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GEORGII III. REGIS.

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C A P. CXXVIII.

An Act for the further Protection and Encouragement of Friendly Societies, and for preventing Frauds and Abuses therein. [12th *July* 1819.]

WHEREAS the habitual Reliance of poor Persons upon Parochial Relief, rather than upon their own Industry, tends to the moral Deterioration of the People, and to the Accumulation of heavy Burthens upon Parishes; and it is desirable, with a View as well to the Reduction of the Assessments made for the Relief of the Poor, as to the Improvement of the Habits of the People, that Encouragement should be afforded to Persons desirous of making Provision for themselves or their Families out of the Fruits of their own Industry: And whereas by the Contribution of the Savings of many Persons to one Common Fund, the most effectual Provision may be made for the Casualties affecting all the Contributors; and it is therefore desirable to afford further Facilities and additional Security to Persons who may be willing to unite in appropriating small Sums from Time to Time to the Formation of a Common Fund, for the Purposes aforesaid; and it is desirable to protect such Persons against the Effects of Fraud or Miscalculation: And whereas an Act passed in the Thirty-third Year of His Majesty's Reign, intituled *An Act for the Encouragement and Relief of Friendly Societies:* And whereas 33 G.3. c.54.
another Act passed in the Thirty-fifth Year of His Majesty's Reign, intituled *An Act for more effectually carrying into Execution an Act made in the Thirty-third Year of the Reign of His present Majesty,* 35 G.3. c.111.
intituled ' An Act for the Encouragement and Relief of Friendly Socie-

ties,'

ties,' and for extending so much of the Powers thereof as relates to the framing Rules and Regulations for the better Management of the Funds of such Societies, and the Appointment of Treasurers to other Institutions of a charitable Nature: And whereas another Act passed in the Forty-
43G.3.c.111. third Year of His Majesty's Reign, intituled *An Act for enabling Friendly Societies, intended to be established under an Act passed in the Thirty-third Year of the Reign of His present Majesty, to rectify Mistakes made in the Registry of their Rules:* And whereas another Act passed in the Forty-ninth Year of His Majesty's Reign, intituled
49G.3. c.125. *An Act to amend an Act made in the Thirty-third Year of His present Majesty, for the Encouragement and Relief of Friendly Societies:* And whereas the Provisions of those Acts have been found insufficient for their Purposes, and great Abuses have prevailed in many Societies established under the Authority of such Acts; be it therefore enacted by the King'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,

Future Societies to conform to this Act.

That no Society hereafter to be formed in *England* or *Wales*, or the Members thereof, shall be entitled to the Benefits, or subject to the Provisions of the said Acts, unless such Society shall have been constituted under the Authority and according to the Provisions of this Act.

The Rules and Tables of Friendly Societies to be confirmed at the General Quarter Sessions.

II. And be it further enacted, That when any Number of Persons in *England* or *Wales* shall intend to form, under the Authority of this Act, a Friendly Society or Institution, whereby it is intended to provide by Contribution, on the Principle of mutual Insurance, for the Maintenance or Assistance of the Contributors thereto, their Wives or Children, in Sickness, Infancy, advanced Age, Widowhood, or any other natural State or Contingency, whereof the Occurrence is susceptible of Calculation by way of Average, it shall be lawful for such Persons to make Application by Memorial signed as herein-after mentioned, to the Justices assembled at the General Quarter Sessions of the Peace, or any Adjournment thereof, in and for the County, Riding, or Place of separate Jurisdiction, wherein such Society is about to be established, for a Confirmation and Approval of the Rules of such intended Institution, and of the Tables of Payments and Allowances to be adopted therein; and that if such Justices, or any Committee by them appointed, consisting of not less than Three Justices (of whom Two shall be a Quorum) shall, after due Examination thereof, be satisfied that the Contingencies for which it is intended to provide, whether specifically named in this Act or not, are such as according to the true Meaning and Intent of this Act are fit to be provided for by such Society, and shall deem the Rules and Tables of such Society, either in the Form in which they shall have been originally exhibited, or with such Omissions, Additions, or Alterations as may be made therein by the said Justices, with the Consent of the Persons proposing to be Trustees of such Society, to be fit and proper, and shall be satisfied that the Formation of such Society will be useful and beneficial, Regard being had to the Existence of any other Society already formed under wholesome Rules within the same District for the like Purposes; the said Rules and Tables so confirmed or amended, shall be deposited and enrolled according to

the Provisions of the said first-mentioned Act, and a Copy thereof, authenticated by the Signature of Two or more Justices, shall be delivered to the Trustees of such Society, and shall thenceforward become the Rules of such Society, and shall be binding on all Parties concerned: Provided always, that such Justices shall not confirm and allow any Tables of Payments or Benefits, or any Rules dependent upon or connected with the Calculation thereof, until it shall have been made appear to such Justices, that the said Tables and Rules are such as have been approved by Two Persons at the least, known to be professional Actuaries or Persons skilled in Calculation, as fit and proper, according to the most correct Calculation of which the Nature of the Case will admit.

Proviso as to Tables of Payments and Benefits.

III. And be it further enacted, That it shall and may be lawful for the Justices assembled at the General Quarter Sessions of the Peace for any County or Riding in *England* or *Wales*, from Time to Time to make and publish such general Rules for the Formation and Government of Friendly Societies or Institutions under the Authority of this Act, as to such Justices may appear fit, and to require that the Rules of all Societies thereafter established within such County or Riding shall be made conformable to such general Rules; and it shall also be lawful for such Justices to declare, that the Rules proposed for the Formation of such Friendly Societies or Institutions which shall be made conformable to such general Rules, may be exhibited to and confirmed by any Two or more Justices holding Petty Sessions within the Division wherein any such Society is to be established; and in such case, and subject always to the Direction of such general Rules published as aforesaid, such Justices in Petty Sessions shall have the like Powers, and their Proceedings shall be subject to the like Provisions, in regard to the Formation of Friendly Societies, as are by this and the former Acts established in respect of the Justices assembled in General or Quarter Sessions.

Quarter Sessions may publish general Rules, and Petty Sessions may act thereon.

IV. And be it further enacted, That every Memorial presented to the Justices as aforesaid, shall set forth the Names, Residence, and Occupation of Three Persons at the least, of whom the Majority shall be substantial Householders assessed to the Relief of the Poor upon a Sum not less than Fifty Pounds, which Persons shall be Trustees of such Society or Institution; and the Signature of such intended Trustees shall be affixed to such Memorial; and such Society shall from Time to Time, in such Manner as may have been prescribed by the Rules thereof, elect other Persons duly qualified as aforesaid, to fill such Vacancies as may occur among such Trustees; and in case such Vacancy shall continue for more than Three Months, so as to reduce the Number of Trustees below the Number of Three, it shall be lawful for the remaining Trustees to nominate one other fit Person to be the Third Trustee: Provided always, that no Trustee shall be removed from his Office without his own Consent, except with the Approbation of Two or more Justices in Petty Session assembled.

Appointment of Trustees.

V. And be it further enacted, That when and as often as the Trustees and Persons having under the Rules of any such Society the Manage-

Provision for Alteration of Rules.

Management thereof, shall be desirous of making any Alteration in or Addition to the Rules and Tables allowed and deposited as aforesaid, it shall be lawful for them to make further Application by Memorial to the Justices in General or Petty Sessions as aforesaid, such Memorial being signed by the Trustees or the major Part thereof, and such Application shall be dealt with by the said Justices according to the Provisions herein-before contained with respect to the Allowance or Alteration of the Rules and Tables proposed at the first Establishment of such Society, in as far as the same are applicable thereto.

Treasurer and other Officers.

VI. And be it further enacted, That the Trustees of each such Society shall appoint One fit Person or more to be Treasurer or Treasurers of such Society; and shall require from such Treasurer or Treasurers such Securities as the said Trustees may from Time to Time deem necessary and proper; and no Bond or other Security to be given to or on account of any such Society, or in pursuance of this Act, shall be charged or chargeable with any Stamp Duty whatever.

Exemption from Stamp Duties.

Property of Societies vested in Trustees.

VII. And be it further enacted, That all Monies, Goods, Chattels and Effects whatever, and all Securities for Money or other obligatory Instruments and Evidences or Muniments, and all other Effects whatever, and all Rights or Claims belonging to or had by such Institution, shall be vested in the Trustee or Trustees of such Institution for the Time being, for the Use and Benefit of such Institution, and the respective Depositors therein, their respective Executors or Administrators, according to their respective Claims and Interests; and after the Death or Removal of any Trustee or Trustees, shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, except the Transfer of Stocks and Securities in the Public Funds of *Great Britain*; and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such Proceeding (where necessary) be stated to be the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Institution for the Time being, in his, her, or their proper Name or Names, without further Description; and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property, Right, or Claim aforesaid, of or belonging to or had by such Institution; and such Person or Persons so appointed shall and may in all Cases concerning the Property, Right, or Claim aforesaid of such Institution, sue and be sued, plead and be impleaded, in his, her, or their proper Name or Names, as Trustee or Trustees of such Institution, without other Description; and no such Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees, but the same shall and may be proceeded in by the succeeding Trustee or Trustees, in the proper Name or Names of the Person or Persons commencing the

the same, any Law, Usage, or Custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs, as if the Action or Suit had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Institution.

Restrictions upon Dissolution of Society or Division of Funds.

VIII. And be it further enacted, That it shall not be lawful to dissolve any Society or Institution established under the Authority of this Act; nor shall any Division of the Funds thereof be made, otherwise than in the ordinary Course of Proceeding, according to the Rules confirmed as aforesaid, without the Consent of the Trustees or the major Part of them: Provided always, that no such Consent of Trustees shall be given, unless and until it shall have been certified by Two or more professional Actuaries or Persons skilled in Calculation as aforesaid, which Persons shall have been approved as such by the Justices as aforesaid, that, according to the most correct Calculation of which the Case will admit, the Interest of all the Contributors to such Institution, and of all Persons having Claims thereon, in Possession or Expectancy, are, by the proposed Scheme of Dissolution or Division, fairly dealt with and secured.

Place of Meeting, and Powers and Duties of Members, to be specified in the Rules.

IX. And be it further enacted, That the Rules of every Society or Institution formed under the Authority of this Act, shall specify the Place or Places at which it is intended such Society or Institution shall hold its Meetings, and shall contain Provisions with respect to the Powers and Duties of the Members at large, and of such Committees or Officers as may be appointed for the Management of the Affairs of such Society, subject always to the Provisions of this Act with respect to the Appointment and Duties and Powers of the Trustees; and such Society or Institution shall not be subject to the Provisions and Restrictions of the said Act of the Thirty-third Year of His present Majesty's Reign, as to the Appointment of Committees, or otherwise, with respect to the Management of such Society or Institution.

Funds may be subscribed into Saving Bank;

X. And be it further enacted, That it shall be lawful for any Society or Institution established under the Authority of this Act, from Time to Time to subscribe the whole or any Part of the Funds of such Society or Institution into the Funds of any Institution which shall have taken the Benefit of an Act of the Fifty-seventh Year of the Reign of His present Majesty, intituled *An Act to encourage the Establishment of Banks for Savings in* England, subject to the several Provisions contained in the said last-mentioned Act, or of an Act passed in the last Session of Parliament to amend the said Act.

57 G. 3. c. 130.

58 G. 3. c. 48.

or into Bank of England on Debentures;

XI. And be it further enacted, That it shall be lawful for any Society or Institution established under the Authority of this Act, to pay directly into the Bank of *England* any Sum or Sums of Money not being less than Fifty Pounds, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustees of such Society or Institution, or any Two or more of them, that such Monies belong exclusively to the

Society or Institution for which such Payment is intended to be made, whether such Monies shall have been deposited therein before the passing of this Act, or thereafter shall be deposited therein; and the Cashier or Cashiers of the Bank of *England* are hereby required to receive all such Monies, and place the same into a new and separate Account, to be raised in the Name of the said Commissioners for the Time being, in the Books of the Bank of *England*, to be denominated 'The Fund for the Society or Institution established 'at *A.* in the County of *B.* under an Act of the Fifty-ninth Year of 'the Reign of King *George* the Third;' and all the Clauses and Provisions of an Act passed in the Fifty-seventh Year of His present Majesty's Reign, (intituled *An Act to encourage the Establishment of Banks for Savings in* England,) with respect to the Accounts of Banks for Savings, and the Regulation of Debentures, Certificates, or Orders concerning the same, shall be applicable to the Monies so paid into the Bank of *England* under the Authority of this Act, as if the same had been repeated therein.

Or vested in public Funds, or on real Security.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent the Trustees of any Society formed under the Authority thereof, from investing any Part of the Funds of such Society in any Public Stocks or Funds established by the Authority of Parliament, or from laying out the same upon Real Security at Interest.

Limitation of Responsibility of Trustees.

XIII. And be it further enacted, That the Trustees of any Society or Institution established under the Authority of this Act, shall not be liable to make good any Deficiency which may arise in the Funds of such Society, unless such Persons shall have respectively declared by Writing under their Hands, deposited and registered in like Manner with the Rules of such Society, that they are willing to be answerable; and it shall be lawful for each of such Persons, or for such Persons collectively, to limit his, her, or their Responsibility to such Sum as shall be specified in any such Instrument in Writing.

Proceedings of the Trustees in case of Deficiency of Funds.

XIV. And be it further enacted, That when the Trustees of any Society formed under the Authority of this Act, shall be apprehensive that the Funds of such Society, together with the Sum (if any) for which Persons having formed the said Society shall have made themselves responsible as aforesaid, are likely to prove insufficient to make all the Payments becoming due to the several Parties interested, according to the Rules of such Society, the said Trustees shall forthwith state their Apprehension, and the Grounds thereof, to the Justices in General or Quarter Sessions, or if the Rules of such Institution shall have been originally confirmed at the Petty Sessions, then to the Justices in such Petty Sessions; and it shall be lawful for such Justices, upon a full Statement of the Accounts and Proceedings of such Society, which the said Trustees are hereby directed to furnish at the Requisition of such Committee, to make such Order for the Adjustment of the Claims of all Parties interested in the Funds of such Society, as to them may appear fair and equitable: Provided always, that it shall be lawful for any Person

or Persons who may think himself, herself, or themselves aggrieved by any such Order of Justices in Petty Sessions, to appeal therefrom to the Justices assembled in the Quarter Sessions next ensuing after the Date of such Order, whose Decision shall be final and conclusive.

In Cases of Complaint of Widows and Children Justices to have Jurisdiction.

XV. And whereas by the said Act of the Forty-ninth Year of His present Majesty's Reign, no sufficient Provision is made for the Relief of Widows and Children of deceased Members of Friendly Societies, who may be aggrieved by the Officers or Members of the Societies of which their Husbands or Parents were Members; be it further enacted, That Justices of the Peace shall have the like Power and Jurisdiction in Cases of Complaint made by or on behalf of such Widows and Children, as they have under the said last-mentioned Act, or under this Act, in regard to the Members of such Societies themselves.

33 G.3. c. 54. and 49G.3.c.125. applicable to this Act.

XVI. And be it further enacted, That all the Provisions of the said Acts of the Thirty-third and Forty-ninth Years of the Reign of His present Majesty, as to Matters for which no other Provision is made by this Act, shall be deemed, so far as the same are not repugnant to this Act, applicable to all Societies and Institutions formed under the Authority of this Act.

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