


ANNO NONO & DECIMO

# VICTORIÆ REGINÆ.

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## CAP. XXVII.

## An Act to amend the Laws relating to Friendly Societies. [3d *July* 1846.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King* George *the Fourth, to consolidate and amend the Laws relating to Friendly Societies*, it is enacted, that it shall and may be lawful for any Number of Persons in *Great Britain* and *Ireland* to form themselves into and to establish a Society, under the Provisions of the said recited Act, for the mutual Relief and Maintenance of all and every the Members thereof, their Wives, Children, Relations, or Nominees, in Sickness, Infancy, advanced Age, Widowhood, or any other natural State or Contingency whereof the Occurrence is susceptible of Calculation by way of Average, or for any other Purpose which is not illegal: And whereas Doubts have been entertained for what Purposes a Society may be established under the Provisions of the said Act, and it is expedient that such Purposes be better defined: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

4 & 5 W. 4. c. 40.

Purposes for which Societies may be formed under 10 G. 4. c. 56. and 4 & 5 W. 4. c. 40.

and by the Authority of the same, That a Society may be established, under the Provisions of the said Acts, for any of the following Purposes; (that is to say,)

1. For the lawful Insurance of Money to be paid on the Death of the Members to their Husbands, Wives, or Children, Kindred or Nominees, or for defraying the Expences of the Burial of the Members, their Husbands, Wives, or Children; provided that no Person under the Age of Six shall be allowed to become a Member of such Society, and that no Insurance shall be effected on the Life of any Child under Six Years of Age:
2. For the Relief, Maintenance, or Endowment of the Members, their Husbands, Wives, Children, Kindred, or Nominees, in Infancy, old Age, Sickness, Widowhood, or any other natural State of which the Probability may be calculated by way of Average:
3. Toward making good any Loss sustained by the Members by Fire, Flood, or Shipwreck, or by any Contingency of which the Probability may be calculated by way of Average, whereby they shall have sustained any Loss or Damage of their Live or Dead Stock, or Goods or Stock in Trade, or of the Tools or Implements of their Trade or Calling:
4. For the frugal Investment of the Savings of the Members for better enabling them to purchase Food, Firing, Clothes, or other Necessaries, or the Tools or Implements of their Trade or Calling, or to provide for the Education of their Children or Kindred, with or without the Assistance of charitable Donations: Provided always, that the Shares in any such Investment Society shall not be transferable, and that the Investment of each Member shall accumulate or be employed for the sole Benefit of the Member investing, or the Husband, Wife, Children, or Kindred of such Member, and that no Part thereof shall be appropriated to the Relief, Maintenance, or Endowment of any other Member or Person whomsoever, and that the full Amount of the Balance due according to the Rules of such Society to such Member shall be paid to him or her on withdrawing from the Society, and that no such last-mentioned Society shall be entitled or allowed to invest its Funds, or any Part thereof, with the Commissioners for the Reduction of the National Debt:
5. For any other Purpose which shall be certified to be legal in *England* or *Ireland* by Her Majesty's Attorney or Solicitor General, and in *Scotland* by the Lord Advocate, and which shall be allowed by One of Her Majesty's Principal Secretaries of State as a Purpose to which the Powers and Facilities of the said Acts ought to be extended; provided that the Amount of the Sum or Value of the Benefit to be assured to any Member, or any Person claiming by or through him or her, by any Society for any Purpose so certified and allowed as herein-before mentioned, shall not exceed in the whole Two hundred Pounds; and that this Limitation shall be inserted in the Rules of every Society established for any Purpose so certified and allowed; and that

no such last-mentioned Society shall be entitled or allowed to invest its Funds or any Part thereof with the Commissioners for the Reduction of the National Debt.

Member may withdraw from Society, the Rules of which do not prescribe the Time, &c., on giving Notice, and paying all Arrear.

II. And be it declared and enacted, That any Member of a Friendly Society, the Rules of which do not prescribe the Time when or the Conditions on which Members shall be allowed to withdraw themselves, shall be allowed to withdraw himself or herself at any Time from such Society on giving written Notice to the Secretary or other proper Officer of the Society of his or her Intention to do so, and on Payment of all Arrears due by such Member; but after giving such Notice as aforesaid no Member shall be entitled to have any Benefit from the Funds of the Society, or be liable to any further Subscription or Payment other than the Amount of the Arrears due from him or her at the Time of giving such Notice.

Payments to Society shall be kept distinct for each Purpose subscribed for, or extra Payments made for Contingencies.

III. And be it enacted, That when a Society is formed, under the Provisions of the said Acts or this Act, for any Purpose in addition to that of providing Relief, Maintenance, or Endowment, in case of Infancy, old Age, Sickness, Widowhood, or other natural State as aforesaid, the Contributions or Payments for every such other Purpose shall be kept separate and distinct, or the Charges defrayed by extra Subscriptions of the Members, at the Time such Contingencies take place.

Separate Accounts to be kept for each particular Benefit subscribed for.

IV. And be it enacted, That the Rules of every Friendly Society established after the passing of this Act shall provide that a Book or Books be kept, in which all Monies received or paid on account of any particular Fund or Benefit for which the Rules of the Society provide shall be entered in a separate Account, distinct from the Monies received and paid on account of any other Benefit or Provision.

Returns of the Rates of Sickness and Mortality, Assets, and Liabilities, shall be sent by every Society to the Registrar of Friendly Societies every Five Years.

V. And be it enacted, That the Returns of the Rate of Sickness and Mortality required by Law to be sent by every Friendly Society at Intervals of Five Years to the Barrister or Advocate by whom the Rules of the Society may have been certified shall be henceforth sent to the Registrar of Friendly Societies in *England*, *Scotland*, and *Ireland* respectively, according to such Form as shall be prepared for that Purpose by the said several Registrars under the Direction of One of Her Majesty's Principal Secretaries of State; and with every such Return shall be sent a Report of the Assets and Liabilities of such Society; and this Provision shall be inserted in the Rules of every Society which shall be established after the passing of this Act.

Penalties for not making Returns to the Registrar required by Law.

VI. And be it enacted, That the Treasurers, Trustees, Stewards, or other principal Officer of every such Society, who by the Rules of such Society are or is bound to prepare or cause to be prepared the yearly general Statement of the Funds and Effects of such Society, shall be the Persons who shall be respectively bound to make or cause to be made, and to send to the Registrar of Friendly Societies the said Returns of the Rate of Sickness and Mortality, and the

the said Report of the Assets and Liabilities of such Society; and every such Person who shall refuse or wilfully neglect to make or cause to be made or to send the said Returns of Sickness or Mortality, or the said Report of the Assets and Liabilities of such Society, at the Time and in the Manner prescribed by the said Acts or this Act, shall be liable to a Penalty not exceeding the Sum of Five Pounds, to be recovered, with Costs, before any Two Justices of the Peace having Jurisdiction where such Society shall have its Place of Meeting; and on Nonpayment thereof, the same, with the reasonable Costs of Conviction, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal of such Justices.

For establishing the Legality of certain Societies.

VII. And be it enacted, That any Friendly Society established before the passing of this Act for any Purpose which is herein-before specified, or for any legal Purpose which shall be certified and allowed as is herein-before provided, and shall not have been adjudged not to be within the Provisions of the first-recited Act by any Court of competent Jurisdiction, shall be deemed to have been within the Provisions of the said Act from the Time at which the Rules thereof shall have been or may be certified or allowed by the Barrister or Advocate appointed to certify the Rules of Friendly Societies.

Repeal of Part of 10 G. 4. c. 56. and 4 & 5 W. 4 c. 40.

VIII. And be it enacted, That so much of the said Acts of the Tenth Year of the Reign of King *George* the Fourth, and of the Fifth Year of the Reign of His late Majesty, as specifies the Objects or Purposes for which a Society may be established under the Provisions of the said Acts or either of them, or as gives to any Court of Sessions of the Peace any Power of confirming and allowing the Rules of any such Friendly Society rejected or disapproved by the Barrister or Advocate appointed to certify the Rules of Friendly Societies, shall be repealed: Provided always, that the Repeal of so much of the said Acts as is herein repealed shall not exclude from the Benefit of the said Acts any Society legally established according to the Provisions of the said Acts, the Rules of which were certified and enrolled before the passing of this Act.

Societies legally established not excluded from Benfiet of said Acts.

Provisions of 39 G. 3. c. 79. and 57 G. 3. c. 19. not to extend to Friendly Societies.

IX. And be it enacted, That the Provisions of an Act passed in the Thirty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for better preventing treasonable and seditious Practices*, and also of another Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the more effectual preventing seditious Meetings and Assemblies*, shall not extend to any Society duly established under the Statutes in force relating to Friendly Societies, or to any Meeting of the Members or Officers thereof, in which Society or at which Meeting no Business whatever other than that of the Relief, Maintenance, or Endowment of the several Persons to whom Benefits are assured by the Rules of such Society are treated of, and which is established solely for the Purpose of assuring Benefits depending on the Laws of Sickness or Mortality.

X. And

X. And be it enacted, That after the passing of this Act the Barrister or Advocate appointed to certify the Rules of Friendly Societies shall be styled the Registrar of Friendly Societies in *England*, *Ireland*, and *Scotland* respectively, and shall be appointed by the Commissioners for the Reduction of the National Debt, and shall hold his Office during the Pleasure of the said Commissioners, and that the Registrar of Friendly Societies in *England* shall be paid by Salary instead of Fees; and that it shall be lawful for Her Majesty to grant to the Barrister already appointed for that Purpose in *England* a Salary equal to the net average Amount of Fees received by him during the last Three Years for certifying the Rules of Friendly Societies, after deducting the Expences incurred by him for Office Rent, Salaries of Clerks, Stationery, and other Expences incident to the Execution of his Office, to be ascertained by the Commissioners of Her Majesty's Treasury, provided such Salary shall not exceed the Sum of One thousand Pounds by the Year, and to every Registrar of Friendly Societies in *England* hereafter to be appointed a Salary not greater than Eight hundred Pounds by the Year, and every such Salary shall be paid by Four equal quarterly Payments; and any Registrar of Friendly Societies in *England* who shall be appointed, or shall die, resign, or be removed from his Office, in the Interval between Two quarterly Days of Payment, shall be entitled to a Part of his Salary proportional to that Part of such Quarter of a Year during which he shall hold his Appointment.

Barrister appointed to certify Rules to be styled Registrar of Friendly Societies in England, &c., and shall be paid by a Salary instead of Fees.

XI. And be it enacted, That the Commissioners of Her Majesty's Treasury may allow the Registrar of Friendly Societies in *England* to retain out of the Fees received by him for certifying the Rules of Friendly Societies, and for making Awards and other Proceedings as herein-after provided, such Sum as will defray the Salary due to him, and also such Sum as will defray the Expences from Time to Time allowed by the said Commissioners for Office Rent, Salaries of Clerks, Stationery, and other Expences incident to the Execution of his Office; and the Balance, if any, shall be paid over to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the said Commissioners shall from Time to Time regulate the Manner in which such Fees are to be received, kept, and accounted for; and if such Fees shall not in any Year be sufficient to defray such Salary and Expences, the Balance shall be paid out of the said Consolidated Fund.

Registrar to retain out of the Fees received by him sufficient Money to defray Salaries and Expences of Office.

If Fees not sufficient, Balance to be paid out of Consolidated Fund.

XII. And be it enacted, That so much of the said Act of King *George* the Fourth as requires that a Transcript of the Rules of any Society established under that Act, or to which the Provisions of that Act have been extended and made applicable, shall be deposited with or filed by the Clerk of the Peace of any County, Riding, or Division of a County in *England*, and a Certificate thereof returned to the Society, and that the same shall be laid before and allowed and confirmed by the Justices at any Session of the Peace, shall be repealed; and that all Transcripts of such Rules which are now filed with the Rolls of the Sessions of the Peace in any County, Riding, or Division of a County shall be taken off the File, and returned to the said

So much of 10 G. 4. c. 56. as requires Rules to be filed with Clerks of the Peace, &c. repealed.

Rules now filed, &c. to be taken off and returned to the Registrar.

One Transcript of certified Rules, and all Rules returned, shall be kept by Registrar.

Registrar of Friendly Societies in *England*, *Ireland*, and *Scotland* respectively; and that after the passing of this Act each of the said Registrars shall keep one of the Transcripts of all Rules of any such Society certified by him, and all the Transcripts of Rules which shall be so returned to him, in such Manner as shall be from Time to Time directed by One of Her Majesty's Principal Secretaries of State; and that all Rules certified by any such Registrar shall be of the same Force, and all the Provisions of the said Act of His Majesty King *George* the Fourth shall apply to them, as if they had been confirmed by the said Justices, and filed with the Rolls of the Sessions of the Peace.

Rules certified by Registrar to be of full Force.

Registrar shall not certify Rules unless Society adopt Tables certified by the Actuary of National Debt Office, &c.

XIII. And be it enacted, That after the passing of this Act the Registrar of Friendly Societies in *England*, *Scotland*, or *Ireland* shall not certify the Rules of any Friendly Society established after the passing of this Act for the Purpose of securing any Benefit depending on the Laws of Sickness or Mortality, unless such Society shall adopt a Table which shall have been certified to be a Table which may be safely and fairly adopted for such Purpose under the Hand of the Actuary to the Commissioners for the Reduction of the National Debt, or of some Person who shall have been for at least Five Years an Actuary to some Life Insurance Company in *London*, *Edinburgh*, or *Dublin*; and the Name of the Actuary by whom any such Table shall have been certified shall be set forth in the Rules, and printed at the Foot of all Copies of such Table printed for the Use of the Society.

For appointing new Trustees in certain Cases.

XIV. And be it enacted, That whenever any Person seised or possessed of any Lands, Tenements, or Hereditaments, or other Property, or any Estate or Interest therein, as a Trustee of any such Society, shall be out of the Jurisdiction of or not amenable to the Process of the High Court of Chancery or Court of Exchequer in *England* or *Ireland*, or the Court of Session or Sheriff Court in *Scotland*, or shall be idiot, lunatic, or of unsound Mind, or it shall be unknown whether he or she be living or dead, it shall be lawful for the Registrar of Friendly Societies in *England*, *Ireland*, and *Scotland* respectively, on behalf and in the Name of the Person seised or possessed as aforesaid, to convey, surrender, release, assign, or otherwise assure the said Lands, Tenements, Hereditaments, or Property, or Estate or Interest, to the Person duly nominated as Trustee of such Society in his or her Stead, either alone or with any continuing Trustee or Trustees; and every such Conveyance, Release, Surrender, Assignment, or Assurance shall be as valid and effectual to all Intents and Purposes as if the Person being out of the Jurisdiction or not amenable to the Process of the said Courts, or not known to be alive, or being idiot, lunatic, or of unsound Mind, had been at the Time of the Execution thereof present, living, of sane Mind, Memory, and Understanding, and had by himself or herself executed the same.

Settlement of Disputes between Managers and Mem-

XV. And be it enacted, That every Dispute between the Trustees or Managers of any Friendly Society and any Member or Officer thereof, or any Executor, Administrator, or next of Kin of any such Trustees, Managers, Member, or Officer, or any Creditor or Assignee

of any Trustees, Managers, Member, or Officer of any such Society who may become bankrupt or insolvent, or any Person claiming to be such Executor, Administrator, next of Kin, Creditor, or Assignee, or to be entitled to any Money paid to such Society, or to any Benefit arising therefrom, or with respect to the Management of the Affairs of such Societies, for the Settlement of which, according to the Laws now in force, recourse must be had in *England* or *Ireland* to One of Her Majesty's Superior Courts of Law or Equity, and in *Scotland* to the Court of Session or Sheriff Court, may be referred in Writing to the Registrar of Friendly Societies in *England*, *Ireland*, and *Scotland* respectively; and where the Value of such Subject Matter in dispute does not exceed Twenty Pounds, every such Dispute shall be so referred, unless in *England* or *Ireland* Her Majesty's Attorney or Solicitor General, or in *Scotland* the Lord Advocate, shall certify in Writing under his Hand that such Dispute ought to be decided by the Judgment of a Superior Court of Law or Equity; and the said Registrar shall have Power to proceed *ex parte* on Notice in Writing to the said Trustees or Managers left or sent by the said Registrar to the Office of the said Institution, or to the last known Place of Residence of such Trustees, Managers, Members, or Officers; and whatever Award, Order, or Determination shall be made by the said Registrar shall be binding and conclusive on all Parties, and shall be final to all Intents and Purposes, without any Appeal; and all Payments, Assignments, Sales, and Transfers made in pursuance of any such Order shall be good in Law; and no Submission to or Award or Determination of the said Registrar shall be subject or liable to or charged with any Stamp Duty whatever.

bers, &c. may be referred to Registrar, unless Law Officers refer the same to a Superior Court.

XVI. And be it enacted, That on any such Reference the said Registrar shall be authorized to inspect and to require the Production before him of any Book or Books belonging to the said Institution relating to the Matter in dispute, and to administer an Oath to any Witness appearing before him; and every Person who, upon such Oath, shall wilfully and corruptly give any false Evidence before such Registrar shall be deemed to be guilty of Perjury.

On such Reference Registrar may inspect Books and administer Oaths.

False Evidence, Perjury.

XVII. And be it enacted, That whenever it shall happen that every Person in whose Name any Part of the several Stocks, Annuities, and Funds transferable or which hereafter shall be made transferable at the Bank of *England*, or in the Books of the Governor and Company of the Bank of *England*, is or shall be standing as a Trustee of any such Society, shall be out of *England*, *Ireland*, or *Scotland* respectively, or shall be a Bankrupt, Insolvent, or Lunatic, or it shall be unknown whether such Trustee is living or dead, it shall be lawful for the Registrar of Friendly Societies in *England*, *Ireland*, or *Scotland* respectively to direct that the Accountant General, Secretary, or Deputy Secretary, or other proper Officer for the Time being of the Governor and Company of the Bank of *England*, do transfer in the Books of the said Company such Stock, Annuities, or Funds standing as aforesaid to and into the Name of such Person as such Society may appoint, and also pay over to such Person as aforesaid the Dividends of such Stock, Annuities, or Funds; and whenever it shall happen

When Trustees shall be absent, &c. Registrar may order Stock to be transferred and Dividends paid.

happen that One or more only, and not all or both, of such Trustees as aforesaid shall be so absent, or a Bankrupt, Insolvent, or Lunatic, or it be unknown whether any One or more of such Trustees be living or dead, it shall be lawful for the said Registrar to direct that the other and others of such Trustees who shall be forthcoming and ready and qualified to act do transfer such Stock, Annuities, or Funds to or into the Name of such Person as aforesaid, and also that such forthcoming Trustee do also receive and pay over the Dividends of such Stock, Annuities, or Funds as such Society shall direct; and all such Transfer and Payments so made shall be valid and effectual to all Intents and Purposes whatsoever.

Secretary of State to fix Amount of Fees payable on Reference, and Registrar to determine who shall pay them.

XVIII. And be it enacted, That One of Her Majesty's Principal Secretaries of State shall be empowered from Time to Time to fix reasonable Fees to be paid on any such Reference, and for such other Proceedings as aforesaid, and all such Fees shall be paid in the first instance by the Trustees or Managers of the Society, and the Registrar shall determine in and by his Award by which of the Parties and in what Proportion the Expence of such Fees shall be finally borne, and the Trustees or Managers of such Society, having paid such Fees, shall be entitled to recover them from the Party or Parties against whom they shall be so finally awarded.

Justices empowered to enforce Payment of Fees under Awards.

XIX. And for enforcing Payment of such Fees, and of any Sum of Money so awarded to be paid, be it enacted, That any One Justice of the Peace residing within the County within which such Society shall be held, or within which the Party resides against whom such Award is made, upon Complaint made upon Oath by the Party desiring to have the Benefit of the Award, or, in case of the Managers or Trustees of any such Society, by an Officer of such Society appointed for that Purpose, may summon the Person against whom such Award shall be made to appear at a Time and Place to be named in such Summons; and upon his or her Appearance, or in default thereof upon due Proof upon Oath of the Service of such Summons, any Two Justices residing within the County aforesaid, upon due Proof of the Execution of such Award, may order Payment of the Fees and Money thereby awarded to be paid to the Party appearing to be entitled thereunto, with such Costs as shall be awarded by the said Justices, not exceeding the Sum of Ten Shillings; and in case the Person against whom such Order shall be made shall not pay the Sum of Money so ordered to the Person and at the Time specified in the said Order, such Justices shall, by Warrant under their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods of the Person on whom such Order shall have been made, or by other legal Proceeding, together with such Costs as shall be awarded by the said Justices, not exceeding the Sum of Ten Shillings, and also the Costs and Charges attending such Distress and Sale or other legal Proceeding, returning the Overplus (if any) to the Owner: Provided always, that in *Scotland* it shall be competent to enforce Payment of such Fees, and of any Sum of Money so awarded to be paid, by Proceeding before the Sheriffs in the same Manner as is by the Law of *Scotland* competent for the Recovery of any Debt of the like Amount.

If Persons do not pay Money pursuant to Order, the same together with Costs, may be levied by Distress.

Proviso as to Scotland.

XX. And

XX. And be it enacted, That every Transcript of the Rules of any such Society purporting to be certified by the Registrar of Friendly Societies in *England*, *Ireland*, or *Scotland*, and every Award or other Proceeding as aforesaid purporting to be executed under the Hand of the said Registrar, shall be receivable in all Courts and before all Justices and others as Evidence that such Rules have been duly certified, or such Award made, or such Proceeding had, until the contrary shall be made to appear. Rules certified by Registrar, and Awards executed under his Hands, shall be received in Evidence.

XXI. And be it enacted, That the Forms of Certificate and Award which are set forth in the Schedule annexed to this Act may be used with such Alterations as may be necessary to adapt them to the particular Circumstances of each Case, and that no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Persons whomsoever. Forms set forth in the Schedule to this Act may be used.

XXII. And be it enacted, That this Act shall be construed with and as Part of the said Acts of the Tenth Year of the Reign of King *George* the Fourth, and of the Fifth Year of the Reign of His late Majesty. Act to be construed with 10 G. 4. c. 56. and 4 & 5 W. 4. c. 40.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament. Act may be amended, &c.

## SCHEDULE to which this Act refers.

*Form of Registrar's Certificate.*

I hereby certify, That these Rules (*or* Alterations of Rules) are in conformity to Law, and to the Provisions of the Statutes in force relating to Friendly Societies.

*A. B.*
The Registrar of Friendly Societies
in England (Ireland *or* Scotland).
Day of .

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*Form of Registrar's Award.*

In pursuance of the Provisions contained in the Act to amend the Laws relating to Friendly Societies, I, *A. B.*, the Registrar of Friendly Societies in England, (Ireland *or* Scotland,) do hereby award, order, and determine that *C. D.* (*specifying the Name of the Party or Officers of the Society,*) do on the Day of at pay to *E. F.* the Sum of ; and I do further award, order, and determine that the Fees of this my Award, amounting to shall be borne and paid by the said .

*A. B.*
The Registrar of Friendly Societies
in England (Ireland *or* Scotland).
Day of .

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LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1846.