CAP. XXV.

An Act to amend the Industrial and Provident Societies Act, 1852.

[16th *June* 1854.]

'WHEREAS by the Industrial and Provident Societies Act, 1852, it is enacted, "that all the Provisions of the Laws relating to Friendly Societies shall apply to every 'Society to be constituted under the said Act, except in so far as any such Provision might 'be expressly varied by the said Act, or by any Rule expressly authorized to be made 'thereby:" And whereas it is expedient to vary the Provisions of such Laws in relation to 'Societies registered under the Act aforesaid, so far as concerns the Manner in which legal 'Proceedings shall be carried on in any Matter concerning any such Society:' 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:

Suits to be carried on in the Name of One of the Officers of any Society to be appointed for that Purpose.

I. After the passing of this Act, no Suit or Proceeding shall be commenced or prosecuted by or against the Trustees of any Society registered under the Industrial and Provident Societies Act, 1852, except in the Case herein-after provided; but all Suits and Proceedings, whether at Law, in Equity, or in Bankruptcy or Sequestration, or otherwise howsoever, as well in *Great Britain* and *Ireland* as in the Colonies and Dependencies thereof, by or on behalf of any such Society, against any Person or Persons, whether Bodies Politic or others, and whether Members or not of such Society, shall be commenced and prosecuted in the Name of One of the Two Officers for the Time being appointed to sue and be sued on behalf of such Society, and registered in pursuance of the Directions for such Appointment and Registration respectively herein-after contained: and all Suits and Proceedings, whether at Law or in Equity, or by or on behalf of any Person or Persons, whether Bodies Politic or others, and whether or not Members of such Society, against such Society, shall be commenced and prosecuted against such Officers, or if there shall be no such Officer for the Time being, then against the Trustees of the said Society.

Officers to be appointed to sue and be sued on behalf of Society, and their Names, &c. to be returned to Registrar of Friendly Societies.

Form of Return.

In default of Appointment as aforesaid, Trustees of Society may appoint such Officers, and make Returns.

II. Every such Society shall, within One Calendar Month after the passing of this Act, appoint Two Officers to sue or be sued on behalf thereof in manner aforesaid, and make or cause to be made a Return to the Registrar of Friendly Societies of the Names and Descriptions of the Officers so appointed; and every such Society may from Time to Time remove any Officer so appointed; and in case of the Death, Resignation, or Removal of any such Officer the said Society shall, within One Calendar Month thereafter, appoint in his Stead another Officer to sue and be sued on behalf of such Society, and make or cause to be made a Return to the said Registrar as aforesaid containing as well the Name and Description of the Person who has ceased to be such Officer in manner aforesaid as the Name and Description of the Officer who has been appointed in his Stead to sue and be sued on behalf of such Society; and every such Return shall be signed by Three Members of such Society, and countersigned by the Officers or Officer so appointed, and shall be kept with the Rules of the Society; and in case any Society should neglect or refuse to appoint any Officers or Officer to sue and be sued as aforesaid, the Trustees of such Society, or the Majority of them, may appoint any Members or Member of such Society to be such Officers or Officer, and shall forthwith make such Return as last aforesaid under the Hand of such Trustees and such Officers or Officer; and every Appointment so made shall be as effectual for all the Purposes of this Act as if it had been made by such Society.

Returns to be certified, and Certificates to be Evidence.

III. Any Person shall be at liberty to require a Copy of such Return to be certified by the Registrar; and there shall be paid for such Certificate a Fee of One Shilling and Sixpence, and no more; and the Day of the Registration of every Return to be made in pursuance of this Act shall be written on such Return by the said Registrar; and a Copy so certified as aforesaid of such Return, including the Date to be marked thereon, shall be received in Evidence in all Proceedings, whether Civil or Criminal, and shall also be received as Evidence of the Day of the registering thereof.

Proceedings commenced in Name of Officer

IV. No Action, Suit, or Proceeding, whether Civil or Criminal, commenced either by or against any such Society (whether in the Name of One of the Officers appointed to sue and be

be sued as aforesaid, or of some Member of such Society, in the Case and in manner aforesaid,) shall be abated or prejudiced by the Death or by any Act of such Officer, or Person, or by the Resignation or Removal of such Officer either before or after the Commencement of such Action, Suit, or Proceeding, or by any Change in the Members of such Society, but the same shall be continued in the Name of such Officer or Member (as the Case may be), notwithstanding such Death or Act, or such Resignation or Removal, and notwithstanding such Change in the Members of such Society.

not to be abated by his Death, &c., or by Change of Members of Society.

V. All Judgments, Decrees, Interlocutors, and Orders obtained in any such Actions, Suits, or other Proceedings as aforesaid, against such Officer or Member, in manner aforesaid, whether such Member or Officer respectively be Party to such Actions, Suits, or Proceedings as Plaintiff, Pursuer, Petitioner, or Defendant or Defender, shall have the same Effect against the Property and Effects of such Society as if such Judgments, Decrees, Interlocutors, or Orders had been obtained in Suits or Proceedings against the Trustees of such Society, and Execution or Diligence shall be issued thereon accordingly.

Effect of Judgments, &c. against the Society.

VI. The Bankruptcy, Insolvency, or stopping Payment of any Officer or Member of such Society in his individual Capacity shall not be construed to be the Bankruptcy, Insolvency, or stopping Payment of such Society; and the Property and Effects of such Society shall, notwithstanding such Bankruptcy, Insolvency, or stopping Payment, be liable to Execution or Diligence in the same Manner as if such Bankruptcy, Insolvency, or stopping Payment had not taken place.

Bankruptcy, &c. of Officer not to affect Liability of Society.

VII. In all Cases wherein it may be necessary for any Person to serve any Summons, Demand, or Notice, or any Writ or other Proceeding, at Law or in Equity, or otherwise, upon any such Society, Service thereof respectively on the Secretary of the said Society, or by leaving the same at the Head Office for the Time being of the said Society, or in case such Secretary shall not be found or known, then Service thereof on any Agent or Officer employed by the said Society, or by leaving the same at the usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Notice of the same respectively on such Society.

Service of Process on Society.

VIII. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such Society may do all Things necessary to the winding up of the Concerns thereof, and that it may be sued and sue under the Provisions of this Act in respect of all Matters relating to such Society.

Dissolution of Society not to prevent winding up of its Affairs.

IX. When any Action, Suit, or Prosecution shall, at the passing of this Act, be pending by or on behalf of or against the Trustee or Trustees of any Society, the same shall and may be proceeded in by or against such Registered Officer as aforesaid, in the proper Name or Names of the Person or Persons commencing or defending the same; and such Officer shall pay or receive like Costs as if the Action or Suits had commenced in his or their Name or Names for the Benefit of or to be reimbursed from the Funds of such Society.

Suits pending against Trustees to be carried on against Officers appointed as aforesaid.

X. The Provisions of the Laws relating to Friendly Societies whereby the Trustees of any Society are declared incapable of prosecuting any Action or Proceeding in any Court of Law or Equity on behalf of such Society, until they shall have duly furnished to the Registrar a general Statement of the Funds and Effects of such Society, shall not apply to the Prosecution of any Action or other Proceeding by the Registered Officer of any Society registered under the Industrial and Provident Societies Act, 1852.

Certain Provisions of Friendly Societies Act not to apply.