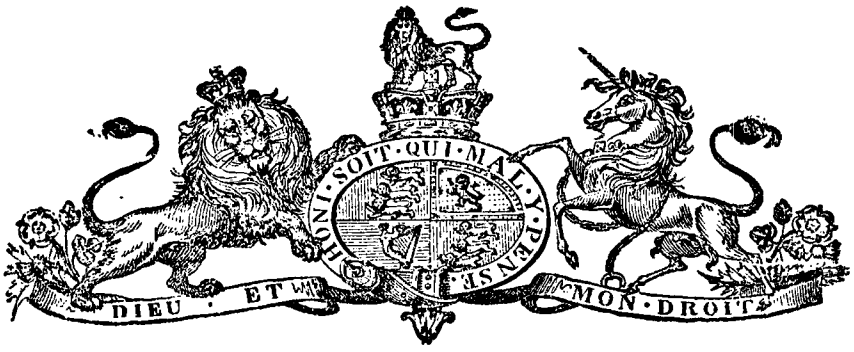


ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CI.

An Act to amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.

[2d *August* 1858.]

WHEREAS it is expedient to amend an Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-three, intituled *An Act to consolidate and amend the Law relating to Friendly Societies*, and to provide additional Facilities for carrying the same into effect: 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 by the Authority of the same: 18 & 19 Vict. c. 63.

I. In the City of *London* the Judge of the Sheriff's Court, and in *Ireland* the Assistant Barrister within his District, and in the Cities of *Dublin* and *Cork* the Recorder thereof, shall respectively have the same Jurisdiction as by the said Act, as amended by this Act, is given to the Judge of a County Court in any Matter arising under the said Act, and in *Ireland* a Justice of the Peace or Two Justices of the Peace, as the Case may be, shall have the same Jurisdiction as by Section Twenty-four of the said Act is given to a Justice of the Peace or Two Justices of the Peace in *England* in any Matter arising under the said Section, but the Complaint shall Jurisdiction of County Court given to Judge of Sheriff's Court, Assistant Barrister, &c., and Section 24. extended to Ireland.

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be heard and determined in manner directed by the Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-three.

No Money to be paid on the Death of a Child without a Certificate signed by a Medical Practitioner.

II. The Tenth Section of the said Act shall be repealed, and instead thereof be it enacted:

In any Society in which a Sum of Money may be insured, payable on the Death of a Child under the Age of Ten Years, for the Funeral Expenses of such Child, it shall not be lawful to pay any Sum so insured unless the Person who shall apply for such Payment shall produce a Certificate, signed by a qualified Medical Practitioner, stating the probable Cause of Death of such Child; and if any Trustee or Officer of such Society, upon an Insurance of a Sum payable on the Death of any Child under the Age of Ten Years, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society for the Funeral Expenses of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between the Ages of Five and Ten Years to a Sum exceeding Ten Pounds, or shall pay any Sum without endorsing the Amount thereof on the Back or at the Foot of the Medical Certificate aforesaid, or if any Parent or other Person, who shall apply for such Payment to more than One Society, shall produce to the Trustees or Officers of One Society any other or different Certificate than that which he shall have produced to the Trustees or Officers of any other Society, such Trustee, Officer, Parent, or other Person shall be liable to a Penalty not exceeding Five Pounds for every such Act upon Conviction before Two Justices of the County or Borough in which such Child shall have died: Provided, that if the said Child shall have been attended immediately before its Death by the Medical Officer of any Union on account of such Union, he shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall not be entitled to receive any Fee for the same; and if such Child shall not have been attended by such Medical Officer as aforesaid, nor by any qualified Medical Practitioner, the Medical Officer of the Union or Parish in which such Child shall have been resident shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall be entitled to receive from the Parties applying for the same a Fee of One Shilling.

Extension of Provisions of recited Act as to Punishment of Fraud, &c.

III. Sections Sixteen and Twenty-four of the said Act shall extend and be applicable to all Institutions and Societies entitled to the Benefit of Section Eleven of the said Act.

Power to Society to change its Name.

IV. Any Friendly Society may, with the Approval in Writing of the Registrar, change its Name; but no such Change shall affect any Rights

Rights or Obligations of the Society or any Member thereof, and any legal Proceedings may be continued or commenced by or against the Trustees of the Society, or any Officer or the Committee thereof, by and notwithstanding its new Name.

Disputes to be settled by Justices, if Rules so direct.

V. The Proviso contained in Section Forty of the said Act shall be repealed, and in lieu thereof be it enacted, That where the Rules of any Society established under the said Act, or any of the Acts thereby repealed, shall direct Disputes to be referred to Justices, then any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Member, his Executors, Administrators, Nominee, or Assigns, or by any Person claiming under the Rules of the Society, of any Matter in dispute between him or them and the Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons, and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, which Complaint shall be heard and determined in *England* in manner directed by the Act passed in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in *Ireland* in manner directed by the Act passed in the Fourteenth and Fifteenth of Her Majesty, Chapter Ninety-three; and such Justices may make such Order thereupon, either for the Payment of Money or otherwise, together with Costs, not exceeding Ten Shillings, as they shall think fit; and where the Order made shall be for the doing of some Act other than the Payment of Money, the said Justices may order the Payment of a Sum of Money in default of the doing of such Act; and any Monies which shall be paid by any Officer of the Society so levied on his Property under any Order or Warrant the Justices shall be repaid, with all Damages accruing to him, by the Society: Provided always, that in *Scotland* the Sheriff within his County shall have the same Jurisdiction as is hereby given to a Justice or Justices of the Peace

Justices may make Order.

Sheriff in Scotland to have same Jurisdiction as Justices.

Sects. 40. and 44. of said Act extended to other Disputes.

VI. Sections Forty and Forty-four of the said Act shall extend and be applicable to Disputes between the Executors, Administrators, Nominee, or Assigns of a Member, and the Trustees, Treasurer, or other Officer, or the Committee of a Society.

An Officer to be proceeded against on behalf of a Society.

VII. In any Proceeding under the said recited Act or this Act against a Society it shall be sufficient to make the Secretary or other Officer of the Society, at the Time of the Plaint or Complaint being entered or made, the Defendant in such Proceeding, by his Name and the Title of the Office he holds in the Society; and the Proceedings on such Plaint or Complaint shall be commenced and carried on against such Officer on behalf of the Society, and shall not

not be abated or prejudiced by the Death, Resignation, or Removal, or by any Act of such Officer after the Commencement thereof; and the Summons to be issued to such Officer may be served by leaving the same at the usual Place of Business of the Society.

In case of Dissolution Registrar or Actuary may divide Funds.

VIII. Instead of its being necessary to state in the Agreement for the Dissolution of a Friendly Society pursuant to the said recited Act the intended Appropriation or Division of the Funds or Property thereof, such Appropriation or Division may by such Agreement be referred to the Award of the Registrar of Friendly Societies, or to the Actuary to the Commissioners for the Reduction of the National Debt, or to an Actuary of some Life Assurance Company established in *London*, *Edinburgh*, or *Dublin*, who shall have exercised the Profession of Actuary for at least Five Years, to be named in the said Agreement; and also, that on the Application in Writing of not less than One Fourth Part of the Members of any Friendly Society made to the Registrar or Actuary aforesaid, stating that the Funds of the said Society are insufficient to meet the Claims thereon, with the Grounds thereof, it shall be lawful for the Registrar or Actuary aforesaid to investigate the same, and to determine whether the said Society should continue or be dissolved, and the Funds and Property divided; and if in his Opinion the said Society should be dissolved, then to make an Award to that Effect, and to award, without the Requirement of Section Thirteen of the said Act being complied with, in what Way the Funds and Property should be appropriated and divided; and that the Award of the said Registrar or Actuary in either of the said Cases shall be final and conclusive on all the Members and other Persons interested in or having any Claim on the Funds of the said Society, without Appeal, and shall be enforced in the same Manner as by Section Forty-one of the said Act is provided for enforcing the Decision of Arbitrators; and that the Expenses incurred by the said Registrar, or the Charges of the said Actuary, shall be paid out of the Funds and Property of the said Society before any Appropriation or Division thereof shall be made.

Application may be made to Registrar or Actuary in case of Insolvency of Society.

Acts to be considered as One Act.

IX. This Act and the said recited Act shall be construed as One Act, and may be cited together for all Purposes as the "Friendly Societies Acts, 1855 and 1858."

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