

TRINIDAD AND TOBAGO.

No. 28.—1896.

16th November.

AN ORDINANCE to amend the Building Societies Ordinance, 1890 (40—1890).

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

23rd December, 1896.

BE 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 Building Societies Ordinance, 1896,” and shall be construed as one with “The Building Societies Ordinance, 1890,” hereinafter called the Principal Ordinance, and that Ordinance and this Ordinance may together be cited as “The Building Societies Ordinances, 1890 and 1896.”

2. Section 5 of the Principal Ordinance is amended by the insertion of the following words:—“or any judgment Amendment of Section 5 of Ordinance. “or upon security of the withdrawal value of the shares held by members of the said society” after the words “estate by way of mortgage” in line 6 thereof.

Matters to be
set forth in
Rules.

3. Notwithstanding and in addition to the provisions of Section 9 of the Principal Ordinance the Rules of every society under the Building Societies Ordinances, 1890 and 1896, established or substituting a new set of Rules for its existing Rules after the passing of this Ordinance shall set forth :

- (a.) The manner in which the stock or funds of the society are to be raised ;
- (b.) The terms upon which unadvanced subscription shares are to be issued ; and the manner in which the contributions are to be paid to the society, and withdrawn by the members, with tables where applicable in the opinion of the Registrar, showing the amount due by the society for principal and interest separately ;
- (c.) The terms upon which paid-up shares, if any, are to be issued and withdrawn, with tables, where applicable in the opinion of the Registrar, showing the amount due by the society for principal and interest separately ;
- (d.) Whether preferential shares are to be issued, and if so within what limits ;
- (e.) The manner in which advances are to be made and repaid ; the deductions, if any, for premiums, and the conditions upon which a borrower can redeem the amount due from him before the expiration of the period for which the advance was made, with tables, where applicable in the opinion of the Registrar, showing the amount due from the borrower after each stipulated payment ;

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- (f.) The manner in which losses are to be ascertained and provided for ;
- (g.) The manner in which membership is to cease ; and
- (h.) Whether the society intends to borrow money, and if so, within what limits not exceeding those prescribed by the Building Societies Ordinances, 1890 and 1896.

4. (1.) Every annual account and statement under Section 33 of the Principal Ordinance shall be made up to the end of the official year of the society to which it relates, and shall be in such form and shall contain such particulars as the Registrar may from time to time with the approval of the Governor direct, either generally or with respect to any society or class of societies. The form of annual account and statement prescribed for general use by the Registrar under this Section, and every alteration of that form, shall as soon as practicable be laid before the Legislative Council and shall not come into operation until the expiration of forty days from the date at which it is so laid. Provided that every such account and statement shall set forth :

Annual
account and
statement.

- (a.) With respect to mortgages to the society upon each of which the present debt does not exceed five thousand pounds (not being mortgages where the repayments are upwards of twelve months in arrear, or where the property has for upwards of twelve months been in possession of the society), the number of all such mortgages, and the aggregate amount owing thereon at the date of the account or statement, such information being

given separately in respect of each of the four following classes:—

- (I.) Where the debt does not exceed five hundred pounds;
 - (II.) Where the debt exceeds five hundred pounds and does not exceed one thousand pounds;
 - (III.) Where the debt exceeds one thousand pounds and does not exceed three thousand pounds;
 - (IV.) Where the debt exceeds three thousand pounds and does not exceed five thousand pounds; and
- (b.) With respect to any other mortgage to the society the particulars shown by the appropriate tabular form in the first Schedule to this Ordinance.

(2.) Every Auditor in attesting every such annual account or statement, shall either verify that it is correct, duly vouched, and in accordance with law, or specially report to the society in what respect he finds it incorrect, unvouched, or not in accordance with law, and shall also certify that he has at that audit actually inspected the mortgage deeds and other securities belonging to the society, and shall state the number of properties with respect to which deeds have been produced to and actually inspected by him.

(3.) A copy of every such annual account and statement shall be sent to the Registrar within fourteen days after the annual or other general meeting at which it is presented, or within three months after the expiration

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of the official year of the society, whichever period expires first.

(4.) For the purposes of this Section the expression "official year" shall mean, in the case of any society established after the passing of this Ordinance, the year ending with the 31st day of December, and, in the case of any society established before the passing of this Ordinance, the year ending with the time up to which its annual account and statement is made at the passing of this Ordinance.

(5.) This Section shall not come into operation until the expiration of twelve months after the passing of this Ordinance.

5. Notwithstanding anything in the Rules of any ^{Auditors.} society under the Building Societies Ordinances, 1890 and 1896, one at least of the auditors of the society shall be a person who publicly carries on the business of an accountant.

6. (1.) The Registrar may, if he thinks fit, on the application of ten members of a society under the Build-^{Inspection of books.} ing Societies Ordinances, 1890 and 1896, each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant or actuary to inspect the books of the society, and to report thereon.

(2.) Provided as follows:—

(a.) The applicants shall deposit with the Registrar such sum as a security for the costs of the proposed inspection as the Registrar may require; and

(b.) All expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the Registrar may direct.

(3.) The person appointed under this Section shall have power to make copies of any books of the society 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.

(4.) The Registrar shall communicate the results of any such inspection to the applicants and to the society.

Power of Registrar on application to appoint inspector or call special meeting.

7. (1.) The Registrar may, on the application of one-tenth of the whole of the members of a society under the Building Societies Ordinances, 1890 and 1896, or of one hundred members in the case of a society consisting of more than one thousand members; and with the consent of the Governor, either

(a.) Appoint an inspector to examine into and report on the affairs of the society; or

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

(2.) Provided as follows:—

(a.) The application under this Section shall be supported by such evidence as the Registrar may direct for the purpose of showing that the applicants have good reason for requiring the inspection to be made or the meeting to be called, and that they are not actuated by malicious motives in their application; and

- (b.) Such notice of the application shall be given to the society as the Registrar may direct, and
- (c.) The Registrar shall require the applicants to give security for the costs of the proposed inspection or meeting before the inspector is appointed or the meeting is called; and
- (d.) All expenses of and incidental to the inspection or meeting shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers of the society in such proportions as the Registrar may direct.

(3.) An inspector appointed under this Section may require the production of all or any of the books, accounts, securities, and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer an oath accordingly.

(4.) The Registrar may direct at what time and place a special meeting under this Section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the Rules of the society, and shall in all cases have power to appoint its own chairman, any Rule of the society to the contrary notwithstanding.

(5.) The Registrar may without any application by members, but with the consent of the Governor given on each occasion, exercise the powers given by this Section in the following cases:—

- (a.) Where a society has, for two months after

notice, failed to make any return required by the Building Societies Ordinances, 1890 and 1896 ;

- (b.) Where a society has, for two months after notice, failed to correct or complete any such return ;
- (c.) Where evidence is furnished by a statutory declaration of not less than three members of a society of facts which in the opinion of the Registrar call for investigation or for recourse to the judgment of a meeting of the members.

Provided that the Registrar shall forthwith on receipt of such declaration, send a copy thereof to the society, and such society shall, within fourteen days from the sending of such copy, be entitled to give the Registrar an explanatory statement in writing, by way of reply thereto.

Cancelling
and suspension
of registry.

8. (1.) Where the Registrar is satisfied that a certificate of incorporation has been obtained for a society under the Building Societies Ordinances, 1890 and 1896, by fraud or mistake, or that any such society exists for an illegal purpose, or has wilfully and after notice from the Registrar violated any of the provisions of the Building Societies Ordinances, 1890 and 1896, or has ceased to exist, the Registrar may, by writing under his hand, with the approval of the Governor, cancel the registration of the society, or suspend the registry thereof for any term not exceeding three months, and may with the like approval renew such suspension from time to time for the like period.

(2.) The Registrar shall, before cancelling or suspending the registry of the society under the foregoing powers, give to the society not less than two months previous notice in writing, specifying briefly the ground of the proposed cancelling or suspension, and shall as soon as practicable after the cancelling or suspension takes place, cause notice thereof to be published in the *Royal Gazette* and in some newspaper circulating in the colony.

(3.) A society may appeal from the cancelling of its registry, or from any suspension thereof for a term exceeding six months to the Supreme Court, and thereupon the Court may, if it thinks it just so to do, set aside the cancelling or suspension.

(4.) The Registrar may also, if he thinks fit at the request of any society under the Building Societies Ordinances, 1890 and 1896, evidenced in such manner as he may direct, cancel the registry of the society.

(5.) A society whose registry has been cancelled or suspended shall from the time of such cancelling or suspension, (but in case of suspension only while the suspension lasts, and in any case subject to the right of appeal given by this Section) absolutely cease to enjoy as such the privileges of a society under the Building Societies Ordinances, 1890 and 1896, but without prejudice to any liability incurred by the society, and any such liability may be enforced against the society as if the cancelling or suspension had not taken place.

9. (1.) Notwithstanding the provisions of Section 24 of the Principal Ordinance, on the application in writing of one-tenth of the whole number of members of any society under the Building Societies Ordinances,

Power to dissolve society after investigation.

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1890 and 1896, or of one hundred members in the case of a society of more than one thousand members, setting forth that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, and requesting an investigation into the affairs of the society with a view to the dissolution thereof, the Registrar may investigate the affairs of the society, but shall before so doing give not less than two months previous notice in writing to the society at its registered chief office or place of meeting.

(2.) If on such investigation it appears that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, the Registrar may, if he considers it expedient so to do, award that the society be dissolved, and shall direct in what manner the affairs of the society are to be wound up. Provided that the Registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations of its Rules as will in his judgment prevent the necessity of the award being made.

(3.) The Registrar shall within twenty-one days after the making of any award for dissolution under this Section, cause notice thereof to be advertized in the *Royal Gazette*, and in some newspaper circulating in the colony.

Society to be
a company
under Com-
panies Ordin-
ance, 1869.

10. Notwithstanding anything in the Building Societies Ordinances, 1890 and 1896, every society under those Ordinances shall be deemed to be a company within the meaning of the Companies Ordinance, 1869.

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11. Where a society under the Building Societies Ordinances, 1890 and 1896, is being dissolved in manner prescribed by its Rules or in pursuance of the consent of three-fourths of the members, the provisions of the Building Societies Ordinances, 1890 and 1896, shall continue to apply in the case of the society as if the liquidators or other persons conducting the dissolution of the society, or the trustees appointed under the instrument of dissolution, were the board of directors or committee of management of the society.

Obligations of liquidators and trustees in case of dissolution.

12. When a society under the Building Societies Ordinances, 1890 and 1896, is being dissolved or wound up, a member to whom an advance has been made under any mortgage or other security or under the Rules of the society, shall not be liable to pay the amount payable under the mortgage or other securities or Rules, except at the time or times and subject to the conditions therein expressed.

Liability of borrowing members in event of dissolution.

13. If a society under the Building Societies Ordinances, 1890 and 1896, is dissolved in manner prescribed or in pursuance of the consent of three-fourths of the members, the liquidators, trustees, or other persons having the conduct of the dissolution shall, within twenty-eight days from the termination of the dissolution, send to the Registrar an account and balance sheet signed and certified by them as correct, and showing the assets and liabilities of the society at the commencement of the dissolution and the mode in which those assets and liabilities have been applied and discharged, and in default of so doing shall each be liable to a fine not exceeding Five Pounds for every day during which the default continues.

Account and balance sheet to be sent to Registrar on dissolution.

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Prohibition of
balloting for
advances.

14. (1.) A society under the Building Societies Ordinances, 1890 and 1896, established after the passing of this Ordinance, shall not cause or permit the applicants for advances to ballot for precedence or in any way make the granting of an advance depend on any chance or lot.

(2.) Where the Rules of a society under the Building Societies Ordinances, 1890 and 1896, established before the passing of this Ordinance, provide that advances may be balloted for, the society may, notwithstanding any of its Rules, resolve, by a majority of its members present or voting by voting papers at the meeting called for the purpose, upon a scheme for the discontinuance of advances by ballot and for making other provisions in lieu thereof, provided that the scheme is supported by a majority of such of the members present or voting by voting papers at the meeting as have not at the date of the meeting received their advances by ballot; and every scheme so resolved on, and every alteration thereof, shall be registered in the manner provided for the registration of Rules, and shall be binding on all members and officers of the society.

(3.) A notice of any such meeting and a copy of the proposed scheme, together with a voting paper, shall be sent by post to every member of the society at least fourteen days before the date of the meeting.

Prohibition of
advances on
second mort-
gage.

15. (1.) A society under the Building Societies Ordinances, 1890 and 1896, shall not advance money on the security of any freehold or leasehold estate which is subject to a prior mortgage, unless the prior mortgage is in favour of the society making the advance.

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(2.) If any advance is made in contravention of this Section, the directors of the society who authorized the advance shall be jointly and severally liable for any loss on the advance occasioned to the society.

16. In calculating the amount for the time being secured to a society under the Building Societies Ordinances, 1890 and 1896, by mortgages from its members for the purpose of ascertaining the limits of its powers to receive deposits or loans at interest, the amounts secured on properties the payment in respect of which was upwards of twelve months in arrears at the date of the society's last preceding annual account and statement, and the amounts secured on properties of which the society had been twelve months in possession at the date of such account and statement, shall be disregarded. Provided that this Section shall not affect the validity of any deposit or loan which was within the limit provided by law at the time when it was received, and so far as regards any amount secured either on properties the payments in respect of which are upwards of twelve months in arrear at the passing of this Ordinance or on properties in the possession of the society at the passing of this Ordinance, shall not come into operation until the expiration of three years from the passing of this Ordinance.

17. (1.) A society under the Building Societies Ordinances, 1890 and 1896, shall not use any name or title other than its registered name, and shall not accept any deposit except on the terms that not less than one month's notice may be required by the managers of the society before repayment or withdrawal.

(2.) If a society contravenes this Section the

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society, and also every director or member of the committee of management who is a party to the contravention, shall be liable on summary conviction before any Stipendiary Justice of the Peace to a fine not exceeding Ten Pounds, and in the case of a continuing offence, to an additional fine not exceeding Ten Pounds for every week during which the offence continues.

Extension of
powers of
investment.

18. The powers of investment under the Principal Ordinance shall include power to invest in or upon any security in which trustees are for the time being authorized by law to invest.

Initiation of
proceedings.

19. Proceedings under Section 23 of the Principal Ordinance may be taken by or at the instance of

- (a.) The society; or
- (b.) Any member authorized by the society or by the board of directors or committee of management thereof or by the Registrar; or
- (c.) The Registrar.

Union or
transfer.

20. Where three-fourths of the members of two or more societies present at general meetings respectively convened for the purpose of considering any union or transfer under Section 25 of the Building Societies Ordinance, 1890, agree to the union or transfer, the agreement shall, notwithstanding anything in that Section, be valid if it obtains the concurrence in writing of the holders of not less than two-thirds of the whole number of shares of each society whether they are present at the meeting or not.

Arbitrators
not to be com-
pelled to state
special case on
settlement of
disputes.

21. Notwithstanding anything contained in the Ordinance No. 1 of 1845, intituled "An Ordinance for assimilating the Law with regard to Arbitrations and Awards to the Law of England," or in any other Ordi-

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nance, the arbitrators, Registrar or Court to whom a dispute is referred in pursuance of the Building Societies Ordinance, 1890, shall not be compelled to state a special case on any question of law arising in the case, but may do so on the request of either party as provided in Section 28 of the Building Societies Ordinance, 1890.

22. In addition to the provisions of Section 35 of the Principal Ordinance, if any society under the Building Societies Ordinances, 1890 and 1896, neglects or refuses Offences by Building Societies.

(a.) To give any notice, send any return or document, or do or allow to be done any thing which the society is by those Ordinances required to give, send, do or allow to be done ; or

(b.) Do any act or furnish any information required for the purpose of those Ordinances by the Registrar or by an inspector ;

the society and also every officer thereof bound by the Rules thereof to fulfil the duty a breach of which has been committed, and if there is no such officer then every member of the committee of management or board of directors of the society, unless it appears that he was ignorant of or attempted to prevent the breach, shall for each offence be liable on summary conviction before any Stipendiary Justice of the Peace to a fine not exceeding Twenty Pounds, and in the case of a continuing offence to an additional fine not exceeding Five Pounds for every week during which the offence continues.

23. If any person wilfully makes, orders, or allows to be made any false statement in any document required by the Building Societies Ordinances, 1890 and False entries.

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1896, to be sent to the Registrar, or by erasure, omission or otherwise wilfully falsifies any such document, he shall be liable on summary conviction before any Stipendiary Justice of the Peace to a fine not exceeding Fifty Pounds.

Gifts, etc., not to be accepted by officials.

24. No director, secretary, surveyor, solicitor or other officer of the society under the Building Societies Ordinances, 1890 and 1896, shall in addition to the remuneration prescribed or authorized by the Rules of the society, receive from any other person any gift, bonus, commission or benefit for or in connection with any loan made by the society, and any person paying or accepting any such gift, bonus, commission or benefit shall be liable on summary conviction before any Stipendiary Justice of the Peace to a fine not exceeding Fifty Pounds, and, in default of payment, to be imprisoned with or without hard labour for any term not exceeding 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 the amount or value of such gift, bonus, commission or benefit, and, in default of such payment, shall be liable to be imprisoned with or without hard labour for any term not exceeding six months.

Competency of defendant and wife as witnesses.

25. Upon the hearing of any charge involving the infliction of a fine or imprisonment on summary conviction under this Ordinance, the defendant and his wife shall be admissible as competent witnesses.

Forms.

26. The forms in the third Schedule to this Ordinance shall, after the commencement of this Ordinance, be used under the Building Societies Ordinances, 1890 and 1896.

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27. The Registrar shall cause to be made an abstract Annual report
by Registrar. and report of the annual accounts and statements of societies and of his proceedings as Registrar under the Building Societies Ordinances, 1890 and 1896, and shall lay the same before the Governor and Legislative Council.

28. The Registrar shall be entitled to claim and shall be paid by every society under the Building Societies Ordinances, 1890 and 1896, such sums as the Governor in Council shall fix for any of the acts which he is required to perform under the said Ordinance.

29. The Ordinance specified in the second Schedule Repeals. to this Ordinance is hereby repealed to the extent mentioned in the third column of that Schedule.

Passed in Council this Sixteenth day of November, in the year of Our Lord one thousand eight hundred and ninety-six.

C. J. ROOKS,
Acting Clerk of the Council.

SCHEDULE I.

PART I.

PARTICULARS to be set forth in the case of a Mortgage where the repayments are not upwards of twelve months in arrears, and the property has not been upwards of twelve months in possession of the Society, and where the present debt exceeds £5,000.

Date of Advance.	Whether subject to any prior Mortgage or charge. If so, what amount.	Whether Freehold or Leasehold.	Original valuation of Property.	Amount of Advance.	Present Debt.	Amount of Payments in Advance.	Amount of Payments in Arrear.	Observations.
			£	£	£	£	£	
		Total ...						

PART II.

Particulars to be set forth in the case of Property of which the Society has been upwards of twelve months in possession.

		Roll Numbers.
		Date of Advance.
		Date when possession was taken.
		Whether subject to any prior Mortgage or charge. If so, what amount.
		Whether Freehold or Leasehold.
Total ...		
	£	Amount of Advance.
	£	Original valuation of Property.
	£	Debt when Possession was taken.
	£	Present amount included in Assets.
	£	Gross Income for the year.
	£	Out-goings for the year.
		Observations.

PART III.

PARTICULARS to be set forth in the case of a Mortgage where the repayments are upwards of twelve months in arrears, and the property has not been upwards of twelve months in possession of the Society.

Date of Advance.	Whether subject to any prior Mortgage or charge. If so, what amount.	Whether Freehold or Leasehold.	Number of Months in Arrear.	Original valuation of Property.	Amount of Advance.	Present Debt.	Amount of Payments in Arrear.	Observations.
			Total ...					

SCHEDULE II.

ENACTMENTS REPEALED.

No. and Year.	Short Title.	Extent of Repeal.
40 of 1890 ...	The Building Societies Ordinance, 1890 ...	<p>Paragraphs 2 and 4 of Section 9.</p> <p>In section 35 the words "in forwarding to the Registrar any returns or information by this Ordinance required or"; the words "or makes a return wilfully false in any respect"; the words "or who shall have made such wilfully false return"; and the words "or false return."</p> <p>Section 36, the words "The Registrar shall give his certificates in the form contained in the Schedule to this Ordinance respectively."</p> <p>The Schedules, except the Form of Bond and Form of Receipt.</p>

SCHEDULE III.

CERTIFICATE OF INCORPORATION.

No.

The Registrar hereby certifies that the Building Society, established at _____ is incorporated under the Building Societies Ordinances, 1890 and 1896, this _____ day of _____ one thousand eight hundred and _____. The incorporation of a Building Society does not imply any approval by the Registrar of its Rules or Tables, or any guarantee of its good management or financial stability.

Registrar of Building Societies.

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CERTIFICATE OF REGISTRATION OF ALTERATION OF
RULES.

The Registrar hereby certifies that the foregoing alteration of (or addition to) the Rules of the _____ Building Society, established at _____ is registered under the Building Societies Ordinances, 1890 and 1896, this _____ day of _____ one thousand eight hundred and _____. The registry of Rules or alterations does not imply any approval of them by the Registrar, or any guarantee of the good management or financial stability of the Society.

Registrar of Building Societies.

CERTIFICATE OF REGISTRATION OF CHANGE OF NAME.

The Registrar hereby certifies that the registered name of the _____ Building Society, established at _____, is changed from the date hereof to the name following :—

This _____ day of _____ 189 _____ .

Registrar of Building Societies.

CERTIFICATE OF ALTERATION OF CHIEF OFFICE.

The Registrar of Building Societies in _____ hereby certifies that the registered chief office of the _____ Building Society, established at _____, is changed from the date hereof to the office or place following :—

This _____ day of _____ 189 _____ .

Registrar of Building Societies.

CERTIFICATE OF REGISTRATION OF INSTRUMENT OF
DISSOLUTION.

The Registrar hereby certifies that the foregoing instrument of dissolution of the _____ Building Society, established at _____, is registered under the Building Societies Ordinances, 1890 and 1896.

This _____ day of _____ 189 _____ .

Registrar of Building Societies.