

SCHEDULES

SCHEDULE 3

ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF INCORPORATED FRIENDLY SOCIETIES

Requirements for establishment and incorporation

- 1 (1) Any 7 or more persons may establish a society under this Act by taking the following steps—
- (a) agreeing upon the purposes of the society and upon the extent of its powers in a memorandum the provisions of which comply with the requirements of this Schedule;
 - (b) agreeing upon rules for the regulation of the society which comply with the requirements of this Schedule; and
 - (c) sending to the central office 3 copies of the memorandum and the rules, each copy signed by at least 7 of those persons (or, if there are only 7, by all of them) and (unless the secretary is to be elected) by the intended secretary.
- (2) Where two or more friendly societies propose to amalgamate under section 85 above, they shall establish their successor society by—
- (a) agreeing upon the purposes of their successor and upon the extent of its powers in a memorandum the provisions of which comply with the requirements of this Schedule;
 - (b) agreeing upon rules for the regulation of their successor which comply with the requirements of this Schedule;
 - (c) each approving the memorandum and the rules by special resolution; and
 - (d) sending to the central office 3 copies of the rules and of the memorandum, each copy signed by the secretary of each of the societies participating in the amalgamation.
- (3) Where copies of the memorandum and the rules are sent to the central office in accordance with sub-paragraph (1)(c) or (2)(d) above, the central office, if satisfied that—
- (a) the memorandum and the rules are in conformity with this Act; and
 - (b) the intended name of the society is not, in its opinion, undesirable,
- shall register the society and issue it with a certificate of incorporation.
- (4) The central office shall not register a society as the successor society to any friendly societies proposing to amalgamate unless it is satisfied that the Commission has confirmed the proposed amalgamation under section 85 above.
- 2 (1) A registered friendly society may be incorporated under this Act only if the following steps are taken—
- (a) the proposal to apply for incorporation is submitted to the members of the society for their consent by the procedure required for a proposal to amend

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the rules (or, in the case of a society with branches, the general rules) of the society;

- (b) consent to the application is given in accordance with that procedure;
- (c) the society agrees, in accordance with that procedure—
 - (i) upon the purposes of the society after incorporation, and upon the extent of its powers, in a memorandum the provisions of which comply with the requirements of this Schedule; and
 - (ii) upon rules for the regulation of the society after incorporation which comply with the requirements of this Schedule; and
- (d) there are sent to the central office—
 - (i) 3 copies of the memorandum and the rules, each signed by at least 7 members and by the secretary of the society; and
 - (ii) a statutory declaration by the secretary that the steps mentioned in paragraphs (a) and (b) above were taken.

(2) Where copies of the memorandum, the rules and the statutory declaration are sent to the central office in accordance with paragraph (c) of sub-paragraph (1) above, the central office, if satisfied that—

- (a) the steps mentioned in sub-paragraph (1)(a) and (b) were taken;
- (b) the provisions of the memorandum and the rules are in conformity with this Act; and
- (c) the name proposed for the society after incorporation is not, in its opinion, undesirable,

shall register the society and issue it with a certificate of incorporation.

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On registering a society under paragraph 1 or 2 above, the central office shall—

- (a) retain and register one copy of the memorandum and of the rules;
- (b) return another copy to the secretary of the society, together with a certificate of registration; and
- (c) keep another copy, a copy of the certificate of incorporation and a copy of the certificate of registration of the memorandum and the rules, in the public file of the society.