CHAPTER 26.

An Act to amend the Law relating to Friendly Societies. [6th July 1895.]

A.D. 1895.

WHEREAS it is expedient to amend the Friendly Societies Act, 1875 (herein-after referred to as the principal Act): 38 & 39 Vict. c. 60.

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:

Amendments of 38 & 39 Vict. c. 60.

1. In sub-section five of section eleven of the principal Act the words "to any member" shall be omitted.

Grant of annuities.

Appeals.

2.—(1.) For sub-section eight of section eleven of the principal Act shall be substituted the following sub-section:—

"(8.) From a refusal to register a society or any rules or amendment of rules, an appeal shall lie as follows:—

"(*a.*) If the assistant registrar for Scotland or for Ireland refuses to register, the society may appeal to the chief registrar, and if he refuses, to the Court of Session in Scotland, or to the High Court in Ireland:

"(*b.*) If the central office refuse, the society may appeal to the High Court in England."

(2.) For sub-section four of section twelve of the principal Act shall be substituted the following sub-section:—

"(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, as follows:—

"(*a.*) from the assistant registrar for Scotland or Ireland to the chief registrar, and from him to the Court of Session in Scotland or the High Court in Ireland; and

"(*b.*) from the chief registrar, in cases not relating exclusively either to Scotland or to Ireland, to the High Court in England."

(3.) For the proviso to sub-section seven of section twenty-nine of the principal Act shall be substituted the following proviso:—

"Provided that an appeal shall lie from the refusal of the chief secretary or other principal officer of the society, or his omission after three months from the receipt of a request in writing made

A.D. 1895.

on behalf of a branch to grant such a certificate, to the High Court in England or Ireland or to the Court of Session in Scotland."

Trustees.

3. A secretary or treasurer of a society or branch shall not be a trustee of that society or branch, and accordingly at the end of paragraph (*b*) of sub-section one of section fourteen of the principal Act, shall be inserted the following proviso: "Provided that the "same person shall not be secretary or treasurer of a society or "branch and a trustee of that society or branch."

Certificates of death.

4. The requirements of section fourteen of the principal Act as to certificates of death shall not apply in cases where the body cannot be found; and accordingly in sub-section two of that section, after the words "This sub-section shall not apply to deaths "at sea," shall be inserted the words "nor to a death by colliery "explosion or other accident where the body cannot be found, nor "to any death certified by a coroner or procurator fiscal to be the "subject of a pending inquest or inquiry."

Exemption from stamp duty.

5. For sub-section two of section fifteen of the principal Act shall be substituted the following sub-section:—

"Stamp duty shall not be chargeable upon any of the following documents:—

"(*a.*) Draft or order or receipt given by or to the society in "respect of money payable by virtue of its rules, or of this "Act:

"(*b.*) Letter or power 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:

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

"(*d.*) Policy of insurance or appointment or revocation of appoint-"ment of agent or other document required or authorised by "this Act or by the rules of the society."

Amendment of 38 & 39 Vict. c. 60. s. 15, as to nominations.

6. At the end of sub-section three of section fifteen of the principal Act shall be added the following words:—

"and the receipt of a nominee over sixteen years of age for any amount so paid shall be valid, but the marriage of a member of a society shall operate as a revocation of any nomination theretofore made by that member under this section. Provided that where a society pays money to a nominee in ignorance of a marriage subsequent to the nomination, the receipt of the nominee shall be a valid discharge to the society."

Membership of minors.

7. For sub-section eight of section fifteen of the principal Act shall be substituted the following sub-section:—

"(8.) The rules of a registered society or branch may provide for the admission of a person under twenty-one years of age but above one year of age as a member, and any such member may, if he is over sixteen years of age by himself, and if he is under that age by his parent or guardian, 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, or a trustee, manager, or treasurer of the society or branch."

Investment of funds.

8. The following provision shall be added as a new sub-section after sub-section (1) of section sixteen of the principal Act, and shall be numbered (1A):—

"The rules of a society with branches and of any branch thereof may provide for the investment of funds of the society or of that branch by the trustees of any branch, or by the trustees of the society, and the consent required for any such investment shall be the consent of the committee of management, or of such majority as aforesaid of the society or branch by whom the funds are invested."

Rate of interest.

9.—(1.) For sub-sections five, six, and seven of section seventeen of the principal Act shall be substituted the following sub-section:—

"(5.) A society investing money with the Commissioners shall be entitled to a receipt entitling to interest at the following rates:—

"To a friendly society legally established before the twenty-eighth of July, one thousand eight hundred and twenty-eight, which had invested funds with the Commissioners before the twenty-third of July, one thousand eight hundred and fifty-five, a rate of interest in respect of any assurance made before the fifteenth of August, one thousand eight hundred and fifty, of - -	Threepence per centum per diem.
"To a friendly society legally established between the twenty-eighth of July, one thousand eight hundred and twenty-eight, and the fifteenth of August, one thousand eight hundred and fifty, which had invested funds with the Commissioners before the twenty-third of July, one thousand eight hundred and fifty-five, a rate of interest in respect of any assurance made before the fifteenth of August, one thousand eight hundred and fifty, of - - - -	Twopence halfpenny per centum per diem.
"To a friendly society legally established before the twenty-eighth of June, one thousand eight hundred and eighty-eight, which had invested funds with the Commissioners before the first day of January, one thousand eight hundred and ninety-six, a rate of interest in respect of any assurance made on or before the said twenty-eighth day of June of - - - -	Twopence per centum per diem.

A.D. 1895.

"To a society in respect of any investment with the Commissioners, other than as herein-before mentioned, a rate of interest of - - - - -	Two pounds fifteen shillings per centum per annum."

(2.) For sub-section ten of the same section shall be substituted the following sub-section:—

"(10.) A society having funds invested with the Commissioners at a rate higher than two pounds fifteen shillings per centum per annum shall retain at that rate so much only of its funds as arises from assurances made before the date applicable to that rate, 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 that rate any part of its funds, the Commissioners shall require the withdrawal thereof, or the transfer thereof to the rate of twopence per centum per diem, or two pounds fifteen shillings per centum per annum, as the case may require, and in default of withdrawal within thirty days, shall transfer the same in their books accordingly, and shall notify such transfer to the society."

(3.) In sub-section eleven of the same section, after the words "twopence per centum per diem" shall be added the words "or "two pounds fifteen shillings per centum per annum, as the case "may require."

Disputes.

10.—(1.) Section twenty-two of the principal Act, which relates to the settlement of disputes, shall apply to every dispute between any person aggrieved who has for not more than six months ceased to be a member of a registered society, or any person claiming through such person aggrieved, and the society or an officer thereof, and accordingly in that section after the words "registered society," where they first occur, shall be added the words "or any person "aggrieved who has for not more than six months ceased to be a "member of a registered society, or any person claiming through "such person aggrieved."

(2.) At the end of proviso (*d*) of the same section shall be added:—

"but in the case of a society with branches the said forty days shall not begin to run until application has been made in succession to all the bodies entitled to determine the dispute under the registered rules of the society, so however that no rules shall require a greater delay than three months between each successive determination."

Amalgamation of juvenile and adult societies.

11. After section twenty-four of the principal Act shall be added the following section:—

"24A. A society consisting wholly of members under twenty-one years of age, and a society or branch or branches of a society having members above twenty-one years of age, may, by resolutions registered in the manner required for the registration of an amendment of rules, become amalgamated together as one society or branch, or provide for distributing among several branches the members of a society consisting

wholly of members under twenty-one years of age, and the provisions of section twenty-four shall not apply to such amalgamation."

Societies with branches.

12. At the end of section twenty-nine of the principal Act, relating to the registration of societies with branches, shall be added the following sub-section:—

"(8.) A branch that has wholly seceded or been expelled from a society shall not thereafter use the name of the society or any name implying that it is a branch thereof, or the number by which it is designated as such branch, and any officer or member thereof contravening this sub-section shall be guilty of an offence under this Act."

Conversion of societies into branches.

13. A resolution to convert a society into a branch may be passed by a majority, and accordingly, in sub-section one of section twenty-nine A of the principal Act, the words "a majority" shall be substituted for the words "three fourths."

Contributions by societies to the funds of other societies.

14. To section twenty-nine B of the principal Act, enabling registered societies to contribute to the funds and take part in the management of other registered societies, the following paragraph shall be added:—

"This section shall in respect of contributing to the funds and taking part in the government of a medical society, that is to say, a society for the purpose of relief in sickness by providing medical attendance and medicine, extend to any registered trade union or branch of a registered trade union, and a society or trade union or branch shall not withdraw from contributing to the funds of any such medical society except on three months notice to the society and on payment of all contributions accrued or accruing due to the date of the expiration of the notice."

Collecting societies.

15. At the end of section thirty of the principal Act, which relates to collecting societies, shall be added the words following:—

"The last words in the name of any friendly society to which this section applies, and which is registered on or after the first day of January one thousand eight hundred and ninety-six, shall be 'collecting society.'"

Subscriptions not recoverable.

16. After section thirty-one of the principal Act shall be added the following section:—

"31A. Except as provided by section thirty-one of this Act, the subscription of a person being or having been a member of a registered society shall not be recoverable at law."

Application to the Channel Islands.

17. In paragraph (*d*) of sub-section one of section forty-one of the principal Act, which regulates the application of the Act to the Channel Islands, for the words "bailiff of the parish" shall be substituted the words "constable of the parish."

Amendment of 38 & 39 Vict. c. 60., Sch. II.

18. In the Second Schedule to the principal Act, which specifies the matters to be provided for by the rules of registered societies, the words "and the consequences of non-payment of any subscrip-

A.D. 1895.

tion or fine," shall be added at the end of paragraph (2) of the said schedule.

Short title, construction, and printing.

19.—(1.) This Act may be cited as the Friendly Societies Act, 1895.

(2.) This Act shall be construed with the Friendly Societies Acts, 1875 to 1893.

(3.) The principal Act shall, as from the commencement of this Act, take effect subject to the additions, omissions, and substitutions required by this Act.

(4.) Any copy of the principal Act printed after the passing of this Act under the authority of the Queen's Printer may be printed with the additions, omissions, and substitutions required by this Act.

Commencement of Act.

20. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.