



Friendly Societies Act 1896

1896 CHAPTER 25

OFFENCES, PENALTIES, AND LEGAL PROCEEDINGS

87 Punishment of fraud, false declarations, and misappropriations

- (1) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules of a registered society or branch, on the pretence that they are the existing rules of that society or branch, or that there are no other rules of the society or branch, or gives to any person a copy of any rules on the pretence that those rules are the rules of a registered society or branch when the society or branch is not registered, the person so offending shall be guilty of a misdemeanor.
- (2) If any person knowingly makes a false or fraudulent statement in any statutory declaration required by this Act, he shall be guilty of a misdemeanor.
- (3) If any person obtains possession by false representation or imposition of any property of a registered society or branch, or withholds or misapplies any such property in his possession, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society or branch and authorised by this Act, he shall, on such complaint as is in this section mentioned, be liable on summary conviction to a fine not exceeding twenty pounds, and costs, and to be ordered to deliver up all such property, or to repay all sums of money applied improperly, and in default of such delivery or repayment, or of the payment of such fine and costs as aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months.

Provided that where on such a complaint against a person of withholding or misapplying property, or applying it for unauthorised purposes, it is not proved that that person acted with any fraudulent intent, he may be ordered to deliver up all such property or to repay any sum of money applied improperly, with costs, but shall not be liable to conviction, and any such order shall be enforceable as an order for the payment of a civil debt recoverable summarily before a court of summary jurisdiction.

- (4) Complaint under this section may be made—
 - (a) in the case of a registered society, by the society or any member authorised by the society, or the trustees or committee of the society; or

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- (b) in the case of a registered branch, by
 - (i) the branch or any member authorised by the branch or the trustees or committee thereof; or
 - (ii) the central body of the society of which the branch forms part; or
 - (iii) any member of the society or branch authorised by the central body; or
 - (c) in any case, by the chief registrar or any assistant registrar by his authority, or by any member of the society or branch authorised by the central office.
- (5) Nothing in this Act shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.