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THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1968

1968, No. 6

An Act to provide for the registration, status, control and administration of Industrial and Provident Societies

[29 July 1968]

PART I

PRELIMINARY

1. Short title.—This Act may be cited as the Industrial and Provident Societies Act 1968.

As to non-profitmaking societies, see the Incorporated Societies Ordinance 1952.

2. Interpretation.—In this Act, unless the context otherwise requires,—

“Act” includes Ordinance;

“Amendment of rule” includes a new rule and a resolution rescinding a rule;

“Bill of exchange” means an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person or to bearer;

Provided that an instrument that does not comply with these conditions, or that orders any act to be done in addition to the payment of money, is not a bill of exchange;

Provided also an order to pay out of a particular fund is not unconditional within the meaning of this defini-

tion but an unqualified order to pay, coupled with (a) an indication of a particular fund out of which the drawee is to reimburse himself or a particular account to be debited with the amount, or (b) a statement of the transaction giving rise to the bill, is unconditional:

“Committee” means the committee of management or other directing body of a society;

“Department” means the Department of Justice;

“Land” includes hereditaments and chattels real;

“Meeting” includes (when the rules of a society so allow) a meeting of delegates appointed by members;

“Minister” means the Minister of Justice;

“Officer” includes any trustee, treasurer, secretary and member of the committee, of a society, and any manager and servant of a society, other than a servant appointed by the committee of a society;

“Persons claiming through a member” include the executors, administrators and assigns of a member, and also his nominees where nomination is allowed;

“Prescribed” means prescribed by this Act or the regulations:

“Promissory note” means an unconditional promise in writing made by one person to another, signed by the maker engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person or to bearer;

Provided that an instrument in the form of a note payable to maker's order is not a note within the meaning of this definition unless and until it is endorsed by the maker:

Provided also a note is not invalid by reason only that it contains also a pledge of collateral security, with authority to sell or dispose thereof:

“Property” means all real and personal estate (including books and papers):

“Registered society” means a society registered under this Act:

“Registrar” means the Registrar of Industrial and Provident Societies appointed pursuant to section 3 of this Act, and includes any person lawfully from time to time acting as the Registrar:

“Regulations” mean regulations made under this Act:

“Rules” mean rules for the time being of a society.

Cf. 1908, No. 81, s. 2 (N.Z.)

3. Registrar of Industrial and Provident Societies—(1) For the purposes of this Act there shall from time to time be appointed by [the Public Service Commission of Western Samoa] as an officer of the Department a Registrar of Industrial and Provident Societies.

(2) The office of Registrar may be held in conjunction with any other office in the Department.

(3) This Act shall be administered by the Registrar and the Department under the control of the Minister.

Cf. 1957, No. 28, s. 2 (N.Z.)

In subs (1) the reference to the Public Service Commission of Western Samoa was substituted for a reference to the Public Service Commission by s. 3 of the Public Service Act 1965.

4. Deputy Registrar of Industrial and Provident Societies—(1) There may also from time to time be appointed by [the Public Service Commission of Western Samoa] as an officer of the Department a Deputy Registrar of Industrial and Provident Societies, who shall, under the control of the Registrar, perform such official duties as he is called upon to perform by the Registrar.

(2) On the occurrence from any cause of a vacancy in the office of the Registrar (whether by reason of death, resignation or otherwise), and in case of the absence from duty of the Registrar (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Registrar shall have and may exercise all the powers, duties and functions of the Registrar.

(3) The fact that the Deputy Registrar exercises any power, duty or function as aforesaid shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him to do so.

Cf. 1957, No. 28, s. 3 (N.Z.)

In subs (1) the reference to the Public Service Commission of Western Samoa was substituted for a reference to the Public Service Commission by s. 3 of the Public Service Act 1965.

5. Registers to be kept—The Registrar shall cause to be kept such registers as are prescribed and subject thereto as he considers necessary, in which shall be recorded all matters required by this Act or by the regulations to be recorded by the Registrar.

Cf. 1957, No. 28, s. 5 (N.Z.)

PART II

REGISTRATION OF SOCIETIES AND MATTERS INCIDENTAL THERETO

6. Purposes of societies which may be registered—Subject to section 7 of this Act, a society which may be registered under this Act (herein called "an industrial and provident society") is a society for carrying on any industry, business or trade, whether wholesale or retail, specified in or authorised by its rules, including dealings of any description with land, but excepting the business of banking.

Cf. 1923, No. 20, s. 2 (1) (N.Z.)

7. Limitation on registration of societies—(1) In this section the term "co-operative society" does not include a society which carries on, or intends to carry on, business with the object of making profits mainly for the payment of interest, dividends or bonuses on money invested or deposited with, or lent to, the society or any other person.

(2) Notwithstanding anything to the contrary in section 6 of this Act, a society may not and shall not be registered under this Act unless it is shown to the satisfaction of the Registrar—

- (a) That the society has at least 7 members; and
- (b) That no member other than a registered society has or claims any interest in the shares of the society exceeding a nominal value of \$600; and either
- (c) That the society is a bona fide co-operative society; or
- (d) That there are special reasons why the society should be registered under this Act, rather than as a company under the Samoa Companies Order 1935 (N.Z.) and the Companies Act 1955 (N.Z.), in the fact that the business of the society is being, or is intended to be, conducted—

(i) Mainly for the purpose of improving the conditions of living, or otherwise promoting the social well-being, of members of the working classes; or

(ii) Otherwise for the benefit of the community.

Cf. 1908, No. 81, s. 5 (N.Z.); 1923, No. 20, s. 2 (1) (N.Z.); 1939, No. 39, s. 33 (2) (3) (N.Z.)

As to the enactments referred to in subs. (2) (d), see the title Companies.

8. Name of society—(1) No society shall be registered under a name which is identical with that of any other society registered under this Act, or of a company carrying on business in Western Samoa (whether registered in Western Samoa or