trinidad and Tobago*

No. 33

**FRIENDLY SOCIETIES ACT**

**ADVERTISEMENT TO CREDITORS OF FRIENDLY  
SOCIETY UPON ITS DISSOLUTION TO SUBMIT THEIR  
CLAIMS TO REGISTRAR**

Name of Friendly Society: .....

Register No .....

Public notice is hereby given that all creditors of the above-named Society, and all persons claiming sick relief, death or other benefits assured by the Society, are required within fourteen days of the date of the first publication of this notice, to submit their claims verified by affidavit to the Registrar of Friendly Societies to be dealt with by him in the manner prescribed by section 76(9) of the above Act.

Dated this ..... day of ....., 20 .....

.....  
*Registrar of Friendly Societies*

Section 76.

No. 34

**FRIENDLY SOCIETIES ACT**

REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Registrar of Friendly Societies, Port-of-Spain

**SUSPENSION OR RENEWAL OF  
SUSPENSION OF REGISTRATION**

Name of Society: .....

Register No .....

The registration of the above-mentioned society is hereby [further (\*)] suspended for (any term not exceeding) three months from this date on the ground that (here state the ground of suspension as in Form 30).

Dated this ..... day of ....., 20 .....

.....  
*Registrar of Friendly Societies*

---

\*This word will be inserted only in case of renewal of suspension.

No. 35

Section 76.

**FRIENDLY SOCIETIES ACT**

REPUBLIC OF TRINIDAD AND TOBAGO

Office of the Registrar of Friendly Societies, Port-of-Spain

**CANCELLING OF REGISTRATION**

Name of Society: .....

Register No .....

The registration of the above-mentioned Society is hereby cancelled at its request (or as the case may be. The Registrar may, if he thinks fit, add a statement as in Form 30 of the ground of the cancelling).

Dated this ..... day of ....., 20 .....

.....  
*Registrar of Friendly Societies*

**THIRD SCHEDULE**

Section 121.  
[46/1983].

**PART I**

**FEEES TO REGISTRAR**

There shall be payable in advance to the Registrar for matters to be transacted and for the inspection of documents under the Friendly Societies Act the following fees:

	\$
On every application to register a Society under section 7 ... ..	10.00
Examining rules submitted with the object of registration under section 7	10.00
Registering rules of Society under section 7 ... ..	0.50
Granting a certificate of registration of rules of a Society under section 7 ...	0.50
Issuing to a Society an acknowledgment of registration under section 9 ...	0.50
Examining any proposed alteration or amendment of rules under section 11:	
Not exceeding five (5) rules... ..	2.00
Exceeding five (5) rules ... ..	3.60
Registering amended rules under section 11 ... ..	0.75
Issuing to Society acknowledgment of registration of amended rules and that same are not contrary to section 11 ... ..	0.75
Registration of Branch Societies under section 14 ... ..	2.50
Acknowledgment of registration of Branch Society and of amendment of Branch Rules ... ..	1.25

*L.R.O. 1/2006*

## FEES TO REGISTRAR—Continued

	\$
Issuing certificate of change of name ... ..	1.25
Registration of each new Trustee or new Trustees registered together ...	0.60
On sending each year to the Registrar a return under section 26 ... ..	2.00
On submission of return following upon quinquennial valuation under section 29... ..	2.50
Supplying bonds to Officer under section 50... ..	0.25
Copy of a bond certified under the hand of the Registrar including certificate of lodgment... ..	0.25
For every document required to be signed or authenticated by the Registrar not chargeable with any other fee ... ..	1.25
For every copy or extract of any document in the custody of the Registrar for every one hundred and twenty (120) words in addition to the fee for the signature or authentication of the Registrar... ..	0.25
For every inspection of any document relating to one and the same Friendly Society. However, the Registrar may dispense with the fee for inspection of documents in cases where he may consider it for the public interest to do so or for other good and sufficient reason ... ..	0.60
On the hearing and determining of disputes under section 63 a fee not to exceed ... ..	15.00

The Registrar may in any case in which good cause appear to him for so doing, either remit any part of such fees or suspend payment thereof, until the conclusion of the hearing of such matters in dispute, in which case he may then award such fees or any part thereof to be paid as expenses in the manner provided by section 63 of the Friendly Societies Act.

	\$
Hearing of application of Trustees desiring amalgamation or transfer of engagements under section 65 ... ..	2.50
For an order of the Registrar dispensing with assents, consents or conditions for an amalgamation or transfer of engagements ... ..	5.00
Registration of copy of Special Resolution as Memorandum of Association under section 66 ... ..	1.25
For registration of an instrument of dissolution or alteration therein ...	5.00
Cancelling of registration of Society on Conversion into a Company under section 66 ... ..	5.00
Registration of Special Resolution under section 70 ... ..	0.60
On the cancelling or suspension of registration under section 76 ... ..	2.50
On the application of moneys in hand following the cancelling of registration of a Society under section 76—A commission of ten per cent of the moneys so to be applied by the Registrar	
Registration of dissolution of Society and making award under sections 77 and 78 ... ..	15.00
Attendance in Court on any subpoena to produce any file, form, record, return, register, account or any other document in the custody of the Registrar ...	2.52

NOTE: No fee is payable for any document or copy of a document supplied to a public department.

**PART II**  
**AUDITORS' FEES**

*Fees prescribed under section 120 of the Friendly Societies Act*

1. With effect from 1st January 1971, Societies whose membership is specified in the first column of the table below—

- (a) shall pay to auditors appointed pursuant to this Act the fees specified in the second column of the Table; and
- (b) are eligible to receive contributions from Government towards the payment of the audit fees to the extent specified in the third column of the Table.

**TABLE**

Number of Members	Fees	Government Contribution
	\$   ¢	
(a) When a society consists of fifty members or less	50.00	Full fees paid
(b) When a society consists of more than fifty and not more than two hundred members:		
For the first fifty members	50.00	Full fees paid
For each additional twenty-five or part of twenty-five members	18.75	
(c) When a society consists of more than two hundred members and not more than one thousand members:		Full fees paid on membership of up to 500; 75 per cent of fees paid on next 1,000 members
For the first two hundred members	162.50	
For each additional fifty or part of fifty members	18.75	
(d) When a society consists of more than one thousand members:		50 per cent of fees paid on membership of 1,501 to 2,500; 25 per cent of fees paid on next 2,500 members
For the first thousand members	462.50	No refund payable on membership over 5,000

TABLE—Continued

Number of Members	Fees	Government Contribution
	\$   ¢	
For each additional hundred or part of one hundred members	18.75	
(e) The fees payable in respect of the audit of the books and accounts of the District Head Office of an affiliated Order or Central body of a society with branches	50.00	Full fees paid

2. No charge shall be made for travelling or other out-of-pocket expenses, save with the express leave of the Registrar.

3. The scale of fees given above shall not apply to an accountant appointed by the Registrar under section 71 of the Friendly Societies Act, payment for whose services shall be fixed by the Registrar.

4. }  
5. }    *(Revoked by LN 46/1983).*

---

**SUBSIDIARY LEGISLATION**

---

**FRIENDLY SOCIETIES REGULATIONS**

ARRANGEMENTS OF REGULATIONS

**REGULATION**

1. Citation and interpretation.
2. Applications to Magistrates.
3. Appeals.
4. Heading and contents of summons.
5. Service of summons.
6. Costs.
7. Books of account to be kept.
8. Inspection and administration report.
9. Balance Sheet.
10. Payment of vouchers.
11. Every society to observe provisions of Act.
12. Appraisement.
13. Keeping of accounts.
14. Insufficient receipts and funds.
15. Annual schedule of investments, etc.
16. Reserve Fund.
17. Payment of Bonus.
18. Annual bonus list.
19. Inspection of last bonus list.
20. Drawing or receiving of bonus.
21. Minutes of meetings.
22. Time of meetings.
23. Notice of general meeting.
24. Notice of special meeting.
25. Statement of accounts to general body.
26. Compliance with Rules relating to loan fund.
27. Loan instalments.
28. Recovery of debt.
29. Deposit of securities.

ARRANGEMENT OF REGULATIONS—*Continued*

## REGULATION

30. Voting slip at elections.
31. Method of voting.
32. Election to office.
33. Candidate to be financial.
34. Proposer and seconder.
35. Member may not propose more than one person.
36. Member not to preside at own election.
37. Counting of votes.
38. Age qualification.
39. Probationary members.
40. Failure of an election.
41. Retiring members.
42. Issue of contribution cards.
43. Return of card.
44. Cards to be submitted for audit.
45. Secretary to supply certified list.
46. Discipline.
47. Audit.
48. Annual audit to extend to whole of the accounts.
49. Auditor to make investigations.
50. Auditor to be supplied with list of vouchers, etc.
51. Auditor to examine securities.
52. Verification of Balance Sheet.
53. Statement of funds.
54. Auditor to examine every entry in books.
55. Payment of sum surcharged.
56. Surcharge of unlawful payment or expenditure.
57. Payment of benefits.
58. Benefit in excess of two hundred and fifty dollars.
59. Auditor may make recommendations.
60. Travelling expenses.
61. Auditor's failure to comply.

**REGULATION**

62. Determining a levy.
63. Recording of levy.
64. Levy not to exceed certain sum.
65. Additional levies.
66. Rent-roll.
67. Issue of certificate by trustees.
68. Anniversary expenses.
69. Bonds.
70. Alteration and execution of bonds.
71. Bond may be continuing.
72. Reduction of benefits.
73. Resolution to be sent to Registrar.
74. Nominations.
75. Funeral expenses.
76. Funeral expenses may be defrayed out of moneys payable on death.
77. Right of examination of members.
78. Inspections and enquiries.
79. Declaring person pensioner.
80. List of pensioners.
81. Pensioner may become ordinary member.
82. Pensioner not to be affected by status of ordinary member.
83. Leave entitlement.
84. Acting appointments.
85. Grants to retiring officers.
86. Forms, returns, etc.
87. Voting at meetings.

[Subsidiary]

18 of 1950.  
(2nd Sch.).  
[46/1983].

**FRIENDLY SOCIETIES REGULATIONS**

*deemed to be made under section 120*

Citation and  
interpretation.

**1.** (1) These Regulations may be cited as the Friendly Societies Regulations.

(2) In these Regulations—

“auditor” includes every person appointed under the provisions of the Act to audit, examine, verify, surcharge, allow or disallow the accounts of a society or branch;

“secretary” includes any officer appointed under the Rules of a society or branch to assist the secretary in the discharge of his duties.

Applications to  
Magistrates.

**2.** All applications for the approval by a Magistrate of the cancellation of the registration of a society under section 76(1)(a) of the Act, shall be made in the form numbered 29 in the Second Schedule to the Act.

Appeals.

**3.** Appeals to a Judge under sections 10(1), 11(3), 17(2) and 76(8) of the Act shall be brought in the High Court by the party or society affected, and shall be commenced by Originating Summons returnable before a Judge sitting in Chambers; the summons shall be taken out within thirty days of the decision of the Registrar in cases under sections 10(1) and 11(3), of the refusal of the officer of the society concerned in cases under section 17(2), and of the date of the *Gazette* in which the advertisement of the dissolution or suspension of registration of a society appears in cases under section 76(8) of the Act. The Rules of the Supreme Court from time to time in force shall (except in and so far as otherwise provided by these Regulations) apply to all proceedings in any such appeal.

Heading and  
contents of  
summons.

**4.** The summons shall be headed with a reference to the Act, and also with a reference to the decision of the Registrar or Magistrate or officer of the society which is appealed against, and shall contain a concise statement of the grounds of the appeal, and no grounds other than those comprised in the statement shall be allowed to be taken by the appellant at the hearing of the summons.

5. The summons shall be served on the Registrar (save in the case of an appeal under section 17(2) of the Act when service shall be effected on the officer of the society refusing or omitting to grant a certificate of secession or expulsion) not less than fourteen days before the date on which it is made returnable, and the Judge may at the hearing or adjourned hearing of the summons direct that the same may be served on any other person or persons that the Judge may think proper.

Service of summons.

6. In all proceedings on any such appeal the costs of and incidental thereto, including the costs of and incidental to any proceedings before the Registrar or Magistrate, shall be in the discretion of the Judge.

Costs.

7. The committee of management of every society and branch shall cause proper books of accounts to be kept, including a blotter, cash books for both the secretary and the treasurer, a register of members, a record of benefits paid to members and a general ledger so arranged as to exhibit on one side all the sums at the debit of the account of each particular fund or benefit assured by the society and on the other all the sums at the credit of each account.

Books of account to be kept.

8. The committee of management of every society or branch shall file with the Registrar half-yearly an inspection and administration report to be signed by every member thereof as to his having personally inspected the books and accounts, funds and effects of the society or branch and as to the same having been found to be correct and in order or otherwise as the case may be. The report shall be in the Form numbered 21 set out in Part IV of the Second Schedule to the Act or as near as may be, as the circumstances of the case shall require.

Inspection and administration report.

Second Schedule.

9. The annual Balance Sheet of every society and branch shall contain a statement as to the amount carried to the Reserve Fund established under section 114 of the Act during the year under review.

Balance Sheet.

Payment of  
vouchers.

**10.** Proper vouchers shall be obtained for every payment. Every receipt given by an illiterate, infirm or other person incapable of writing to a society or branch in respect of money payable under or by virtue of its Rules or of the Act for a benefit arising out of the death of a member or any other person shall be witnessed by a Justice of the Peace, an Attorney-at-law, Medical Practitioner, Minister of Religion, or a member of the Trinidad and Tobago Police Service not below the rank of corporal.

Every society to  
observe  
provisions of  
Act.

**11.** The following provisions shall be observed in every society and branch:

- (a) all cash balances must be paid into the bank on the last day of the period to be reviewed;
- (b) the books shall be balanced and the statements for audit prepared in duplicate prior to the handing over of the accounts to the auditor. The Secretary shall sign the receipts and expenditure account and Balance Sheet before they are submitted to the auditor;
- (c) for the purpose of audit all vouchers of payment shall be arranged in the order of the dates of entries made in the treasurer's cash book of the year to be reviewed;
- (d) all bankers' Pass Books, made up to the end of the period under review, must be at hand at the time of audit;
- (e) the funds of the society or branch shall be invested in strict accordance with the provisions of the Act. The investment of moneys on notes of hand and other personal securities is not legal;
- (f) the funds of a society or branch shall not be employed or used for promoting excursions, or in alms-giving, donations to public causes or funds except in accordance with the provisions of section 35 of the Act, or to officers or members, or for rallies, dances, balls, concerts, or other

social occasions or enterprises. The said funds shall only be used in furthering, the objects of a society or branch and not otherwise;

- (g) the funds of a society or branch shall not be used for furnishing refreshments for the general body or officers and members of the committee of management save that a sum not exceeding seventy-five cents may be expended monthly in providing ice for the use of the officers and members of the committee of management in session;
- (h) the financial year of every society and branch shall end on the last day of December.

**12.** If at any time it appears to the Registrar that in the return prepared and delivered to him under section 26 of the Act the value placed by any society or branch upon the real property owned by it or any parcel thereof is too great, or too small, or that the value of any other investments of the funds therein stated is greater or less than the value of the investments shown on the return, he may either require the society or branch to secure an appraisalment of the real estate or the security by some competent valuator, or may himself procure the appraisalment at the expense of the society or branch, and the appraised value, if it varies materially from the return made by the society or branch, may be substituted therefor.

**13.** If, at any time, it appears to the Registrar that the accounts of a society or branch are not kept in such a manner as to show correctly the state and condition of the society or branch as required under the Act, the Registrar may nominate an auditor or accountant to give such instructions as will enable the officers of the society or branch to keep the accounts correctly thereafter, and the cost thereof shall be borne by the society or branch.

**14.** If the Registrar, upon inquiry or other examination, or from the returns, or from the special report of an auditor, or upon other evidence, finds that the receipts and funds of a society or branch

are insufficient to justify the continuance of the current expenses of management and administration or of any other expenses, or that the rates of salaries or other allowances paid to its officers and members are excessive, unfairly discriminatory, or otherwise unreasonable, he may call upon the society or branch to reduce the whole or any item thereof and may fix a limit therefor which shall in no case be exceeded until further direction from him.

Annual schedule  
of investments  
etc.

**15.** Once in every year, not later than 31st March, a schedule of all investments and property, real and personal, of, belonging or mortgaged to a society or branch showing the value thereof, as at the preceding 31st December, and the rents, profits or interest arising annually therefrom, shall be prepared and signed by the secretary and checked and countersigned by the trustees and hung up in a conspicuous place at the registered office of the society or branch or laid on the table of the secretary for inspection of members, for the space of two months or during at least four consecutive meetings of the society or branch, whichever is the less. A copy of every such annual schedule in respect of the year under review shall be produced by the secretary to the auditor at the annual audit of the society or branch.

Reserve Fund.

**16.** No bonus or payment in the nature thereof shall be paid or made out of the Reserve Fund of a society or branch established under section 114 of the Act.

Payment of  
Bonus.

**17.** In the case of a society or branch whose Rules provide for the payment of bonus annually to its members the committee of management shall depute yearly such officers and members, as it may think fit, to draw up and prepare the bonus list of the society or branch and pay the amounts respectively payable to members therein appearing. For the due and proper fulfilment of such duties there shall be allowed to the officers and members deputed as aforesaid allowances on the moneys so paid out at the following rates:

two per cent on the amount distributed up to five thousand dollars;

one per cent on the next five thousand dollars or any part thereof;  
one-half per cent on any additional amount.

The allowances herein provided shall be based on the aggregate of the net amount paid out and shall be divisible among such officers and members in such proportions as the committee of management shall decide.

**18.** Where by the Rules of a society or branch, provision is made for the payment of bonus to members the annual bonus list shall be prepared in the forms set out in Part IV of the Second Schedule to the Act and shall contain a statement as to the bonus declared by the society or branch for the year under reference, the registered number of and name of every member entitled to bonus under the Rules of the society or branch, the deductions to be made, if any, against every such member respectively, the balance or amount individually receivable by every such member, and his receipt therefor, the aggregate amount paid out as bonus for the said year, and a certificate signed at the foot or end thereof by the officers and members deputed by the committee to execute the payments that the same have been duly and truly effected. The mark or signature of an illiterate person in receipt of bonus shall be witnessed by an independent person. Every person receiving bonus shall produce his or her current contribution card for stamping.

Annual bonus list.

Second Schedule

**19.** The treasurer of every society and branch shall lay the last bonus list of the society or branch duly certified by the officers and members required, on his table for the inspection of members for the space of two months or during at least four consecutive meetings of the society or branch, whichever is the less, following payment thereof.

Inspection of last bonus list.

**20.** No officer or servant of a society or branch shall draw or receive any bonus for or on behalf of a member of the society or branch except at the express desire in writing of the member or on production of the member's card.

Drawing or receiving of bonus.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

152

Chap. 32:50

*Friendly Societies*

[Subsidiary]

*Friendly Societies Regulations*

Minutes of meetings.

**21.** Every society shall cause full and proper minutes of all proceedings of its general and special meetings and of all committee meetings to be entered in a book or books kept for the purpose.

Time of meetings.

**22.** Notwithstanding anything in the Rules of a society or branch to the contrary no meeting of any kind whatsoever shall take place or continue, and no subscriptions, levies or fines or other moneys shall be paid into the funds of a society or branch or to any officer thereof, between the hours of eleven o'clock in the night and six o'clock of the following morning.

Notice of general meeting.

**23.** It shall not be necessary to give or serve notice of any general or regular meeting, the time or times for the holding of which are specifically stated in the Rules of a society or branch, upon any member respectively thereof, anything to the contrary in the Rules or constitution of the society or branch notwithstanding.

Notice of special meeting.

**24.** Notice of a special meeting of a society or branch shall be deemed to have been given or served upon every member of the society or branch if a notification thereof is stuck up in a conspicuous place in the registered office of the society or branch, as the case may be, for at least fourteen clear days previous to the special meeting, or in the alternative, if notice thereof is published once a week in a daily newspaper circulating in Trinidad and Tobago during at least two consecutive weeks immediately prior to the special meeting, anything to the contrary in the Rules or constitution of the society or branch notwithstanding.

Statement of accounts to general body.

**25.** The committee of management shall present yearly to the general body in general meeting a statement of accounts with respect to the operation of the society's loan fund, if any, showing the loans outstanding, deposits on hand, a report as to the instalments or repayments due and unpaid, the action proposed to be taken in each case and a general review of the operation of the fund.

**26.** Notwithstanding the functions or powers of any other committee under the Rules of a society the committee of management shall satisfy itself that the provisions of the Act, and of any Regulations thereunder, and all Rules relating to the operation of a loan fund, have been complied with, and shall consider whether there has been any alteration in the status of any borrower or his sureties, if any, which would justify special action being taken for the termination of any loan.

Compliance with Rules relating to loan fund.

**27.** If the loan is repayable by instalments the borrower shall be supplied with a card or book (for which he shall pay a sum not exceeding six cents) in which shall be recorded the amount and the terms of the loan and in which the instalments repaid shall be entered and initialled by the officer to whom the money is paid.

Loan instalments.

**28.** Except in the cases where the committee of management renews a promissory note at maturity so soon as the debt or moneys due in respect of any loan made from a loan fund shall become due and payable by a member to a society, the committee of management shall, except for good cause, forthwith take all reasonable and necessary steps to sue for recovery and receive such debt or moneys and all interest due thereon together with all legal, usual and customary costs, charges and expenses.

Recovery of debt.

**29.** Except the Registrar shall otherwise order, the trustees of every society or branch shall deposit any securities, State Grants and other muniments of title held by them relating to the society or branch or to the property of the society or branch in the aggregate exceeding the value of five thousand dollars with any banker or banking company or any other company whose business includes the undertaking of the safe custody or control of documents, and any sum payable in respect of the deposit shall be paid out of the funds of the society or branch.

Deposit of securities.

**30.** Every financial member of a society or branch shall at any meeting held for the election of an officer or officers on production of his current contribution card, be furnished with a voting slip, if the chairman thinks it necessary, at the registered office or other place of meeting where the election is to take place.

Voting slip at elections.

Method of voting.

**31.** At all meetings of a society or branch voting shall be by ballot or show of hands as required by the Rules of the society or branch.

However, where the Rules are silent, the majority of financial members present shall determine which of such methods shall be followed. Only financial members present and entitled to vote under the Rules of the society or branch may vote. No member shall vote for more than one candidate for one office. A member shall in no circumstances whatsoever vote by proxy.

Election to office.

**32.** Not more than one office may be voted for at one time. Officers shall not be elected en bloc save in the case of the election to office of the entire committee of management by acclamation, that is to say, without any dissentient vote or protest.

Candidate to be financial.

**33.** Except in the case of the office of trustee, no person shall be a candidate for any office unless he is a financial member of the society or branch.

Proposer and seconder.

**34.** No candidate shall be submitted for election except his proposer and seconder are both financial members of the society or branch.

Member may not propose more than one person.

**35.** No member may propose or second more than one person for one office.

Member not to preside at own election.

**36.** No member may preside at his own election or re-election to office.

Counting of votes.

**37.** (1) Two or more tellers, as the case may be, shall be appointed by the chairman for the purpose of counting the votes.

(2) If the chairman thinks it necessary, votes may be counted in groups, that is to say, those supporting candidate A may be collected into one group; those supporting candidate B may be collected in another group, and so on, with the formation of as many groups as there are candidates.

**38.** A member under the age of twenty-one years shall not hold an elective office in a society or branch.

Age qualification.

**39.** Probationary members, that is to say, members who have not yet qualified for benefits, are not eligible for office.

Probationary members.

**40.** In the event of the failure of an election in respect of any office, those previously appointed shall continue in office pending the holding of a valid election as respects the office. Every officer shall remain in office until the installation of his successor.

Failure of an election.

**41.** Where the Rules of a society or branch are silent retiring members shall be eligible for re-election.

Retiring members.

**42.** The committee of management of every society and branch shall issue to every member a contribution card in the prescribed form, and the secretary shall enter thereon from time to time all payments made by the member in respect of entrance fee, monthly or weekly contributions, as the case may be, anniversary, subscription, levies, dues, fines, arrears and other payments made under the Rules of the society or branch. Every entry shall be initialled by the secretary. Every card shall contain the necessary columns to provide for all the above entries from 1st January to 31st December in any one year. No card shall be issued to a member unless and until it is signed by the secretary and the president.

Issue of contribution cards.

**43.** Every card whenever issued shall be returned to the secretary as soon as possible after 31st December of the year of its issue but in no event later than 31st January of the year following its issue, and no card for the following year shall be issued to a member until he has returned his card for the previous year or satisfactorily accounted for its loss. The secretary shall furnish the committee of management with a list of those members who have failed to return their cards by the 31st January as required hereunder and the committee of management of a society shall enquire into the reason or reasons for the non-return of every card not on the list, and may impose a fine not exceeding five dollars on any member of the society who has failed so to return his card.

Return of card.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

156

Chap. 32:50

*Friendly Societies*

[Subsidiary]

*Friendly Societies Regulations*

Cards to be submitted for audit.

**44.** All cards returned by members shall be kept by the secretary and submitted for audit along with the list showing the action taken in each case by the committee of management as respects those members who have failed to return their cards as hereunder provided.

Secretary to supply certified list.

**45.** The secretary of every society or branch shall supply the auditor for the purposes of the annual audit with a certified list of the amount of contributions, dues, levies, and fines in arrear as respects every individual member in respect of every particular fund for the year under review; and the auditor shall check and verify the items therein appearing with the register of members and contribution cards of the society or branch.

Discipline.

**46.** Every society and branch shall under its Rules have full power and authority to enforce discipline among its members and obedience to its said Rules and to expel or otherwise discipline its members. However, notwithstanding anything to the contrary contained in the Rules of a society or branch a member shall be entitled to be fully informed of any charges against him, with the opportunity to be heard in his own defence, before he can lawfully be suspended or deprived of membership.

Audit.

**47.** The accounts of every society and branch shall close on 31st December in every year, and shall be submitted together with vouchers, receipts, and all other supporting documents not later than 31st May in each year to audit at the cost and charge of the society or branch to a person nominated by the Minister.\*

Annual audit to extend to whole of the accounts.

**48.** (1) The annual audit under the Act shall extend to the whole of the accounts of the society or branch.

(2) The auditor shall make himself acquainted so far as necessary for the purpose of the audit with the provisions of the

---

\*Delegation of powers to—

(a) Minister of Health and Social Services (GN 34/1957);

(b) Minister of Social Services (GN 55/1958).

Act, any amendment thereto and the Regulations made thereunder, and with the Rules of the particular society or branch, the accounts of which he is auditing.

- (3) The auditor shall satisfy himself—
- (a) as to the accuracy and sufficiency of the books and accounts of the society or branch and that all transactions of the society or branch are correctly and adequately recorded therein;
  - (b) that all payments made are duly vouched and have been authorised in the manner prescribed by the Act, or by these Regulations;
  - (c) that so far as reasonably practicable all sums received and all payments made by the society or branch for the period have been brought to account;
  - (d) that where separate contributions are paid to particular funds these have been stated separately and that any payments from the funds have been correctly charged thereto; and
  - (e) that the accounts submitted to him for audit are drawn up in the form and disclose such particulars as are prescribed or required under the Act or by these Regulations.

(4) Should there be errors in the annual return, or in the books, accounts, vouchers or other documents submitted to the auditor, the books, accounts, vouchers or other documents shall be returned (at the cost of the society) for correction or adjustment, unless the auditor is requested by the society to correct the inaccuracies, in which case he shall be entitled to claim an additional fee to be arranged between him and the society, the amount however, to be paid personally by the officer or officers respectively responsible for the particular error or errors, as the case may be. In the event of any dispute arising between the society and the auditor relating to any matter or thing under this section either party shall be at liberty to refer the same to the Registrar whose decision shall be final.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

158

Chap. 32:50

*Friendly Societies*

[Subsidiary]

*Friendly Societies Regulations*

Auditor to make investigations.

**49.** For the purpose of carrying into effect the provisions of the Act and of these Regulations the auditor shall at every audit make such investigations as may be necessary, interrogate officers or persons concerned and examine accounts.

Auditor to be supplied with list of vouchers etc.

**50.** Where any accounts of a society or branch are to be audited by an auditor appointed under the provisions of the Act the secretary of the society or branch shall make out and deliver to the auditor a list in writing of all vouchers, receipts, invoices and other supporting documents and the books of the society or branch in which the accounts of the society or branch are kept.

Auditor to examine securities.

**51.** The auditor of every society or branch shall at every audit personally examine the securities, State Grants and other muniments of title belonging to the society or branch where these are in the possession of the society or branch, or he shall obtain a certificate from the Bank of what securities, State Grants or other muniments of title the Bank holds for the society or branch in safe keeping at the close of business on the day to which the accounts are made up and audited.

Verification of Balance Sheet.

**52.** Every auditor shall verify every annual Balance Sheet and shall either certify that it is correct and in accordance with law, or specially report to the society or branch and the Registrar in what respect he finds it defective, incorrect, or not in accordance with law.

Statement of funds.

**53.** The person appointed to audit the accounts of a society or branch shall send to the Registrar within three months of the accounts being submitted to him for audit a statement of the funds or affairs including receipts and expenditure and a copy of the Balance Sheet of the society or branch made out to the preceding 31st December together with full, honest and true answers to the questionnaire addressed to him by the registrar relating to the books and accounts of the society or branch and in the event of there being any misapplication or wrongful withholding of the funds, moneys or property of the society or branch by any person or persons a special report thereon.

**54.** (1) Upon every audit of the accounts of a society or branch the auditor shall examine every entry in the books of the society or branch; and under no circumstances whatsoever may the accuracy of the accounts be verified by test checks.

Auditor to  
examine every  
entry in books.

(2) The auditor shall demand a voucher for every item of expenditure and in the case of sick, death and funeral benefits to compare the books of account with the contribution cards of those who received the benefits, and to satisfy himself that those who received the benefits were in good compliance or standing and entitled to be paid.

(3) The auditor shall also require to be produced a certificate of death, in accordance with the provisions of section 56 of the Act, in respect of every death and funeral benefit paid by the society or branch.

**55.** Any sum surcharged by the auditor or any balance certified by him to be due shall be paid into the office of the Registrar by the person or persons who are surcharged or from whom the balance is certified to be due within thirty days after delivery of the special report to the society or branch and to the Registrar, and if not paid within the time aforesaid, the person or persons in default may be proceeded against in accordance with the provisions of the Act. In the event of default being made by any such person the surety or sureties of such person shall be informed in writing of the default by the Registrar and unless the amount due shall be paid by the surety or sureties into the office of the Registrar within a period of thirty days after the demand, the surety or sureties may be proceeded against in accordance with the provisions of the Act. In the event of any person or persons dying without having fully paid the sum surcharged or balance certified to be due, the same may be recovered by the Registrar as a civil debt from the legal personal representatives of the deceased person or persons. On any proceedings under this Regulation a certificate purporting to be signed by the auditor shall be conclusive evidence of the fact certified.

Payment of sum  
surcharged.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

160

Chap. 32:50

*Friendly Societies*

[Subsidiary]

*Friendly Societies Regulations*

Surcharge of unlawful payment or expenditure.

**56.** If it appears to any auditor to whom the accounts of a society or branch have been submitted under the Act, that any item of account is contrary to law, or that any money or income which ought to have been brought into account has not been so brought into account, the auditor shall disallow the item of account and shall in his special report surcharge the amount of any unlawful payment or expenditure, or of any loss or deficiency, upon the committee of management of the society or branch, or upon any officer or member thereof, or upon any other person by whose negligence or wrongful act that payment or expenditure has been made or authorised or that loss or deficiency has been incurred. However, any item of account disallowed or surcharged by the auditor may be reviewed by the Registrar and the disallowance or surcharge varied or remitted by him if he is of opinion that in the circumstances of the case it is fair and equitable to do so.

Payment of benefits.

**57.** Where in the opinion of an auditor the annual return or Balance Sheet of a society or branch shows that the society or branch is not in a position to provide for the payment of its benefits at the rates in force without increase in its existing rates of contribution or that owing to depletion in membership, excessive mortality, sickness, epidemic, or other cause, its funds are insufficient or are likely to be insufficient to provide in the future for the payment thereof, he shall specially report the same to the Registrar and in the report shall set out all material facts relating to its financial condition as in his opinion warrant alteration in its existing rates of contribution. The Registrar after consideration of the report may call upon the society or branch to make within such time as he may fix, but not exceeding six months, such increase in its rate of contributions as will enable the society or branch to provide for the payment of its benefits at the rates in force, or alternatively such reduction in the benefits payable by the society or branch, as will permit and justify its continuance upon a sound and solvent basis.

Benefit in excess of two hundred and fifty dollars.

**58.** The Registrar may appoint an actuary, auditor, accountant, or other qualified person to review for any period the operation of any society or branch proposing or intending to give a benefit

payable on the death of a member exceeding two hundred and fifty dollars, and make a report to him on the financial condition of the society or branch and the adequacy or otherwise of the subscriptions received by the society or branch or of its funds to support the benefits or bonus moneys payable by the society or branch having regard to the obligations or liabilities of the society or branch under its Rules or any proposed Rules, the cost of every such report to be borne and paid by the society or branch.

**59.** Every auditor shall, if he thinks fit, set out, in answer to the questionnaire submitted to him under the Act in relation to the audit of the accounts of a society or branch, such requirements and recommendations as he may think desirable for the better operation of the society or branch or the better arrangement of its accounts, and in the discretion of the Registrar effect shall be given thereto by the committee of management within such time as may be directed by him.

Auditor may make recommendations.

**60.** Auditors are not entitled to travelling expenses save with the express leave of the Registrar. Books and documents must be delivered or posted to the auditor. Each society and branch must take delivery of the books and documents from the auditor at its own expense. Delivery by an auditor to a society or branch of the annual return, Balance Sheet and special report or any other document relating to an audit may be transmitted through the post free, the envelope or cover being franked "T.T.G.S." and superscribed in clear legible handwriting with the signature and designation of the sender and the date sent, for the purpose.

Travelling expenses.

**61.** Every auditor who fails to comply with any of the provisions of these Regulations imposing a duty on him is liable on summary conviction to a fine of five hundred dollars.

Auditor's failure to comply.

**62.** The committee of management in determining a levy authorised by the rules of a society or branch shall exercise a reasonable and honest discretion in estimating the amount that the levy may be expected to realise. The committee shall not make a larger or heavier levy than that which reasonably suffices to satisfy the purpose for which the levy may lawfully be made.

Determining a levy.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

162

Chap. 32:50

*Friendly Societies*

[Subsidiary]

*Friendly Societies Regulations*

Recording of  
levy.

**63.** A book shall be kept for the purpose of recording all levies imposed upon members by a society or branch during each year, and of the estimated results of the levies, and of the reason for each such levy, and of the purposes for which the moneys arising thereby have been applied. The record shall contain the particulars in the form set forth in Part IV of the Second Schedule to the Act.

Second  
Schedule.

Levy not to  
exceed certain  
sum.

**64.** Notwithstanding anything to the contrary contained in the Rules of a society or branch, the society or branch shall not, save with the written consent of the Registrar, impose a levy or levies which shall in the aggregate in relation to a Building Fund exceed the sum of five dollars, or in relation to a Banner Fund the sum of one dollar respectively, payable by any member of the society or branch.

Additional  
levies.

**65.** The committee of management may make such additional levies from time to time upon all members of the society or branch as is necessary, in the opinion of the committee of management, to prevent any deficit arising in the management fund, and the additional levies shall be binding on the members of the society or branch notwithstanding anything to the contrary contained in the Rules or constitution of the society or branch.

Rent-roll.

**66.** Where a portion of the income of a society or branch is derived from the receipt of rents a proper rent-roll shall be kept by the society or branch, and every society and branch owning or holding property bringing in rent shall pay a commission at the usual or customary rate to an agent or other person on the amount of rent collected by him. Where a society or branch has paid any sums by way of commission in respect of the collection of rent the amount so paid or allowed shall be stated on the rent-roll of the society or branch.

Issue of  
certificate by  
trustees.

**67.** (1) Where the Rules provide that elections be held or that financial officers be appointed semi-annually or at any other time during a financial year, the committee of management shall cause a proper check of the books of account to be made at the time of

the election or appointment and a certificate shall thereupon be issued under the hands of the trustees to the treasurer certifying the amount of cash in his hands on the date the check was made.

(2) A similar check shall be made at the end of a financial year and a similar certificate issued by the trustees, and the balance found to be in the hands of the treasurer shall thereupon be forthwith deposited by the treasurer in a savings bank and the receipt or deposit slip produced to the trustees. The trustees shall provide the treasurer with moneys required by him for the purposes of the business of the society if necessary.

**68.** A detailed statement of receipts and expenditure in connection with the annual Anniversary celebrations of every society shall be prepared yearly by the officer or officers responsible therefor and presented to the committee of management with the necessary supporting vouchers, invoices and documents. The statement shall be submitted for audit by the society together with its accounts. Anniversary expenses.

**69.** (1) In all cases where under the Rules of a society or branch a bond is required to be given by a treasurer, the bond shall, except where the Registrar otherwise orders, be given in an amount not less than double the amount of money to be placed in the possession or control of the treasurer and with at least one surety in a like sum. Bonds.

(2) In no case under the Rules of a society or branch may the bond required to be given by any other officer having receipt or charge of money be less than one-half of the amount required from the treasurer, with at least one surety in a like sum.

(3) In all cases under the Rules of a society or branch the bond required to be given by a trustee shall, except where the Registrar otherwise orders, be in a sum not less than one thousand dollars with at least one surety in a like sum.

**70.** Bonds shall be attested by a Justice of the Peace or Commissioner of Affidavits who shall take care, as far as possible, Alteration and execution of bonds.

that the sureties to bonds are responsible persons. Sureties to bonds must testify. Every bond shall upon execution be filed in the office of the Registrar without the payment of any fee.

Bond may be continuing.

**71.** A bond may be continuing to the extent that an officer re-elected to the said office in a society or branch for a consecutive term or terms need not furnish a fresh bond, and the surety thereto may therein undertake to become bound, without further attestation, in respect of any such consecutive term or terms of office to be held by the principal in the society or branch. The committee of management of every society or branch shall at least once in every year verify the existence of the sureties to bonds furnished by officers.

Reduction of benefits.

**72.** In the event of any epidemic, excessive sickness, emergency or other unforeseen contingency impairing the funds of a society or branch the committee of management of the society or branch may by a resolution of the majority of its members reduce the benefits payable or afforded under its Rules or impose a special levy or levies upon the members of the society or branch and the reduction of benefits or special levy or levies shall be binding on the members of the society or branch notwithstanding anything to the contrary contained in its Rules or constitution.

Resolution to be sent to Registrar.

**73.** Where the committee of management of a society or branch determines by resolution to reduce the amount payable in respect of any benefit under its Rules on the grounds of epidemic, excessive sickness, emergency or for other good cause, a copy of every such resolution signed by the secretary and countersigned by the president or chief executive officer of the society or branch shall be sent to the Registrar and until that copy is so sent and an acknowledgment received therefor the resolution shall not take effect. The committee of management shall also cause a notification of every such reduction of benefit to be hung up in a conspicuous place in the registered office of the society or branch for a period of not less than two months or to be mentioned during at least four consecutive general meetings of the society or branch, whichever is the less.

**74.** Every nomination made by a member, and every revocation and variation of a nomination, shall be recorded by the society or branch, and for that recording the Rules of the society or branch may require the member to pay a sum not exceeding one dollar.

Nominations.  
[46/1983].

**75.** Before any account in respect of the funeral expenses of a deceased member of a society or branch is paid by the society or branch under the provisions of section 53(3) or section 54(1) of the Act, the same shall be submitted for the consideration and verification of the Registrar who shall examine and compare the amount or amounts stated therein with current rates and if any amount set forth therein is unreasonable, excessive, irrelevant or not *bona fide* such amount shall not be payable out of the funds of the society or branch. No society or branch shall be liable to be sued in respect of any amount disallowed as aforesaid by the Registrar.

Funeral  
expenses.

**76.** When a person is at the time of his death a member in good standing of more than one society or branch his funeral expenses shall, unless he has otherwise directed, be defrayed out of the moneys payable on his death by such societies or branches in proportion to the respective amounts payable by such societies or branches, and the balance thereof shall be paid to those entitled or the nominee or nominees as the case may be. Any person having a claim to any such moneys may require an account of the funeral expenses to be submitted to the Registrar and the previous regulation shall be applicable to the same *mutatis mutandis*. This regulation shall also be applicable where a society or branch has under section 53(3) or section 54(1) of the Act paid or become liable for the payment of the funeral expenses of a deceased member who was at the time of his death also a member in good standing of other societies or branches. The Registrar may at any time call upon a society or branch to submit to him a statement or account showing the manner in which the moneys paid or payable by it on the death of the member have been applied, the name or names of the person or persons to whom the same have been so paid and the balance, if any, in its possession. Upon the Registrar certifying the

Funeral  
expenses may  
be defrayed out  
of moneys  
payable on  
death.

sum so due to any person hereunder and the person or persons by whom the same is payable such sum shall be recoverable at law as a debt by such person against the person or persons by whom the same is payable.

Right of examination of members.

**77.** The committee of management of every society and branch shall have the right, and every member of every such society and branch shall afford to the committee of management of the society or branch, an opportunity to examine, through its medical, dental or optical officer, as the case may be, the person of the said member when and as often as it may reasonably require while a claim for benefits is pending or within a reasonable time thereafter notwithstanding any provisions contained in the Rules or constitution of the society or branch to the contrary.

Inspections and enquiries.

**78.** (1) The Registrar or any person authorised in writing under section 72 or 73 of the Act shall, in addition to any other powers, authorities and privileges assigned to him respectively thereunder, have power to do all or any of the following things:

- (a) to make such examination and enquiry as may be necessary to ascertain whether the provisions of the Act relating to a society or branch are complied with;
- (b) to enter the registered office or place of meeting of the society or branch and inspect any cards, vouchers, documents, accounts, returns, books, ledgers, funds, securities, moneys and effects of the society or branch thereof at all reasonable times of the day or night, but so as not to impede or obstruct the working of the society or branch;
- (c) to examine into the administration of benefits by the society or branch and make enquiries respecting the state and condition of any member of the society or branch and for such purposes to enter any premises where he is, or may be, stated to be, at all reasonable hours during the daytime;

and to examine into the payment of the benefits paid, alleged to have been paid, or required to be paid, to him under the Rules of the society or branch, from time to time in force, and all or any matters and things connected with or relating to the health, care and treatment of members of the society or branch in receipt of benefits or claiming the same and the imposition or attempted imposition by members in respect of any benefits upon the funds of the society or branch; and

(d) to exercise such other powers as may be necessary for carrying the Act into effect.

(2) Every person authorised as aforesaid shall be furnished by the Registrar with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of the Act or these Regulations shall, if so required, produce the certificate.

**79.** No society or branch shall save by resolution of a majority of the members present and entitled to vote in general meeting declare any person to be a pensioner on its funds. At least fourteen (14) days' notice of the meeting and intended resolution shall be given to such person. Every pensioner shall be provided without charge with a card or document signed by the secretary and countersigned by the president containing the name and registered number of the society or branch, the name, age and address of the person declared to be a pensioner, the reason for the declaration and the date from which the person is declared to be a pensioner as aforesaid.

Declaring  
person  
pensioner.

**80.** Every society and branch shall keep and maintain in a book (to be known as the List of Pensioners) a list of the pensioners upon its funds, and the secretary shall immediately duly record therein the particulars herein required of every person declared to be a pensioner of the society or branch. Every such list shall contain the name, age, address, and reason for the declaration of

List of  
pensioners.

pensionable status in respect of every person recorded therein and shall be open to inspection at all reasonable times by members of the society or branch without fee.

Pensioner may become ordinary member.

**81.** Nothing herein shall prevent a member who has become a pensioner of a society or branch from being by majority vote of the members present and entitled to vote at a general meeting of the society or branch taken off the List of Pensioners and from regaining his previous status as an ordinary member subject to such terms and conditions as the society or branch may impose. A note to such effect shall however be made by the secretary in the List of Pensioners against the name of every pensioner who has gained his status as an ordinary member and the date thereof.

Pensioner not to be affected by status of ordinary member.

**82.** Notwithstanding anything to the contrary contained in the Rules or constitution of a society or branch every pensioner respectively thereof, who has against his will been restored to the status of an ordinary member with the duties and obligations attendant thereon as required under the Rules of the society or branch, shall be entitled to apply to the Registrar, who may if he considers the restoration to be unfair or inequitable in the circumstances of the case, order him to be retained as a pensioner of the society or branch or make such other order as the justice of the case may require.

Leave entitlement.

**83.** Notwithstanding anything contained in the Act or in the Rules or constitution of a society or branch to the contrary every member of the committee of management of a society or branch shall in every calendar year be entitled to leave at the full salary or allowance payable in respect of his particular office therein for the following periods:

- (a) fourteen days' vacation leave; and
- (b) a period not exceeding fourteen days in respect of sickness on the production of a medical certificate stating that the member is incapacitated by reason of illness from carrying out his duties as such member, without prejudice to the rights

or privileges to which he may otherwise be entitled as a financial member in good standing.

However, not more than two members of the committee of management shall be granted vacation leave at one and the same time.

**84.** It shall not be requisite for any person acting for or on behalf of any member of the committee of management absent on vacation leave or on sick leave for the respective periods in regulation 83 to enter into a bond in respect of the fulfilment of his acting duties. The committee of management shall make all acting appointments.

Acting appointments.

**85.** A society or branch may grant out of its Reserve Fund to any officer who has been in the service of a society for an unbroken period of at least twenty years, and who is more than fifty-five years of age, and whose services are no longer required, a sum not exceeding the aggregate of his average annual salary or other remuneration for the next preceding three years payable in such manner as the society or branch may decide.

Grants to retiring officers.

**86.** Forms and other documents prescribed under the provisions of the Act or of these Regulations shall be strictly adhered to, and the Registrar may in default of compliance therewith return any such form, or other document to the society, branch, officer or other person sending or tendering the same for such further entries or amendments as he may deem necessary; but where the circumstances so require, forms to the like effect with the necessary modifications, subject to the approval of the Registrar, shall be used provided that all such forms are in substantial compliance with the requirements of the Act and the Regulations made thereunder.

Forms, returns, etc.

**87.** A member of the committee of the society or branch shall not vote or take part in any matter before the committee or general body of the society or branch in which he has directly or indirectly any interest.

Voting at meetings.