

**FRIENDLY SOCIETIES
HOUSING CORPORATION ACT**

CHAPTER 33:05

Act

27 of 1950

Amended by

16 of 1962

45 of 1979

46 of 1979

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Index of Subsidiary Legislation

	<i>Page</i>
Friendly Societies Housing Corporation Regulations (27 of 1950) ...	44
Election of Members to the Friendly Societies Housing Board Regulations (27 of 1950)	51

Note on Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).
2. 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 33:05

**FRIENDLY SOCIETIES
HOUSING CORPORATION ACT**

ARRANGEMENT OF SECTIONS

SECTION

PART I

PRELIMINARY

1. Short title.
2. Interpretation.

PART II

**THE FRIENDLY SOCIETIES HOUSING CORPORATION
AND THE FRIENDLY SOCIETIES HOUSING BOARD**

3. Establishment of the Corporation.
4. Corporation to act through Board.
5. Constitution of the Board.
6. Election of members to the Board by Societies.
7. Decisions of the Board.
8. Officers and servants of the Board.
9. Disqualification.
Vacation of office.
Misconduct.
10. General financial provisions.
11. Funds to be deposited in bank.
12. Cheques.
13. Application of funds.
Management of lands.
14. Board to provide buildings, equipment, etc.
15. Reports to be forwarded annually to the Minister.
16. Authorised payments.
17. Power to regulate procedure.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

PART III

FINANCIAL PROVISIONS, RIGHTS AND POWERS

18. Capital.
19. Investments by societies in Corporation.
20. Amalgamated societies.
21. Winding up of amalgamated society.
22. Organisation of the Corporation.
23. Share certificate.
24. Office hours.
25. Application of funds.
26. Financial operations of Corporation.
27. Power of Board to sell, etc.
28. Realisation of property.
29. Security.
30. Investment of funds not required.
31. Power of Board to purchase property offered for sale.
32. Corporation to acquire absolute title.
33. Establishment of Reserve Fund.
34. Limitation.

PART IV

PROVISIONS AS TO LOANS

35. Power to make loans to societies.
36. Power to make loans to members eligible for loans.
37. Interest on loans.
38. Loans.
39. Power of Board to impose fines.
40. Unauthorised application of loans.
41. Documents to be in prescribed form.
42. Legal advisers of Board to prepare documents.

SECTION

PART V

MISCELLANEOUS PROVISIONS

43. Right of entry of valuers and inspectors.
 44. Notices.
 45. Exemption from income tax.
 46. Determination of membership.
 47. The Registrar to hold enquiry at request of Board.
 48. Registrar's powers following enquiry.
 49. Registrar's orders to be carried into effect without delay.
 50. Offences.
 51. Receiving improper reward.
 52. Offences by election officers.
 53. Definition of bribery.
 54. Definition of treating.
 55. Definition of undue influence.
 56. Definition of personation.
 57. Penalty for bribery, treating or undue influence.
 58. Penalty for personation.
 59. Disqualification for bribery, etc.
 60. Penalty for certain illegal practices at elections.
 61. Offences in respect of ballot papers.
 62. Description, etc., ballot papers, etc., for purposes of prosecution of offences.
 63. Penalties.
 64. Recovery of sums by Board.
 65. Unauthorised property.
 66. Regulations.
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CHAPTER 33:05

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

1950 Ed.
Ch. 38, No. 3,
27 of 1950.

An Act to make provision for the establishment of a State-aided Friendly Societies Housing Corporation, and to provide for the making of loans to Friendly Societies to enable them to erect society halls, offices and places of meeting and to the members of such societies to assist them in acquiring, providing or improving housing accommodation for themselves and their families, and in discharging encumbrances and charges.

Commencement.

[25TH MAY 1950]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Friendly Societies Housing Corporation Act.

Interpretation.

2. In this Act—

“Board” means the Friendly Societies Housing Board as hereinafter constituted;

“borrower” includes a society;

“Corporation” means the Friendly Societies Housing Corporation constituted under this Act;

“election” means an election of a member or members of the Board and includes the election of any delegate to a conference of delegates;

“land” means—

(a) land held on freehold tenure;

(b) land held on lease of which the unexpired term is not less than twenty years;

“leasehold” means land held under lease with an unexpired residue of not less than twenty years;

“member” means a person admitted to membership of a friendly society which is a shareholder in the Corporation;

“member eligible for a loan” means a financial member of a friendly society registered under the Friendly Societies Act, who has been for at least five years consecutively previous to an application for a loan under the provisions of this Act financial on the books of such friendly society;

“Registrar” means the Registrar of Friendly Societies appointed by the Minister under the provisions of the Friendly Societies Act;

“society” means a friendly society registered under the Friendly Societies Act, which is a shareholder in the Corporation, and includes an amalgamated society under this Act.

PART II

THE FRIENDLY SOCIETIES HOUSING CORPORATION AND THE FRIENDLY SOCIETIES HOUSING BOARD

3. (1) For the purposes of this Act there is hereby established a Corporation to be called the Friendly Societies Housing Corporation (hereinafter referred to as “the Corporation”) which shall be a body corporate with power to acquire and hold, sell, convey, transfer, assure, lease, assign or otherwise dispose of or deal with any land or any interest or term therein or any other property, real or personal. The seal shall be authenticated by the signature of the Chairman of the Board, or in his absence, by the Vice Chairman of the Board, and one other member of the Board authorised in that behalf by the Board.

Establishment of
the Corporation.

(2) The Corporation may sue and be sued in their corporate name and may for all purposes be described by that name. Service of any process or notice on the Corporation may be effected by leaving the same at the office of the Board with the Secretary of the Board as hereinafter provided.

4. The Corporation shall, in the exercise and performance of their powers and duties under this Act, act by a Board to be called the Friendly Societies Housing Board, hereinafter referred to as the Board.

Corporation to
act through
Board.

Constitution of
the Board.
[16 of 1962].

5. (1) The Board shall consist of eight members, four of whom shall be appointed by the Minister, and the remaining four elected by the societies. The Minister shall fix a day for the first appointment and election of members of the Board and thereafter subject to the filling up of vacancies in manner hereinafter appearing, the appointment and election of members of the Board shall take place regularly every two years. The members of the Board shall remain in office until new appointments or elections as regards their respective offices are made or carried out.

(2) The Minister shall appoint firstly four members of the Board for the period following, that is to say, two for a period of four years each and two for a period to two years each. At the expiry of the said period of two years appointments to fill the seats of the two members retiring shall be made by the Minister for a period of four years and thereafter at the end of every period of two years like appointments in respect of the two members retiring. However, in the event of a casual vacancy caused by death, resignation, disqualification, expulsion or otherwise, occurring on the Board among the members appointed by the Minister the said vacancy shall be filled up by an appointment by the Minister but any person so appointed shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred. A casual vacancy shall not include any vacancy caused by retirement in rotation in manner herein appearing.

(3) The Minister shall appoint from among the members of the Board a Chairman and a Vice-Chairman who shall hold office during the Minister's pleasure so long as they remain members of the Board. The Vice-Chairman shall officiate as Chairman in the absence or inability to officiate of the Chairman. In the absence or inability to officiate of the Chairman and Vice-Chairman, the Minister may appoint some other member of the Board to officiate, temporarily as Chairman. Every meeting of the Board shall be presided over by the Chairman. The person so presiding shall have a vote as a member of the Board, and, if there is an equal division of votes on any question, also a casting vote.

(4) Subject to the provisions of this Act, every member of the Board shall, unless he sooner dies, or sooner resigns his office or ceases to hold office for any cause or reason pursuant to the provisions of this Act by notice in writing to the Board, hold office for four years from the date of his appointment or election, but shall be eligible for re-appointment or re-election from time to time. In the event of a member dying or sooner resigning his office or ceasing to hold office the Board shall notify in writing to such effect the Minister if such member was an appointed member, or the Registrar if such member was an elected member.

(5) If a vacancy occurs on the Board the vacancy shall be filled in the manner provided under this Act. However, if the vacancy is not filled, the acts of the remaining members shall not be thereby invalidated so long as the number of remaining members shall not fall below five. The proceedings of the Board shall not be invalidated by any defect in the election of members to the Board or in the election or selection or qualification of any members thereof.

(6) Any member of the Board nominated by the Minister may at any time by Order of the Minister be removed from office and from the date of such order the member named therein shall cease to be a member of the Board.

(7) The Board shall cause to be kept minutes of the proceedings of all its meetings.

(8) The Minister shall direct whether any and what remuneration is to be allowed the members of the Board for their services, and may vary, increase or diminish such remuneration as he thinks fit. All such allowances shall be paid out of the moneys of the Corporation.

6. (1) The election of members of the Board by societies shall take place in the following manner:

Election of members to the Board by Societies.

(a) every society shall at a special meeting elect biennially one or more persons as delegates to a conference of delegates according to the number of its members, that is to say, any society shall

elect in respect of its membership one delegate for the first thousand members or part thereof and an additional delegate for each additional thousand members or part thereof;

- (b) for the purposes of paragraph (a) the membership of a society shall be based on the return to the preceding 31st December made to the Registrar under section 26 of the Friendly Societies Act. However, an amalgamated society (more particularly referred to in Part III of this Act) shall be considered and treated as one society irrespective of the number of individual societies comprising it and the number of delegates available to every such amalgamated society shall be ascertained by the aggregate of its collective membership;
- (c) the members of the Board shall be chosen by ballot by and from the delegates elected to the conference of delegates and upon confirmation by the Registrar shall be deemed duly elected.

Ch. 32:50.

(2) A person may be elected as a delegate to the conference of delegates and may be elected at a conference of delegates to be a member of the Board even though he is not a member of a society. A member elected to the Board at a conference of delegates shall not cease to be a member of the Board by reason merely of his ceasing to be a member of a society.

(3) (a) Save as otherwise herein provided a conference of delegates shall be held every two years. The Registrar shall fix the date, time and place of every such conference.

(b) All delegates elected to a conference of delegates shall continue and serve as elected delegates to any conference of delegates called for the purpose of filling up casual vacancies occurring in the Board within a period of two years after the election; and every such conference of delegates called for such purpose shall have power to fill up casual vacancies notwithstanding the death, resignation, disqualification, expulsion or otherwise of any delegate or delegates thereto.

(c) The first conference of delegates to be elected in the manner herein provided shall elect four members to the Board. Of the first four members so elected two shall retire from office at the expiry of two years. The two members to retire as aforesaid shall, unless the elected members of the Board agree among themselves, be determined by lot; at the end of every subsequent biennial period the two delegates who have been longest in office shall retire. Retiring members shall be eligible for re-election.

(d) Every subsequent conference of delegates shall fill up the two offices vacated by retirement by electing a like number of persons. If at any conference of delegates at which an election of members to the Board ought to take place, the places of the vacating members are not filled up, the conference shall stand adjourned to such day, time and place, not being more than fourteen days thereafter, as the Registrar shall determine, and if at such adjourned conference the places of the vacating members are not filled up, the vacating members shall continue in office until their places are filled up in manner herein provided.

(e) Any casual vacancy caused by death, resignation, disqualification, expulsion or otherwise, occurring among the elected members of the Board, shall be filled up by the then existing conference of delegates which, in accordance with instructions received from the Registrar, shall proceed in the manner provided under Regulations made hereunder to the election of a member to take the place of the vacating member but any person so elected shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred. A casual vacancy shall not include any vacancy caused by retirement in rotation.

(4) The Registrar shall issue instructions to societies, give directions and take all steps necessary for carrying out the election of delegates to the conference of delegates and shall supervise personally or through some person appointed in writing under his hand the election of members to the Board by the conference of delegates. However, for the purpose of organising the Corporation every registered friendly society shall be entitled to take part in

the election of delegates to the first conference of delegates irrespective of whether it shall later hold shares in the Corporation or not, and the provisions of subsection (1)(a) shall have effect with regard to the number of delegates to which every such friendly society is entitled.

(5) The Registrar may from time to time with the approval of the Minister make such Regulations as he may think necessary for carrying out the elections of members of the Board.

Sub. Leg.

(6) The Election of Members to the Friendly Societies Housing Board Regulations (formerly contained in the Second Schedule to this Act) shall be deemed to be made under subsection (5) and may be amended or revoked under that subsection.

Sub. Leg.

(7) Save as hereunder otherwise provided the necessary expenses attendant on any election of members of the Board and such reasonable remuneration to the Supervisor of Elections, election clerks and other persons referred to in the Election of Members to the Friendly Societies Housing Board Regulations for services performed shall be paid by the Board out of the funds of the Corporation.

Sub. Leg.

(8) No fee whatsoever shall be chargeable by a commissioner of affidavits or be payable by means of stamps to be affixed in respect of any statutory declaration or affidavit required to be sworn before a commissioner of affidavits or justice of the peace under the Election of Members to the Friendly Societies Housing Board Regulations.

Decisions of the Board.

7. (1) Decisions of the Board may be taken at meetings, or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them. However, where papers are circulated the Chairman may direct that the papers shall not be circulated to any member who through interest, illness, absence from Trinidad and Tobago or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.

(2) The quorum of the Board at any meeting or for the purpose of voting on papers circulated shall be five. No business shall be transacted in the absence of a quorum.

8. (1) (a) The Minister shall appoint a Secretary to the Board at such salary as he may determine. Officers and servants of the Board.

(b) The Board may appoint and employ at such remuneration and on such terms and conditions as the Board may determine, such other officers, inspectors, valuers, appraisers and other staff as may be deemed necessary for the proper carrying out of the provisions of this Act.

(c) The Board may also employ valuers and inspectors on such terms as it may think fit without appointing them to the staff of the Board.

(2) The Board may require the Secretary or any officer or servant appointed by the Board to give such security as the Board may deem proper for the due performance of his duties.

(3) The Board may, subject to such terms and conditions as it may think fit to impose and with the approval of the Minister, provide for the establishment and maintenance of a provident fund for the benefit of the officers and servants of the Board, and for that purpose may make arrangements with an insurance company.

9. (1) No person shall be capable of being elected a member of the Board or, having been elected, shall sit as a member of the Board, who at the time of his selection— Disqualification. [45 of 1979].

(a) is an undischarged bankrupt or has suspended payment of his debts or made a composition with his creditors; or

(b) is a person adjudged to be mentally ill or ordered to be detained at a mental hospital under any law in force in Trinidad and Tobago; or

(c) is a person who has at any time been convicted of treason or an arrestable offence or of any offence involving dishonesty, and has not received a free pardon.

(2) The office of a member of the Board shall be vacated— Vacation of office.

(a) if he becomes bankrupt or suspends payment of his debts or makes a composition with his creditors; or

- (b) if he is adjudged to be mentally ill or ordered to be detained at a mental hospital under any law in force in Trinidad and Tobago; or
- (c) if he is absent from the usual meetings of the Board for the space of three consecutive months without the consent in writing of the Chairman of the Board; or
- (d) if he is concerned in or participates in the profits of any contract or arrangement with the corporation; provided however, that no member of the Board shall vacate his office by reason of his being a member of any syndicate, association or company which has entered into contracts with or done any work for the Corporation and provided further that no such member shall vote in respect of such contract of work; or
- (e) if he is convicted of treason or an arrestable offence or of any offence involving dishonesty.

(3) If in the opinion of the Board any person who is disqualified has been elected to the Board, or if the office of any elected member of the Board becomes vacant the Board shall declare the office vacant by notice in the *Gazette* and shall notify the Registrar of such declaration.

(4) If in the opinion of the Board the office of any member of the Board appointed by the Minister becomes vacant the Board shall notify the Minister, and the Minister may declare the office to be vacant by notice in the *Gazette*.

Misconduct.

(5) In case the conduct of any member of the Board at a meeting or otherwise is deemed or found injurious, in the opinion of a majority of the Board after fair enquiry into the facts, to the welfare or interests of the Corporation the Board shall call upon such member to resign, and in the event of his refusal to do so, the Board may report the same to the Minister and recommend that the said member be expelled, and it shall be competent for the Minister to expel such member. Any member so expelled shall have no right of appeal. His place shall be filled by the Minister if he had been originally nominated by the Minister or if elected by societies, by a bye-election.

10. (1) Every sum payable to the Corporation shall be collected and received for and on account of the funds of the Corporation. Receipts for sums paid to the Board may be signed by an officer of the Board authorised by resolution of the Board generally or specially in that behalf.

General financial provisions.

(2) All payments out of the funds of the Corporation shall be made by officers of the Board authorised by resolution of the Board generally or specially in that behalf upon vouchers signed by the Chairman, or the Vice-Chairman.

11. The funds of the Corporation shall be paid into a bank or banks approved by resolution of the Board and shall, so far as is practicable, be so paid from day to day. However, officers of the Board generally or specially authorised in that behalf by resolution of the Board may retain in their hands sums to meet petty disbursements or for immediate payment in accordance with the terms of the resolution.

Funds to be deposited in bank.

12. Cheques on any banking account of the Corporation shall be signed by an officer of the Board generally or specially authorised in that behalf by resolution of the Board and shall be countersigned by the Chairman or the Vice-Chairman.

Cheques.

13. (1) Notwithstanding anything contained in this Act the Board may at any time use, expend or apply the funds of the Corporation—

Application of funds.

- (a) in the purchasing, acquiring or holding of land, absolutely or otherwise, and upon such terms, conditions or stipulations as may be agreed, for the purpose of laying out or developing the same in lots, plots or other divisions, for use as a residential area or areas or for the erection of offices, halls, or places of meeting of societies or for any other object or purpose not inconsistent with the provisions of this Act;
- (b) in any development, improvement or betterment of such land or any portion thereof, and in the execution or carrying out of any work, operations or alterations, ancillary or consequential to such purpose or purposes;

- (c) in constructing, forming, laying, widening, making or grading any road, roadway, path or means of access from any such land to a main public road or highway;
- (d) in performing or executing any plan, scheme, work or undertaking which may appear necessary or expedient for the purpose of carrying out or giving effect to any of the provisions of this subsection.

Management of lands.

(2) If and as long as any property of the Corporation consists of land the Board shall manage or superintend the management of such land with full power to appoint and pay a manager and other persons for the management, cultivation or maintenance of such land, or any part thereof either in its existing form of cultivation or plantation or otherwise and may do all things needful or requisite for the development, preservation or maintenance of such land, including the power to lease the whole or any part of the same, for any purpose and to accept surrenders of such leases as it in its absolute discretion thinks fit, and any expenses incurred in the exercise of the powers herein contained shall be charged against the income of the Corporation.

Board to provide buildings, equipment, etc.

14. (1) The Board shall provide buildings, staff, equipment and other facilities necessary for the administration of the Corporation.

(2) The Corporation may acquire and hold real or personal property for its actual use and occupation and for the management or operation of the business of the Corporation, and may sell or dispose of the same, and acquire other property in its stead for the same purpose.

Reports to be forwarded annually to the Minister. [16 of 1962].

15. The Board shall once in every year, not later than the 30th April, furnish to the Minister and to share holding societies, a report upon the management, administration and operation of the affairs of the Corporation together with a balance sheet and statement of the revenue and expenditure of the Corporation duly audited by a Chartered Accountant, a member of the Association

of Certified and Corporate Accountants, the Director of Audit, or other person appointed by the Minister made out to the preceding 31st December inclusively. The report, balance sheet and statement of revenue and expenditure shall be laid before Parliament as soon as possible thereafter.

16. The Board may make payment of all or any expenses authorised by, or incidental to the operation of this Act. Authorised payments.

17. Subject to the provisions of this Act and of any Regulations thereunder the Board shall have power by resolution to provide for all other matters of administration and procedure. Power to regulate procedure.

PART III

FINANCIAL PROVISIONS, RIGHTS AND POWERS

18. (1) (a) The initial authorised capital of the Corporation shall be one million dollars divided into two hundred thousand shares of five dollars each to be subscribed by societies and by the Government in equal ratio. The original authorised capital may at any time be increased by such percentages or by such amount as is determined upon by resolution of the Board, with the concurrence of the Minister, by the creation of new shares upon such terms, provisions, and conditions as may appear to be expedient, provided always that the said increase shall likewise be subscribed to by societies and the Government at all times in equal ratio. The Corporation shall not commence operations unless a minimum subscription of one hundred and twenty-five thousand dollars have first been paid up by societies, and an equal amount contributed by the Government; and no further subscription shall be made unless the Board makes representation to Parliament as to the necessity and desirability for such further subscription and Parliament has by resolution given its approval. Capital.

(b) The capital of the Corporation shall also include such sums as may accrue to the funds of the Corporation from their operation under this Act and the same shall be applicable for all the objects and purposes of this Act.

(2) Nothing herein shall be construed to impose any liability upon the State beyond the amount subscribed to the Corporation by the State.

Investments by societies in Corporation. Ch. 32:50.

19. (1) Notwithstanding anything contained in the Friendly Societies Act a friendly society registered under the Friendly Societies Act may invest any part of its funds in the Corporation to the extent hereunder specified, and every such friendly society shall make any amendments to its rules as may be necessary in consequence of the passing of this Act for the purpose of enabling it to become a shareholder in the Corporation.

(2) Every friendly society by resolution in general meeting may invest any part of its funds by the purchase of shares in the Corporation, provided that the Board may from time to time fix the minimum or maximum amount, or both, of shares to be held by a friendly society. Purchase by a friendly society of the minimum amount so fixed shall confer upon such society and its financial members all the privileges, benefits, and advantages in addition to participation in profits as may be available under the provisions of this Act.

(3) The Board may at any time and subject to the approval of the Minister refuse to admit any friendly society to become a shareholder in the corporation or to transfer any shares to such society.

Amalgamated societies.

20. (1) (a) Subject to the approval of the Board any two or more friendly societies may by special resolution of both or all such societies, for the purpose of obtaining the benefits and privileges available to societies and their members under the provisions of this Act, become amalgamated together as one society (herein described as “the amalgamated society”) without any dissolution or division of the funds or assets of the said societies or either of them and any property acquired, altered or erected by the amalgamated society with the aid of a loan from the Corporation may be used, jointly and severally, by both or all such societies but subject to such joint and several use and enjoyment all such property shall vest in and become the property of the amalgamated society for all purposes.

(b) The capital funds of an amalgamated society shall consist of such shares in the Corporation as the societies comprising the amalgamated society shall respectively contribute thereto. However, every such society may allot or appropriate to the amalgamated society any further property, real or personal, by way of security or guarantee for a loan from the Board to such amalgamated society.

(c) Every member of every such society shall have, exercise and enjoy all the rights benefits and privileges granted or allowable to a member of a society holding shares in the Corporation under the provisions of this Act; provided however, that no such society shall be entitled in its own right to become a shareholder in the Corporation so long as it remains a member society of an amalgamated society.

(2) For the purposes of this Act every amalgamated society shall be deemed to be a friendly society within the meaning of the Friendly Societies Act and operate as the same subject to such adaptations and modifications of the said Act as may be necessary or expedient and shall as respects the administration of its business and affairs under this Act make proper provisions by rules to the satisfaction of the Registrar for the government of such amalgamated society and upon approval of its rules by the Registrar shall be registered by him under the provisions of the Friendly Societies Act without the payment of any fee. Ch. 32:50.

(3) Where two or more friendly societies have become amalgamated together for the purposes of this Act the committees of management thereof shall together elect from among them the committee of management of such amalgamated society which shall comprise the officers following, that is to say, a president, a vice-president, a secretary, a treasurer, two trustees and six members. The committee of management of the amalgamated society shall, upon being elected, without reference to any other committee of management, society or person whatever, and subject only to the registered rules of such amalgamated society, manage, superintend and conduct the business and affairs of the amalgamated society, and the officers thereof shall perform, execute and fulfil the functions and duties of their respective offices in such amalgamated society,

in all respects as the officers respectively of a registered friendly society under the Friendly Societies Act. And the officers of every amalgamated society shall as respects this Act be subject to the liabilities and obligations attaching hereunder to officers of a society which is a shareholder in the Corporation. The officers of an amalgamated society may receive such payment for their services from the funds of the amalgamated society as the Registrar may approve.

- (4) Every amalgamated society shall—
- (a) cause full and true accounts to be kept of all sums of money received and expended by the amalgamated society and the matters in respect of which such receipt and expenditure takes place and of the assets, credits and liabilities of the amalgamated society;
 - (b) keep its books and accounts separate from all other books and accounts of the societies comprising the amalgamated society and when required submit them to audit by an auditor appointed by the Minister in accordance with the provisions of the Friendly Societies Act but subject to such adaptations and modifications of the said Act as may appear necessary or expedient;
 - (c) not later than the 31st March in every year prepare a statement of income and expenditure to the 31st December in the previous year and a balance sheet containing a summary of the property of every description and liabilities of the amalgamated society up to the said 31st December. Every such balance sheet shall, in respect of any loan obtained from the corporation and the interest thereon, show the respective contributions due by each of the societies comprising the amalgamated society and shall be signed by the president or the vice-president, the secretary and the trustees of the amalgamated society.

(5) The committee of management of every amalgamated society shall within one month after the annual balance sheet has been duly prepared and signed as aforesaid cause to be forwarded three copies thereof, by post or otherwise to each of the societies comprising such amalgamated society and every such society shall within thirty days following the receipt thereof pay and make good the contribution payable by it, if any, appearing on such balance sheet.

(6) In the event of any dispute in respect of any cause or matter under this Act, arising between the officers of an amalgamated society or between the amalgamated society and societies comprising such amalgamated society or between a member of any such society and the amalgamated society in respect of any right, benefit or privilege under this Act or otherwise the Registrar may hear and determine the same and his decision shall be final and without appeal.

(7) Every amalgamated society or committee of management which fails to comply with subsection (4) or subsection (5) is guilty of an offence against this Act.

21. (1) An amalgamated society may be wound up by the Registrar if—

Winding up of amalgamated society.

- (a) the majority of the societies comprising the amalgamated society, or in the event of there being only two, the society contributing the greater value of the capital funds of an amalgamated society, has by special resolution resolved that the amalgamated society be wound up; or
- (b) the number of such societies is reduced below two; or
- (c) the amalgamated society is, in the opinion of the Registrar, unable to pay its debts or obligations whether actual or contingent; or
- (d) the Registrar, with the approval of the Board, is of opinion that the amalgamated society has ceased to served any purpose or purposes useful to the societies comprising it.

(2) Upon the winding up of an amalgamated society the Registrar—

- (a) failing mutual arrangement by and between the societies comprising an amalgamated society may give such directions in regard to the collection, distribution or application of the funds, assets and property of the amalgamated society as may appear to him to be necessary and may sell the property and effects of the amalgamated society as a whole or in lots or parcels on such terms as he may think fit, by public auction or private contract, and, after payment of all the debts and obligations of the amalgamated society, may pay, distribute and allocate the net proceeds, if any, among the member societies thereof in a just and equitable manner. Nothing herein contained shall authorise the Registrar to wind up or sell, or distribute, or allocate the assets, property and effects of any such member society;
- (b) shall cancel the registry thereof and the same shall thereupon cease to exist for all purposes.

Organisation of
the Corporation.

22. (1) For the purpose of organising the Corporation, the Registrar may invite friendly societies to subscribe for the purchase of shares of the Corporation and may by circular, notice, or other advertisement after giving fourteen days' public notice thereof in a local daily newspaper, cause stock books to be opened, in which shall be recorded the subscriptions and purchases of such friendly societies as desire to become shareholders in the Corporation, and may issue instructions and directions relating to matters pertaining or incidental to the organisation of the said Corporation as he may consider requisite.

(2) The stock books shall be opened at the place where the office of the Corporation is to be situated, and elsewhere in the discretion of the Registrar.

(3) A friendly society shall subscribe for the purchase of any shares in the Corporation by or through its trustees.

(4) The books may be kept open for such time as the Registrar shall consider necessary. Each subscribing society shall at the time of subscription give its full and correct name and the address of its registered office, and these particulars shall be entered in the books together with the number of shares subscribed for by the society.

(5) In case of the non-payment of any instalment or other sum payable by the subscribing society on account of its subscription the Registrar may sue for, recover, collect and get in any such instalment or sum.

(6) The Registrar shall upon the election and appointment of the Board duly hand over to the Board all subscriptions received by him under this section, together with a detailed list of the societies so subscribing. The Registrar may however, cancel any shares or any allotment thereof which, at the date of his handing over to the Board, have not been taken or agreed to be taken by a society.

23. (1) The share or shares of the capital of the Corporation shall be personal property.

Share
certificate.
[51/1980].

(2) Certificates for the number of shares held by societies shall be issued under the seal of the Corporation, signed by the Chairman and one member of the Board and countersigned by the Secretary; each such certificate must be deposited with the Board when a society borrows on its shares. If any certificates are defaced, lost, or destroyed, the Board shall issue a duplicate thereof, and, if it thinks fit, may require the trustees of the society to make a statutory declaration that the certificate has been lost or destroyed and that to the best of their knowledge and belief no improper use has been made of the same. Should the Board consider it necessary a lost certificate may be advertised for at the cost of the society. For every duplicate so issued there shall be paid to the Corporation the sum of two dollars.

24. The office of the Corporation shall be open for transaction of public business from 9.00 a.m. to 3.00 p.m. on all week days except Saturdays when the hours shall be from 9.00 a.m. to 12.00 noon; and also except Sundays and all public holidays when the office shall be kept closed.

Office hours.

Application
of funds.
[45 of 1979].

Ch. 33:01.

- 25.** (1) The funds of the Corporation shall be applied towards—
- (a) the payment of the salaries, fees, remuneration and other allowances of the officers and servants of the Board;
 - (b) the payment of dividend at the rate declared by the Board on the capital of the Corporation;
 - (c) the making of loans in accordance with this Act to amalgamated societies and to societies or their members who are eligible for loans. However, a person who has received a loan under the Housing Act shall not be eligible for a loan under this Act;
 - (d) the payment of rates, taxes, charges, assessments, fire insurance premiums and other assessments and outgoings and of the expenses of maintenance or disposal in connection with lands or buildings which become vested in the Corporation;
 - (e) the payment of rates, taxes, charges, assessments, fire insurance premiums and other outgoings and of the expenses of maintenance in connection with any land or buildings, in relation to which a loan has been made by the Board and which is wholly or partly outstanding or in cases in which default is made by the borrower;
 - (f) the payment of life insurance premiums in cases in which default in the payment of such premiums is made by the borrower;
 - (g) the creation of a reserve fund;
 - (h) the expenses of prosecuting offences against this Act and any Rules or Regulations made thereunder; and
 - (i) the payment of all other expenses authorised by, or incidental to, the operation of this Act.

(2) Every sum payable to the Corporation shall be collected and received by the Board for and on account of the funds of the Corporation.

26. (1) The Corporation may deal in, lend money and make advances upon the security of, and take as collateral security for any loan made by it, the stock, bonds, debentures and obligations of any Commonwealth country municipal or borough corporations, whether secured by mortgage or otherwise, or any Commonwealth country securities.

Financial operations of Corporation.

(2) The stock, bonds, debentures or securities acquired and held by the Corporation as collateral security, may, in the case of default in the payment of the debt for the securing of which they were so acquired and held, be dealt with, sold, assigned, and transferred either in like manner and subject to the same restrictions under which a private individual might in like circumstances deal with, sell, assign and transfer the same.

(3) The right so to deal with and dispose of such stock, bonds, debentures or securities in manner aforesaid may be waived or varied by the Board.

27. The Board may—

Power of Board to sell, etc.

- (a) sell, improve, manage, develop, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with any of the Corporation's property, rights or privileges;
- (b) grant liberties, licences or concessions in respect of any property or rights of the Corporation.

28. The Board may at any time as it in its absolute discretion thinks it fit realise any of the property of the Corporation, and re-invest the moneys arising from such realisation in such securities as are by this Act permitted.

Realisation of property.

29. The Board may take and hold first mortgages upon real or leasehold property by way of security for loans made by or debts or liabilities due to the Corporation in the course of business and may subsequently dispose of the same.

Security.

30. (1) The Board may from time to time invest any portion of the funds of the Corporation not immediately required for the purposes specified in section 13 and section 25, upon the security

Investment of funds not required.

of real or leasehold property or in the purchase of lands, or lands and buildings, being freehold or leasehold in Trinidad and Tobago, with power to exchange the said lands, or to sell the same or in the public funds of Trinidad and Tobago, or in or upon any Parliamentary stock or securities, or in or upon the interest on which is guaranteed by Parliament, or in Inscribed Stock of Trinidad and Tobago, and for the purpose of investments in stock or upon security of real or leasehold estate, the Board may from time to time make such investments in its name.

(2) The powers of investment under this Act shall include power to invest in or upon any security in which trustees are for the time being authorised by law to invest.

Power of Board to purchase property offered for sale.

31. (1) The Board may purchase any real or personal property offered for sale under execution, or in insolvency, or under the order or decree of a court, or at a sale for taxes or rates, as belonging to any debtor to the Corporation.

(2) The Board may, out of the funds of the Corporation make advances for the development, maintenance and improvement of lands held by the Corporation, and the discharge of liabilities incurred in respect of such development, maintenance and improvement and for such other purposes as may be prescribed.

Corporation to acquire absolute title.

32. (1) The Corporation may acquire and hold an absolute title in or to real or personal property charged or mortgaged to it as security whether by charge, mortgage, Deed, memorandum of mortgage or otherwise for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the charge or mortgaged property, or by a purchase before the doors of the Court, or by other means whereby as between individuals, an equity of redemption can, by law, be barred, or a transfer of title to real or personal property can, by law, be effected.

(2) Nothing in any written law shall be construed as ever having been intended to prevent or as preventing the Corporation from acquiring and holding an absolute title whatever the value thereof, or from exercising or acting upon any power of sale

contained in any charge or mortgage given to or held by the Corporation, authorising or enabling it to sell or convey any property so charged or mortgaged.

33. (1) The Board shall establish a Reserve Fund and shall pay into it within six months after the expiration of each financial year not less than one-tenth of the net income of the Corporation for the preceding financial year.

Establishment of Reserve Fund.

(2) Separate accounts of the Reserve Fund shall be kept and such Reserve Fund shall be utilised firstly in making good any loss by realisation of any of the property of the Corporation, and secondly, with the consent of the Minister, in providing moneys for expenditure of any extraordinary nature which may be necessary or desirable in carrying out the objects of the Corporation.

(3) All moneys accruing to the Reserve Fund shall from time to time be invested by the Board in manner provided by section 30. An investment under this section shall not include the lending out of moneys to borrowers under this Act.

(4) The Board may in its absolute discretion at the end of every five years calculated from the commencement of this Act allocate or apply any part or portion of such Reserve Fund not exceeding fifty percent of the amount at which such Reserve Fund shall then stand or aggregate for all or any of the objects or purposes for which the Corporation has been created. However, no such transfer, allocation or application shall reduce the Reserve Fund below twenty-five per cent of the capital of the Corporation.

34. (1) No society holding shares in the Corporation shall transfer, part with, pledge, mortgage or otherwise deal with any share or shares held by it in the Corporation save with the leave of the Board.

Limitation.

(2) Shares in the Corporation may with the leave of the Board be transferred to another society or to the Government.

(3) The instrument of transfer of any share or shares in the Corporation shall be executed by the transferor society and the

transferee society, and the transferor society shall be deemed to remain holder of such share or shares until the name of the transferee society is entered in the register of shareholding societies kept by the Board.

(4) A society which borrows money from the Corporation shall not without the leave of the Board transfer or part with any share or shares in the Corporation held by it so long as any sum owing by it to the Corporation remains unpaid.

PART IV

PROVISIONS AS TO LOANS

Power to make loans to societies.

35. Subject to the provisions of this Act and of any Regulations made thereunder the Board may, in its absolute discretion, make a loan to any society for all or any of the following purposes:

- (a) the acquisition of an office, hall or place of meeting, and land for use by the society;
- (b) the purchase of land and the erection thereon by the society of a house or building for use as aforesaid;
- (c) the erection on land owned or leased with an unexpired residue of not less than twenty years by the society of a house or building for use as aforesaid;
- (d) the discharge of any subsisting mortgage or charge on a house, building or land used as aforesaid;
- (e) the substantial alteration or improvement of a house or building used or intended to be used as aforesaid;
- (f) the payment of any expenses or outgoings incidental to any of the foregoing.

Power to make loans to members eligible for loans.

36. Subject to the provisions of this Act and of any Regulations made thereunder the Board may, in its absolute discretion, make a loan to any member eligible for a loan for all or any of the following purposes:

- (a) the acquisition for use by him as a residence for himself and his family, of a house and land;

- (b) the purchase of land, and the erection thereon by him of a house for use as aforesaid;
- (c) the erection on land owned or leased with an unexpired residue of not less than twenty years, by him of a house for use as aforesaid;
- (d) the discharge of any subsisting mortgage or charge on a house or land used as aforesaid;
- (e) the substantial alteration or improvement of a house used as aforesaid;
- (f) the payment of premiums and other expenses in connection with the insurance of his life as security for a loan under this section;
- (g) the payment of any expenses or outgoings incidental to any of the foregoing.

37. (1) Every such loan shall bear interest at such rate a year as may be prescribed. Interest on loans.

(2) Every such loan, together with interest thereon at the prescribed rate, shall be repayable by equal quarterly instalments on the last day of March, June, September and December in every year, over such a period of years as may be prescribed.

38. (1) Applications for loans shall be in the form approved by the Board and appropriate to the circumstances, and shall be addressed to the Secretary of the Board. The Board shall consider each application on its merits and, if satisfied that such application may be entertained, shall forward the said application to the Secretary of the society to which the member belongs. Such application shall be considered by the committee of management of the society and transmitted by them to the Board with their views and comments thereon. The Board shall consider the report of the committee of management and shall decide whether or not a loan shall be granted and the amount thereof. Loans.

(2) Every loan made to a member under this Act and the interest thereon and all expenses recoverable by the Board from the member in connection with the loan or with any security

therefor shall be secured to the satisfaction of the Board by a first mortgage or first charge on the land, and house or building standing or intended to be erected thereon, as the case may be, in respect of which the loan is to be granted; and also in the discretion of the Board—

- (a) if the life of the member to whom the loan is to be made is insured to the satisfaction of the Board, by the assignment of the benefits of such policy or policies to the Board as the Board may require and the deposit of the said policy or policies with the Board; or
- (b) if the life of the member to whom the loan is to be made is not so insured, or if he does not desire to proceed as laid down in paragraph (a), and he is able to pass the medical examination required by an insurance company approved by the Board, by insurance on his life in favour of the Board in such amount as the Board may in each case determine; or
- (c) if the life of the member being a person in the service of the Government, is not so insured and he is not able to pass such medical examination, by a charge on any gratuity payable on his death while in the service of the Government.

(3) All expenses and payments of premiums in respect of any insurance and other charges in respect of a member shall be paid in the first place by the Board and be refunded by the member to the Board without interest not later than the end of the following calendar month.

Power of Board to impose fines.

39. The Board may impose such fines as may be prescribed upon borrowers who may be in default in the payment of principal, interest or other charges due under a mortgage to the Corporation or in the observance or performance of any terms or conditions therein.

Unauthorised application of loans.

40. (1) No loan or any part thereof made under this Act shall be applied otherwise than for such purposes as may be authorised by this Act.

(2) Any person who makes any statement in any application to the Board which he knows to be false or does not believe to be true is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months.

(3) Any borrower who applies any loan or any part thereof made to it or him under this Act for any purpose other than that specified in his application or than that for which the loan has been made, is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months.

(4) The onus of proving the manner in which a loan or advance has been applied shall be upon the borrower to whom or to which the loan or advance was made.

(5) The duties and onus imposed by this section shall in the case of a society lie upon the trustees thereof personally, and they shall be jointly and severally personally liable for their fulfilment and discharge hereunder.

41. Every mortgage or charge contemplated by this Act shall be by deed or memorandum of mortgage or charge substantially in the prescribed form.

Documents to be in prescribed form.

42. Every mortgage or charge to secure a loan under this Act shall be prepared by the legal advisers of the Board. The member, amalgamated society or society to whom or to which the loan is made shall pay the legal charges or fees as may be prescribed by the Board from time to time, and all other necessary costs, charges, disbursements and expenses.

Legal advisers of Board to prepare documents.

PART V

MISCELLANEOUS PROVISIONS

43. Any valuer or inspector employed by the Board may at all reasonable times on giving forty-eight hours notice to the owner or occupier enter upon any land, house or building in respect of which a loan has been made under this Act and may value or inspect the same; and any person who obstructs or causes to be obstructed any such valuer or inspector in the exercise of the powers

Right of entry of valuers and inspectors.

conferred by this section whether by force or by threats or otherwise is liable on summary conviction to a fine of one thousand dollars or to imprisonment for three months.

Notices.

44. (1) A notice may be given by the Board to any amalgamated society, society or member by sending it by post to its registered office or to its last known place of meeting respectively.

(2) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, and posting a letter containing the notice, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Exemption from
income tax.
Ch. 75:01.

45. Notwithstanding anything contained in the Income Tax Act the income of the Corporation shall be wholly exempt from payment of any income tax, any payment made by a borrower by way of interest on a loan from the Corporation shall be an allowable deduction for purposes of income tax.

Determination
of membership.

46. (1) When any question arises for any purpose whatever connected with this Act as to whether a person is a financial member or otherwise of a society, the question shall be referred to the Registrar whose decision shall be final.

(2) The Board may require the Registrar to enquire into and report on the constitution, working or financial condition of a society or upon the position or standing of a member in the society, and it shall be the duty of the Registrar to make such report and the Registrar shall be empowered under the provisions of the next succeeding section to take all steps necessary for such purpose.

The Registrar to
hold enquiry at
request of
Board.

47. (1) The Registrar may at the request of the Board by himself or by a person duly authorised by him in writing in this behalf, hold an enquiry into the constitution, working, or financial condition of a society; and the position or standing of any member in a society, and may investigate all claims against the society, its debts and liabilities.

(2) All officers and members of the society of which the affairs are being investigated, or to which a member whose standing or position in relation thereto is being enquired into belongs, shall furnish such information in their possession in regard to the affairs of the society or as to the position or standing of such member in such society as the Registrar or the person authorised by the Registrar may require.

(3) The result of any enquiry under this section shall be communicated to the society the affairs of which or the position or standing of the member of which have or has been investigated, and to the Board.

48. The Registrar may, as a result of any enquiry held with respect to an amalgamated society under the previous section failing mutual arrangement by and between the societies comprising an amalgamated society—

Registrar's powers following enquiry.

- (a) make any compromise or arrangement with creditors or persons claiming to be creditors of an amalgamated society or having or alleging themselves to have any claim, whereby the amalgamated society or societies comprising the amalgamated society may be rendered liable;
- (b) order the amalgamated society to pay the Board or any creditor, class or classes of creditors in full, or in part, as he may think fit;
- (c) give such directions in regard to the collection, distributing or application of the funds, property or assets of the amalgamated society, as may appear to him to be necessary;
- (d) sell the property, assets and things of the amalgamated society 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 paying the Board or any creditor or creditors of the amalgamated society; and make such distribution of any surplus funds, property, assets and moneys of the amalgamated society among the societies comprising the amalgamated society as shall be just and equitable;

- (e) make an order terminating or dissolving the amalgamated society and cancelling the registry thereof.

Registrar's orders to be carried into effect without delay.

49. Every order made by the Registrar under the last preceding section shall be in writing and shall be carried out without delay by the amalgamated society or the societies comprising the amalgamated society, as the case may be, and every officer or member of any amalgamated society or of any such society who in any way disobeys or fails to carry into effect such written order is liable on summary conviction to a fine of one thousand dollars.

Offences.

50. It shall be an offence under this Act if—

- (a) a society or an officer or a member of a society fails without reasonable excuse to give any notice, deliver or send any return or document, do or allow to be done anything which the society, officer or member is by this Act required to give, deliver, send, do or allow to be done; or
- (b) a society or an officer or a member of a society wilfully neglects or refuses to do or execute any act or to furnish any information required for the purposes of this Act by the Board, or the Registrar or other person duly authorised by them or either of them in writing in that behalf; or
- (c) a society or an officer or member of a society wilfully makes a false return or furnishes false information to the Registrar, the Board or any officer or servant of the Board; or
- (d) any officer or member of a society wilfully or without any reasonable excuse disobeys any summons, requisition or order lawfully issued under this Act or does not furnish any information lawfully required from him by a person authorised to do so under this Act; or
- (e) any person wilfully makes, orders, or allows to be made any false statement in any document

required by the Act to be sent to the Registrar, or by erasure, omission or otherwise wilfully falsifies any such documents.

51. (1) A person is liable upon conviction on indictment to a fine of ten thousand dollars and to imprisonment for two years and upon summary conviction to a fine of one thousand dollars and to imprisonment for six months, who—

Receiving
improper
reward.

- (a) being a member of the Board or the secretary, treasurer or other executive officer or servant of the Corporation, corruptly accepts or obtains or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do or for having done or forborne to do, any act relating to the Corporation's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the Corporation's business or affairs; or
- (b) corruptly gives or agrees to give or offers any gift or consideration to any member of the Board or to the secretary, treasurer or other executive officer or servant of the Corporation as an inducement or reward or consideration to such member of the Board, secretary, treasurer, or other executive officer or servant of the Corporation, for doing or forbearing to do, or for having done or forborne to do, any act relating to the Corporation's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the Corporation's business, or affairs.

(2) In this section "consideration" includes valuable consideration of any kind.

Offences by
election
officers.

52. Every person appointed Supervisor of Elections, Returning Officer or Election Clerk under the provisions of any Regulations made or deemed to be made under this Act who—

- (a) makes, in any record, return or other document which he is required to keep or make under this Act, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true;
- (b) permits any person whom he knows or has reasonable cause to believe not to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be;
- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be;
- (d) wilfully prevents any person from voting at any special meeting of a society called for the election of delegates to a conference of delegates or at any conference of delegates, as the case may be, at which he knows or has reasonable cause to believe such person is entitled to vote;
- (e) wilfully rejects or refuses to count any vote or any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Act; or
- (f) wilfully counts any vote or any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate,

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

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

- (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 person, member, delegate or candidate for election, or to or for any person on behalf of any person, member, delegate or candidate for election, or to or for any other person in order to induce any member, delegate or candidate for election to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any person, member, delegate or candidate for election having voted or refrained from voting at any special meeting of a society called for the election of delegates or at any conference of delegates;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any person, member, delegate or candidate for election, or to or for any person on behalf of any member, delegate or candidate for election, or to or for any other person in order to induce such member, delegate or candidate for election to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any person, member, delegate or candidate for election having voted or refrained from voting at any election;
- (c) every person who, directly or indirectly, by himself or by any other person on his behalf makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure, the return of any person as a delegate to a conference of delegates

or as an elected member of the Board, or the vote of any member, delegate or candidate for election at any special meeting of a society called for the election of delegates to a conference of delegates or at any conference of delegates;

- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure the return of any person as a delegate to a conference of delegates or as an elected member of the Board or the vote of any person at any election;
- (e) every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;
- (f) every person who, before or during 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;
- (g) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election.

Definition of treating.

54. The following persons shall be deemed guilty of treating within the meaning of this Act:

- (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 such election, or an account of such person or any other person having voted or refrained from voting at such election;

(b) every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

55. 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 such 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 delegate or thereby compels, induces, or prevails upon any member or delegate either to give or refrain from giving his vote at any election, is guilty of undue influence within the meaning of this Act.

Definition of undue influence.

56. Every person, who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name, is guilty of personation within the meaning of this Act.

Definition of personation.

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

Penalty for bribery, treating or undue influence.

58. Any person who is guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation, is liable on summary conviction to a fine of one thousand dollars or to imprisonment for three months.

Penalty for personation.

Disqualification
for bribery, etc.

59. Every person who is convicted of bribery, treating, undue influence, or personation, or of aiding, counselling or procuring the commission of the offence of personation 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 delegates to a conference of delegates or any conference of delegates in respect of the election of a member of the Board;
- (b) of being elected a member of the Board or if elected before his conviction, of retaining his seat as such member.

Penalty for
certain illegal
practices at
elections.

60. Every person who votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Act or by any law, from voting at such election or before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate, is guilty of an illegal practice and is liable on summary conviction to a fine of two thousand dollars and is incapable, during a period of seven years from the date of conviction, of voting at any election of delegates to a conference of delegates or at any conference of delegates in respect of the election of a member to the Board.

Offences in
respect of
ballot papers.

61. Any person who—

- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper; or
- (b) without due authority supplies a ballot paper to any person; or
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (d) fraudulently takes out of the meeting place of any conference of delegates any ballot paper; or
- (e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or

(f) not being entitled to do so, votes at a conference of delegates for the election of a member to the Board,

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

62. For the purposes of any information or prosecution for any offence in relation to the votes, ballot boxes, ballot papers, and other things in use at an election, such ballot boxes, ballot papers, and things shall be deemed to be the property of the Supervisor of Elections at such election in the case of a conference of delegates and in the Returning Officer at such election in the case of a Special Meeting of a society called for the election of delegates to a conference of delegates.

Description, etc., ballot papers, etc., for purposes of prosecution of offences.

63. (1) Any society, officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein is liable to a fine of one thousand dollars or to imprisonment for six months.

Penalties.

(2) Where a society is guilty of an offence under this Act, every member of the committee of management, 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.

(3) All offences under this Act may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Act.

Ch. 4:20.

(4) Proceedings for any offence under this Act may be commenced at any time within four years from the date on which the offence was committed.

64. Failure to comply with the provisions of this Act or the Regulations thereunder shall not prevent the recovery of any sum by the Board or the enforcement of any security by the Board.

Recovery of sums by Board.

Unauthorised
property.

65. Any society or member who disposes or deals with or attempts to dispose or deal with any land comprised in any mortgage or charge made in favour of the Corporation without first obtaining the leave in writing of the Board, is liable to a fine of one thousand dollars or to imprisonment for six months.

Regulations.

66. (1) The Board may, with the approval of the Minister, make Regulations for all or any of the following purposes, that is to say:

- (a) prescribing the terms and conditions under which loans may be granted to societies and their financial members;
- (b) prescribing the information, particulars and matters to be supplied to the Board by a society or member making application to the Board for a loan;
- (c) prescribing the conditions to be fulfilled or complied with by societies or members prior to the granting of a loan;
- (d) prescribing the forms of any application or other document intended to be used under this Act;
- (e) prescribing the forms of any deed, memorandum of mortgage, charge or other instrument by way of security intended to be used under this Act;
- (f) regulating the administration and procedure of the Board and the conditions attaching to the employment of any officer or servant of the Board;
- (g) prescribing the limits within which loans may be made under the provisions of this Act;
- (h) prescribing the period of years within which loans shall be repayable;
- (i) providing for professional, legal or other services to the Board and the fees to be paid therefor and the manner in which they may be paid in respect of any matter or thing to be done in connection with a loan under the provisions of this Act;

- (j) prescribing the fines to be imposed on borrowers;
- (k) prescribing the rate or rates of interest to be charged on loans made under this Act;
- (l) prescribing the method of valuation to be employed for the purposes of this Act and the fees payable in respect thereof;
- (m) prescribing books and accounts to be kept by the Board and as to the audit thereof;
- (n) prescribing all such matters as, for the purposes of this Act, are required or permitted to be prescribed;
- (o) prescribing offences against any of the said Regulations and penalties therefor not exceeding one thousand dollars or imprisonment for three months; and
- (p) carrying out generally the purposes of this Act.

(2) The Friendly Societies Housing Corporation Sub. Leg. Regulations (formerly contained in the First Schedule to this Act) shall be deemed to be made under this section and may be amended or revoked under subsection (1).

SUBSIDIARY LEGISLATION

**FRIENDLY SOCIETIES HOUSING CORPORATION
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Qualifications for loan.
 3. Eligibility for loan.
 4. Sureties, fees and expenses, etc.
 5. Application for loan.
 6. Disqualifications.
 7. Records.
 8. Access to records.
 9. Place of records.
 10. Inspection.
 11. Repayment of loan.
 12. Loans not taken up.
 13. Voting.
 14. Dividends.
 15. Attorneys-at-law.
 16. Conditions for grant of loans.
 17. Forms.
 18. Principal and interest.
 19. Legal expenses.
 20. Copies of instrument.
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**FRIENDLY SOCIETIES HOUSING CORPORATION
REGULATIONS**

27 of 1950.
[46 of 1979].

deemed to be made under section 66

1. These Regulations may be cited as the Friendly Societies Housing Corporation Regulations. Citation.

2. (1) No loan shall be made to any borrower who is less than twenty-one years of age. Qualifications for loan.

(2) No loan shall be made to any member eligible for a loan who is not at the time of the actual execution of the Charge, Deed of Mortgage or Memorandum of Mortgage in favour of the Corporation a financial member of a society holding shares in the Corporation.

3. Subject to the Act, and to any Regulations made thereunder, a member shall only be eligible for a loan from the Corporation if— Eligibility for loan.

- (a) he is a financial member of a society;
- (b) he has, at the time of his application, been a member of such society for a period of not less than five consecutive years.

4. (1) No borrower owing money lent to it or him by the Board shall be accepted as surety for another society or person requiring a loan unless the members of the Board are unanimous that it is safe to accept it or him as such surety. Sureties, fees and expenses, etc.

(2) Every applicant shall deposit with the Board the Valuer's fee and the expenses of the Inspection Committee or of their agent in accordance with scales approved by the Board from time to time.

(3) The Board after considering the application, the reports of the Inspection Committee or their agent and the Valuer, shall decide whether a loan shall be made on such application and in what amount.

(4) Any loan granted is subject to a good title.

(5) Every property offered to the Board as security for a loan shall be visited by the Inspection Committee or their agent who shall report thereon to the Board.

(6) The Valuer to the Board shall immediately upon receiving instructions from the Secretary examine the properties offered as security and forward to the Secretary to be submitted to the Board, a written report on the said properties in the form approved by the Board, giving all necessary particulars in connection with the same.

Application
for loan.

5. (1) Every application to the Board for a loan shall be in writing in the approved form and shall contain—

- (a) full particulars of the security offered for the loan;
- (b) the rent reserved or payable on any land, if rented or leased, forming part of such security;
- (c) the amount (if any) which may be owing by the applicant to any encumbrancer;
- (d) the name and address of such encumbrancer;
- (e) the object for which the loan is required; and
- (f) such other information as the Board may require.

(2) Every such application shall be signed in the case of a society by the trustees of the society, and in the case of an individual, by the applicant.

Disqualifications.

6. Save in special circumstances, no loan shall be made to an individual for the purpose of erecting more than one dwelling house and its appurtenances in Trinidad and Tobago; and no loan shall be made to an individual for the purpose of acquiring a house from his or her husband or wife, as the case may be, or, for the purpose of acquiring a house if he or his wife, or, she or her husband, already owns a house.

Records.

7. (1) The records of the Board shall include—

- (a) the minutes of all meetings of the Board;
- (b) a register of the names and addresses of the trustees of all the shareholding societies;

- (c) a register of applications for loans;
- (d) a record of all securities deposited with the Board; and
- (e) all other books and accounts as may be required by the Comptroller of Accounts from time to time.

(2) The account of a borrower in the books and accounts shall be open to the inspection of such borrower or his or its agent duly authorised in writing free at all times during the hours of business as fixed by the Act, who may take extracts therefrom.

8. Every member of the Board shall have a right of access to the books and accounts, documents, vouchers and securities of the Corporation and shall be entitled to require and receive from the officers, servants and advisers of the Corporation such information and explanation as he may deem necessary for the performance of his duties. Access to records.

9. The books and accounts and records of the Corporation shall be kept at the office of the Corporation or at such other place or places as the Board thinks fit. Except by the authority of the Board no books of account, moneys, vouchers or other records of the Corporation shall be removed from the office of the Corporation. Place of records.

10. Every prospective borrower shall on demand permit any person acting on behalf of the Board and authorised in writing under the hand of the Secretary of the Board to enter and inspect any land or building in respect of which it or he has applied for a loan. Inspection.

11. Every loan shall be repayable within a period of not more than fifteen years. Repayment of loan.

12. Any loan granted which is not taken up by the applicant within three months from date of the granting of such loan shall lapse, but the Board may, at its discretion, extend the said period. Loans not taken up.

Voting. **13.** In no case shall a member of the Board be present or vote at a meeting of the Board when loans to himself or any society of which he is a member or an officer are under consideration.

Dividends. **14.** (1) The Board is empowered to declare dividends annually as at 30th June. Such dividends shall be payable out of the profits of the Corporation after providing for losses, if any, and depreciation, and after transferring to the Reserve Fund the amount required to be set aside by the Act.

(2) The Board shall give public notice, published once a week in a local daily newspaper for at least two weeks, of the payment of such dividends previously to the date fixed for such payment.

(3) Dividends shall, on and after the date fixed for payment, be payable in cash at the office of the Corporation or in such other manner as the Board may determine.

(4) The liability of the Board under any law, custom or agreement to pay dividends declared and payable on its capital stock shall continue notwithstanding any statute of limitations or any written law or law relating to prescription.

Attorneys-at-law. **15.** Attorneys-at-law shall be appointed by the Board and they shall transact all such professional business of the Corporation as may come within their respective vocations for which they shall receive such remunerations as the Board may from time to time determine, such remuneration to be paid either by the Board or by a society or member as the Board may decide.

Conditions for grant of loans. [46 of 1979]. **16.** The conditions under which loans shall be granted shall be as follows:

(a) All loans shall bear interest which shall be payable on the last day of the months of March, June, September and December in each year.

- (b) The interest payable on loans made by the Board shall be at the following rates:
- (i) where the loan does not exceed twenty-five thousand dollars, ten per cent a year;
 - (ii) where the loan exceeds twenty-five thousand dollars but does not exceed fifty thousand dollars, seven and one-half per cent a year;
 - (iii) where the loan exceeds fifty thousand dollars, five per cent a year.
- (c) Every mortgage, charge or other instrument of whatever nature made for securing the repayment of any loan to the Board by a society or a member eligible for a loan under the Act shall contain provision for the repayment of such loan by quarterly instalments of principal and interest as aforesaid combined at rates to be expressed in such mortgage, charge or other instruments. However, if default is made by the borrower in payment of any instalments or principal and interest or if he or it commits a breach of any covenant or obligation contained in such mortgage, charge or other instrument or if any event arises whereby the Board may exercise its power of sale the whole of the principal money then outstanding shall become immediately due and payable with interest thereon at the rate aforesaid.
- (d) A full month's interest shall be charged and paid for any loan taken up before the fifteenth day of any month and a half month's interest for any loan taken up after the fifteenth day of any month.
- (e) No loan shall be made to any member exceeding fifty thousand dollars.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

50

Chap. 33:05 *Friendly Societies Housing Corporation*

[Subsidiary]

Friendly Societies Housing Corporation Regulations

Forms.
Sub. Leg.

17. The forms to be used under the Act shall be those set forth in the Schedule to the Election of Members to the Friendly Societies Housing Board Regulations.

Principal and
interest.

18. (a) Every society or member neglecting to pay all its or his instalments of principal and interest as and when it becomes payable shall be fined for such default one per cent a month or any part of a month on any amount due and unpaid until all arrears are paid off. All moneys received from time to time shall be applied in the first place in settlement of fines and arrears.

(b) All instalments of principal and interest due on the respective quarter days shall be received without fines up to and including the fifteenth day of the following month.

Legal expenses.

19. The Board shall out of any moneys payable by way of loan to a borrower to whom a mortgage loan has been granted deduct the legal expenses, and other charges due by the borrower and the registration fees and stamp duty payable in respect of the said mortgage or charge and the balance only shall be paid to the borrower.

Copies of
instrument.

20. The Board shall cause a copy of every instrument creating any mortgage or charge in favour of the Corporation requiring registration under this Act, to be kept at the office of the Corporation, and to be open to inspection at all times during office hours by the members of the Board, the parties thereto, and other persons directly affected thereunder.

**ELECTION OF MEMBERS TO THE FRIENDLY
SOCIETIES HOUSING BOARD REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Issue of writ for holding election of delegates.
Contents of writ.
3. Notice of period fixed for carrying out elections to be published.
4. Committee of Management to elect Returning Officer.
5. Returning Officer to take oath.
6. Returning Officer to summon special meeting of society.
7. Delegates' qualifications.
8. Provisions with respect to voting.
9. Member's votes.
10. Equality of votes.
11. Hours of taking the poll.
12. Returning Officer's duties.
13. Penalty for delay, neglect or refusal of Returning Officer to
return elected delegate.
14. Returning Officer to forward writ endorsed and to make report.
15. Registrar to publish list of delegates elected.
16. Returning Officer to give certificates of election of delegates.
17. Appointment of Supervisor of Elections and election clerks.
18. Powers and duties of Supervisor of Elections.
19. Notice of time and place of conference of delegates.
20. Checking at conference by Supervisor.
21. Proceedings of conference to be conducted by Supervisor of Elections.
22. Procedure at conference.
23. Duties of election clerk.
24. Instructions to delegates.
25. Examination of ballot box.
26. Spoilt ballot paper.
27. Supervisor to assist blind and incapacitated delegates.

ARRANGEMENT OF REGULATIONS—*Continued*

REGULATION

28. Counting of ballot papers.
29. Procedure on equality of votes.
30. Announcement of numbers of votes cast.
31. Return of ballot box with ballot papers to Registrar.
32. Confirmation of elections by Registrar.
33. Intoxicating liquor not to be sold or given at elections.

SCHEDULE.

**ELECTION OF MEMBERS TO THE FRIENDLY
SOCIETIES HOUSING BOARD REGULATIONS**

27 of 1950.

deemed to be made under section 6(5)

1. These Regulations may be cited as the Election of Members to the Friendly Societies Housing Board Regulations. Citation.

2. (1) For the purposes of the election of delegates by a society holding shares in the Corporation, the Registrar shall issue a writ of election under his hand and forward the same to the Secretary of every such society. Issue of writ for holding election of delegates.

(2) Every such writ shall be in the form set out as Form No. 1 in the Schedule and shall specify the period within which the elections of delegates to the conference of delegates shall take place being not less than fifteen days and not more than twenty-eight days from the date of the said writ. Contents of writ. Form No. 1. Schedule.

3. The Registrar shall cause a general notice to be printed in two local daily newspapers at least on two occasions giving notice of the period fixed by him for the carrying out of the election of delegates by societies. Notice of period fixed for carrying out elections to be published.

4. Upon receipt of the writ the Secretary of every society shall forthwith inform the Committee of Management of the receipt thereof and thereupon they shall proceed to elect a Returning Officer from among their members. Such Returning Officer upon being elected shall be handed the writ by the Secretary, and shall proceed to hold the election of delegates in the manner herein provided. No Returning Officer shall be eligible for election as a delegate by the society in respect of which he is appointed Returning Officer. Committee of Management to elect Returning Officer.

5. Forthwith upon his appointment the Returning Officer shall take and subscribe the oath in the form printed on the back of the writ and as set out as Form No. 2 in the Schedule, and shall return or deliver such oath to the Registrar along with his report hereinafter mentioned. Every Returning Officer may take such oath before a Commissioner of Affidavits or Justice of the Peace. Returning Officer to take oath. Form No. 2. Schedule.

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Returning Officer to summon special meeting of society. Form No. 3. Schedule.

6. Every Returning Officer shall immediately after taking the oath as aforesaid endorse the writ in manner set out in Form No.3 in the Schedule, to the effect that he has assumed duties as such Returning Officer, giving the date thereof and shall state also thereon his full name and address. He shall immediately issue a notice summoning a special meeting of the society for the purpose of the election of delegates to the conference of delegates and shall undertake and execute all other duties in connection with the said elections as the Registrar shall direct. A copy of such notice shall be posted up in a conspicuous place in the registered office of each society for at least seven clear days before the holding of such special meeting.

Delegates' qualifications.

7. No person may be voted for at any election of delegates to a conference of delegates unless—

- (a) he is a citizen by birth or naturalisation; and
- (b) he has attained the age of twenty-one years; and
- (c) he has resided in Trinidad and Tobago for a period of not less than five years immediately preceding the date of his nomination.

Provisions with respect to voting.

8. At every special meeting called for carrying out the election of delegates as aforesaid the following provisions shall apply:

- (i) voting shall be by show of hands;
- (ii) the proceedings shall be conducted by the Returning Officer;
- (iii) no person shall be entitled to vote unless he is at the time of voting a financial member of the society;
- (iv) the Secretary of the society shall, at the request of the Returning Officer, furnish the names of financial members and they only shall be entitled to vote; the Returning Officer shall exclude from the meeting all persons who are not financial members of the society; the highest number of votes of financial members shall decide the successful candidate or candidates;

- (v) no candidate shall be submitted for election as a delegate unless his proposer and seconder are both financial members of the society;
- (vi) no probationary member shall be entitled to vote;
- (vii) two or more tellers shall be appointed by the Returning Officer for the purpose of counting the votes, and if the Returning Officer 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;
- (viii) the successful candidate or candidates, as the case may be, shall on signing the declaration set out as Form No. 4 in the Schedule become the delegate or delegates nominated by the society to the conference of delegates.

Form No. 4.
Schedule.

9. (1) Every financial member of a society shall be entitled to as many votes as there are delegates to be elected to a conference of delegates by such society.

Member's votes.

(2) The Returning Officer may, on the application of any member who is in attendance at a special meeting but who is incapacitated from blindness or any physical cause from voting in the manner prescribed by these Regulations, assist such member and take his vote notwithstanding that he is incapable of voting in the manner prescribed by these Regulations.

10. Whenever in the count of votes, an equality of votes is found to exist between any two candidates, the Returning Officer shall be entitled to give his casting vote; otherwise the Returning Officer shall not be entitled to vote.

Equality of
votes.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

56

Chap. 33:05 *Friendly Societies Housing Corporation*

[Subsidiary]

Election of Members to the Friendly Societies Housing Board Regulations

Hours of taking the poll.

11. The taking of the poll for the election of delegates shall be at such time between four o'clock in the afternoon and ten o'clock in the night of the same day as may be fixed by the Returning Officer.

Returning Officer's duties.

12. The Returning Officer shall have entire charge of the proceedings of the special meeting of the society called for the purpose of electing delegates and shall preserve order and decorum thereat. In accordance with directions from the Registrar he shall determine the number of delegates to be elected to the conference of delegates. In the conduct of the said proceedings his decision shall be final.

Penalty for delay, neglect or refusal of Returning Officer to return elected delegate.

13. If any Returning Officer wilfully delays, neglects or refuses to return any person duly elected as a delegate he is liable on summary conviction, at the instance of the Registrar, to a fine of five hundred dollars or to imprisonment for three months.

Returning Officer to forward writ endorsed and to make report.

14. (1) The Returning Officer shall immediately after the election of delegates has been concluded, forward the writ endorsed as hereinbefore provided and make a report to the Registrar setting out—

- (a) the day on which the writ was received by him;
- (b) the day, time and place on and at which the election of delegates was carried out;
- (c) the number of persons present and eligible to vote and the number of votes cast for each candidate;
- (d) the name and address or names and addresses, as the case may be, of the person or persons elected as a delegate or delegates to the conference of delegates;
- (e) the declaration of those elected in accordance with Form No. 4 in the Schedule;
- (f) a record of the meeting which contains the names of all persons nominated together with the names of their respective proposers and seconders;

Form No. 4. Schedule.

(g) any matters of particular significance relating to the polling and the counting of the votes at such election and in particular, when there has been an equality of votes for two or more candidates, the matter of such equality.

(2) Each Returning Officer shall receive from the society a fee of five dollars in respect of each candidate duly elected.

15. The Registrar shall on receiving the report of every Returning Officer of the delegate or delegates elected by a society enter it in a file to be kept by him for such purpose, and shall within not less than twenty-one days before the election of members at the conference of delegates complete and publish a list once in the *Gazette* and twice in two local daily newspapers of the names of the delegates so elected.

Registrar to publish list of delegates elected.

16. (1) The conference of delegates shall take place not more than ninety days after any special meeting called for the election of delegates thereto.

Returning Officer to give certificates of election of delegates.

(2) The Returning Officer shall before the conclusion of the meeting give each elected delegate a certificate of his election which he shall produce to the Supervisor of Elections on seeking admission to the conference of delegates.

17. (1) For the purposes of every conference of delegates, and for the purposes of the election of members to the Board therefrom to supply vacancies caused by death, resignation, disqualification, expulsion or otherwise, the Registrar shall appoint a Supervisor of Elections, herein referred to as the Supervisor, and shall issue a writ under his hand addressed to such officer.

Appointment of Supervisor of Elections, and election clerks.

(2) Every such writ shall be in the form set out as Form No. 5 in the Schedule and shall specify the day, time and place of the conference of delegates.

Form No. 5. Schedule.

(3) Forthwith upon his appointment the Supervisor shall take and subscribe an oath in the form set out as Form No. 6 in the Schedule and shall transmit or deliver such Form to the Registrar.

Form No. 6. Schedule.

(4) Every Supervisor shall immediately after taking the oath, endorse the writ to the effect that he has assumed duties as Supervisor. Such assumption of duties shall be in the form set out on the back of Form No. 5 in this Schedule.

Form No. 5.
Schedule.

(5) Upon receipt of the writ the Supervisor shall proceed to hold the election of delegates in the manner hereinafter provided.

(6) For the purposes of any election the Registrar may appoint an election clerk or clerks to assist the Supervisor. Forthwith upon his appointment every election clerk appointed shall take an oath in the form set out as Form No.7 in the Schedule and shall deliver or transmit such Form to the Registrar.

Form No. 7.
Schedule.

Powers and
duties of
Supervisor of
Elections.

18. The Supervisor appointed under these Regulations shall—

- (a) exercise general direction and supervision over the administrative conduct of the elections at the conference of delegates in respect of which he has been appointed, and duly enforce the provisions of these Regulations;
- (b) issue to election clerks and servants such instructions from time to time as he may deem necessary to ensure the effective execution of the provisions of the Act and the Regulations thereunder with respect to the said elections;
- (c) exercise and perform all other powers and duties which are conferred and imposed upon him.

Notice of time
and place of
conference of
delegates.

19. On the issue of the writ aforesaid, the Registrar shall give notice thereof, and of the day, time and place fixed for the conference of delegates, by publication in the *Gazette* and at least twice in two local daily newspapers at least seven days before the day fixed for such conference. The doors of the conference shall be opened at least two hours before the time fixed for the opening of the conference and the Supervisor shall be in attendance during such time for the reception and checking of delegates.

20. (1) On the day and at the time and place fixed for the opening of the conference of delegates the Supervisor shall attend to check the persons seeking admission to the conference. He shall keep order at the conference and shall regulate the admission of delegates elected to attend. He shall exclude from the conference all persons who have not been elected as delegates thereto. Each elected delegate upon entering the place fixed for the conference shall declare his name and that of the society whose delegate he is and shall produce his certificate of election as a delegate. The election clerk shall then ascertain if the name of the delegate appears on the official list of delegates elected to attend the said conference and the election certificate shall be returned to the delegate in due course. When it has been ascertained that the applicant is qualified to take part in the proceedings of the conference, the applicant shall be immediately allowed to enter the conference room.

Checking at conference by Supervisor.

(2) One hour after the time fixed for the opening of the conference the Supervisor shall cease the checking of delegates seeking admission and those delegates who have not been admitted into the conference room shall be excluded therefrom and shall not be entitled to take part in the proceedings.

21. The Supervisor shall thereupon declare the conference ready to proceed to nominations and voting. The proceedings shall be conducted by the Supervisor who shall be the Chairman of the conference.

Proceedings of conference to be conducted by Supervisor of Elections.

22. (1) The conference shall proceed to business by the nomination of candidates from among the delegates present for the vacant office or offices of the Board. No candidate shall be submitted for election unless he shall be proposed and seconded by delegates present. At the closing of the nominations the Supervisor shall announce the names of the persons duly nominated.

Procedure at conference.

(2) In the event of there being only one candidate duly nominated where there is only one seat to be filled or there being as many candidates duly nominated as there are seats to be filled, the Supervisor shall forthwith publicly declare such candidate or

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

60

Chap. 33:05 *Friendly Societies Housing Corporation*

[Subsidiary]

Election of Members to the Friendly Societies Housing Board Regulations

candidates, as the case may be, to be elected and shall immediately thereafter certify by endorsement on the writ issued to him by the Registrar, the return of such candidate or candidates and shall return the writ so endorsed to the Registrar. If however, there are more candidates than there are offices to be filled a poll of the nominated delegates shall be taken.

Duties of election clerk.

23. The election clerk shall furnish each delegate present with a blank ballot paper upon which the delegate shall write the names of the nominated candidates for whom he wishes to vote, provided that no delegate shall be entitled to write more names than there are vacant seats to be filled.

Instructions to delegates.

24. The Supervisor or election clerk shall instruct the delegates present how to fold the ballot paper.

Examination of ballot box.

25. The Supervisor shall in the presence of the candidates and of the delegates there assembled open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked and the Supervisor shall keep the key thereof; the box shall be placed on a table, stand or other article of furniture or fixture in full view of all present and shall be maintained there until the close of the poll.

Spoilt ballot paper.

26. A delegate who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the Supervisor who shall cancel it by writing the word "spoiled" across the face of the same. The Supervisor shall then deliver another ballot paper to the delegate. If any delegate persists, after being warned, in disobeying the directions of the Supervisor or in acting in contravention of these Regulations the Supervisor may cause him to be removed from the conference.

Supervisor to assist blind and incapacitated delegates.

27. The Supervisor on the application of any delegate who is incapacitated from blindness, illness, infirmity or any physical cause from voting in the manner prescribed by these Regulations shall assist such delegate by filling up his ballot paper in the manner directed by such delegate in the presence of an election clerk and shall place such ballot in the ballot box.

28. (1) The Supervisor shall, after all the delegates have voted, in the presence of such of the delegates as are present open the ballot box and scrutinise the ballot papers and reject all ballot papers on which is written anything other than the names of the nominated candidates eligible for election.

Counting of ballot papers.

(2) The Supervisor shall thereupon proceed to count the votes validly cast for each candidate.

29. Whenever on the final count of votes an equality of votes material to the result of the election is found to exist, the Supervisor shall forthwith announce that a fresh election to the office or offices in respect of which a tie has occurred shall take place instanter, or if this is not convenient he shall in his discretion adjourn the conference to a date to be then and there announced, not being more than fourteen days thereafter, notice of which shall be published at least once in a local daily newspaper, at which the delegates to the said conference shall return for the express purpose of electing a member or members for the office or offices in respect of which the tie had taken place. And the provisions of these Regulations or such of them as are relevant, shall be applicable to and have effect at such subsequent election.

Procedure on equality of votes.

30. The Supervisor shall, after he has made a count of or ascertained the number of votes given for each candidate, forthwith announce to the conference the number cast for each candidate and forthwith deliver personally or transmit to the Registrar—

Announcement of numbers of votes cast.

- (a) the writ with his return in the form set out on the back of Form No. 5 in the Schedule with the name of the candidate or candidates, as the case may be, and the number of votes, respectively cast for each candidate;
- (b) all or any other documents used or issued for use at the said conference;
- (c) a report of the proceedings at the conference.

Form No. 5. Schedule.

31. Forthwith upon making the return to the writ in accordance with the provisions of regulation 30, the Supervisor shall replace

Return of ballot box with ballot papers to Registrar.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

62

Chap. 33:05 *Friendly Societies Housing Corporation*

[Subsidiary]

Election of Members to the Friendly Societies Housing Board Regulations

in the ballot box all the ballot papers used at the conference, lock the same and cause the ballot box with its lock and key to be returned to the custody of the Registrar.

Confirmation of elections by Registrar.

32. The Registrar shall as soon as he has been satisfied that the elections have been duly conducted in accordance with the provisions of these Regulations, forthwith confirm by publication in the *Gazette* and at least in one local daily newspaper, the name of the candidate or candidates, as the case may be, elected as a member or members of the Board.

Intoxicating liquor not to be sold or given at elections.

33. No intoxicating liquor shall be introduced, kept, sold, offered for sale, given away, supplied or used on or at any premises at which an election of a delegate or delegates by a society or a conference of delegates is being conducted, and this prohibition shall be in force and effect between the opening and closing of the poll on every such respective occasion.

Ch. 21:01.

In this regulation intoxicating liquor has the same meaning as is assigned to the expression in the Registration of Clubs Act.

SCHEDULE

FORMS

REPUBLIC OF TRINIDAD AND TOBAGO

FORM NO. 1

Regulation 2(2).

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

WRIT OF ELECTION OF DELEGATE

By

*Registrar of Friendly Societies,
Trinidad and Tobago.*

To the Returning Officer of the
Friendly Society,
c/o Secretary,
Friendly Society.

Whereas by Regulations issued under section 6 of the Friendly Societies Housing Corporation Act, it is provided that for the purposes of every general election of members of the Friendly Societies Housing Board by friendly societies holding shares in the Corporation, and for the purposes of the election of members to supply vacancies thereon caused by death, resignation, disqualification, expulsion or otherwise, the Registrar shall issue a writ under his hand addressed to the Returning Officers of all such societies.

And whereas it is expedient that a writ should be issued to you for the (general) election of members to serve on the Friendly Societies Housing Board.

Now therefore I,, Registrar as aforesaid, do hereby require that notice of the time and place fixed for the election of delegates having been first duly given as required by law, you do between the day of and the day of, at the Registered Office of the Friendly Society cause election to be made according to law of a member (members) to the Board as aforesaid, the date whereof is to be later fixed, and that, if necessary, you do cause a poll to be taken and the name (names) of such member (members) when so elected to be certified to me according to law not later than the day of

Dated this day of 20.....

*Registrar of Friendly Societies,
Trinidad and Tobago.*

64 **Chap. 33:05** *Friendly Societies Housing Corporation*

[Subsidiary] *Election of Members to the Friendly Societies Housing Board Regulations*

REPUBLIC OF TRINIDAD AND TOBAGO

Regulation 5.

FORM NO. 2

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

OATH OF RETURNING OFFICER

I,, the undersigned, having been appointed Returning Officer for the Friendly Society, do swear that I will act faithfully in the capacity of Returning Officer for the purposes of the election of delegates as stated on the face hereof in accordance with the provisions of the Friendly Societies Housing Corporation Act, and the Regulations made thereunder, without partiality, fear, favour or affection and to the best of my ability.

So help me God.
Returning Officer.

Sworn before me at, this day of, 20.....

Justice of the Peace
or
Commissioner of Affidavits

REPUBLIC OF TRINIDAD AND TOBAGO

FORM NO. 3

Regulation 6.

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

ASSUMPTION OF DUTY

I,, the undersigned, have this day
of, 20....., assumed duties as Returning Officer
for the Friendly Society for the purposes of the election
of delegates stated on the face hereof.

.....
Full name of Returning Officer

.....
Address

66 **Chap. 33:05** *Friendly Societies Housing Corporation*

[Subsidiary] *Election of Members to the Friendly Societies Housing Board Regulations*

REPUBLIC OF TRINIDAD AND TOBAGO

Regulations
8(h), 14(e).

FORM NO. 4

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

**STATUTORY DECLARATION OF A PERSON ELECTED
AS A DELEGATE TO CONFERENCE OF DELEGATES**

I,, of do
solemnly and sincerely declare as follows:

1. That I was on the day of elected by
the Friendly Society to be a delegate to a conference of delegates to be called within
ninety days of such date for the purpose of electing members to the Friendly Societies
Housing Board.

2. That I am duly qualified to be elected a member of the Friendly Societies Housing
Board and I possess the following qualifications:

- (a) I am a citizen by birth (or naturalisation).
- (b) I am over the age of 21 years.
- (c) I have resided in Trinidad and Tobago for a period of years.

I make this declaration conscientiously believing the same to be true and according to
the Statutory Declarations Act, and I am aware that if there is any statement in this
declaration which is false in fact and which I know or believe to be false or do not
believe to be true, I am liable to fine and imprisonment.

.....
Signed

Declared before me this day of 20.....

.....
Signed

.....
Justice of the Peace
or
Commissioner of Affidavits

REPUBLIC OF TRINIDAD AND TOBAGO

FORM NO. 5

Regulation
17(2) and (4).

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

**WRIT OF APPOINTMENT OF SUPERVISOR OF
ELECTIONS**

By

*Registrar of Friendly Societies,
Trinidad and Tobago.*

To

Whereas by Regulations issued under section 6 of the Friendly Societies Housing Corporation Act it is provided that for the purposes of the holding of a conference of delegates and for the purposes of an election of members (or a member) to the Friendly Societies Housing Board the Registrar shall appoint a Supervisor of Elections.

And whereas the seats of members elected by societies of the said Friendly Societies Housing Board have by effluxion of time become vacant (or And Whereas the seat of a member of the Friendly Societies Housing Board, elected by societies, has become vacant on account of death, resignation, expulsion or otherwise of a member of the said Friendly Societies Housing Board).

Now therefore I,, Registrar of Friendly Societies doth hereby appoint you as Supervisor of Elections for the purpose of holding and conducting the elections of members (member) to the Friendly Societies Housing Board at the Conference of Delegates to be holden on the day of, and require you to cause a return of the election of the candidates to be made to me according to law immediately following the said elections. And for the aforesaid purposes you are to hold, enjoy, perform and exercise the rights, powers, duties and privileges attaching to the said office of Supervisor of Elections under the provisions of the Friendly Societies Housing Corporation Act, and the Regulations made thereunder.

Dated this day of, 20.....

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

L.R.O. 1/2006

68 **Chap. 33:05** *Friendly Societies Housing Corporation*

[Subsidiary] *Election of Members to the Friendly Societies Housing Board Regulations*

(a)

ACCEPTANCE OF OFFICE AS SUPERVISOR OF ELECTIONS

I,, the undersigned do this day of 20....., accept the office of Supervisor of Elections for the purposes stated on the face hereof, and have accordingly assumed duties as such Supervisor.

*Full name of Supervisor of Elections
Address*

(b)

RETURN OF BALLOT FOR MEMBERS OF THE FRIENDLY SOCIETIES HOUSING BOARD

Holden the day of, 20....., at the conference of delegates at and conducted by Supervisor.

*Number of votes cast for (<i>give name of person</i>)
" " " " " " " "
" " " " " " " "
" " " " " " " "
" " " " " " " "
" " " " " " " "
" " " " " " " "
" " " " " " " "

Number of valid Ballot Papers
 Number of rejected Ballot Papers
 Total number of Ballot Papers found in Ballot box

*Give numbers in decreasing order of magnitude starting with the name of the person for whom the largest number of votes has been cast.

DECLARATION

I,, the undersigned appointed Supervisor of Elections in respect of the conference of delegates holden at the day of, 20....., do hereby swear that the above statement is a true and exact record of votes given at the aforesaid conference, and that the said votes were cast in my presence and that I have faithfully performed all my duties as Supervisor aforesaid and that (give name) Election Clerk, has likewise duly and faithfully performed his duties pertaining to the said conference under my supervision.

So help me God.
Supervisor of Elections
 Before me,
Justice of the Peace
or
Commissioner of Affidavits

REPUBLIC OF TRINIDAD AND TOBAGO

FORM NO. 6

Regulation
17(3).

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

OATH OF SUPERVISOR OF ELECTIONS

I,, the undersigned having been appointed Supervisor of Elections to the Friendly Societies Housing Board to take place at the conference of delegates to be holden at on the day of, do swear that I will act faithfully in the capacity of Supervisor of Elections according to law, without partiality, fear, favour, or affection and that I will keep secret the names of the candidates for whom any of the delegates at the above-mentioned conference votes in my presence at this election.

So help me God.

.....
Supervisor of Elections

Sworn before me this day of, 20.....

.....
Justice of the Peace
or
Commissioner of Affidavits

70 **Chap. 33:05** *Friendly Societies Housing Corporation*

[Subsidiary] *Election of Members to the Friendly Societies Housing Board Regulations*

REPUBLIC OF TRINIDAD AND TOBAGO

Regulation
17(6).

FORM NO. 7

FRIENDLY SOCIETIES HOUSING CORPORATION ACT

OATH OF ELECTION

I,, the undersigned, having been appointed Election Clerk to the conference of delegates to be holden at on the day of, do swear that I will act faithfully in the capacity of Election Clerk in accordance with the provisions of the Friendly Societies Housing Corporation Act, and of any Regulations made thereunder, without partiality, fear, favour or affection to the best of my ability.

So help me God.

.....
Election Clerk

Sworn before me this day of, 20.....

.....
Justice of the Peace
or
Commissioner of Affidavits
