

## TRINIDAD AND TOBAGO.

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No. 10—1935.

I ASSENT,

[L.S.]

A. C. HOLLIS,  
*Governor.*

7th May, 1935.

[On Proclamation.]

AN ORDINANCE to amend the Friendly Societies  
Ordinance, Cap. 286.

**B**E it enacted by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative Council  
thereof as follows :—

1. This Ordinance may be cited as the Friendly Societies Short title and  
Construction.  
(Amendment) Ordinance, 1935, and shall be read as one  
with the Friendly Societies Ordinance, hereinafter referred Cap. 286.  
to as the Principal Ordinance.

2. Section 7 of and the First Schedule to the Principal Repeal of s. 7  
and First  
Schedule to  
Principal  
Ordinance.  
Ordinance are hereby repealed and in lieu thereof shall  
be substituted the following section and the Schedule to  
this Ordinance :—

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

(2) For the purpose of registry, there shall be sent to the Registrar an application to register the society, signed by seven members and the secretary, and copies of the rules, together with a list of the names and addresses of the secretary, of the Treasurer, of every member of the Committee, and of every trustee or other officer intended to be authorized 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.

(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 to this Ordinance.

(4) Any society or branch registered under this Ordinance whose rules do not make adequate provisions in respect of the several matters mentioned in the First Schedule to this Ordinance or required by Regulations made under this Ordinance, 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.

Amendment of sub-section (1) of s. 10 of Principal Ordinance. **3.** Sub-section (1) of section 10 of the Principal Ordinance is hereby amended by adding at the end thereof the following: "sitting in Chambers".

Amendment of sub-section (2) of s. 17 of Principal Ordinance. **4.** Sub-section (2) of section 17 of the Principal Ordinance is hereby amended by adding at the end thereof the following: "sitting in Chambers".

Amendment of s. 23 of Principal Ordinance. **5.** Section 23 of the Principal Ordinance is hereby amended by inserting after the word "names" in the first line thereof the following: "of the officers".

Amendment of sub-section (1) of s. 29 of Principal Ordinance. **6.** Sub-section (1) of section 29 of the Principal Ordinance is hereby amended by substituting for the first three lines thereof the following:—

29.—(1) Subject to the provisions of this section every society and branch shall when required by the Registrar but not oftener than once in every five years, either—

7. Section 50 of the Principal Ordinance shall be numbered sub-section (1) and the following sub-sections shall be added thereto :—

Amendment  
of s. 50 of  
Principal  
Ordinance.

(2) Both the Principal and the Surety shall make a statutory declaration testifying to the sufficiency of the security furnished by the bond hereinbefore referred to.

(3) The above-mentioned bond shall within 7 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.

8. Section 65 of the Principal Ordinance is hereby amended as follows :—

Amendment  
of s. 65 of  
Principal  
Ordinance.

The words " five-sixths " in the first line of paragraph (a) of sub-section (3) shall be replaced by the words " three-fourths ".

The words " with the consent of a Judge " in the seventh line of sub-section (4) shall be deleted.

9. Sub-section (1) of section 70 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :—

Repeal of sub  
section (1) of  
s. 70, of the  
Principal  
Ordinance.

(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 at any time and to report to him thereon. The cost of such inspection and audit shall be borne by the Government.

Repeal of s. 71  
of Principal  
Ordinance.

Cancelling  
registry.

**10.** Section 71 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following :—

71.—(1) The Registrar may—

- (a) with the approval of the Magistrate of the District within which is situate 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 registry has been obtained by fraud or mistake, or that a Society exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of this Ordinance; or
- (b) if he thinks fit, at the request of a Society to be evidenced in such manner as he may direct; or
- (c) if a Society has ceased to exist;

by writing under his hand cancel the registry of a Society.

Suspension  
registry.

(2) The Registrar in any case in which he might under clauses (a) and (c) of sub-section (1) of this section cancel the registry of a Society, may, by writing under his hand, suspend the registry 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, *inter alia*,

- (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 of this Ordinance, or by the accountant appointed by the Registrar under section 70 of this Ordinance, or the Registrar is satisfied from a report so submitted to him by any such prescribed persons or accountant, that the Society is insolvent or must necessarily become so and in the Registrar's opinion no further business should be transacted ;
- (e) The number of the enrolled financial members of the Society is less than thirty-five.

(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 registry of the Society shall not be cancelled (except at its request) or suspended. Notice before cancelling and suspension.

(5) Service of process under sub-section (1) (a) of this section and the notice in writing referred to in sub-section (4) of this section 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 registry of a Society has been cancelled or suspended, notice thereof shall forthwith be published in the *Royal Gazette*. Advertisement.

Effect of  
cancelling and  
suspension.

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

(a) after the cancelling, in the manner in sub-section (g) hereof provided, and

(b) after the suspension, as if the suspension had not taken place.

Appeal.

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

(9) Upon the cancelling of the registry of a Society with realisable property—

Realisation  
and  
Marshalling of  
assets.

(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) of this sub-section.

(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 Crown Grants or other muniments of title or copies of such muniments of title in the possession of the trustee or other member or members of the said Committee of Management or of such

managing body ; the Registrar shall have power to dispose of the said 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 registry 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 such 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) of this sub-section. 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 order following :—

- (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 of Trinidad, 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 shall be the property of the Crown and shall be deposited at 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.

Amendment  
of sub-section  
(1) (c) of s. 72  
of Principal  
Ordinance.

**11.** Section 72 of the Principal Ordinance is hereby amended by substituting the words "three-fourths" for the words "five-sixths" in the second line of paragraph (c) of sub-section (1).

Amendment  
of sub-section  
(1) of s. 78 of  
Principal  
Ordinance.

**12.** Sub-section (1) of section 78 of the Principal Ordinance is hereby amended by inserting the following words "or the Deeds of Arrangement Ordinance, 1932" after the word "Ordinance" in the fourth line thereof.

**13.** Section 79 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following:— Repeal of s. 79 of Principal Ordinance.

79.—(1) No person shall hold both the offices of 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 or druggist of any Society.

(4) Any person contravening the provisions of this section shall be liable to a penalty not exceeding one hundred dollars.

**14.** This Ordinance shall commence on a day to be fixed by Proclamation: Provided that the provisions of paragraph (e) of sub-section (3) of section 71 shall not apply to societies in existence at the commencement of this Ordinance until twelve months have elapsed from the date of such commencement. Commencement.

## SCHEDULE.

The First Schedule to the Principal Ordinance is replaced by the following:— Section 2.

### FIRST SCHEDULE.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES REGISTERED UNDER THIS ORDINANCE. (*Section 7*).

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 twelve cents per week; except with the permission of the Registrar;
  - (e) The fines and forfeitures to be imposed on any member; and
  - (f) The consequences of non-payment of any contribution, levy or fine.
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 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 contributions, 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 contributions and levies when they receive no other remuneration for other 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 contributions or subscriptions, may each receive as remuneration for attendance at each meeting (other than a general meeting) a sum not exceeding forty-eight cents for each such attendance, but not exceeding ninety-six cents in any one month.
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 investment of the funds, the duties and obligations of officers having receipt or charge of money of a society or branch the keeping of the accounts and the audit of the same once a year at least.
- (b) The obligation on the part of the Treasurer to receive all moneys payable to a society or branch and to issue receipts for the same, also to pay out all moneys payable by the society and to obtain proper receipts or other acquittances for such 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 Ordinance.
- 7.—(a) When 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 such 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 said check was made.
- (b) 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 paid by him to the trustees to be by them retained until completion of the annual audit prescribed by section 28 of the Ordinance. Until completion of such prescribed audit the trustees will provide the treasurer with moneys required by him for the purposes of the business of the Society.
8. Annual returns to the Registrar of the receipts, funds, effects, and expenditure and number of members, of the Society.
9. The inspection of the books of the society by every person having an interest in the funds of the society.

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

11. 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 such levy to be fixed by the Committee of Management and agreed to by the General Body and not to exceed twenty-four cents.

12. 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

13. A valuation once in every five years when required by the Registrar of the assets and liabilities of the society, including the estimated risks and contributions.

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

15. 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 be first satisfied or adequately provided for in accordance with section 72 (1) (c) of the Ordinance.

16. 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 74 of the Ordinance.

17. The foregoing provision numbered 13 shall apply only to Friendly Societies and those numbered 14, 15 and 16 shall apply only to Friendly Societies and Cattle Insurance Societies.

Passed in Council this twenty-sixth day of April,  
in the year of Our Lord one thousand nine hundred and  
thirty-five.

J. O'CONNOR,  
*Clerk of the Council.*