

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. XL.

An Act to amend an Act of the Tenth Year of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to Friendly Societies. [30th *July* 1834.]

WHEREAS it is expedient to alter and amend an Act made in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies:* 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, That so much of the said Act as enacts that no Rules shall be allowed unless it shall appear to the Justices to whom the same are tendered that the Tables of the Payment to be made by the Members, and of the Benefits to be received by them, may be adopted with Safety to all Parties concerned; and so much as enacts that the Executors, Administrators, or Assignees of Bankrupts or Insolvents shall pay Money due to Friendly Societies before any other Debts; and so much as enacts that the Funds of any Friendly Society may be subscribed into a Savings Bank; and so much as requires the Returns of the Rate of Sickness and Mortality to be made to the Clerk of the Peace, or as requires Clerks of the Peace to transmit such Returns to the Secretary of State, or as provides that the Friendly Society refusing

10 G. 4. c. 56.

Repeal of 10 G. 4. c. 56. s. 6.

s. 20.

s. 30.

Part of s. 34.

Part of s. 35

s. 36.

refusing or neglecting to make such Return should cease to be entitled to the Privileges of the said recited Act; shall be and the same are hereby repealed.

Purposes for which Societies may be formed under 10 G. 4. c. 56.

II. And whereas it is in and by the said recited Act provided that a Society may be established for the mutual Relief and Maintenance of all and every the Members thereof, their Wives or Children, or other Relations, in Sickness, Infancy, advanced Age, Widowhood, or any other natural State or Contingency whereof the Occurrence is susceptible of Calculation by way of Average: And whereas it is expedient to extend the Object or Purpose for which a Society may be established under the Provisions of the said recited Act; be it therefore enacted, That it shall and may be lawful for any Number of Persons in *Great Britain* and *Ireland* to form themselves into and to establish a Society, under the Provisions of the said recited Act, for the mutual Relief and Maintenance of all and every the Members thereof, their Wives, Children, Relations, or Nominees, in Sickness, Infancy, advanced Age, Widowhood, or any other natural State or Contingency whereof the Occurrence is susceptible of Calculation by way of Average, or for any other Purpose which is not illegal: Provided always, that when the Rules of any Society provide for Relief in any other Case than that of Sickness, Infancy, advanced Age, Widowhood, or other natural State or Contingency as aforesaid, the Contributions for such other Purpose shall be kept separate and distinct, or the Charges defrayed by extra Subscriptions of the Members at the Time such Contingencies take place.

Repeal of 10 G. 4. c. 56. s. 4. and Part of s. 7.

III. And be it further enacted, That so much of the said recited Act as relates to the Rules of Friendly Societies being transmitted to the Barrister or Advocate, and deposited with the Clerk of the Peace and certified by him, as well as so much as relates to Alterations of Rules being certified by the Clerk of the Peace, and that no Rule or Alteration or Amendment should be binding until confirmed by the Justices, and filed under the recited Act, shall be and the same are hereby repealed.

Two Transcripts of Rules to be submitted to a Barrister, &c., by whom they are to be certified.

IV. And be it further enacted, That Two Transcripts, fairly written on Paper or Parchment, of all Rules made in pursuance of the said recited Act or this Act, signed by Three Members, and countersigned by the Clerk or Secretary, (accompanied, in the Case of an Alteration or Amendment of Rules, with an Affidavit of the Clerk or Secretary or One of the Officers of the said Society that the Provisions of the said recited Act, or of the Act under which the Rules of the Society may have been enrolled, have been duly complied with,) with all convenient Speed after the same shall be made, altered, or amended, and so from Time to Time after every making, altering, or amending thereof, shall be submitted, in *England* and *Wales* and *Berwick-upon-Tweed*, to the Barrister at Law for the Time being appointed to certify the Rules of Saving Banks, and in *Scotland* to the Lord Advocate or any Depute appointed by him for that Purpose, and in *Ireland* to such Barrister as may be appointed by His Majesty's Attorney General in *Ireland*, for the Purpose of ascertaining whether the

the said Rules of such Society, or Alteration or Amendment thereof, are calculated to carry into effect the Intention of the Parties framing such Rules, Alterations, or Amendments, and are in conformity to Law and to the Provisions of the said recited Act or this Act; and that the said Barrister or Advocate shall advise with the said Clerk or Secretary, if required, and shall give a Certificate on each of the said Transcripts, that the same are in conformity to Law and to the Provisions of the said recited Act and this Act, or point out in what Part or Parts the said Rules are repugnant thereto; and that the Barrister or Advocate, for advising as aforesaid, and perusing the Rules, or Alterations or Amendments of the Rules, of each respective Society, and giving such Certificates as aforesaid, shall demand no further Fee than that specified in the said recited Act; and one of such Transcripts, when certified by the said Barrister or Advocate, shall be returned to the Society, and the other of such Transcripts shall be transmitted by such Barrister or Advocate to the Clerk of the Peace for the County wherein such Society shall be formed, and by him laid before the Justices for such County at the General Quarter Sessions, or Adjournment thereof, held next after the Time when such Transcript shall have been so certified and transmitted to him as aforesaid; and the Justices then and there present are hereby authorized and required, without Motion, to allow and confirm the same; and such Transcript shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, without Fee or Reward; and that all Rules, Alterations and Amendments thereof, from the Time when the same shall be certified by the said Barrister or Advocate, shall be binding on the several Members and Officers of the said Society, and all other Persons having Interest therein.

Barrister, &c. to certify both Transcripts.

Fee payable to Barrister.

One Transcript to be returned to Society, the other to be sent to Clerk of Peace.

Justices to confirm Rules.

Transcript to be filed.

Rules, &c. to be binding when certified by Barrister.

V. Provided always, and be it enacted, That the said Barrister shall be entitled to no further Fee for or in respect of any Alteration or Amendment of any Rules upon which One Fee has been already paid to the said Barrister within the Period of Three Years: Provided also, that if any Rules, Alterations or Amendments, are sent to such Barrister or Advocate, accompanied with an Affidavit of being a Copy of any Rules, or Alterations or Amendments of the Rules, of any other Society, which shall have been already enrolled under the Provisions of the said recited Act or this Act, the said Barrister or Advocate shall certify and return the same as aforesaid, without being entitled to any Fee for such Certificate.

Barrister not to be entitled to Fee in respect of Alterations within 3 Years, nor for Certificate to Rules being Copies of those already enrolled.

VI. And be it further enacted, That the Returns of the Rate of Sickness and Mortality according to the Form prescribed in the Schedule appended to the said recited Act shall be transmitted at the Periods therein mentioned to the Barrister or Advocate by whom the Rules of the Society may have been certified, and shall by such Barrister or Advocate be transmitted to the Secretary of State, for the Purposes in the said recited Act provided.

Returns of Sickness, &c. to be sent to Barrister.

VII. And whereas in and by the said recited Act Provision is directed to be made by the Rules of every Society whether Reference of any Matter in dispute shall be made to Justices or to Arbitrators: And whereas it is expedient that further Provision should be made in case

If Rules of Society direct Reference in case of Dispute to Arbitration, and

Society refuse to grant Arbitrators, &c. Justices may determine the Dispute

case the Reference is to Arbitrators; be it therefore enacted, That when the Rules of any Society provide for a Reference to Arbitrators of any Matter in dispute, and it shall appear to any Justice of the Peace, on the Complaint on Oath of a Member of any such Society, or of any Person claiming on account of such Member, that Application has been made to such Society, or the Steward or other Officer thereof, for the Purpose of having any Dispute so settled by Arbitration, and that such Application has not within Forty Days been complied with, or that the Arbitrators have neglected or refused to make any Award, it shall and may be lawful for such Justice to summon the Trustee, Treasurer, Steward, or other Officer of the Society, or any One of them against whom the Complaint is made, and for any Two Justices to hear and determine the Matter in dispute, in the same Manner as if the Rules of the said Society had directed that any Matter in dispute as aforesaid should be decided by Justices of the Peace, any thing in the said recited Act contained to the contrary notwithstanding.

Provision in case Member of Society is expelled.

VIII. And be it further enacted, That in case any Member of a Friendly Society established under the said recited Act or this Act shall have been expelled from such Society, and the Arbitrators or Justices, as the Case may be, shall award or order that he or she shall be reinstated, it shall and may be lawful for such Arbitrators or Justices to award or order, in default of such Reinstatement, to the Member so expelled, such a Sum of Money as to such Arbitrators or Justices may seem just and reasonable; which said Sum of Money, if not paid, shall be recoverable from the said Society, or the Treasurer, Trustee, or other Officer, in the same Way as any Money awarded by Arbitrators is recoverable under the said recited Act.

Funds of Friendly Society may be deposited in Savings Bank.

9 G. 4. c. 92.

IX. And be it further enacted, That it shall be lawful for any Society established under the Authority of the said recited Act or this Act from Time to Time to subscribe the Whole or any Part of the Funds of such Society into the Funds of any Institution which shall have taken the Benefit of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, subject to the Provisions in that Act contained relating to Friendly Societies, except so much thereof as restricts the Amount allowed to be invested, which Restriction as to the Amount allowed to be invested by any Friendly Society is hereby repealed: Provided always, that it shall not be necessary for the Trustees of any Savings Bank to enrol at the Sessions any Alteration in the Rules of such Institution which may be occasioned by the Provision herein contained.

Members of Friendly Societies may be Witnesses.

X. And be it further enacted, That on the Trial of any Action, Indictment, or other Proceeding respecting the Property of any Society enrolled under the Authority of the said recited Act or this Act, or in any Proceedings before any Justice of the Peace, any Member of such Society shall be a competent Witness, and shall not be objected to on account of any Interests he may have as such Member in the Result of such Action, Indictment, or other Proceeding.

XI. And

XI. And be it further enacted, That no Fee shall be charged to any Member of any Friendly Society whatever for any Oath or Oaths which he may be legally required to make before a Magistrate or Magistrates in order to obtain the Payment of his Sick Pay or Allowance; any Law, Usage, Rule, or Custom to the contrary not withstanding.

No Fee for Oaths before Magistrates in obtaining Payment of Sick Pay.

XII. And be it further enacted, That if any Person already appointed or who may hereafter be appointed to any Office in a Society established under the said recited Act or this Act, and being entrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his said Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall die, or become a Bankrupt or Insolvent, or have any Execution or Attachment or other Process issued, or Action or Diligence raised, against his Lands, Goods, Chattels, or Effects, or Property or Estate, Heritable or Moveable, or make any Assignment, Disposition, Assignation, or other Conveyance thereof for the Benefit of his Creditors, his Heirs, Executors, Administrators, or Assignees, or other Persons having legal Right, or the Sheriff or other Officer executing such Process, or the Party using such Action or Diligence, shall, within Forty Days after Demand made in Writing by the Order of any such Society or Committee thereof, or the major Part of them assembled at any Meeting thereof, deliver and pay over all Monies and other Things belonging to such Society to such Person as such Society or Committee shall appoint, and shall pay, out of the Estates, Assets, or Effects, Heritable or Moveable, of such Person, all Sums of Money remaining due which such Person received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied, or before the Money directed to be levied by such Process as aforesaid, or which may be recovered or recoverable under such Diligence, is paid over to the Party issuing such Process or using such Diligence; and all such Assets, Lands, Goods, Chattels, Property, Estates, and Effects shall be bound to the Payment and Discharge thereof accordingly.

Executors, &c. of Officers of Friendly Society to pay Money due to Society before any other Debts.

XIII. And be it further enacted, That the Barristers and Advocate appointed under the Provisions of the said recited Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth shall and may receive and send by the General Post, from and to Places within the United Kingdom, all Letters and Packets relating solely and exclusively to the Execution of the said recited Act or this Act, free from the Duty of Postage, provided that such Letters and Packets as shall be sent to either of the said Barristers or Advocate be directed to the "Barrister, or Advocate, appointed to certify the Rules of Friendly Societies," at his Office in *London*, *Edinburgh*, or *Dublin*, as the Case may be, and that all such Letters and Packets as shall be sent by either of the said Barristers or Advocate shall be in Covers, with the Words "Barrister, or Advocate, appointed to certify Rules of Friendly Societies pursuant to Act of Parliament passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth," printed on the same, and

Letters to and from Barristers and Advocate to be free of Postage.

be signed on the Outside thereof under such Words with the Name of such Barrister or Advocate in his own Handwriting, (such Name to be from Time to Time transmitted to the Secretaries of the General Post Office in *London*, *Edinburgh*, and *Dublin*,) and under such other Regulations and Restrictions as the Lords Commissioners of the Treasury, or any Three or more of them, shall think proper and direct; and the said Barrister or Advocate is hereby strictly forbidden so to subscribe any Letter or Packet whatever except such as he shall himself know to relate solely and exclusively to the Execution of the said last-mentioned recited Act or this Act; and if such Barrister or Advocate shall send, or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Inclosure, other than what shall relate to the Execution of the said last-mentioned recited Act or this Act, the Barrister or Advocate so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office; one Moiety of the said Penalty to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at *Westminster* for Offences committed in *England*, and in any of His Majesty's Courts of Record in *Dublin* for Offences committed in *Ireland*, and before the Sheriff or Stewartry Court of the Shire or Stewartry within which the Party offending shall reside or the Offence shall be committed for Offences committed in *Scotland*; and if any Letter, Paper, or Writing, or other Inclosure, shall be sent under Cover to either of the said Barristers or Advocate, the same not relating solely and exclusively to the Execution of the said last-mentioned recited Act or this Act, he is hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in *London*, *Edinburgh*, or *Dublin*, as the Case may be, with the Covers under which the same shall be sent, in order that the Contents thereof may be charged with the full Rates of Postage.

Provisions of former Statutes to continue in force as to Societies established under them until they shall conform to the Provisions of 10 G.4. c. 56. as hereby amended.

XIV. And whereas in and by the said recited Act it was enacted, that provided Societies then already enrolled should not conform to the Provisions of that Act within the Space of Three Years from the passing of such Act the said Societies should then cease to be entitled to the Privileges and Provisions of any or either of certain Acts thereby repealed, but that the Provisions of the said Acts thereby repealed should continue in force as to all Societies established under any or either of them before the passing of the said recited Act for the said Space of Three Years, or until they should sooner conform to the Provisions of that Act: And whereas by a certain Act made and passed in the Second Year of the Reign of His present Majesty the said Space of Three Years was extended until *Michaelmas Day* One thousand eight hundred and thirty-four: And whereas many Friendly Societies existing and enrolled before the passing of the said recited Act have not yet conformed to the Provisions therein contained; and it is expedient further to extend the Time for Enrolment under the recited Act; be it therefore enacted, That the Provisions of the several Acts repealed by the said recited Act shall continue in force as to all Societies established under any or either of them

before the passing of the said recited Act until they shall conform to the Provisions of the said recited Act, as altered and amended by this Act, any thing in the said recited Act, or in the said Act passed in the Second Year of His present Majesty, to the contrary contained in anywise notwithstanding: Provided always, that when a Society already enrolled under any or either of the Acts repealed by the said recited Act shall be desirous of making any Alteration in, Amendment of, or Addition to, the Rules thereof, the said Alteration, Amendment, or Addition shall be made in conformity with the said recited Act as amended by this Act, and such Society shall thenceforth be subject to all the Provisions and entitled to all the Benefits and Privileges in the said recited Act and this Act contained.

If a Society enrolled under Acts repealed by 10 G. 4. c. 56. be desirous of altering their Rules, the same to be done in conformity to that Act.

XV. And be it further enacted, That wherever in the said recited Act or this Act, in describing or referring to any Person, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and Females as well as Males, unless there be something in the Subject or Context repugnant to such Construction.

Construction of Words in the Act.

XVI. And be it further enacted, That this Act may be altered, amended, or repealed during the present Session of Parliament.

Act may be amended.

XVII. And be it further enacted, That this Act shall be deemed a Public Act, and shall extend to *Great Britain* and *Ireland* and *Berwick-upon-Tweed*, and be judicially taken notice of as such by all Judges, Justices, and other Persons whatsoever, without the same being specially shown or pleaded.

Public Act.

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