Record to remain in present custody until removed.

11. Until removal to the Record Office pursuant to the provisions of this Act, every record shall remain in the custody and care of the parochial officer with whom it is at the time of the passing of this Act, and such officer shall, during such time, be bound to take care of same.

Parochial officers to make inventories.

12. Every parochial officer shall be bound to return to the Master of the Rolls a complete and true inventory of all records in his possession, custody, or care, in such form as the Master of the Rolls shall direct, within three months after he shall be directed so to do.

Notice to be given in certain cases by parochial officers, and notice of deaths of parochial officers to be given by registrars of deaths.

13. Every parochial officer having the custody and care of any record shall, if at any time during his life he ceases to discharge his duties in the church or chapel or parish with which such record was connected, give notice thereof to the Master of the Rolls; and every registrar of deaths in Ireland, on receiving notice of the death of any parochial officer, shall forthwith transmit by post to the Master of the Rolls a certificate under his own hand of such death, with the particulars of the time and place of death, and on receipt of such certificate the Master of the Rolls shall transmit to the said registrar of deaths the cost of such certificate and transmission.

Expenses of Act.

14. All expenses incurred by or by order of the Master of the Rolls in the execution of this Act shall be paid out of moneys to be provided by Parliament for such purposes.

Violation of the provisions of the Act a contempt.

15. If any parochial officer shall neglect to furnish such inventory when so required, or do any other act in violation of the provisions and directions of this Act, he shall be guilty of contempt, and shall and may be proceeded against by order of the Master of the Rolls as if he had disobeyed a judicial order made by him in a cause.

CHAPTER 60.

An Act to consolidate and amend the Law relating to Friendly and other Societies. [11th August 1875.]

WHEREAS it is expedient to consolidate and amend the law relating to friendly and certain other societies:

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, as follows:

Short title of Act.

1. This Act may be cited as The Friendly Societies Act, 1875.

Commencement of Act.

2. This Act shall come into operation as to sections ten, thirty-seven, and thirty-eight on the passing of the Act, and as to the remainder of the Act on the first day of January one thousand eight hundred and seventy-six, which day is herein-after referred to as the commencement of this Act.

Extent of Act.

3. This Act extends to Great Britain and Ireland, the Channel Islands, and the Isle of Man.

Definitions.

4. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them:

"The Treasury" means the Lords Commissioners of Her Majesty's Treasury:

"England" includes the Channel Islands and the Isle of Man (except as herein-after provided):

"The Registrar" means for England the central office, and for Scotland or Ireland the assistant registrar for either country respectively:

"Country" means England, Scotland, or Ireland, as the case may be:

The several ridings of the county of York, the several Channel Islands, and the Isle of Man, respectively, shall be deemed to be counties:

"Land" includes hereditaments, and in Scotland heritable subjects, of whatever description, and chattels real:

"Property" means all real and personal estate (including books and papers):

"Registered society" means a society registered or deemed to be registered under this Act:

"Industrial assurance company" means any company, as defined by 'The Life Assurance Companies Act, 1870,' which grants assurances on any one life for a less sum than twenty pounds, and which receives premiums or contributions in Great Britain or Ireland, by means of collectors, at less periodical intervals than two months:

"Amendment of rule" includes a new rule, and a resolution rescinding a rule:

"Rules" means rules for the time being:

"Branch" means any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee or officers appointed by themselves:

"Persons claiming through a member" includes the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed:

"Collector" includes every paid officer, agent, or person, howsoever remunerated, who, by himself or by any deputy or substitute, collects contributions for a society, or holds any interest in a collecting book of the same, but does not include—

(*a.*) The secretary or other officer of a branch of a society who receives contributions on behalf of such society, or of any other branch of the same:

(*b.*) Any officer appointed to superintend and receive moneys from collectors within a specified area, and not being himself a collector as herein-before defined:

(*c.*) Any agent appointed and remunerated by members, and not under the control of the society, or of any officer thereof:

"Officer" extends to any trustee, treasurer, secretary, or member of the committee of management of a society, or person appointed by the society to sue and be sued on its behalf:

"Meeting" includes (where the rules of a society so allow) a meeting of delegates appointed by members:

For Scotland, "court of summary jurisdiction" means the sheriff court of the county:

"County court" means for Scotland the sheriff court of the county, and for Ireland the Civil Bill Court; for Scotland, "administration" means confirmation, and "misdemeanor" a crime and offence:

"Summary Jurisdiction Acts" means—

As to England, the Act 11 & 12 Vict. c. 43, and any Acts amending the same;

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and of the police of such district; elsewhere in Ireland, the "Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Gazette" means the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

Repeal of Acts and Parts of Acts in First Schedule.

5. The Acts set forth in the first schedule hereto are repealed from the commencement of this Act to the extent set forth in the third column of the said schedule; but this repeal, or anything herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or certified thereunder, before the commencement of this Act.

As to existing societies.

6. Every society now subsisting whose rules have been registered, enrolled, or certified under any Act relating to friendly societies or cattle insurance societies, shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded.

Provided that nothing herein contained shall affect the validity of the rules of friendly societies established before the fifteenth day of August one thousand eight hundred and fifty, notwithstanding that the contingent annual payments to which the members or the nominees of the members of such societies may become entitled may exceed the limit hereby fixed.

Societies with deposited rules.

7. Section forty-four of the Act of the eighteenth and nineteenth Victoria, chapter sixty-three, shall continue to have effect (notwithstanding its repeal by this Act) with regard to any society whose rules have been deposited thereunder, but only until the society is registered under this Act, or until the thirty-first day of December one thousand eight hundred and seventy-eight, whichever shall first happen.

Classes of societies.

8. The following societies may be registered under this Act; viz.,

Friendly societies.

(1.) Societies (herein called friendly societies) established to provide by voluntary subscriptions of the members thereof, with or without the aid of donations—

For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which shall mean any age after fifty,) or in widowhood, or for the relief or maintenance of the orphan children of members during minority;

For insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning;

For the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets;

For the endowment of members or nominees of members at any age;

For the insurance against fire to any amount not exceeding fifteen pounds of the tools or implements of the trade or calling of the members;

Provided that no society (except as aforesaid) which contracts with any person for the assurance of an annuity exceeding fifty pounds per annum, or of a gross sum exceeding two hundred pounds, shall be registered under this Act:

Cattle insurance societies.

(2.) Societies (herein called cattle insurance societies) for the insurance to any amount against loss by death of neat cattle, sheep, lambs, swine, and horses from disease or otherwise:

Benevolent societies.

(3.) Societies for any benevolent or charitable purpose (herein called benevolent societies):

Working men's clubs.

(4.) Societies (herein called working men's clubs) for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation:

Specially authorised societies.

(5.) Societies for any purpose which the Treasury may authorise as a purpose to which the powers and facilities of this Act ought to be extended (herein called "specially authorised societies").

Limited application of Act.

9. The Treasury may limit the application of this Act, as respects specially authorised societies, to such of the provisions herein contained as may be specified in the authority for registering any such society.

The registry office.

10. With respect to the registry office, the following provisions shall have effect:—

The chief and assistant registrars.

(1.) There shall be a chief registrar of friendly societies (herein termed "the chief registrar"), and one or more assistant registrars of friendly societies for England (herein termed "assistant registrars for England"), and such chief registrar and assistant registrars for England shall constitute the central office after mentioned. There shall be an assistant registrar of friendly societies for Scotland (herein termed "assistant registrar for Scotland"), and an assistant registrar of friendly societies for Ireland (herein termed "assistant registrar for Ireland").

Chief and assistant registrars to hold office during pleasure.

(2.) Every chief registrar and assistant registrar shall be appointed by and shall hold his office during the pleasure of the Treasury.

(3.) Every chief registrar shall be a barrister of not less than twelve years standing, and one at least of the assistant registrars for England, and every assistant registrar for Ireland shall be a barrister or solicitor of not less than seven years standing, and every assistant registrar for Scotland an advocate, writer to the signet, or solicitor of not less than seven years standing. The central office may also, with the approval of the Treasury, have attached to it such assistants skilled in the business of an actuary and an accountant as shall from time to time be required for discharging the duties imposed on the office by this Act. Qualification of chief and assistant registrars.

(4.) The central office shall exercise all the functions and powers which are now by law vested in the registrar of friendly societies or the registrar of building societies for England, or as respects loan societies, building societies, and societies instituted for purposes of science, literature, or the fine arts, in the barrister appointed to certify the rules of savings banks or friendly societies, and shall be entitled to receive all statutory fees payable to such registrar or barrister, and all enactments relating to such registrar or barrister, so far as respects such societies as aforesaid, shall be construed as applying to the central office. Central office to exercise functions of registrar of friendly or building societies for England, and barrister to certify savings banks.

(5.) The central office shall, with the approval of the Treasury, from time to time— Other functions of central office:

(*a.*) Prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations: preparation of model forms;

(*b.*) Collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known such information on the subject of the statistics of life and sickness, and the application thereof to the business of friendly societies, and from time to time publish generally or in particular districts such particulars of their returns and valuations, and such other information useful to the members of or to persons interested in friendly or other societies registered or which might be registered under this Act, as the chief registrar shall from time to time think fit: circulation of information.

(*c.*) Cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorised under this Act which may appear to be calculable: Provided, nevertheless, that the adoption of such tables by any society shall be optional. Construction of tables.

(6.) The chief registrar shall every year lay before Parliament a report of his proceedings and of those of the assistant registrars, and of the principal matters transacted by him and them and of the valuations returned to or caused to be made by the registrar during the year preceding. Chief registrar to report yearly to Parliament.

(7.) The assistant registrars shall, except as after provided, be subordinate to the chief registrar. They shall, within the countries for which they are respectively appointed, exercise all functions and powers by this Act given to the registrar, and may also, by the written authority of the chief registrar, exercise such of the functions and powers by this Act given to the chief registrar as he shall from time to time delegate to them. Functions of assistant registrars generally.

(8.) Subject to any regulations to be made under this Act, the assistant registrars for Scotland and Ireland respectively shall,— Functions of assistant registrars for Scotland and Ireland.

(*a.*) Exercise all the functions and powers now vested in the registrars of friendly or building societies for Scotland and Ireland respectively, or as respects building societies and societies instituted for purposes of science, literature, or the fine arts, vested in Scotland in the Lord Advocate or his depute appointed to certify the rules of friendly societies there, or in Ireland in the barrister appointed to certify the rules of friendly societies there, and shall be entitled to receive all fees payable to such registrar, Lord Advocate, or his depute or barrister respectively, and so that all provisions in any Acts of Parliament not hereby repealed relating to such registrar, Lord Advocate, or his depute or barrister respectively, shall be construed as applying to such assistant registrars respectively:

(*b.*) Send to the central office copies of all such documents registered or recorded by them as the chief registrar shall from time to time direct:

(*c.*) Record all such documents and matters as shall be sent to them for record from the central office, and such other documents and matters as herein provided:

(*d.*) Circulate and publish, or transmit to or from societies registered within their respective countries, from or to the central office, such information and documents relating to the purposes of this Act as the chief registrar, with the approval of the Treasury, shall from time to time direct:

(*e.*) Report from time to time their proceedings to the chief registrar as he shall direct.

(9.) No assistant registrar for Scotland or Ireland shall refuse to record any rules or amendments of rules which have been registered by the central office.

Registry of societies.

Societies for registry to consist of seven persons at least.

The application for registry.

Identity, or deceptive similarity of name not to be allowed.

Dividing societies may be registered.

Societies granting annuities to have tables certified by actuary.

Registry of societies doing business in more than one country.

The acknowledgment of registry.

Appeals from refusal to register.

If refusal overruled, acknowledgment of registry to be given.

Effect of acknowledgment of registry.

11. With respect to the registry of societies, the following provisions shall have effect:—

(1.) No society can be registered under this Act which does not consist of seven persons at least.

(2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and written or printed copies of the rules, together with a list of the names of the secretary and of every trustee or other officer authorised to sue and be sued on behalf of the society, shall be sent to the registrar.

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, or in any name likely, in the opinion of the registrar, to deceive the members or the public as to its identity, and no society shall change its name without the sanction of the chief or an assistant registrar as after provided.

(4.) A society (other than a benevolent society or working men's club) shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof if the rules thereof contain distinct provision for meeting all claims upon the society existing at the time of division before any such division takes place.

(5.) No society assuring to any member a certain annuity shall be entitled to registry, unless the tables of contributions for such assurance, certified by the actuary to the Commissioners for the Reduction of the National Debt, or by some actuary approved by the Treasury, who has exercised the profession of actuary for at least five years, be sent to the registrar with the application for registry.

(6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office, as herein mentioned, is situate; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him; and until such rules be so recorded the society shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry, which shall specify the designation of the society, according to the classification herein set forth.

(8.) If any registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows:

(*a.*) If the assistant registrar for Ireland refuse to register, to the Court of Queen's Bench at Dublin:

(*b.*) If the assistant registrar for Scotland refuse to register, to the Court of Session:

(*c.*) If the central office or the chief registrar refuse to register, to the Court of Queen's Bench in England:

(*d.*) Either division of the Inner House of the Court of Session, the Court of Queen's Bench at Dublin, and the Judges of the Court of Queen's Bench in England respectively, may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

(10.) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

12. With respect to the cancelling or suspension of registry the following provisions shall have effect: Cancelling and suspension of registry.

(1.) The chief registrar, or in the case of societies registered and doing business in Ireland or Scotland exclusively, the assistant registrar for Ireland or Scotland respectively, may cancel the registry of a society by writing under his hand,— Cancelling.

(*a.*) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct:

(*b.*) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist.

(2.) The chief or assistant registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period. Suspension.

(3.) Not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the chief or assistant registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, as soon as practicable after the same takes place. Notice of cancelling or suspension.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's or the registrar's refusal to register respectively. Appeal from cancelling or suspension.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place. Effect of cancelling or suspension.

13. With respect to the rules of societies the following provisions shall have effect: Rules and amendments.

(1.) The rules of every society sent for registry shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the second schedule to this Act. Provisions to be contained in rules.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar. Amendments to be registered.

(3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules. Provision applicable to amendments.

(4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered. Acknowledgment of registry of amendments.

(5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling. Copies of rules to be delivered on demand.

(6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor. Delivery of untrue rules.

14. With respect to the duties and obligations of registered societies the following provisions shall have effect: Duties and obligations of societies.

(1.) Every registered society shall—

(*a.*) Have a registered office to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office, and of every change therein: Registered office.

Appointment of trustees.

(*b.*) From time to time at some meeting of the society, and by a resolution of a majority of the members present and entitled to vote thereat, appoint one or more trustees of the society, and send to the registrar a copy of every resolution appointing a trustee, signed by the trustee so appointed, and by the secretary of the society:

Audit.

(*c.*) Once at least in every year submit its accounts for audit either to one of the public auditors appointed as herein mentioned, or to two or more persons appointed as the rules of the society provide, which auditors shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with law or specially report to the society in what respects they find it incorrect, unvouched, or not in accordance with law:

Annual returns.

(*d.*) Once in every year before the first day of June send to the registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects of the society as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirty-first December then last inclusively, and a copy of the auditor's report, if any, shall also be sent to the registrar with such general statement; and such annual return shall state whether the audit has been conducted by a public auditor appointed as in this Act provided, and by whom; and, if by any person or persons other than a public auditor, shall state the name, address, and calling or profession of each of such persons, and the manner in which and the authority under which they were respectively appointed:

Quinquennial returns.

(*e.*) Within six months after the thirty-first day of December one thousand eight hundred and seventy-five, and so again within six months after the expiration of every five years succeeding, send to the registrar a return (to be called the quinquennial return) of the sickness and mortality experienced by the society during the five years preceding the 31st December then last past; an abstract of which returns shall be laid before Parliament:

Quinquennial valuations.

(*f.*) Once at least in the five years next after the commencement of this Act, or the registry of the society, and so again within six months after the expiration of every five years succeeding the date of the first valuation under this Act, either cause its assets and liabilities to be valued by a valuer to be appointed by the society, and send to the registrar a report, signed by such valuer, and which shall also state his address and calling or profession, on the condition of the society, and an abstract to be made by him of the results of his valuation, together with a return containing such information with respect to the benefits assured and contributions receivable by the society, and of its funds and effects, debts and credits, as the registrar may from time to time require, or send to the registrar a return of the benefits assured and contributions receivable from all the members of the society, and of all its funds and effects, debts and credits, accompanied by such evidence in support thereof as the chief registrar prescribes, in which case the registrar shall cause the assets and liabilities of the society to be valued and reported on by some actuary, and shall send to the society a copy of his report, and an abstract of the results of his valuation:

Inspection of books.

(*g.*) Allow any member or person having an interest in the funds of the society to inspect the books at all reasonable hours at the registered office of the society, or at any place where the same are kept, except that no such member or person, unless he be an officer of the society, or be specially authorised by a resolution of the society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member:

Supplying copies of annual returns.

(*h.*) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being:

(*i.*) Keep a copy of the last annual balance sheet for the time being, and of the last quinquennial valuation for the time being, together with the report of the auditors, if any, always hung up in a conspicuous place at the registered office of the society.

Certificates of death to be required.

(2.) No society shall pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths, except upon the production of a certificate of such death, under the hand of the registrar of deaths, or other person having the care of the register of deaths in which such death is or ought to be entered.

Offences.

(3.) It shall be an offence under this Act if any registered society—

(*a.*) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to give, send, do, or allow to be done:

(*b.*) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or any other registrar or other person authorised under this Act, or does any act or thing forbidden by this Act:

(*c.*) Makes a return or wilfully furnishes information in any respect false or insufficient.

Offences by societies to be also offences by officers, &c.

(4.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil any duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence, if continued, constitutes a new offence in every week during which the same continues.

Returns to be in prescribed form.

(5.) Every annual, quinquennial, or other return, abstract of valuation, and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the chief registrar prescribes.

Recording of documents.

(6.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the chief registrar shall direct:

In what cases quinquennial returns, &c. may be dispensed with.

Provided that the chief registrar, with the approval of the Treasury, may dispense with the quinquennial return and with the valuation herein required in respect of societies to whose purposes or to the nature of whose operations he may deem the same inapplicable; and may also dispense with the quinquennial return in cases where, at the request of a society, he may, by inspection of the books thereof through any person whom he appoints, obtain such information as he deems sufficient of the sickness and mortality experienced by the society; and the provisions herein contained in respect of the quinquennial return and valuation shall not apply to benevolent societies, working men's clubs, or cattle insurance societies, nor to specially authorised societies, unless it be so directed in the authority for registering the same.

Privileges of societies.

15. Registered societies shall be entitled to the following privileges:

Corresponding Societies Acts, &c. not to affect registered societies.

(1.) No society or meeting of a society shall be affected by any of the provisions of the Acts of the thirty-ninth George the Third, chapter seventy-nine, or the fifty-seventh George the Third, chapter nineteen, if in such society or at such meeting no business is transacted other than that which directly and immediately relates to the objects of the society as declared in the registered rules thereof, but such society and all officers of the same shall, on request in writing by two justices of the peace, give full information to such justices of the nature, objects, proceedings, and practices of the society, in default whereof the provisions of the Acts in this section referred to shall, so far as applicable, be in force in respect of such society.

Exemption from stamp duty.

(2.) Stamp duty shall not be chargeable upon any of the following documents:

(*a.*) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds:

(*b.*) Order or receipt for money contributed to or received from the funds of the society by virtue of its rules or of this Act:

(*c.*) Bond given to or on account of the society, or by the treasurer or other officer thereof:

(*d.*) Draft or order, or form of policy, or appointment or revocation of appointment of agent, or other document required or authorised by this Act, or by the rules of the society.

Power of nomination for sums not exceeding fifty pounds.

(3.) A member of a society (other than a benevolent society or working men's club), not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an officer or servant of the society, to whom any moneys payable by the society on the death of such member, not exceeding fifty pounds, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the society shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid.

Distribution of sums not exceeding fifty pounds.

(4.) If any member of a society, entitled from the funds thereof to a sum not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such sum shall be payable, without letters of administration, to the person who appears to a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Payments to persons apparently entitled valid.

(5.) Whenever the society, after the decease of any member, pays any sum of money to the person who at the time appears to the trustees to be entitled under this section, the payment is valid and effectual against any demand made upon the trustees or the society by any other person.

When trustees are absent, &c., registrar may order stock to be transferred.

(6.) When any person, being or having been a trustee of a society, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so direct, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Priority on death, bankruptcy, &c. of officer.

(7.) Upon the death, or bankruptcy, or insolvency of any officer of a society having in his possession by virtue of his office any money or property belonging to the society, or if any execution, attachment, or other process be issued, or action or diligence raised against such officer or against his property, his heirs, executors, or administrators, or trustee in bankruptcy or insolvency, or the sheriff or other person executing such process, or the party using such action or diligence respectively shall, upon demand in writing of the trustees of the society, or any two of them, or any person authorised by the society, or by the committee of management of the same, to make such demand, pay such money and deliver over such property to the trustees of the society in preference to any other debts or claims against the estate of such officer.

Bankruptcy or insolvency in the present section includes liquidation of a debtor's affairs by arrangement in England, cessio bonorum of a debtor in Scotland, and a petition for arrangement with creditors in Ireland; and a trustee in bankruptcy or insolvency includes an assignee in Ireland and a judicial factor in Scotland.

Membership of minors.

(8.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein

provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, manager, or treasurer of the society.

Provided as follows:

(*a.*) Societies and branches, consisting wholly of members of any age under sixteen years, but exceeding three years, may be allowed to register under this Act, subject to such regulations as may be made in that behalf:

(*b.*) No rule or practice in force at the commencement of this Act for the admission of members under sixteen years of age shall be deemed contrary to any express provision of this Act as respects any society already registered.

Limitation of cost of certificates of birth or death.

(9.) For the purpose of this Act a certificate of the birth or death of any member of or person insured or to be insured with a registered friendly society shall be given under his hand by the registrar of births or deaths, or other person having the care of the register of births or deaths, in which such birth or death is entered, for a sum not exceeding one shilling, in place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as shall be approved of by the registrar general of births, deaths, and marriages for England, Scotland, and Ireland respectively.

Society may subscribe to hospitals.

(10.) A society may subscribe out of its funds to any hospital, infirmary, charitable or provident institution, any annual or other sum which may be necessary to secure to members of the society and their families the benefits of such hospital, infirmary, or other institution, according to its rules.

Property and funds of societies.

16. With respect to the property and funds of registered societies, the following provisions shall have effect:

Investment of funds.

(1.) The trustees, with the consent of the committee of management or of a majority of the members of a society present and entitled to vote in general meeting, may from time to time invest the funds of such society, or any part thereof, to any amount in any of the following ways:

(*a.*) In the Post Office Savings Bank, or in any Savings Bank certified under the Act of 1863:

(*b.*) In the public funds:

(*c.*) With the Commissioners for the Reduction of the National Debt as herein-after provided:

(*d.*) In the purchase of land, or in the erection or alteration of offices or other buildings thereon:

(*e.*) Upon any other security expressly directed by the rules of the society, not being personal security, except as herein-after authorised with respect to loans.

Holding of land.

(2.) A society, or any branch of a society, may (if the rules thereof so provide) hold, purchase, or take on lease in the names of the trustees for the time being of such society or branch, in every county where it has an office, any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage, or lease; and for the purpose of this section no branch of a registered society need be separately registered: Provided that nothing herein contained shall authorise any benevolent society to hold land exceeding one acre in extent at any one time.

Property of society, how vested.

(3.) All property belonging to a society, whether acquired before or after the same is registered, shall vest in the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society; and the property of any branch of a society shall vest in the trustees of such branch, or in the trustees of the society if the rules of the society so provide, for the use and benefit either of the members of such

branch and persons claiming through such members, or of the members of the society generally, and persons claiming through them, according to the rules of the society.

Devolution on death, &c.

(4.) Upon the death, resignation, or removal of a trustee, whether of a society or branch, the property vested in such trustee vests in the succeeding trustees of such society or branch either solely or together with any surviving or continuing trustees, and until the appointment of succeeding trustees in such surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, as personal estate (whether the same be real or personal), subject to the same trusts, without conveyance or assignment, except that stocks and securities in the public funds of Great Britain and Ireland shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.

(5.) In all legal proceedings whatsoever concerning any such property the same shall be stated to be the property of the trustees for the time being in their proper names as trustees for the society or branch (as the case may be) without further description.

As to copyholds.

(6.) Where a society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit the trustees (not to exceed three) of such society as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant.

Discharge of mortgages by receipt endorsed.

(7.) A receipt under the hands of the trustees, countersigned by the secretary, in the form contained in the third schedule to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance, such receipt being endorsed upon or annexed to such mortgage or other assurance, vacates the same, and vests the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resurrender; but this provision does not apply to Scotland or to the Island of Jersey.

Registration of receipt.

(8.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance, or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register is entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are by law directed to be paid and applied.

Punishment of fraud or misappropriation.

(9.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by the society, or the trustees or committee of management of the same, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a penalty not exceeding twenty pounds and costs, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained prevents any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

Trustees not to be personally liable.

(10.) Trustees of a society are not liable to make good any deficiency in the funds of such society, but are liable only for moneys actually received by them respectively on account of such society.

Investments with National Debt Commissioners.

17. With respect to the investment of funds with the Commissioners for the Reduction of the National Debt, the following provisions shall have effect:

1. The society may pay to the account of the Commissioners at the Bank of England or Ireland any sum of money not less than fifty pounds upon a declaration of the trustees of the society, or any two of them, that such moneys belong exclusively to the society:
2. The cashier of the bank shall receive all such moneys and place the same to the account of the Commissioners in the book of the bank named "The Fund for Friendly Societies:"
3. All moneys paid in upon a false declaration shall be forfeited to the Commissioners, and applied by them in the manner directed by the twenty-sixth and twenty-seventh Victoria, chapter eighty-seven, section thirty-eight:
4. The provisions of the twenty-sixth and twenty-seventh Victoria, chapter eighty-seven, sections twenty-one (except so far as the same may be repealed by any Act to be passed in this session of Parliament), twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight, as to the regulation of receipts, certificates, and orders, shall apply to moneys paid under this section:
5. The society shall be entitled to a receipt bearing interest at the rate of twopence per centum per diem:
6. Provided that a friendly society legally established before the twenty-eighth day of July one thousand eight hundred and twenty-eight which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day of August one thousand eight hundred and fifty to a receipt bearing interest at the rate of threepence per centum per diem:
7. And provided that a friendly society legally established between the twenty-eighth day of July one thousand eight hundred and twenty-eight and the fifteenth day of August one thousand eight hundred and fifty, which has invested any part of its funds with the Commissioners before the twenty-third day of July one thousand eight hundred and fifty-five, shall be entitled for any further investment made on account of any assurance made before the fifteenth day of August one thousand eight hundred and fifty to a receipt bearing interest at the rate of twopence halfpenny per centum per diem:
8. A society withdrawing money invested with the Commissioners shall not be entitled to make any further deposit without their consent:
9. Every society investing money with the Commissioners shall furnish from time to time such returns as may be required by the Commissioners, in respect of the funds deposited with them, and the assurances to which such funds relate:
10. A society having funds invested with the Commissioners at the rates of threepence or twopence halfpenny per centum per diem, shall retain at such rates so much only of its funds as arises from assurances made before the fifteenth day of August one thousand eight hundred and fifty, after deducting all benefit payments and management expenses incurred on account of such assurances; and whenever the society fails to satisfy the Commissioners of its title to retain at either such rate the whole or any part of its funds, the Commissioners shall require the withdrawal of such funds or the transfer of the same to the rate of twopence per centum per diem, and, in default of withdrawal within thirty days, shall transfer the same in their books accordingly, and shall notify such transfer to the society:
11. Whenever it shall appear to the Commissioners that all the members of a society assured before the fifteenth day of August one thousand eight hundred and fifty have died or ceased to be members, the Commissioners shall forthwith transfer in their books to the rate of twopence per centum per diem all funds of the society remaining invested at any higher rate, and shall notify the same to the society.

Loans to members.

18. With respect to loans to members of registered societies, the following provisions shall have effect:

(1.) Not more than one half of the amount of an assurance on the life of a member of at least one full year's standing may be advanced to him, on the written security of himself and two satisfactory sureties for repayment; and the amount advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of such security.

Loans may be made out of separate loan fund.

(2.) A society may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to its members on their personal security, with or without sureties, as may be provided by the rules, subject to the following restrictions:

(*a.*) No loan can at any time be made out of moneys contributed for the other purposes of the society:

(*b.*) No member shall be capable of holding any interest in the loan fund exceeding two hundred pounds:

(*c.*) No society shall make any loan to a member on personal security beyond the amount fixed by the rules, or shall make any loan which, together with any moneys for the time being owing by a member to the society, shall exceed fifty pounds:

(*d.*) No society shall hold at any one time on deposit from its members any moneys beyond the amount fixed by the rules, which shall not exceed two thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund.

Accumulating surplus of contributions for member's use.

19. The rules of a society may provide for accumulating at interest, for the use of any member of the same, any surplus of his contributions to the funds of the society which may remain after providing for any assurance in respect of which the same are paid, and for the withdrawal of such accumulations from time to time.

Officers in receipt or charge of money.

20. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect:

Security to be given.

(1.) Every officer, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to one of the forms set forth in the third schedule to this Act, or give the security of a guarantee society, in such sum as the society directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the trustees or committee of management thereof require him to do so, and for the payment by him of all sums due from him to the society.

Accounts of officers.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the trustees or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society, or the committee of management, or the trustees appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the trustees or authorised officers of the society may sue upon the bond or security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

Legal proceedings.

21. With respect to legal proceedings against registered societies, the following provisions shall have effect:

(1.) The trustees of any society or branch, or any other officers authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action, suit, or other legal proceeding in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, as the case may be, and shall sue and be sued, implead and be impleaded, in their proper names, without other description than the title of their office.

(2.) In legal proceedings which may be brought under this Act by a member or person claiming through a member, the society may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words "on behalf of the society" (naming the same).

(3.) No legal proceeding shall abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of such officer after the commencement of the proceedings.

(4.) The summons, writ, process or other proceeding to be issued to or against the officer or other person sued on behalf of a society shall be sufficiently served by personally serving such officer or other person, or by leaving a true copy thereof at the registered office of the society, or at any place of business of the society within the jurisdiction of the court in which the proceeding is brought, or, if such office or place of business be closed, by posting such copy on the outer door of the same; but in all cases where the said summons, writ, process, or other proceeding shall not be served by means of such personal service or by leaving a true copy thereof at the registered office of the society, a copy thereof shall be transmitted addressed to the committee of management at the registered office of the society, and the same shall be enclosed in a registered letter posted at least six days before any further step shall be taken on such summons, writ, process, or other proceeding.

Disputes.

22. Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society, or an officer thereof, shall be decided in manner directed by the rules of the society, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

Provided as follows:—

(*a.*) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the chief registrar, or to the assistant registrar in Ireland or Scotland, who shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society:

(*b.*) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act:

(*c.*) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction:

Provided that in every case of dispute cognisable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the County Court, which may hear and determine the matter in dispute:

(*d.*) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute:

(*e.*) The court, chief or other registrar, may, at the request of either party, state a case for the opinion in England of the Supreme Court of Judicature, in Scotland of either division of the Inner House of the Court of Session, or in Ireland of one of

the superior courts of common law at Dublin, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer or the same as such court or registrar may determine.

Special powers of registrars to be exercised on application from members.

23. Upon the application of one fifth of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or the assistant registrar for Scotland or Ireland, or in cases of societies registered and doing business exclusively in Ireland or in Scotland the assistant registrars for Ireland and Scotland respectively, but with the consent of the Treasury in every case, may—

Inspectors.

(1.) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly:

Special meetings.

(2.) Call a special meeting of the society in such manner and at such time and place as the chief registrar or such assistant registrar may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

Provided that—

(*a.*) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct:

(*b.*) The chief registrar or such assistant registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling such meeting:

(*c.*) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the chief or such assistant registrar shall direct:

(*d.*) This section shall not apply to a society with branches, unless with the consent of the central body of such society.

Special resolutions, and proceedings which may be taken thereon.

24. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect:

Special resolutions.

(1.) A special resolution is one which is passed by a majority of not less than three fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Change of name.

(2.) A society may, by special resolution, with the approval in writing of the chief registrar, or in the case of societies registered and doing business exclusively in Ireland or Scotland the assistant registrar for Ireland or Scotland respectively, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society, or any other officer who may sue or be sued on behalf of such society, notwithstanding its new name.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may, by special resolution, transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society. Amalgamation of societies.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company. Conversion of societies into companies, &c.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto. Rights of creditors.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and registered there, and until such copy is so registered, such special resolution shall not take effect. Registration of special resolutions.

(7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act. Registration of copy of special resolution as memorandum of association.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act thereupon becomes void, and the same shall be cancelled by the chief registrar or by the assistant registrar for Scotland or Ireland under his direction; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, has priority as against the property of such company, over all other rights or claims against or liabilities of such company. Registry of society under Act to become void on registration as a company, &c.

Provided as follows as respects friendly societies: Proviso as to friendly societies.

(*a.*) No special resolution by any society for any amalgamation or transfer of engagements under this section is valid unless five sixths in value (to be calculated as for dissolution) of the members assent thereto either at the meetings at which such resolution is passed and confirmed, or one of them, or in writing, if such members were not present thereat, nor without the written consent of every person for the time being receiving or entitled to any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision be made for satisfying such claim:

(*b.*) The provisions herein-after contained in case of dissolution as to the punishment of officers and the remedy of members or persons dissatisfied with the provision made for satisfying their claims, shall apply to the case of amalgamation and transfer of engagements:

(*c.*) Upon application of the trustees or committee of management of a society desiring to amalgamate or transfer its engagements, notice of such application being published in the Gazette, the chief registrar, after hearing such trustees or committee of management and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Treasury, order that any of the consents and conditions prescribed in this Act, or in any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer:

(*d.*) This section shall not apply to branches.

25. With respect to the dissolution of registered societies, the following provisions shall have effect: Dissolution of societies.

(1.) A society may terminate or be dissolved in any of the following ways: How societies may be dissolved.

(*a.*) Upon the happening of any event declared by the rules to be the termination of the society:

(*b.*) As respects all societies other than friendly societies, by the consent of three fourths of the members, testified by their signatures to the instrument of dissolution:

(*c.*) As respects friendly societies, by the consent of five sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the written consent of every person for the time being receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society, unless the claim of such person be first duly satisfied, or adequate provision made for satisfying such claim, and in the case of a branch society with the consent of the central body of the society, or in accordance with the general rules of the society:

(*d.*) By the award of the chief registrar or assistant registrars in the cases herein specified.

Contents of instrument of dissolution.

(2.) The instrument of dissolution shall set forth—

(*a.*) The liabilities and assets of the society in detail:

(*b.*) The number of members and the nature of their interests in the society respectively:

(*c.*) The claims of creditors (if any), and the provision to be made for their payment:

(*d.*) The intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the chief registrar.

Alterations in instrument of dissolution.

(3.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, testified in the same manner.

Statutory declaration.

(4.) A statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society, that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Registry of instrument of dissolution.

(5.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society.

Notice of dissolution.

(6.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the manner provided by this Act for advertising an award of the registrar for dissolution; and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Special provisions as to friendly societies.

(7.) As respects friendly societies—

(*a.*) The value of members shall be ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole:

(*b.*) No instrument of dissolution shall direct or contain any provision for a division or appropriation of the funds of the society, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof for the time being, unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof be first duly satisfied, or adequate provision be made for satisfying such claim:

(*c.*) Any officer or person aiding or abetting in the dissolution of a society, otherwise than as in this Act provided, shall, on summary conviction, be liable to be committed to the common gaol or house of correction, there to be kept to hard labour for any term not exceeding three months:

(*d.*) If any member of a dissolved society, or person claiming any relief, annuity, or other benefit from the funds thereof, be dissatisfied with the provision made for satisfying his claim, such member or other person may apply to the county court of the district within which the chief or any other place of business of the society is situate for relief or other order, and such court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

(8.) With respect to dissolutions and the distribution of funds upon the award of the chief registrar: Dissolution by award, &c.

(*a.*) Upon the application of one fifth of the whole number of members of any registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, made in writing under their hands, setting forth that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged, and requesting an investigation into the affairs of such society with a view to the dissolution thereof, the chief registrar may by himself, or by any assistant registrar, or by any actuary or public auditor whom the chief registrar may appoint in writing under his hand, investigate the affairs of the society, giving nevertheless not less than two months previous notice in writing to the society whose affairs are to be investigated at the registered office of such society:

(*b.*) If upon such investigation it appears that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured to be given by the same, the chief registrar may, if he considers it expedient so to do, award that the society shall be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society shall be divided or appropriated: Provided always, that the chief registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations and adjustment of contributions and benefits as will in his judgment prevent the necessity of such award of dissolution being made:

(*c.*) A registrar proceeding under this section has all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Act:

(*d.*) Every award under this or the last preceding section, whether for dissolution or distribution of funds, is final and conclusive on the society in respect of which the same is made, and on all members of the same, and other persons having any claim on the funds of the society, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act; and the expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society before any other appropriation thereof shall be made:

(*e.*) Notice of every award for dissolution shall, within twenty-one days after the same shall have been made, be advertised by the central office in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, and unless, within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society, consequent upon such award, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

(9.) The provisions of the present section shall not apply to any society having branches without the consent of the central body of such society. Consent of central body.

26. No person, by reason of his enrolment or service in the militia or as a naval coast volunteer, Royal Naval volunteer, naval artillery volunteer, or in any corps of yeomanry or volunteers whatsoever, shall lose or forfeit any interest he possesses at the time of his being so enrolled or serving in any friendly society, registered or unregistered, or be fined for absence from or non-attendance at any meeting of the society, such absence or non-attendance being occasioned by the discharge of his military or naval duty as certified Militiamen and volunteers not to lose benefits.

by his commanding officer, any rules of such society to the contrary notwithstanding, and any dispute between any such society and such person by reason of such enrolment or service shall be decided by a court of summary jurisdiction under this Act; but if the rules of a society certified before the twenty-third day of July one thousand eight hundred and fifty-five, and in force at the time of such enrolment or service, provide that a member shall be deprived of any benefit by reason of such enrolment or service, the society may require of such member a contribution exceeding the rate of contribution otherwise payable by him to an amount not exceeding one tenth of such rate during the time such member shall be serving out of the United Kingdom, or may suspend all claim of such member to any benefits assured by the society, and all claim of the society to any contributions payable by such member, during the time only he may be serving out of the United Kingdom, but so that if he return to the United Kingdom he shall forthwith be replaced on the same footing as before he went abroad on service.

Limitations of benefits.

27. No member of a registered friendly society, nor any person claiming through a member, shall be entitled to receive more than two hundred pounds by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, or (except as provided by section six of this Act) fifty pounds a year by way of annuity, from any one or more such societies; and any such society may require a member, or person claiming through a member, to make and sign a statutory declaration that the total amount to which such member or person is entitled from one or more such societies does not exceed the sums aforesaid; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor.

Payments on death of children.

28. With respect to payments on the death of children under ten years of age, the following provisions shall have effect:

Limitation of payments.

(1.) No society shall insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of such child by any other society, exceeds ten pounds.

Who may receive payments.

(2.) No society shall pay any sum on the death of a child under ten years of age except to the parent of such child, or to the personal representative of such parent, and upon the production by such parent or his personal representative of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars after mentioned.

Particulars of certificates.

(3.) Whenever a certificate of the death of a child is applied for for the purpose of obtaining a sum of money from a society, the name of such society and the sum sought to be obtained therefrom shall be stated to the registrar of deaths, who shall write on or at the foot of such certificate the words "to be produced to the society" (naming the same) "said to be liable for payment of the sum of *l.*" (stating the same), and all certificates of the same death shall be numbered in consecutive order, and the sum charged by the registrar of deaths for each such certificate shall not exceed one shilling.

Registrars of deaths only to give certificates in certain cases.

(4.) No registrar of deaths shall give any one or more certificates of death for the payment in the whole of any sum of money exceeding six pounds on the death of a child under five years, or for the payment in the whole of a sum exceeding ten pounds on the death of a child under ten years; and no such certificate shall be granted unless the cause of death has been previously entered in the register of deaths on the certificate of a coroner or of a registered medical practitioner who attended such deceased child during its last illness, or except upon the production of a certificate of the probable cause of death under the hand of a registered medical practitioner, or of other satisfactory evidence of the same.

Inquiry to be made by societies.

(5.) Any society to which is produced a certificate of the death of a child which does not purport to be the first shall, before paying any money thereon, be bound to inquire whether any and what sums of money have been paid on the same death by any other society.

(6.) It shall be an offence under this Act— Offences under this section.

(*a.*) If any society pays money on the death of a child under ten years of age otherwise than is provided by this Act;

(*b.*) If any parent or personal representative of a parent claiming money on the death of a child produces any certificate of such death other than is herein provided to the society or societies from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

(7.) The word "society" in the present section shall include all industrial assurance companies assuring the payment of money on the death of children under the age of ten years. Extent of word "society."

(8.) No assurance made or to be made by any industrial assurance company, of a sum of money payable on the death of a child under the age of ten years, which would be valid if effected with a registered society, shall be invalidated by reason of any provision contained in the Act of the fourteenth year of His late Majesty King George the Third, chapter forty-eight, for regulating insurances upon lives and for prohibiting all such insurances except in cases where the person insuring shall have an interest in the life of the persons insured. Assurances on children's lives not to be void under 14 Geo. 3. c. 48.

(9.) Provided that nothing in this section contained shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured, or to existing contracts. Insurable interests.

29. The provisions of the present section apply only to societies having branches: Societies with branches.

(1.) The application for registry shall be accompanied with— How to be registered.

(*a.*) A list of every branch, and of the place wherein the same is established:

(*b.*) If any branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of all such trustees or officers, distinguishing the branches for which they are authorised to sue and be sued:

(*c.*) If the rules of all the branches (herein called branch rules) are or are intended to be identical, a statement to that effect, and copies of such rules:

(*d.*) If the branch rules are not or are not intended to be identical, a statement to that effect, and copies of all branch rules.

(2.) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society. Recording of branch rules.

Where such society has branches in more than one country, the provision herein contained as to the registry of societies doing business in more than one country shall apply to the society.

(3.) Notice of the establishment of every new branch by a registered society, and of the place where the same is established, and if such branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of such trustees or officers, and a statement whether or not the rules of such branch are identical with those of the other branches of the society, and, if not so, a copy of the rules of such branch, shall be sent under the hand of the secretary to the registrar whom it may concern. Notices of establishment of new branches.

(4.) Until a copy of the rules of a branch (in the case herein-before mentioned) has been registered in the country in which such branch is established, the society is not entitled to any of the privileges of this Act in respect of such branch, and until a copy of any amendment of the rules of a branch has been so registered the same does not take effect as respects such branch. Until copies of branch rules registered, Act not to apply to branch.

(5.) The provisions of this Act as to appeals, and the result thereof, as to amendments of rules, as to the acknowledgment of registry, and the evidence of registry and of rules, apply to branch rules. Application of previous provisions.

(6.) Where a society has no fund under the control of a central body to which every branch is bound to contribute, every branch is deemed to be and must be registered as a separate society, whether its rules are identical with those of other branches or not. Where branches must be separately registered.

Societies receiving contributions by collectors.

30. The provisions of the present section apply only to friendly societies and except as after mentioned industrial assurance companies receiving contributions by means of collectors at a greater distance than ten miles from the registered office of the society.

Members to receive copies of rules and policies.

(1.) The society shall deliver to every person, on his becoming a member of or insuring with a society, a copy of the rules of the society, together with a printed policy signed by two of the committee or managers of the society and by the secretary, at a price not exceeding one penny for the rules and one penny for the policy; in the case of a family enrolled in one book or card, one copy of rules and one family policy shall be sufficient.

Notice to be given before forfeiture.

(2.) No forfeiture is incurred by any member or person insured by reason of any default in paying any contribution, until after a written or printed notice has been delivered or sent by post prepaid to him, or left at his last known place of abode, by or on behalf of the society, stating the amount due by him, and apprizing him that in case of default of payment by him within a reasonable time, not being less than fourteen days, and at a place, to be specified in such notice, his interest or benefit will be forfeited, and after default has been made by him in paying his contribution in accordance with such notice.

No transfers without written consent.

(3.) No member of or person insured with any society can, unless in the case of an amalgamation, transfer of engagements, or conversion into a company under section twenty-four of this Act, or as respects an industrial assurance company of an amalgamation or transfer of business under the Life Assurance Companies Act, 1870, become or be made a member of or be insured with any other society without his written consent, or, in the case of an infant, without that of his father or other guardian; and the society to which such member or person is sought to be transferred shall within seven days from his application for admission to the same give notice thereof in writing to the society from which he is sought to be transferred.

The provisions of this sub-section shall apply to all friendly societies whether registered under this Act or unregistered and industrial assurance companies receiving contributions by means of collectors.

No collector to be member of committee of management.

(4.) No collector, whilst he is such, is capable of being a member of the committee of management, or other governing body (by whatever name) of the society, or of holding any other office in the society, except that of superintending collectors within an area to be from time to time specified.

Collectors not to vote.

(5.) No collector of a society is capable of voting at or taking part in the proceedings of any meeting of the same.

One general meeting every year.

(6.) At least one general meeting of the society shall be held in every year.

Notices of meetings.

(7.) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall be given by the society to the members by advertisement to be published at least twice in two or more of the newspapers in general circulation in every county where the society carries on business, or shall be delivered in writing or sent by post prepaid to every member. Such notice shall specify the day, hour, and place, and the objects of the meeting, and in case any amendment of a rule is intended to be proposed shall contain a copy of every such amendment; and the society shall publish the last of such advertisements, or deliver or send such notice as aforesaid, at least fourteen days before the day appointed for such meeting, and shall during such fourteen days keep affixed a copy of such notice in legible characters in some conspicuous place in or outside of every office at which the business of the society is carried on.

Balance sheets.

(8.) A copy of every balance sheet of a society shall, during the seven days next preceding the meeting at which the same is to be presented, be kept open by the society for inspection at every office at which the business of the society is carried on, and shall be delivered or sent prepaid to every member on demand.

Certification of annual returns.

(9.) The annual returns shall be certified by some person not an officer of the society (otherwise than as auditor thereof), carrying on publicly the business of an accountant, and if not so certified shall be deemed not to have been made.

Disputes.

(10.) In all disputes between a society and any member or person insured, or any person claiming through a member or person insured, or under the rules, such member or person may, notwithstanding any provisions of the rules of such society to the contrary, apply to the county court, or to the court of summary jurisdiction for the place where

such member or other person resides, and such court may settle such dispute in manner herein provided.

Service by post.

(11.) In proving service of any notice by this section authorised to be sent by post, it is sufficient to prove that such notice was properly directed, and was put, as a prepaid letter, into the post office in such time as to admit of its being delivered in due course of delivery within the period (if any) prescribed for sending the same.

Offences under this section.

(12.) It shall be an offence under this Act—

(*a.*) If any collector of a society to which this section applies becomes a member of the committee, or holds any other office in the same (except as aforesaid), or if any member of the committee of management becomes a collector, or if any collector votes at or takes part in the proceedings of a general meeting:

(*b.*) If any person attempts to transfer a member or person insured from one society to another without such written consent as herein mentioned:

(*c.*) If a society to which a member or person is sought to be transferred fails to give such notice as herein-before required.

Provisions of present section to be contained in rules.

(13.) All the provisions of the present section apply to societies existing at the commencement of this Act, and shall be contained in the rules of all future societies to which this section applies; and any act or omission which by virtue of this and any other section of this Act would be an offence on the part of a registered society shall be an offence on the part of any other society to which this Act applies, and of any officer of such society bound to fulfil the duty (if any) whereof such offence is a breach.

The word "society" in the present section shall, except in provisions one, eight, and nine, include all industrial assurance companies, but nothing in the present section contained shall apply to any assurance with any such company, the premiums in respect of which are receivable at greater periodical intervals than two months.

As to cattle insurance and certain other societies.

31. The provisions of the present section apply only to registered cattle insurance societies, and to such specially authorised societies as the Treasury may allow to take the benefit of the present section:

Rules to have effect of covenant by members.

(1.) The rules bind the society and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to such rules subject to the provisions of this Act.

Money payable by members to be recoverable as debt.

(2.) All moneys payable by a member to the society are deemed to be a debt due from such member to the society, and are recoverable as such in the county court of the district in which such member resides.

Penalties.

32. With respect to penalties under this Act, the following provisions shall have effect:

Penalty for falsification.

(1.) If any person wilfully makes, orders, or allows to be made any entry, erasure in, or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he is liable to a penalty not exceeding fifty pounds, recoverable at the suit of the chief or any assistant registrar or of any person aggrieved.

Penalties for ordinary offences.

(2.) Every 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 penalty of not less than one pound and not more than five pounds, recoverable at the suit of the chief or any assistant registrar or of any person aggrieved.

Recovery of penalties.

(3.) All penalties imposed by this Act, or to be imposed by any regulations under the same, or by the rules of a registered society, are recoverable in a court of summary jurisdiction.

Summary procedure and appeals.

33. With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have effect:

(1.) In England and Ireland respectively all offences and penalties under this Act may be prosecuted and recovered, in the manner directed by the Summary Jurisdiction Acts,

as respects a prosecution against a society or its officers in the place where the registered office of the society is, or where the offence has been committed, or as respects any prosecution against any person other than a society or its officers in the place where such person is resident at the time of the institution of such prosecution, or where the offence has been committed.

(2.) In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts.

(3.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall consist as follows:—

In England—

(*a.*) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute:

(*b.*) In the city of London, of the lord mayor or any alderman of that city:

(*c.*) In any other place, of two or more justices of the peace sitting in petty sessions.

In Ireland—

(*a.*) In the police district of Dublin metropolis, of a divisional justice:

(*b.*) In any other place, of two or more justices of the peace sitting in petty sessions.

(4.) In Scotland—

(*a.*) All offences and penalties under this Act may be prosecuted and recovered by the procurator fiscal of the county in the Sheriff Court, under the provisions of the Summary Procedure Act, 1864:

(*b.*) Summary orders may be made and enforced on complaint in the Sheriff Court:

(*c.*) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:

(*d.*) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown:

(*e.*) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these provisions.

Description of offences.

(5.) In any information or complaint under this Act it is sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived.

Appeals.

(6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows:

(*a.*) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from:

(*b.*) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(*c.*) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded:

(*d.*) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance as aforesaid, release him from custody:

(*e.*) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to such court with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just:

(*f.*) If the matter be remitted to the court of summary jurisdiction, such court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the court of appeal.

(7.) In Scotland any person may appeal from any order or conviction under this Act to the court of justiciary, or any circuit court thereof, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any Act amending that Act, or applying or incorporating its provisions or any of them with regard to appeals; or to the Court of Justiciary at Edinburgh, under and in terms of "The Summary Prosecutions Appeals (Scotland) Act, 1875."

Regulation of proceedings in county courts.

34. Proceedings under this Act directed to be taken by and before the judges of county courts may be regulated in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders, and acts of sederunt, made under the forty-third section of the Act of the eighteenth and nineteenth years of Her present Majesty, chapter sixty-three, as may be in force at the commencement of this Act.

The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, shall from time to time order and direct.

Public auditors.

35. The Treasury may from time to time appoint public auditors and valuers for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors and valuers; but the employment of such auditors and valuers is not compulsory on any society.

Fees.

36. The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act; but no fees shall be payable on the registry of any friendly, benevolent, or cattle insurance society, or working men's club, or of any amendment of the rules of the same.

All fees which may be received by any registrar under or by virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer.

Payment of salaries and expenses.

37. The Treasury shall, out of money to be provided by Parliament, pay to the chief and assistant registrars such salaries or other remunerations respectively, and such sums of money for defraying the expenses of office rent, salaries of assistants, clerks, and servants, remuneration for actuaries, accountants, and inspectors, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses and other allowances of the chief or any assistant registrar, and other expenses which may be incurred for carrying out the purposes of this Act, and may also pay to any public auditors or valuers to be appointed under this Act such remuneration (if any) as the Treasury shall from time to time allow.

Regulations to be made for carrying out the Act.

38. The Treasury may from time to time make regulations respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament.

Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

Evidence of documents.

39. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector, or public auditor or valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Application of Act to Isle of Man.

40. With respect to the Isle of Man the provisions of this Act shall be varied as follows:

(1.) The terms "Supreme Court of Judicature" and "county court" respectively mean the Court of Chancery of the said isle, in which court the proceedings under this Act

may be regulated by rules and orders to be made in that behalf by the court, and, until otherwise provided, shall be regulated according to the ordinary practice of such court:

(2.) The terms "the Companies Acts" and "the Companies Act, 1862," respectively mean the law for the time being in force in the said isle for the regulating and winding up of companies:

(3.) The term "Summary Jurisdiction Acts" means the law for the time being in force in the said isle for regulating the exercise of summary jurisdiction by justices of the peace:

(4.) All offences and penalties under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of the peace at the suit or instance of a registrar or of a head constable:

(5.) All penalties recovered under this Act shall be paid to the treasurer of the said isle, and be added to the general revenue of the said isle:

(6.) Any person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said isle as to appeals in cases of summary jurisdiction.

Application of Act to Channel Islands.

41. With respect to the Channel Islands this Act shall be varied as follows:

(1.) As respects the Island of Jersey, the following provisions shall have effect:

(*a.*) The term "county court" means the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in all other cases it means the inferior number of the royal court of the said island, composed of the bailiff and two jurats of the said court:

(*b.*) The term "court of summary jurisdiction" has in civil cases the same meaning as the term county court:

(*c.*) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the law and custom of the said island with respect to crimes and offences (crimes et délits):

(*d.*) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the royal court, at the suit or instance of Her Majesty's Procurator General for the said island:

(*e.*) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said island on behalf of the Crown:

(*f.*) The powers conferred under this Act on two justices shall be exercised by the inferior number of the royal court of the said island:

(*g.*) Clause thirty-three of this Act, and the term "Summary Jurisdiction Acts," shall not apply to the said island, but all proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of such courts respectively, and all penalties shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island:

(*h.*) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act:

(*i.*) The terms "the Companies Acts" and "the Companies Act, 1862," shall be taken to mean the law which from time to time may be in force in the said island for the formation, regulation, and winding up of companies.

2. As respects the bailiwick of the Island of Guernsey:

(*a.*) The court of primary instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England: Provided that a sentence may be appealed from if the case admits of an appeal, under the orders in council now in force

within the bailiwick, but that the decision of the royal court when sitting in a body as a court of appeal shall be final:

(*b.*) When any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey:

(*c.*) All friendly societies within the bailiwick shall be authorised to invest any part of their funds in the states bonds either of Guernsey or of Alderney:

(*d.*) The term "the Companies Act" means the law for the time being in force in the said bailiwick for the regulation and winding up of companies:

(*e.*) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance of the law officers of the Crown or of a constable of a parish:

(*f.*) All penalties recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown revenue.

SCHEDULES.

SCHEDULE I.

ACTS AND ENACTMENTS REPEALED.

Date of Act.	Title of Act.	Extent of Repeal.
52 Geo. 3. c. 38. -	An Act to amend the Laws relating to Local Militia in England	Section 41.
52 Geo. 3. c. 68. -	An Act for amending the Laws relating to Local Militia in Scotland.	Section 39.
17 & 18 Vict. c. 105.	An Act to amend the Law relating to the Militia in England and Wales.	Section 44.
17 & 18 Vict. c. 106.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Scotland.	Section 69.
17 & 18 Vict. c. 107.	An Act for amending the Laws relating to the Militia and raising a Volunteer Militia Force in Ireland.	Section 27.
18 & 19 Vict. c. 63. -	An Act to consolidate and amend the Law relating to Friendly Societies.	The whole.
21 & 22 Vict. c. 101.	An Act to amend the Act of the 18th and 19th years of Her present Majesty, chapter 63, relating to Friendly Societies.	The whole.
22 & 23 Vict. c. 40. -	An Act for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same.	Section 23.
23 Vict. c. 13. -	An Act to prevent the members of Benefit Societies from forfeiting their interest therein by being enrolled in Yeomanry or Volunteer Corps.	The whole.
23 & 24 Vict. c. 58. -	An Act to amend an Act of the 18th and 19th years of Her Majesty relating to Friendly Societies.	The whole.
26 & 27 Vict. c. 65. -	An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.	Section 44.
29 Vict. c. 34. -	An Act to give further facilities for the establishment of Societies for the Assurance of Cattle and other Animals.	The whole.
36 & 37 Vict. c. 77. -	An Act to provide for the establishment of a Royal Naval Artillery Volunteer Force.	Section 33.

SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES REGISTERED UNDER THIS ACT.

1. The name and place of office of the society.

2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any

member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member.

3. The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules.

4. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees, and in the case of a society with branches, the composition of the central body, and the conditions under which a branch may secede from the society.

5. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.

6. Annual returns to the registrar of the receipts, funds, effects and expenditure and number of members of the society.

7. The inspection of the books of the society by every person having an interest in the funds of the society.

8. The manner in which disputes between the society and any of its members, or any person claiming through a member or under the rules, shall be settled.

9. In case of dividing societies, a provision for meeting all claims upon the society existing at the time of division before any such division takes place.

And also in the case of friendly and cattle insurance societies:—

1. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.

2. (Except as to cattle insurance societies) returns every five years to the registrar of the sickness and mortality of the society.

3. (Except as to cattle insurance societies) a valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.

4. The voluntary dissolution of the society by consent of not less than five sixths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.

5. The right of one fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding five thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or in case of societies registered and doing business exclusively in Ireland or Scotland to the assistant registrar for Ireland or Scotland, for an investigation of the affairs of the society, or for winding up the same.

SCHEDULE III.

FORM OF BOND.

(1.)—In England or Ireland.

KNOW all men by these presents, that we, *A.B.* of , one of the officers of the society, established at , in the county of , and *C.D.* of (as surety on behalf of the said *A.B.*), are jointly and severally held and firmly bound to *A.B.* of , *C.D.* of , and *E.F.* of , the trustees of the said society, in the sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.*, as such trustees, or their successors, trustees for the time being, or their certain attorney; for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of in the year of our Lord .

Whereas the above-bounden *A.B.* has been duly appointed to the office of of the society, established as aforesaid, and he, together with the above-bounden *C.D.* as his surety, have entered into the above-written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the said society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody to such person or persons as the said society or the trustees or committee of management thereof shall appoint, according to the rules of the said society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise shall remain in full force.

Sealed and delivered in the presence of [*two witnesses.*]

(2.)—In Scotland.

I, *A.B.* of , hereby bind and oblige myself, to the extent of £ at most, as caution and surety for *C.D.*, a person employed by the society, that he, the said *C.D.*, shall on demand faithfully and truly account for all moneys received and paid to him for behoof of the said society, and also assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody, and that to such person or persons as the said society or the trustees thereof shall appoint, according to the rules of the said society.

Dated at this day of .

Signature of Cautioner.

E.F. of witness.
G.H. of witness.

The above bond shall not require a testing clause or subscription clause, and may be wholly written or wholly printed, or partly written and partly printed.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER CHARGE.

The trustees of the society hereby acknowledge to have received all moneys intended to be secured by the within [*or* above] written deed.

Signed [*Signatures of Trustees.*]
Trustees.

Countersigned [*Signature of Secretary*]
Secretary.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The Society is registered as a [*friendly society, cattle insurance society, benevolent society, working men's club, or specially authorised society*], under the Friendly Societies Act, 1875, this day of .

[*Seal or stamp of central office*, or *signature of Assistant Registrar for Scotland or Ireland.*]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the Society is registered under the Friendly Societies Act, 1875, this day of .

[*Seal or stamp of central office*, or *signature of Assistant Registrar for Scotland or Ireland.*]

CHAPTER 61.

An Act to further amend the Law of Entail in Scotland. [11th August 1875.]

WHEREAS it is expedient further to amend the law of entail in Scotland:

Be it therefore 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, as follows:

1. This Act may be cited for all purposes as "The Entail Amendment (Scotland) Act, 1875." Short title.

2. This Act shall commence and come into operation on the passing thereof. Commencement of Act.