

Industrial and Provident Societies Act, 1893

[56 & 57 VICT. CH. 39.]

[Reprinted with the amendments made by the Acts of 1894 and 1895, pursuant to 57 & 58 Vict. c. 8, s. 4 and 58 & 59 Vict. c. 30, s. 4.]

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[Reprinted with the amendments made by the Acts of 1894 and 1895, pursuant to 57 & 58 Vict. c. 8, s. 4 and 58 & 59 Vict. c. 30, s. 4.]



CHAPTER 39

An Act to consolidate and amend the Laws relating to
Industrial and Provident Societies.

[12th September 1893]

WHEREAS it is expedient to consolidate and amend the law relating to industrial and provident societies:

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:

Preliminary

1. This Act may be cited as the Industrial and Provident Societies Act, 1893. Short title
of Act.

2. This Act shall come into operation on the first day of January next after the passing thereof, and shall extend to Great Britain and Ireland and the Channel Islands. Extent of Act.

3. Every incorporated society now existing which has been registered or certified under any Act relating to industrial and provident 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shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded. Existing
societies.

Registration of Societies

Societies
which may
be registered.

4. A society which may be registered under this Act (herein called an industrial and provident society) is a society for carrying on any industries, businesses, or trades specified in or authorised by its rules, whether wholesale or retail, and including dealings of any description with land. Provided that—

- (a) No member other than a registered society shall have or claim any interest in the shares of the society exceeding two hundred pounds, and
- (b) In regard to the business of banking, the society shall be subject to the provisions herein-after contained.

Conditions of
registration.

5. With respect to the registry of new 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 two printed copies of the rules, 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 mislead the members or the public as to its identity, and no society shall change its name except in the manner herein-after provided.
- (4) A society registered under the Industrial and Provident Societies Act, 1852, and not registered under the Industrial and Provident Societies Acts, 1862, 1867, or 1876, may obtain from the registrar an acknowledgment of registry under this Act:
- (5) The word “ limited ” shall be the last word in the name of every society registered under this Act:
- (6) A society carrying or intending to carry on business in more than one part of the United Kingdom shall be registered in the part in which its registered office, as herein mentioned, is situate; but copies of the rules of the society and of all amendments of the same shall, when registered, be sent to the registrar of each of the other parts to be recorded by him, and until such rules are so recorded the society shall not be entitled to any of the privileges of this Act in the part in which such rules have not been recorded, and until such amendments are so recorded the same shall not take effect in such part.

6. 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. Acknowledgment of registry.

7.—(1) If the registrar refuses to register the society, or any rules or amendments of rules, the society may appeal from such refusal as follows:— Appeals from refusal to register.

(a) In England, to the High Court ;

(b) In Scotland or Ireland, to the chief registrar, and if he refuses to the Court of Session in Scotland or to the High Court in Ireland.

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

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

Cancelling and Suspension of Registry

9.—(1) The registrar may cancel the registry of a society by writing under his hand or seal: Cancelling and suspension of registry.

(a) If at any time it is proved to his satisfaction that the number of the members of the society has been reduced to less than seven, or that an acknowledgment of registry has been obtained by fraud or mistake, or that the society has ceased to exist ;

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

(c) With the approval of the Treasury, on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully and after notice from a registrar violated any of the provisions of this Act.

(2) The 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 or seal, 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.

(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 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 local newspaper circulating in or about the locality in which the registered

in a conspicuous position, in letters easily legible, and have its registered name engraven in legible characters on its seal, and have its registered name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society.

13.—(1) Every registered society shall once at least in every year submit its accounts for audit either to one of the public auditors appointed as in this Act mentioned, or to two or more persons appointed as the rules of the society provide.

(2) The auditors shall have access to all the books, deeds, documents, and accounts of the society, and shall examine the balance sheets showing the receipts and expenditure, funds and effects of the society, and verify the same with the books, deeds, documents, 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 them incorrect, unvouched, or not in accordance with law.

14.—(1) Every registered society shall once in every year, not later than the thirty-first day of March, send to the registrar an annual return of the receipts and expenditure, funds and effects of the society as audited. ^{Annual returns.}

(2) The annual return—

- (a) shall be signed by the auditor or auditors ; and
- (b) shall show separately the expenditure in respect of the several objects of the society ; and
- (c) shall be made out from the date of its registration or last annual return to that of its last published balance sheet, provided that the last-named date is not more than one month before or after the thirty-first day of December then last, or otherwise to the said day of December inclusive ; and
- (d) shall state whether the audit has been conducted by a public auditor appointed as by this Act is provided, and by whom, and, if by any persons other than a public auditor, shall state the name, address, and calling or profession of every such person, and the manner in which, and the authority under which, he is appointed.

The society shall, together with the annual return, send a copy of the report of the auditors, or, if more than one such report has been made during the period included in the return, a copy of each of such reports.

Supply of copies of annual returns.

15. Every registered society shall supply gratuitously to every member or person interested in the funds of the society, on his application, a copy of the last annual return of the society for the time being.

Copy of last balance sheet.

16. Every registered society shall keep a copy of the last balance sheet for the time being, together with the report of the auditors, always hung up in a conspicuous place at the registered office of the society.

Inspection of Books

Inspection of books by members.

17.—(1) Save as provided by this Act, no member or person shall have any right to inspect the books of a registered society, notwithstanding anything in the existing rules relating to such inspection.

(2) Any member or person having an interest in the funds of a registered society shall be allowed to inspect his own account and the books containing the names of the members at all reasonable hours at the registered office of the society, or at any place where the same are kept, subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society.

(3) A registered society may, by any rules registered after this Act is passed, authorise the inspection of any of its books therein mentioned, in addition to the said books containing the names of members, under such conditions as are thereby imposed, so that no person, unless he be an officer of the society, or be specially authorised by a resolution thereof, shall have the right to inspect the loan or deposit account of any other member without his written consent.

Inspection of books by order of registrar.

18.—(1) The registrar may, if he thinks fit, on the application of ten members of a registered society, each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant or actuary to inspect the books of the society, and to report thereon.

(2) Provided as follows,—

(a) the applicants shall deposit with the registrar such sum as a security for the costs of the proposed inspection as the registrar may require; and

(b) all expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the registrar may direct.

(3) A person appointed under this section shall have power to make copies of any books of the society, and to take extracts

therefrom, at all reasonable hours, at the registered office of the society, or at any place where the books are kept.

(4) The registrar shall communicate the results of any such inspection to the applicants and to the society.

Banking by Societies

19.—(1) No registered society which has any withdrawable share capital shall carry on the business of banking. Conditions of banking by societies.

(2) Every registered society which carries on the business of banking shall on the first Mondays in February and August in each year make out and keep conspicuously hung up in its registered office, and every other office or place of business belonging to it where the business of banking is carried on, a statement in the form in the Third Schedule, or as near thereto as the circumstances admit.

(3) The taking deposits of not more than ten shilings in any one payment, nor more than twenty pounds for any one depositor, payable on not less than two clear days notice, shall not be included in the business of banking within the meaning of this Act; but no society which takes such deposits shall make any payment of withdrawable capital while any claim due on account of any such deposit is unsatisfied.

Returns and Documents

20. Every return 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, and shall be deposited and registered or recorded, with or without observations thereon, in such manner as the chief registrar directs. Form and deposit of documents.

Privileges of Societies

21. The registration of a society shall render it a body corporate by the name described in the acknowledgment of registry, by which it may sue and be sued, with perpetual succession and a common seal, and with limited liability; and shall vest in the society all property for the time being vested in any person in trust for the society; and all legal proceedings pending by or against the trustees of any such society may be prosecuted by or against the society in its registered name without abatement. Incorporation of society with limited liability.

22. The rules of a registered society shall bind the society and all 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 contained in such rules a covenant on the part of such member, his heirs, executors, administrators, and assigns, to conform thereto, subject to the provisions of this Act: Provided that a society registered at the time when this Act comes into Rules to bind members.

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operation, or the members thereof, may respectively exercise any power given by this Act, and not made to depend on the provisions of its rules, notwithstanding any provision contained in any rule thereof registered before this Act was passed.

Remedy for debts from members.

23.—(1) All moneys payable by a member to a registered society shall be a debt due from such member to the society, and shall be recoverable as such either in the county court of the district in which the registered office of the society is situate, or in that of the district in which such member resides, at the option of the society.

(2) A registered society shall have a lien on the shares of any member for any debt due to it by him, and may set off any sum credited to the member thereon in or towards the payment of such debt.

Exemption from income tax.

24. A registered society shall not be chargeable under Schedules C and D of the Income Tax Acts unless it sells to persons not members thereof, and the number of shares of the society is limited either by its rules or its practice. But no member of or person employed by the society shall be exempt from any assessment to the said duties to which he would be otherwise liable.

Power of nomination for sums not exceeding one hundred pounds.

25.—(1) A member of a registered society, not being under the age of sixteen years, may, by a writing under his hand, delivered at or sent to the registered office of the society during the lifetime of such member, or made in any book kept thereat, nominate any person or persons other than an officer or servant of the society (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator) to or among whom his property in the society, whether in shares, loans, or deposits, or so much thereof as is specified in such nomination, if the nomination does not comprise the whole, shall be transferred at his decease, provided the amount credited to him in the books of the society does not then exceed one hundred pounds sterling.

(2) A nomination so made may be revoked or varied by any similar document under the hand of the nominator, delivered, sent, or made as aforesaid, but shall not be revocable or variable by the will of the nominator or any codicil thereto.

(3) The society shall keep a book wherein the names of all persons so nominated and of all revocations or variations, if any, of such nominations shall be regularly entered. And the property comprised in any such nomination shall be payable or transferable to the nominees, although the rules of the society declare the shares to be generally not transferable.

26.—(1) On receiving satisfactory proof of the death of a nominator, the committee of the society shall either transfer the property comprised in the nomination in manner directed by it, or pay to every person entitled thereunder the full value of the property given to him, unless the shares comprised therein, if transferred as directed by the nominator, would raise the share capital of any nominee to a sum exceeding two hundred pounds, in which case they shall pay him the value of such shares.

Proceedings on the death of a nominator.

(2) If the total property of the nominator in the society at his death exceeds eighty pounds the committee shall, before making any payment, require production of a duly stamped receipt for the succession or legacy duty payable thereon, or a letter or certificate stating that no such duty is payable from the Commissioners of Inland Revenue, who shall give such receipt, letter, or certificate, on payment of the duty, or satisfactory proof of no duty being payable, as the case may be.

27.—(1) If any member of a registered society entitled to property therein in respect of shares, loans, or deposits, not exceeding in the whole, at his death, one hundred pounds, dies intestate, without having made any nomination thereof then subsisting, the committee may, without letters of administration, distribute the same among such persons as appear to them, on such evidence as they deem satisfactory, to be entitled by law to receive the same, subject, if such property exceeds eighty pounds, to the obtaining from the Commissioners of Inland Revenue a receipt for the succession or legacy duty payable thereon, or a letter or certificate stating that no such duty is payable.

Provisions for intestacy.

(2) If any such member is illegitimate and leaves no widow, widower, or issue, the committee shall deal with his property in the society as the Treasury shall direct.

28. If elsewhere than in Scotland the whole personal estate, or in Scotland the whole movable estate, of any person entitled to make a nomination under this Act exceeds one hundred pounds sterling, any sum paid under this Act without probate or letters of administration shall, notwithstanding such nomination or payment, be liable to probate duty as part of the amount on which such duty is charged, and the committee, before making any such payment, may require a statutory declaration by the claimant or one of the claimants that the total personal or movable estate of the deceased, including the sum in question, does not, after deductions of debts and funeral expenses, exceed the value of one hundred pounds.

Probate duty to be paid where the whole estate exceeds one hundred pounds.

29. Where a member or person claiming through a member of a society is insane, and no committee of his estate or trustee of his property has been duly appointed, the society may, when it is proved to the satisfaction of the committee that it is just and

Power to deal with the property of insane or lunatic members.

expedient so to do, pay the amount of the shares, loans, and deposits not exceeding one hundred pounds belonging to such member or person, to any person whom they shall judge proper to receive the same on his behalf, whose receipt shall be a good discharge to the society for any sum so paid.

Payments to persons apparently entitled valid.

30. All payments or transfers made by the Committee of a registered society, under the provisions of this Act with respect to payments or transfers to or on behalf of deceased or insane members, to any person who at the time appears to the committee to be entitled thereunder, shall be valid and effectual against any demand made upon the committee or society by any other person.

Transfer of stock standing in name of trustee.

31.—(1) When any person in whose name any stock belonging to a registered society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others or solely, as a trustee therefor, is absent from Great Britain 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.

(2) The 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 directs, 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.

(3) The Banks of England and Ireland 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.

Membership of minors.

32. A person under the age of twenty-one but above the age of sixteen may be a member of a registered 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 by this Act 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, trustee, manager or treasurer of the society.

Promissory notes and bills of exchange.

33. A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of any society if made, accepted, or endorsed in the name of the society, or by

or on behalf or account of the society, by any person acting under the authority of the society.

34. Any register or list of members or shares kept by any society shall be *primâ facie* evidence of any of the following particulars entered therein : —

Register of members or shares.

- (a) The names, addresses, and occupations of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares ;
- (b) The date at which the name of any person, company, or society was entered in such register or list as a member ;
- (c) The date at which any such person, company, or society ceased to be a member.

35. Contracts on behalf of a registered society may be made, varied, or discharged as follows : —

Contracts how made, varied, or discharged.

- (a) Any contract, which if made between private persons would be by law required to be in writing, and if made according to the English law to be under seal, may be made on behalf of the society in writing under the common seal of the society, and may in the same manner be varied or discharged ;
- (b) Any contract, which if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged ;
- (c) Any contract under seal which, if made between private persons, might be varied or discharged by a writing not under seal, signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal, signed by any person acting under the express or implied authority of the society ;
- (d) Any contract, which if made between private persons would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged ;
- (e) A signature, purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied, or discharged by or on behalf of the society, shall *primâ facie* be taken

to be the signature of a person holding at the time when the signature was made the office so stated.

All contracts which may be or have been made, varied, or discharged according to the provisions contained in this section, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors, or administrators as the case may be.

Property and Funds of Registered Society

Holding of land.

36. A registered society may (if its rules do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell, exchange, mortgage, lease, or build upon the same, or grant bonds and dispositions on security or other heritable securities over the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, tenant, or bond-holder shall be bound to inquire as to the authority for any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage, lease, or heritable security.

Provision as to copyholds.

37. Where any registered 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 such persons (not to exceed three) as such society appoints to be trustees on its behalf, 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, or may admit the society as tenant in respect of the same on payment of such special fine or compensation, in lieu of fine and fees, as may be agreed upon between such lord and the society.

Investments by societies.

38.—(1) A registered society may invest any part of its capital in or upon any security authorised by its rules, and also, if the rules do not direct otherwise—

- (a) in or upon any security in which trustees are for the time being authorised by law to invest ; and
- (b) in or upon any mortgage, bond, debenture, debenture stock, corporation stock, annuity, rentcharge, rent, or other security (not being securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any local authority as defined by section thirty-four of the Local Loans Act, 1875 ; and
- (c) in the shares or on the security of any other society registered or deemed to be registered under this Act,

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or under the Building Societies Acts, or of any company registered under the Companies Acts or incorporated by Act of Parliament or by charter, provided that no such investment be made in the shares of any society or company other than one with limited liability.

(2) A society so investing shall be deemed to be a person within the meaning of the Companies Acts, and of the Building Societies Acts.

(3) Any investments made before the passing of this Act, which would have been valid if this Act had then been in force, are hereby ratified and confirmed.

39. A society (not being one chargeable with income tax in pursuance of this Act) may invest its capital and funds, or any part thereof to any amount, in any savings bank certified under the Trustee Savings Banks Act, 1863, or in a post office savings bank. Power to invest in savings banks. 26 & 27 Vict. c. 87.

40. The rules of a registered society may provide for advances of money to members on the security of real or personal property, or in the case of a society registered to carry on banking business in any manner customary in the conduct of such business. Advances to members.

41. A registered society which has invested any part of its capital in the shares or on the security of any other body corporate may appoint as proxy any one of its members although such member is not personally a shareholder of such other body corporate. The proxy shall, during the continuance of his appointment, be taken in virtue thereof as holding the number of shares held by the society by whom he is appointed for all purposes except the transfer of any such shares, or the giving receipts for any dividends thereon. Societies members of other bodies corporate may vote by proxy.

42. Any other body corporate may, if its regulations permit, hold shares by its corporate name in a registered society. Any body corporate may hold shares in a society.

Discharge of Mortgages by Receipt endorsed

43. In England and Ireland—

(1) A receipt in full, signed by two members of the committee, and countersigned by the secretary, of a registered society, for all moneys secured to the society on the security of any property to which such receipt relates, and being in the Form A. in the Third Schedule to this Act, or in any other form specified in the rules of the society or any schedule thereto, if endorsed on or annexed to any mortgage or assurance, shall vacate Discharge of mortgages by receipt endorsed.

the same and vest the property therein comprised in the person entitled to the equity of redemption thereof without any formal re-conveyance or surrender.

- (2) 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 is 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 or statutory declaration 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 shall be entitled, for making the said entry and granting the said certificate, to a fee of two shillings and sixpence, which in Ireland shall be paid by stamps and applied in accordance with the Public Offices Fees Act, 1879.

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Discharge of
mortgages in
Scotland.

44. In Scotland—

- (1) A receipt in full, signed by two members of the committee, and countersigned by the secretary, of a registered society, for all moneys secured to the society on the security of any property to which such receipt relates, and being in or as nearly as may be in the Form B. in the Third Schedule to this Act, if endorsed on or annexed to any heritable security other than one in the form of an ex-facie or other absolute conveyance or disposition, shall, on the registration thereof in the appropriate register of sasines, operate as a renunciation and discharge of such heritable security, and effectually disburden the lands, or estate in land, or other subjects comprised therein, in the same manner and to the same effect as if a formal discharge containing all usual clauses according to the present practice had been granted by the society.
- (2) Such a receipt so signed, and being in or as nearly as may be in the Form C. in the said schedule, endorsed on or annexed to any heritable security in the form of an ex-facie or other absolute conveyance or of an absolute disposition, whether qualified by a back bond or not, shall, on the registration thereof in the appropriate register of sasines, effectively discharge the heritable

security so constituted, and disburden the lands, or estate in land, or other subjects comprised in the heritable security, and vest and convey the same in and to the person or persons entitled thereto at the date of the granting of the receipt, and that to the same effect and in the same manner as if a formal conveyance, containing all usual clauses according to the present practice, had been granted by the society to such person or persons and duly recorded.

- (3) Such a receipt so signed, and being in or as nearly as may be in the Form D. in the said schedule hereto, endorsed on or annexed to any security or assurance other than a heritable security, shall (on being duly intimated where the original security or assurance was intimated) vacate the same, and re-vest the property therein comprised in the person or persons entitled to the same, without the necessity of any more formal discharge or other deed.
- (4) Nothing herein contained shall preclude any person or persons from adopting the forms and procedure presently in use in lieu of those provided under this Act, and, in case of any error or defect in connection with the use of the forms under this Act, it shall be competent of new to make and record any deed or deeds which may be necessary, whether under this Act or otherwise.
- (5) The registration of such receipts as aforesaid shall be made in conformity with the provisions regulating registration in the registers concerned, but the dues on the registration of any one receipt shall in no case exceed five shillings. No stamp duty shall be payable on any receipt registered under this section.
- (6) In this section, and in the schedule relating hereto, the expressions "heritable security," "lands" (including "land"), "estate in land," "debtor," "successors" (including "successor"), "deed" or "deeds," and "conveyance," shall each respectively have the meaning attached thereto by the Titles to Land Consolidation (Scotland) Act, 1868, the Titles to Land Consolidation (Scotland) Amendment Act, 1869, and the Conveyancing (Scotland) Act, 1874, and the expression "heritable security" shall include securities over lands or estates in lands by way of ex-facie or other absolute dispositions whether qualified by a back bond or not.

31 & 32 Vict.
c. 101.
32 & 33 Vict.
c. 116.
37 & 38 Vict.
c. 94.

45. Where a registered society is in liquidation, the signature to such a receipt as aforesaid of the liquidator or liquidators for the time being, described as such, shall have the same effect, and shall be entitled to the same exemption from stamp duty, as Receipt in case of society in liquidation.

Disputes

49.—(1) Every dispute between a member of a registered society, 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 member or person aggrieved, or claiming 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, if they contain any such direction, 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.

Decision of disputes.

(2) 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 Scotland or Ireland, 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.

(3) 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.

(4) 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.

(5) 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.

(6) Notwithstanding anything contained in the Arbitration Act, 1889, or in any other Act, the court and the chief or other registrar shall not be compelled to state a special case on any

52 & 53 Vict. c. 49.

question of law arising in the case, but the court or chief or other registrar, may, at the request of either party, state a case for the opinion in England or Ireland of the Supreme Court of Judicature, and in Scotland of either division of the Inner House of the Court of Session, 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 such 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 of the same as such court or registrar may determine.

Inspection of Affairs

Power to
appoint
inspectors.

50.—(1) Upon the application of one tenth of the whole number of members of a registered society, or of one hundred members in the case of a society exceeding one thousand members, the chief registrar, or, in the case of societies registered and doing business exclusively in Scotland or Ireland, the assistant registrar for Scotland or Ireland respectively, but with the consent of the Treasury in every case, may—

- (a) appoint an inspector or inspectors to examine into and report on the affairs of such society; or
- (b) call a special meeting of the society.

(2) The application under this section 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.

(3) 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.

(4) All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same, or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the chief registrar or such assistant registrar shall direct.

(5) An inspector appointed under this section may require the production of all or any of the books, accounts, securities, and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer an oath accordingly.

(6) The chief registrar or such assistant registrar may direct at what time and place a special meeting under this section is to

be held, and what matters are to be discussed and determined at the meeting, and the meeting 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.

Change of Name : Amalgamation : Conversion

51. For the purposes of this Act a special resolution shall mean a resolution which is—

Meaning of special resolution.

- (a) passed by a majority of not less than three fourths of such members of a registered society for the time being entitled under the rules to vote as may have voted in person, or by proxy where the rules allow proxies, at any general meeting of which notice, specifying the intention to propose the resolutions, has been duly given according to the rules ; and
- (b) confirmed by a majority of such members for the time being entitled under the rules to vote as may have voted in person, or by proxy where the rules allow proxies, 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.

52. A registered 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 Scotland or Ireland, the assistant registrar for Scotland or Ireland 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 society notwithstanding its new name.

Power to change name.

53.—(1) Any two or more registered 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 the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than that contained in the special resolution amalgamating the societies.

Amalgamation and transfer of engagements.

(2) Any registered society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Conversion of
society into
company.

54.—(1) A registered 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.

(2) If a special resolution for converting a registered society into a company contains the particulars by the Companies Acts 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.

(3) If a registered society is registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of such society under this Act shall thereupon become 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, shall have priority, as against the property of such company, over all other rights or claims against or liabilities of such company.

Conversion of
company into
society.

55.—(1) A company registered under the Companies Acts may, by a special resolution, determine to convert itself into a registered society, and, for this purpose, in any case where the nominal value of its shares held by any member other than a registered society exceeds two hundred pounds, may, by such resolution, provide for the conversion of the excess of such share capital over two hundred pounds into a transferable loan stock bearing such rate of interest as may thereby be fixed, and repayable on such conditions only as are in such resolution determined.

(2) A resolution for the conversion of a company into a registered society shall be accompanied by a copy of the rules of the society therein referred to, and shall appoint seven persons, members of the company, who, together with the secretary, shall sign the rules, and who may either be authorised to accept any alterations made by the registrar therein, without further consulting the company, or may be required to lay all such alterations before the company in general meeting for acceptance as the resolution may direct.

(3) With the rules a copy of the special resolution for conversion of the company into a registered society shall be sent

to the registrar, who, upon the registration of the society, shall give to it, in addition to the acknowledgment of registry, a certificate similarly sealed or signed that the rules of the society referred to in the resolution have been registered, but in the registered name of the company as a society the word "company" shall not be used.

(4) A copy of the resolution for the conversion of the company into a registered society under the seal of the company, together with the certificate so issued by the registrar, shall be sent for registration to the office of the Registrar of Joint Stock Companies, and, upon the registration of such resolution and certificate, the conversion shall take effect.

(5) Upon the conversion of a company into a registered society the registry of the company under the Companies Acts shall become void, and shall be cancelled by the Registrar of Joint Stock Companies; but the registration of a company as a registered society shall not affect any right or claim for the time being subsisting against the company, or any penalty for the time being incurred by such company, and, for the purpose of enforcing any such right, claim, or penalty, the company may be sued and proceeded against in the same manner as if it had not become registered as a society. And every such right or claim, and the liability to such penalty, shall have priority as against the property of such society over all other rights or claims against or liabilities of the society.

56. A copy of every special resolution for any of the purposes mentioned in this Act, signed by the chairman of the meeting at which the resolution was confirmed, and countersigned by the secretary of the society, shall be sent to the central office and registered there, and until that copy is so registered the special resolution shall not take effect.

Registration of special resolutions.

57. An amalgamation or transfer of engagements in pursuance of this Act shall not prejudice any right of a creditor of any registered society party thereto.

Saving for rights of creditors.

Dissolution of Societies.

58. A registered society may be dissolved—

- (a) By an order to wind up the society, or a resolution for the winding up thereof, made as is directed in regard to companies by the Companies Acts, 1862 to 1890, the provisions whereof shall apply to any such order or resolution, except that the term "registrar" shall for the purpose of such winding up have the meaning given to it by this Act; or
- (b) By the consent of three fourths of the members, testified by their signatures to an instrument of dissolution.

Provisions as to dissolution of societies.

Transfer of winding up from county court.

53 & 54 Vict. c. 63.

Liability of members in winding up.

59. Any proceedings in the winding up of a registered society which at the passing of this Act are pending in any county court may, on application made by or on behalf of the registrar, with the consent of the Treasury, be transferred to the High Court, and thereupon the Companies (Winding-up) Act, 1890, shall, so far as applicable, apply thereto accordingly.

60. Where a registered society is wound up in pursuance of an order or resolution the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributories amongst themselves shall be qualified as follows:—

- (a) No individual, society, or company, who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up, shall be liable to contribute ;
- (b) No individual, society, or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceased to be a member ;
- (c) No individual, society, or company, not a member, shall be liable to contribute, unless it appears to the court that the contributions of the existing members are insufficient to satisfy the just demands on the society ;
- (d) No contribution shall be required from any individual society, or company exceeding the amount, if any, unpaid on the shares in respect of which he or it is liable as a past or present member ;
- (e) An individual, society, or company shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal.

Provisions as to instrument of dissolution.

61. Where a society is terminated by an instrument of dissolution:—

- (a) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of creditors (if any) and the provisions to be made for their payment, and 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 ;
- (b) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, and testified in the same manner ;

- (c) A statutory declaration shall be made 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 misdemeanour ;
- (d) The instrument of dissolution and all alterations therein shall be registered in the manner herein provided for the registry of rules, and shall be binding upon all the members of the society ;
- (e) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the Gazette and in some newspaper circulating in or about the locality 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 in the county court of the district where the registered office of the society is situate, 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.
- (f) Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside, within seven days after it is made by the society.

Offences, Penalties and Legal Proceedings

62. It shall be an offence under this Act if any registered society— Offences by societies.

- (1) 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 ; or
- (2) 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 ; or

- (3) Makes a return or wilfully furnishes information in any respect false or insufficient ; or
- (4) Carries on the business of banking when it has any withdrawable share capital, or in carrying on such business does not make out and keep conspicuously hung up such statement as is herein-before required, or makes any payment of withdrawable capital contrary to the provisions of this Act.

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

63. 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 the duty whereof such offence is a breach, or, if there be no such officer, then by every member of the committee 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 act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the same continues.

Punishment of fraud or misappropriation.

64. 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 committee thereof, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a fine not exceeding twenty pounds with 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 fine, to be imprisoned, with or without hard labour, for any time not exceeding three months ; but nothing in this section shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under this Act.

Penalty for falsification.

65. If any person wilfully makes, orders, or allows to be made any entry or 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 shall be liable to a fine not exceeding fifty pounds.

Penalty for not using name of society.

66. If any officer of a registered society, or any person on its behalf, uses any seal purporting to be a seal of the society, whereon its name is not so engraved as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of the society, or signs or authorises to be signed on behalf

of the society any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bills of parcels, invoice, receipt, or letters of credit of the society, wherein its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof unless the same is duly paid by the society.

67. It shall be an offence under this Act if any person, with intent to mislead or defraud, gives to any other person a copy of any rules, 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. Delivery of untrue rules.

68. 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, shall be liable to a fine not exceeding five pounds. Penalties for ordinary offences.

69.—(1) Every fine imposed or to be imposed by this Act, or by any regulations under this Act, or by the rules of a registered society, shall be recoverable summarily. Recovery of penalties.

(2) Any such fine, if imposed by this Act or by any regulations thereunder, shall be recoverable at the suit of the chief registrar, or of any assistant registrar, or of any person aggrieved, and, if imposed by the rules of a registered society, shall be recoverable at the suit of the society.

70.—(1) In England or Ireland any party may appeal to quarter sessions from any order or conviction made by a court of summary jurisdiction under this Act. Appeals from summary decisions.

(2) In Scotland any person may appeal from any order or conviction under this Act in accordance with the provisions of the Summary Jurisdiction (Scotland) Acts.

Supplemental

71. The registrar 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, from time to time order and direct. Remuneration of county court officers.

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- Public auditors. **72.** The Treasury may appoint public auditors for the purposes of this Act, and may determine the rates of remuneration to be paid by registered societies for the services of such auditors, but the employment of such auditors shall not be compulsory.
- Fees. **73.**—(1) 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.
(2) All fees received by any registrar under or by virtue of this Act shall be paid into the Exchequer.
- Regulations for carrying out Act. **74.**—(1) The Treasury may make regulations respecting registry and procedure under this Act, and the 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.
(2) All such regulations shall be laid before both Houses of Parliament within ten days after the making thereof if Parliament is then sitting, or, if not then sitting, then within ten days from the then next assembling of Parliament.
(3) Until otherwise provided by such regulations, the forms contained in the Fourth Schedule to this Act shall be used.
- Evidence of documents. **75.** Every copy of rules or other 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 under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.
- Duties of registrars. 38 & 39 Vict. c. 60. **76.** Sub-sections six, seven, eight, and nine of section ten of the Friendly Societies Act, 1875, relating to the duties of the chief registrar and assistant registrars, shall, so far as the same are applicable to industrial and provident societies, be incorporated with this Act.
- Application of Act to Channel Islands. **77.** 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” shall mean 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 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" shall have in civil cases the same meaning as the term "county court";

(c) All misdemeanours 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 constable 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) 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 term "the Companies Acts" shall mean the law for the time being in force in the said island for the regulation and winding up of companies;

(j) All industrial and provident societies within the said island shall be authorised to invest any part of their funds in the "Rentes Publiques", or in the States' Bonds of the said island, if they think fit.

(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 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 industrial and provident societies within the bailiwick shall be authorised to invest any part of their funds in the States bonds either of Guernsey or Alderney;

(d) The term "the Companies Acts" shall mean 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.

Payment to representatives of deceased members in the Channel Islands.

78. In the Channel Islands, when any sum of money becomes payable on the death of a person entitled to make a nomination under this Act, such sum shall, in default of any nomination, be paid to the deceased member's legal representative according to the law of the island in which such deceased member was domiciled.

Definitions.

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

"The registrar" shall mean, for England, the central office established by the Friendly Societies Act, 1875, and, for Scotland or Ireland, the assistant registrar of friendly societies for either country respectively; "the

central office” shall mean the central office so established ; and “ chief registrar ” and “ assistant registrar ” shall mean chief registrar and assistant registrar of friendly societies respectively ;

“ Land ” shall include hereditaments and chattels real, and in Scotland heritable subjects, of whatever description ;

“ Property ” shall include all real and personal estate (including books and papers) ;

“ Registered society ” shall mean a society registered or deemed to be registered under this Act ;

“ Amendment of rule ” shall include a new rule, and a resolution rescinding a rule ;

“ Rules ” shall mean the registered rules for the time being, and shall include any registered amendment of rules ;

“ The committee ” shall mean the committee of management or other directing body of a society ;

“ Persons claiming through a member ” shall include the heirs, executors, or administrators, and assigns of a member, and also his nominees where nomination is allowed ;

“ Officer ” shall extend to any treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society ;

“ Meeting ” shall include (where the rules of a society so allow) a meeting of delegates appointed by members ;

“ Office ” shall mean the registered office for the time being of a society ;

“ County court ” shall mean, for Scotland, the sheriff court of the county, and, for Scotland, “ probate or letters of administration ” shall mean confirmation in cases of testate succession, and testament dative in cases of intestate succession ;

“ Gazette ” shall mean the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

80. The enactments specified in the First Schedule hereto are Repeal. hereby repealed to the extent appearing in the third column of that schedule.

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SCHEDULES

Section 80.

SCHEDULE I

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 45 . . .	The Industrial and Provident Societies Act, 1876.	The whole Act.
43 Vict. c. 14	The Customs and Inland Revenue Act, 1880.	Section 8.
46 & 47 Vict. c. 47 . . .	The Provident Nominations and Small Intestacies Act, 1883.	So much as relates to industrial and provident societies.

Section 10.

SCHEDULE II

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

1. Object, name, and registered office of the society.
2. Terms of admission of the members, including any society or company investing funds in the society under the provisions of this Act.
3. Mode of holding meetings, scale and right of voting, and of making, altering, or rescinding rules.
4. The appointment and removal of a committee of management, by whatever name, of managers or other officers, and their respective powers and remuneration.
5. Determination of the amount of interest, not exceeding two hundred pounds sterling, in the shares of the society which any member other than a registered society may hold.
6. Determination whether the society may contract loans or receive money on deposit subject to the provisions of this Act from members or others; and, if so, under what conditions, on what security, and to what limits of amount.
7. Determination whether the shares or any of them shall be transferable; and provision for the form of transfer and registration of the shares, and for the consent of the committee thereto; determination whether the shares or any of them shall be withdrawable, and provision for the mode of withdrawal and for payment of the balance due thereon on withdrawing from the society.
8. Provision for the audit of accounts and for the appointment of auditors or a public auditor.
9. Determination whether and how members may withdraw from the society, and provision for the claims of the representatives of

deceased members, or the trustees of the property of bankrupt members, and for the payment of nominees.

10. Mode of application of profits.

11. Provisions for the custody and use of the seal of the society.

12. Determination whether, and by what authority, and in what manner, any part of the capital may be invested.

SCHEDULE III

Sections 19, 43,
44, 47.

FORM OF STATEMENT TO BE MADE OUT BY A SOCIETY CARRYING ON THE BUSINESS OF BANKING

1. Capital of the society :—

- (a) Nominal amount of each share ;
- (b) Number of shares issued ;
- (c) Amount paid up on shares.

2. Liabilities of the society on the first day of January (or July) last previous :—

- (a) On judgments ;
- (b) On specialty ;
- (c) On notes or bills ;
- (d) On simple contract ;
- (e) On estimated liabilities.

3. Assets of the society on the same date :—

- (a) Government, or other securities (stating them) ;
- (b) Bills of exchange and promissory notes ;
- (c) Cash at the bankers ;
- (d) Other securities.

FORMS OF BOND

(1) *In England or Ireland*

(a) Know all men by these presents, that we, *A.B.*, of _____, one of the officers of the _____, Limited, herein-after referred to as "the Society," whose registered office is 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 the said society in the sum of _____, to be paid to the said society, 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 _____.

Whereas the above-bounden *A.B.* has been duly appointed to the office of _____ of the _____ Society, 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 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 society in his hands or custody to such person or persons as the society or the committee thereof appoint, according to the rules of the society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, but otherwise shall remain in full force.

Sealed and delivered in the presence of

(b) *Know all men* by these presents that I _____, of _____, in the county of _____, am firmly bound to _____, Limited, herein-after referred to as "the Society," whose registered office is at _____, in the county of _____, in the sum of _____ pounds sterling to be paid to the said society or their assigns, for which payment to be truly made to the said society or their certain attorney or assigns I bind myself, my heirs, executors, and administrators, by these presents sealed with my seal.

[*And know further* that I [we] _____ as surety [sureties] for the above-named principal obligor and such obligor are jointly and severally bound to the society in the sum aforesaid to be paid to the society or their assigns, for which payment to be truly made to the society or their certain attorney or assigns we firmly bind ourselves and each of us our and each of our heirs, executors, and administrators by these presents sealed with our seals.]

Dated the _____ day of _____ 18 _____.

The condition of the above-contained bond is that if the said _____ faithfully execute the office of _____ to the society during such time as he continues to hold the same in virtue either of his present appointment, or of any renewal thereof if such office is of a renewable character [without wasting, embezzling, losing, misspending, misapplying, or unlawfully making away with any of the moneys, goods, chattels, wares, merchandise or effects whatsoever of the said society at any time committed to his charge, custody, or keeping by reason or means of his said office], and render a true and full account of all moneys received or paid by him on its behalf as and when he is required by the committee of management of the society for the time being, and pay over all the moneys remaining in his hands from time to time, and assign, transfer, and deliver up all securities, books, papers, property, and effects whatsoever of or belonging to the society in his charge, custody, or keeping, to such person or persons as the said committee may appoint, according to the rules or regulations of the society for the time being, together with the proper or legal receipts or vouchers for such payments; and in all other respects well and faithfully perform and fulfil the said office of _____ to the society according to the rules thereof, then the above-contained bond shall be void and of no effect; but otherwise shall remain in full force.

Sealed and delivered by the above-named

[The words between brackets against which we have set our initials being first struck out*] in the presence of us

and

(2) *In Scotland*

I, *A.B.*, of _____, hereby bind and oblige myself to the extent of £ _____ at most, as cautioner 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 committee thereof 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.

FORMS OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER CHARGE

(1) *In England or Ireland*

A.—The _____, Limited, hereby acknowledges to have received all moneys intended to be secured by the within (or above) written deed. Dated this _____ day of _____

} *Members of the Committee. Secretary.*

(2) *In Scotland*

B.—In the case of a heritable security other than by way of an *ex facie* or other absolute conveyance:—

The _____, Limited, acknowledges to have received all moneys intended to be secured by the bond and disposition in security, dated the _____, and recorded on the _____ in the register of Sasines for _____ for the sum of £ _____ granted by *A.* [insert name and designation] in favour of the said society.

Dated at _____ this _____ day of _____ one thousand eight hundred and ninety _____

} *Members of the Committee. Secretary.*

To be recorded with warrant of registration on behalf of [the person or persons entitled].

* If no words are struck out in the bond or condition, strike out these words and let the witnesses set their initials in the margin.

CH. 39 *Industrial and Provident Societies Act, 1893* 56 & 57 VICT.

C.—In the case of a heritable security in the form of an *ex-facie* or other absolute conveyance or disposition:—

The _____, Limited, hereby acknowledges that the disposition (or other conveyance), dated the _____ and recorded the _____ in the register of Sasines for _____ granted by *A.* [insert designation] (or by *B.* [insert designation] with consent of *A.*) in favour of the above-named society, was intended only as a security for a loan of £ _____ granted to *A.* by the said society, and for the interest, penalties, and others effecting thereto; and that all moneys intended to be thereby secured have been fully paid.

(To be completed and recorded as in Form B.)

D.—In the case of a security or assurance other than a heritable security:—

The _____, Limited, hereby acknowledges to have received all moneys intended to be secured by the within (or above) written deed.

(To be completed as in Form B.)

(Receipts in the Forms B., C. or D. shall not require a testing or subscription clause.)

Section 74.

SCHEDULE IV

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY

The _____, Limited, is registered under the Industrial and Provident Societies Act, 189 _____, 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 _____ Limited, is registered under the Industrial and Provident Societies Act, 189 _____, this _____ day of _____

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

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