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VICTORIÆ REGINÆ.

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C A P. CXVII.

An Act to amend the Industrial and Provident Societies Acts. [20th *August* 1867.]

WHEREAS by the Industrial and Provident Societies Act, 1862, the Industrial and Provident Societies Act, 1852, and certain therein-recited Acts for the Amendment thereof, were repealed, and Provision was made for the Constitution and Regulation of such Societies in future:

And whereas Doubts having arisen as to the Effect of the said Act in certain Cases, it is expedient that the same should be removed, and that the Provisions so made should be amended in other respects:

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:

Sect. 48. of 18 & 19 Vict. c. 63. and Sects. 5., 9., 15., 16., and 25. of 25 & 26 Vict. c. 87. repealed.

1. There shall be repealed, from and after the passing of this Act, the Forty-eighth Section of the Eighteenth and Nineteenth *Victoria*, Chapter Sixty-three, and the Fifth, Ninth, Fifteenth, Sixteenth, and Twenty-fifth Sections of the recited Act, and so much of the Third Section as excepts the working of Mines and Quarries from the Objects for which any Society may be established under the Act.

Limitation of Interest of Members.

2. A Society registered under this Act may hold in its registered Name any Amount of Interest in any other Society so registered, but if any other Person hold or claim in any Society so registered any Interest exceeding Two hundred Pounds Sterling, such Person shall incur a Penalty equal to the Excess of such Interest over the said Sum.

Provisions of the Friendly Societies Acts applied to Industrial and Provident Societies.

3. The Provisions following contained in the Acts under mentioned relating to Friendly Societies shall apply to all Societies registered under this Act, and no such Provision shall be affected in its Application to such Societies by its Repeal in regard to Friendly Societies, unless the contrary be expressly declared by the Act repealing the same; and in applying such Provisions Words concerning the Trustee of any Society shall be taken to apply to the Society, except the Context precludes such Construction; (that is to say,)

So much of the Friendly Societies Acts, 1855 and 1858, as relates to—

18 & 19 Vict. c. 63. s. 24. The Punishment of Fraud in withholding any Money or other Property belonging to any Society:

18 & 19 Vict. c. 63. ss. 41., 42., 43; and 21 & 22 Vict. c. 101. s. 1. The Determination of Disputes by the County Courts in *England*, the Sheriffs Court in *Scotland*, and the Assistant Barrister in *Ireland*, and the Orders and Proceedings for this Purpose:

18 & 19 Vict. c. 63. s. 30. The Reception of Rules and other Instruments in Evidence;

18 & 19 Vict. c. 63. s. 37. The Exemption of Rules and other Instruments from Stamp Duty:

21 & 22 Vict. c. 101. s. 4. The Power to any Society to change its Name.

Certificate of Registration.

4. Two Copies of the Rules shall be forwarded to the Registrar of Friendly Societies of *England*, *Scotland*, or *Ireland*, according to the Place where the Office of the Society is situate, and shall be dealt with by him in the Manner provided by "The Friendly Societies Act, 1855," and he shall thereupon give his Certificate of Registration, and such Certificate shall in all Cases be conclusive Evidence that the Society has been duly registered, and thereupon the Members of such Society shall become a Body Corporate, by the Name therein described, having a perpetual Succession and a Common Seal, with Power to purchase, erect, and sell, and convey, or to hold Lands and Buildings, with limited Liability.

Power to nominate Persons unto whose Name the Interests of Members may be

5. A Member of any Society registered under this Act may, by any Writing under his Hand delivered at the registered Office of the Society, appoint any Person being the Husband, Wife, Father, Mother, Child, Brother, Sister, Nephew, or Niece of such Member, to whom his Shares in the Society shall be transferred at his Decease, provided

provided that the Sum credited to the Account of such Member in the Books of the Society does not exceed Fifty Pounds Sterling, and may from Time to Time revoke or vary any such Nomination by a Writing under his Hand similarly delivered; and the Secretary of every such Society shall keep a Book wherein the Names of all Persons so nominated shall be regularly entered, and the Shares comprised in any such Nomination shall be transferable to the Nominee, although the Rules of the Society declare its Shares to be generally not transferable: Provided nevertheless, that the Society may, in lieu of making such Transfer, elect to pay to any Nominee the full Value of the Shares comprised in the Nomination to him, and shall pay him the full Value of any such Shares which, if transferred into his Name, would increase his Interest in the Society to an Amount exceeding Two hundred Pounds Sterling.

transferred at their Death.

6. All Penalties imposed by the Industrial and Provident Societies Act, 1862, or by this Act, or by the Rules of any Society registered under the said Act, shall be recoverable, with Costs, and dealt with in a Manner directed by the Friendly Societies Acts, in regard to the Penalty thereby imposed, on any Default in transmitting the Returns thereby required, and at the Suit of the Registrar in the Case of Penalties imposed by the recited Act or by this Act, or in the Case of Penalties imposed by the Rules of any Society so registered at the Suit of the Society.

Recovery of Penalties.

7. Two Copies of every Alteration of or Addition to the Rules of every Society registered under this Act, signed by Seven Members of the Society, and countersigned by the Secretary, shall be sent to the Registrar for his Certificate of Registration, and shall be accompanied by a Declaration in the Form contained in the Schedule hereto annexed; and no Alterations of or Additions to the Rules of any Society registered under this Act, made after the passing hereof, shall be valid until they are so certified.

Alterations of or Additions to Rules to be registered.

Declarations to accompany Copies.

8. The Registrar shall give his Certificates respectively in the Forms contained in the said Schedule in the Cases thereto mentioned.

Form of Certificate.

9. All Returns required under the Twenty-fourth Section of the recited Act to be made to the Registrar of Friendly Societies shall be sent to him by each Society registered thereunder on or before the First Day of *March* in every Year; and every such Society which does not send any such Return, or furnish Copies thereof, or of its Rules, as is required by the recited Act or hereby, shall incur a Penalty not less than Forty Shillings nor exceeding Five Pounds for each such Offence; and every Person who makes or orders to be

Penalties on not sending Returns, &c.

be made any false Statement or any Omission in any such Return, with Intent to deceive the Registrar, shall incur a Penalty not exceeding Fifty Pounds Sterling for each Return so dealt with.

Form of Rules provided as moved.

10. The Form of Rules contained in the Schedule hereto may be adopted by any Society desirous of being registered under this Act, either without any Addition or with any Additions or Alterations agreeable to Law.

Societies established previous to recited Act to be deemed to be established from Registration under either Act.

11. Every Society established previous to the passing of the recited Act for any of the Purposes in such Act mentioned shall be deemed to be a Society established under such Act from the Registration of such Society under the Provisions of the recited Act or of this Act.

Exemption from Income Tax.

12. A Society registered under this Act, and not allowing any Member thereof to hold or claim any Interest therein or Monies therefrom exceeding in Value the Sum of Two hundred Pounds, shall not be chargeable with the Duty under Schedule (C.) or Schedule (D.) of the Income Tax Acts: Provided that the above Exemption shall not be construed to relieve any Member of such Society, or Person employed by such Society, to whom any Portion of the Profits of the Society shall be paid, from Assessment to the said Duties in respect of such Payment in any Case in which the total Income of such Member or other Person, inclusive of his Portion of the said Profits, shall amount to the Sum of One hundred Pounds or upwards.

Lists to be returned to Commissioners for Special Purposes containing the Names, &c. of Persons entitled to Profits.

13. The Secretary or other Managing Officer of any Society registered under this Act shall, within Twenty-one Days after the Sixth Day of *April* in every Year, transmit to the Commissioners for Special Purposes of the Income Tax Acts a List containing the Name and Residence of every Member of such Society or other Person to whom Profits made by the Society have been paid or shall be payable within or for the Year ended on the Fifth Day of *April* preceding, and the Amounts paid or payable to each Member or other Person, and thereupon the Special Commissioners shall take the necessary Steps for charging the said Duties, under the Regulations of the Income Tax Acts, on such of the said Persons as may be liable thereto; and any Secretary or other Officer of any such Society who shall neglect to make out and deliver to the Commissioners for Special Purposes, within the Time specified by this Act, a List containing the Particulars hereby required, shall forfeit and pay the Sum of Fifty Pounds, to be recovered in like Manner as Penalties imposed for like Default by the Income Tax Acts.

14. The

Short Title.

14. The recited Act, so far as it is not hereby repealed, shall be incorporated with this Act, and may be cited with it as the Industrial and Provident Societies Act, 1867, and the Schedule hereto annexed shall be substituted for the Schedule thereto; all Societies registered under the recited Act shall be taken to be registered under this Act; and in construing the recited Act and this Act Provisions relating to the Rules or Name of any Society shall apply to the registered Rules and Name thereof for the Time being, and the Registrar shall mean the Registrar of Friendly Societies for *England*, *Scotland*, or *Ireland*, according to the Place where the Office of the Society is situate.

Construction of Act.

SCHEDULE referred to in this Act.

Of Matters to be provided for by the Rules of Societies established under this Act.

1. Object, Name, and Place of Office of the Society.
2. Terms of Admission of Members.
3. Mode of holding Meetings and Right of voting, and of making or altering Rules.
4. Determination whether the Shares, or any Number thereof, shall be transferable, and in case it be determined that the Shares, or any Number thereof, shall be transferable; Provision for the Form of Transfer and Registration of Shares, and for the Consent of the Committee of Management and Confirmation by a General Meeting of the Society; and in case it be determined that the Shares shall not be transferable, Provision for paying to Members the Balance due to them on withdrawing from the Society.
5. Provision for the Audit of Accounts.
6. Determination whether and by what Authority any Part of Capital may be invested in or on the Security of another Society, provided that no such Investment be authorized in any Society not registered under this Act, or under the Companies Act as a Company with limited Liability.
7. Determination whether and how Members may withdraw from the Society, and Provisions for the Claims of Executors, Administrators, or Assigns of Members, and for paying Nominees in the Case herein mentioned.
8. Mode of Application of Profits.
9. Appointment of Managers and other Officers, and their respective Powers and Remuneration.
10. Provisions for the Custody, Use, and Device of the Seal of the Society, which shall in all Cases bear the registered Name thereof.

FORMS OF CERTIFICATE TO BE GIVEN UNDER THIS ACT.

Certificate of Registration of a Society.

I, Registrar of Friendly Societies in [England, Scotland, *or* Ireland,] hereby certify that the Society, Limited, established at in the County of is registered under the Industrial and Provident Societies Act, 1867.

Given under my Hand this Day of 18 .

Registrar of Friendly Societies.

Certificate,

Certificate, to follow Rules upon the Registration of a Society established under this Act.

I hereby certify that the foregoing Rules of the Society, Limited, are in conformity with Law, and that the said Society is duly established from the present Date, and is subject to the Provisions and entitled to the Privileges of the Acts relating to Industrial and Provident Societies.

Day of 18 .

_____ Registrar of Friendly Societies.

Certificate of Alterations of Rules.

I, Registrar of Friendly Societies in [England, Scotland, *or* Ireland,] do hereby certify that the foregoing Alterations of [*or* Additions to] the Rules of the Society, Limited, established at in the County of are in conformity with Law, and are registered from the present Date under the Industrial Societies Act.

Given under my Hand this Day of 18 .

_____ Registrar of Friendly Societies.

Certificate of changed Name.

I, Registrar of Friendly Societies in [England, Scotland, *or* Ireland,] hereby certify that the registered Name of the Society, Limited, established at in the County of is changed from the Date hereof to the Name following,—

Society, Limited, and is in accordance with the Industrial and Provident Societies Acts.

Given under my Hand this Day of

_____ Registrar of Friendly Societies.

FORM OF DECLARATION TO ACCOMPANY ALTERATIONS OF OR ADDITIONS TO RULES.

Register No. _____.

(*State Street, Parish, and County of Place of Business.*)

_____ Society,

Limited, established at _____

_____

_____

_____

I, of

the Clerk* of the above-mentioned Society, do solemnly and sincerely declare that in the altering, amending, or rescinding the

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* Secretary, *or* One of the Officers.

Rules

Rules of the said Society, *or* making new Rules, (*as the Case may be,*) the Rules of the said Society have been duly complied with.

And I make this solemn Declaration, conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Par- " liament, intituled 'An Act for the more effectual Abolition of Oaths and " ' Affirmations taken and made in various Departments of the State, and to " ' substitute Declarations in lieu thereof, and for the more entire Suppression " ' of voluntary and extra-judicial Oaths and Affidavits;' and to make other " Provisions for the Abolition of unnecessary Oaths."

Taken and received before me, One of Her Majesty's Justices of the Peace for the said County of at in the said County, this Day of 18 .

LONDON:
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Printers to the Queen's most Excellent Majesty. 1867.