



TRINIDAD AND TOBAGO

No. 42—1952

[L.S.]

I ASSENT,

P. M. RENISON,
Acting Governor.

17th June, 1952.

AN ORDINANCE relating to Co-operative Societies.

[19th June, 1952]

Commence-
ment

ENACTED by the Governor of Trinidad and Tobago with the Enactment
advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Co-operative Societies Short title.
Ordinance, 1952.

Interpretation

2. In this Ordinance—

“bonus” means a share of the profits of a society divided among its members in proportion to the volume of business done with the society by them from which the profits of the society were derived;

“bye-laws” means the bye-laws of a society which are registered or deemed to have been registered under this Ordinance and are for the time being in force, and includes an amendment of any such bye-laws which has been registered or is deemed to have been registered under this Ordinance;

“Commissioner” means the Commissioner for Co-operative Development referred to in section 4 of this Ordinance;

“committee” means the committee of management or other directing body to whom the management of the affairs of a society is entrusted;

“dividend” means a share of the profits of a society divided among its members in proportion to the share capital held by them;

“member” includes a person or society joining in the application for the registration of a society and a person or society admitted to membership after registration in accordance with the rules and bye-laws applicable to such society;

“officer” includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the bye-laws of a society to give directions in regard to the business of such society;

“rules” means rules made or deemed to have been made under this Ordinance;

“seal” includes a rubber stamp;

“society” means a society registered or deemed to have been registered under this Ordinance.

3. Upon the coming into force of this Ordinance, the Agricultural Co-operative Societies Ordinance shall be repealed: Provided that—

(a) there shall be deemed to be incorporated with this Ordinance *mutatis mutandis* and to form part thereof as though enacted herein—

(i) sections 16, 18, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 56, 57, 58, 62, 63, 64 and 65 of that Ordinance;

Repeal of Ch. 23. No. 3 and incorporation of certain provisions thereof.

(ii) the provisions of that Ordinance which are set out in the first column of the Schedule to this Ordinance, modified in the manner specified in the second column of that Schedule;

(b) rules made under that Ordinance and in force at the date of the commencement of this Ordinance shall be deemed to have been made under this Ordinance.

4. (1) There shall be a Department of Co-operative Development with a Commissioner at the head thereof, and such other officers as may be appointed by the Governor at such salaries as the Governor, with the consent of the Legislative Council, may from time to time direct. The Governor may, by general or special order published in the *Royal Gazette*, confer on such officers as he may deem fit all or any of the powers of the Commissioner under this Ordinance.

Department of
Co-operative
Development.

(2) The Governor may appoint persons to be Co-operative Officers who shall be under the direction of the Commissioner.

5. Where the liability of the members of a society is limited by shares, no member other than a society shall hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules or bye-laws.

Restriction on
interest of
member of a
society with
limited
liability and
share capital.

6. (1) No society, other than a society of which a member is a society, shall be registered under this Ordinance, which does not consist of at least twelve persons above the age of twenty-one years and, where the primary object of the society is the creation of funds to be lent to its members, unless such persons have some common bond of occupation or association or of residence in a defined neighbourhood, community or district.

Conditions of
registration

(2) Notwithstanding anything herein contained a junior co-operative society consisting solely of members of a school, club, welfare or cultural organization under the age of twenty-one years may, with the leave of the Commissioner, be registered as a society under the provisions of this Ordinance.

7. An annual general meeting of the members of a society shall be convened by the committee as soon as the report on the audit of the accounts by the Commissioner or person authorised by him is received by the committee,

Annual
general
meeting.

Prior claim
to society.

8. (1) Subject to any claim in respect of any debts due to the Crown or to a landlord in respect of rent or any money recoverable as rent, any debt or outstanding demand owing to a society by any member or past member, shall be a first charge upon all crops or other agricultural produce, felled timber or other forest produce, marine produce, fish (fresh-water and salt-water), livestock, fodder, agricultural, industrial and fishing implements, plant, machinery, boats, tackle and nets, raw materials, stock in trade and generally all produce of labour and things used in connection with production raised, purchased or produced in whole or in part from any loan whether in money or in goods given him by the society.

(2) All persons dealing with any such crops or other agricultural produce, felled timber or other forest produce, marine produce, fish (fresh-water and salt-water), livestock, fodder, agricultural, industrial or fishing implements, plant, machinery, boats, tackle and nets, raw materials or stock in trade or any produce of labour or things used in connection with production raised, purchased or produced, in whole or in part, from any loan whether in money or in goods given to a member, past or present, by the society shall be deemed to have notice of such first charge, and all such dealing shall be and be construed to be subject to the charge and priority created by this Ordinance.

(3) Any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans or purchase money or any other rights or amounts payable to such society shall be a first charge upon his interest in the immovable property of the society.

(4) Any such charge may be enforced by the society on application to the Magistrate of the district in which the member or past member resides or carries on business, and the Magistrate shall issue a warrant of distress upon the property so charged and may order the sale thereof by public auction or private contract.

(5) The application mentioned in the last preceding subsection shall be accompanied by a certificate under the seal of the society specifying the amount due on such charge and setting forth particulars of the property so charged.

(6) Notwithstanding anything contained in subsection (4) of this section, where a society which has any debt or outstanding demand owing by it is unwilling to enforce any such charge the Commissioner may—

(a) levy or distrain upon any property real or personal of any member of the society for the recovery of all moneys payable by such member to the society;

(b) irrespective of all other powers and privileges attaching to the society under the provisions of this Ordinance, sell the property, assets and things of a member or members of the society the subject of a charge under this section, as a whole, or in lots or parcels, on such terms as he may think fit, by public auction or private contract, for the purpose of satisfying the said debt or outstanding demand,

and may utilise the proceeds of such levy, distraint or sale in payment of any debt or outstanding demand owing to any creditor by the society and distribute the surplus among such members in proportion to their indebtedness to the society so satisfied by such levy, distraint or sale;

(c) make such order for the reconstruction of the society as may appear necessary or proper.

9. Except with the sanction of the Commissioner, no person shall be a member of more than one society whose primary object is to grant loans to its members. Restriction of membership in society.

10. The Commissioner, or any person authorised by general or special order in writing by the Commissioner, shall at all times have access to all the books, accounts, papers and securities, of a society, and shall be entitled to inspect the cash in hand; and every officer of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection may require. Power of Commissioner to inspect societies' books, &c.

11. (1) A society which has as one of its objects the disposal of any article produced or obtained by the work or industry of its members whether the produce of agriculture, animal husbandry, forestry, fisheries, handicrafts or otherwise may provide in its bye-laws or otherwise contract with its members—

(a) that every such member who produces any such article shall dispose of the whole or any specified amount, proportion or description thereof to or through the society; and

Disposal of produce to or through a society.

(b) that any member who is proved or adjudged, in such manner as may be prescribed by the rules to be guilty of a breach of the bye-laws or contract shall pay to the society as liquidated damages a sum ascertained or assessed in such manner as may be prescribed in the aforesaid rules.

(2) No contract entered into under the provisions of this section shall be contested in any court on the ground only that it constitutes a contract in restraint of trade.

Injunction
and specific
performance.

12. In the event of any breach or threatened breach of any provision of a contract by a member of any society made in accordance with section 11 of this Ordinance, such society shall be entitled to an injunction to restrain such member, his agents and servants from selling or delivering the produce or product the subject-matter of the contract otherwise than in accordance with the contract and to a decree for specific performance of the said contract by such member. Pending the adjudication of any action brought by any society under this section and upon *ex-parte* application to the Supreme Court and upon evidence by affidavit of the breach or threatened breach and upon the giving of such undertaking or security as may be approved by such Court or a Judge thereof the society shall be entitled to an interim injunction restraining such breach or threatened breach.

Liability of
infants on
contracts.

13. An infant duly admitted as a member of a society shall enjoy all the rights and be subject to all the liabilities of an ordinary member and any contracts made by such person as a member of such society shall be enforceable at law.

Validity of
payments.

14. (1) A society may receive deposits from or for the benefit of infants and it shall be lawful for a society to pay such infants the interest which may become due on such deposits and any contract entered into by any infant with the society, relating to such deposits, shall be enforceable at law or against such infant notwithstanding his infancy.

(2) Any deposits made by an infant may, together with the interest accrued thereon, be paid to that infant; and any deposit made on behalf of an infant may together with the interest accrued thereon, be paid to the guardian of that infant for the use of the infant.

(3) The receipt of any infant or guardian for money paid to him under this section shall be a sufficient discharge of the liability of the society in respect of that money.

(4) For the purposes of this section the mother of an illegitimate infant shall, except there be an order of a court depriving her of the custody of such infant, be deemed to be the guardian of such infant. If such mother is dead, of unsound mind, in prison, or absent from the Colony, the putative father of such child may exercise the powers of a guardian under this section.

(5) Where a person under disability other than an infant is entitled to receive from a society any monies whatsoever such monies shall be paid by the society to the Administrator-General to the credit of such person under disability and the receipt of the Administrator-General shall be a good discharge.

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

15. (1) A society may borrow money from a society ^{Loans.} established with the object of facilitating the operations of societies registered under this Ordinance or from any bank approved for the purpose by the Commissioner.

(2) A society established with the object of facilitating the operation of societies under this Ordinance may make loans to—

(i) societies registered under this Ordinance, or guarantee the payment of interest on debentures issued by them;

(ii) societies registered under the Agricultural Credit ^{Ch. 23, No. 4.} Societies Ordinance or any amendment thereof.

16. The Commissioner shall not in his personal capacity, nor ^{Saving.} shall any other person acting under the provisions of this Ordinance 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 Ordinance.

17. Every society at the date of the commencement of this Ordinance registered under the Agricultural Co-operative ^{Societies previously registered.} Societies Ordinance shall be deemed to be registered under this ^{Ch. 23, No. 3.}

Ordinance and shall be subject to the provisions of this Ordinance and to the rules made or deemed to have been made hereunder.

Publication
of list of
societies.

18. A list of all societies shall be published annually in the *Royal Gazette* in the month of January.

Section 3.

SCHEDULE

<i>Provision of Ch. 23. No. 3</i>	<i>Modification</i>
Section 4 (a) The words "and agricultural" shall be omitted from subsection (1); (b) "Commissioner" shall be substituted for "Registrar" in the second proviso to subsection (1); (c) The following subsection shall be added at the end of the section:— “(3) The word “co-operative” shall form part of the name of every society registered or deemed to have been registered under this Ordinance.”
Sections 7, 8, 9, 10, 12, 13, 14 and marginal note to section 7	“Commissioner” shall be substituted for “Registrar” throughout.
Section 15 (a) “Commissioner” shall be substituted for “Registrar”; (b) The following subsection shall be added at the end of the section:— “(4) In this section “amendment” includes a new bye-law which adds to, varies or rescinds any provision of an existing bye-law.”
Section 17 The following subsection shall be added at the end of the section:— “(3) A society which is a member of any other society may appoint one of its members as its proxy for the purpose of voting in the conduct of the affairs of such other society.”
Section 19 “Commissioner” shall be substituted for “Registrar”.

SCHEDULE—Continued

<i>Provision of Ch. 23. No. 3</i>	<i>Modification</i>
Section 21	<p>... (a) "Commissioner" shall be substituted for "Registrar";</p> <p>(b) The following subsection shall be substituted for subsection (4):—</p> <p style="padding-left: 40px;">“(4) The Commissioner and every other person appointed to audit the accounts of a society shall have power, when necessary—</p> <p>(a) to summon at the time of his audit any past or present officer, agent, servant or member of the society or any other person who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs; or</p> <p>(b) to require the production of any book or document relating to the affairs of the society, or any cash, security, or other property belonging to the society by any past or present officer, agent, servant or member of the society or other person in possession of or having the custody of such book, document, cash, security or other property.”</p>
Section 32	<p>... (a) "Commissioner" shall be substituted for "Registrar";</p> <p>(b) The following subsection shall be substituted for subsection (3):—</p> <p style="padding-left: 40px;">“(3) No society may, save with the consent in writing of the Commissioner, lend its money on mortgage of real property to any of its members.”</p>
Section 39	<p>... (a) "Commissioner" shall be substituted for "Registrar";</p> <p>(b) the words "public or" shall be omitted from paragraph (b).</p>
Sections 40, 41, 42, 43, 44, 45, 46 and marginal note to section 40	"Commissioner" shall be substituted for "Registrar".
Section 47	"Commissioner" shall be substituted for "Registrar", and "Accountant General" for "Treasurer".
Sections 48, 49, 50, 51, 52, 53, 54 and marginal note to section 48	"Commissioner" shall be substituted for "Registrar".
Section 55	"Commissioner" shall be substituted for "Registrar", and "Accountant General" for "Treasurer".
Sections 59, 60, 61, 66, 67, 68 and marginal notes to sections 59 and 61	"Commissioner" shall be substituted for "Registrar".

Passed in Council this twenty-third day of May in the year
of Our Lord one thousand nine hundred and fifty-two.

T. F. FARRELL,
Clerk of the Council