



## CHAPTER IV.

An Act for enabling the Friends' Provident Institution to sue and be sued in the name of a Public Officer for more effectually vesting in their Trustees for the time being the funds and property of the Institution for conferring further powers on the Institution as to the investment of their funds and for other purposes.

A.D. 1899.

[13th July 1899.]

WHEREAS the Friends' Provident Institution was established as a friendly society in the year one thousand eight hundred and thirty-two under the Act passed in the year one thousand eight hundred and twenty-nine "To consolidate and amend the Laws relating to Friendly Societies" (10 George IV. chapter 56) and is for the benefit of persons being or having been members of the religious Society of Friends and of other persons holding the same religious profession as or connected with members of the said society :

And whereas the Institution having granted assurances payable at death exceeding one thousand pounds ceased under the Friendly Societies Discharge Act 1854 to be a friendly society and has since carried on a large business as a mutual life assurance association :

17 & 18 Vict.  
c. 56.

And whereas large sums have been and are now invested in the names of the trustees of the Institution upon mortgage of lands in the United Kingdom and in other securities :

And whereas it is expedient that the provisions contained in this Act be made for enabling the Institution to sue and be sued in the name of a public officer and in relation to the vesting of the property and securities of the Institution in the trustees thereof for the time being :

And whereas it is expedient that further powers be conferred on the Institution in relation to the investment of their funds and other matters as in this Act mentioned :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

[Ch. iv.] *Friends' Provident Institution Act, 1899.* [62 & 63 Vict.]

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May it therefore please Your Majesty that it may be enacted and be it 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:—

Short title.

1. This Act may be cited as the Friends' Provident Institution Act 1899.

Interpretation.

2. In this Act—

The expression "the Institution" means the Friends' Provident Institution;

The expression "the directors" means the directors for the time being of the Institution;

The expressions "the trustees" "the secretary" and "the public officer" mean respectively the trustees the secretary and the public officer for the time being of the Institution.

Appointment of public officer.

3. The secretary of the Institution shall be the public officer of the Institution for the purposes of this Act and if the office of secretary shall cease to exist the directors of the Institution shall appoint some other officer of the Institution being resident in England to be the public officer for the purposes of this Act.

If any public officer so appointed shall die or resign or become bankrupt or go to reside abroad or cease to be or become incapable of acting as such public officer the directors shall supply his place in like manner and the directors may remove any public officer from his office.

Power for Institution to sue and be sued.

4. All actions and all proceedings whether civil or criminal of every description by or on behalf of or against the Institution may after the passing of this Act whether the cause thereof arose before or shall arise after the passing of this Act be commenced and carried on in the name of the public officer as the nominal plaintiff prosecutor or defendant (as the case may be) for and on behalf of the Institution and in all actions indictments informations and other proceedings the property of the Institution may be stated to be the property of the public officer and generally in every such action indictment information or other proceeding as aforesaid it shall be lawful and sufficient to state and to use the name of the public officer for and on behalf of the Institution and the death resignation or removal or any act of the public officer shall not abate or affect any action prosecution or other proceeding conducted in accordance with the provisions of this section.

Service of process &c. on Institution.

5. In all cases wherein it may be necessary for any person to serve any notice writ or other legal proceeding on the Institution

[62 & 63 VICT.] *Friends' Provident Institution Act, 1899.* [Ch. lv.]

in any action or process which may be instituted or raised against the Institution service thereof respectively on the public officer either personally or by leaving the same at the principal office for the time being of the Institution shall be deemed good service of the same on the Institution. A.D. 1899.

6. Any affidavit statutory or other declaration and any answer or other similar document required from or by the Institution may be made and verified by the public officer for and on behalf of the Institution. Affidavits &c. on behalf of Institution.

7. All actions and legal and other proceedings whether civil or criminal by or against the Institution which have been commenced before the passing of this Act may be prosecuted and proceeded with as if this Act had not been passed. Pending actions &c. to proceed as if Act not passed.

8. Every public officer in whose name any such action or proceeding as aforesaid shall have been commenced or carried on shall be reimbursed and fully indemnified out of the funds of the Institution for all loss damages costs and expenses which he may sustain and be put to by reason or in consequence of any action or proceeding commenced or carried on by or against him as such public officer. Public officer to be indemnified.

9. Any three directors of the Institution appointed for the purpose by an order or resolution of the directors from time to time may execute powers of attorney or other instruments thereby empowering any person to apply for recover and receive and to institute and carry on actions and other proceedings in or before any court or tribunal in any foreign country or British colony for the purpose of recovering or compelling payment or delivery or conveyance of any sums of money property or effects belonging or owing to the Institution or to any person on behalf of or in trust for the Institution and to act in relation to the Institution with all such powers and authorities as may be necessary or expedient which said powers of attorney and instruments and all things done by virtue thereof shall be binding on the Institution and the members thereof. Three directors may execute powers of attorney to sue for foreign or colonial debts &c.

10.—(1) The directors of the Institution shall cause to be enrolled or registered in the Supreme Courts of England and Ireland respectively and in the books of Council and Session in Scotland memorials of the names and addresses of the several persons who are from time to time trustees in the United Kingdom of any securities or other property of the Institution. Enrolment of memorials of names of trustees.

(2) Every such memorial may be in the form in the schedule to this Act or to the like effect and shall be verified by statutory declaration of the public officer.

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Memorials  
conclusive  
evidence.

11. The several persons from time to time appearing by the memorials enrolled or registered under this Act to be the trustees of the Institution shall for all purposes be deemed held and taken to be the trustees of the Institution.

Examined  
copy of en-  
rolment to  
be evidence.

12. An examined copy of the enrolment of every memorial enrolled or registered under this Act shall be received in evidence as proof of the contents of the memorial and proof shall not be required that the person by whom the memorial purports to be verified was the public officer.

Vesting of  
securities  
and property  
in trustees.

13.—(1) All securities and other property real or personal vested in the existing trustees of the Institution or any of them or which shall at any time hereafter be taken or held in the names of the trustees of the Institution and also all securities or other property of the Institution which shall at any time hereafter be endorsed with notice by the Institution (which endorsement the Institution is hereby authorised to make) as belonging to the trustees of the Institution and all rights powers authorities and privileges attaching to any such securities or other property shall become and be vested in the trustees of the Institution as joint tenants without any conveyance transfer assurance or other document being made or required either on the first coming into operation of this section or on the occasion of any future addition to or withdrawal from or other change among such trustees.

(2) Notwithstanding such endorsement or notice as aforesaid all acts and receipts of the trustees for the time being of the Institution shall as between themselves and all persons dealing with them be of the same force and effect as if they were absolute owners of the securities and property of which they are such trustees as aforesaid.

(3) This section does not apply to any copyhold tenement or to any property the legal estate or interest wherein is not transferable by deed or to any securities or property transferable only by a deed or instrument in a form prescribed by Act of Parliament or transferable only in the books of any corporation or company.

(4) This section comes into operation as soon as enrolment and registration of the first memorial under this Act in the courts and books aforesaid has been completed.

Provision for  
future ap-  
pointments  
of trustees of  
particular  
securities.

14. If at any time the directors shall appoint persons to be trustees of any particular securities or property of the Institution and shall cause memorials of their names and addresses together with their designation as such trustees to be enrolled and registered in like manner as memorials of the names and addresses and designation of the trustees for the time being of the Institution under this Act then and in every such case the securities and

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property of the Institution vested in or conveyed transferred or assured to any such set of trustees or comprised in any instrument which shall at any time hereafter be endorsed with notice by the Institution (which endorsement the Institution is hereby authorised to make) as belonging to such set of trustees shall devolve in like manner as securities and property of the Institution vested in the trustees for the time being of the Institution and the provisions of this Act shall apply accordingly to any such set of trustees so appointed after the commencement of this Act in like manner as they apply to the trustees for the time being of the Institution.

15. In place of the stamp duties which would have been payable on the deeds and other instruments which in case this Act had not been passed might have been necessary in order from time to time to vest all securities and other property in the names of the trustees of the Institution for the time being there shall be raised and levied for the use of Her Majesty her heirs and successors the stamp duties following (that is to say) :—

Stamp  
duties on  
memorials.

For and upon the first memorial enrolled and registered pursuant to this Act in which memorial the names of the persons who shall be deemed held and taken to be the trustees of the Institution or of any special fund of the Institution shall appear the sum of five pounds And for and upon every other such memorial in which the name of any person shall for the first time be inserted as a trustee of the Institution or of any special fund of the Institution the like sum of five pounds.

16.—(1) Conveyances transfers releases and other assurances of any securities or other property of the Institution shall be valid and effectual to all intents and purposes if executed by all or any three of the trustees if and so long as there shall be four of them and by all or any two of the trustees if and so long as there shall be less than four of them.

Conveyances  
&c. by  
trustees.

(2) All acts and receipts of the trustees or of any such three or two of them as the case may be shall as between the Institution and persons dealing with the Institution be of the same force as if the trustees doing such acts or giving such receipts were absolute owners of the securities or property to which such acts or receipts relate.

(3) This section does not apply to any copyhold tenement or to any property the legal estate or interest wherein is not transferable by deed or to any securities or property transferable only by a deed or instrument in a form prescribed by Act of Parliament or transferable only in the books of any corporation or company.

[Ch. iv.] *Friends' Provident Institution Act, 1899.* [62 & 63 VICT.]

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Investment  
of funds.

17. Notwithstanding anything contained in any Act of Parliament relating to friendly societies which was wholly or partly in force on the first day of the Session of Parliament of the seventeenth and eighteenth years of the reign of Her Majesty Queen Victoria or in the Friendly Societies Discharge Act 1854 the directors may lay out and invest the moneys funds and property of the Institution in the names of the trustees of the Institution in or upon any investments securities or property whatsoever either by way of purchase or loan which shall be authorised by any rules of the Institution which at the date of the investment shall be in force and it shall be in the power of the directors to alter change sell or dispose of any existing investments securities or property or any investments securities or property which may hereafter be acquired or taken on behalf of the Institution and again to lay out the proceeds thereof from time to time in or upon any authorised investments securities or property and before any sale or other disposition to manage as regards letting or otherwise any lands or hereditaments whether acquired by or on behalf of the Institution in such manner and on such terms and conditions in every respect as the directors may see fit and could if they were absolute owners thereof direct.

For the purposes of this section the powers of the directors of the Institution to alter its rules shall be extended to alter and amend or make new rules in regard to the investments securities or property upon which the moneys funds and property of the Institution may be laid out and invested and any such rules so altered amended or made may from time to time be altered and amended Any alterations amendments and new rules when made shall be of the same validity as if they had been authorised by the Friendly Societies Discharge Act 1854 and shall be subject to be altered or modified in the same manner as the other rules of the Institution Provided that no alteration amendment or new rule made by the directors under this section shall be of any force or validity unless the same shall have been approved by a majority of the members present and voting at an annual general meeting or at a special meeting of the members convened in like manner as an ordinary annual general meeting Provided also that the powers of investment of the Institution existing immediately prior to the passing of this Act shall remain in force and be exerciseable until the existing rules of the Institution authorising investments shall have been altered.

Application  
of 59 Vict.  
c. 6.

18. The Life Assurance Companies (Payment into Court) Act 1896 applies and shall be available to the Institution.

**19.** So much of section three of the Act passed in the thirteenth and fourteenth years of Her Majesty Queen Victoria and intituled "An Act to consolidate and amend the Laws relating to Friendly Societies" as now renders it unlawful for the trustees or other officers of the Institution to pay any sum of money which may have been insured and become payable on the death of any member thereof or of the husband wife or child of any member unless the party applying for the same shall produce and deliver to the officer a certificate signed by a physician surgeon apothecary or coroner in the form set forth in the schedule to that Act annexed except in cases where from the nature of the circumstances it is impossible to procure such certificate and also so much of section thirteen of the same Act as provides that no person shall be deemed to be a trustee until the resolution of the society or branch appointing him trustee shall have been transmitted as therein mentioned to the registrar shall cease to apply to the Institution.

A.D. 1899.  
Part of  
Sections 3  
and 13 of  
13 & 14 Vict.  
c. 115 to  
cease to  
apply to  
Institution.

**20.** Except only as is by this Act expressly provided nothing in this Act contained shall repeal alter or interfere with any of the now existing rules and regulations of the Institution or the powers and provisions thereof or any power now by law or statute vested in the Institution or the directors.

Act not to  
vary  
existing  
powers or  
provisions  
except as  
provided.

**21.** This Act shall not incorporate either the Institution or the trustees thereof.

Act not to  
incorporate  
Institution.

**22.** Nothing in this Act shall exempt the Institution from the provisions of the Life Assurance Companies Acts 1870 to 1872 or of any general Act passed during the present or any future Session of Parliament and affecting Life Assurance Companies formed previously to the passing of such general Act.

Saving for  
general Acts.

**23.** All costs charges and expenses preliminary to and of and incidental to and consequent upon the preparing and applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid out of the funds of the Institution.

Costs of  
Act.

A.D. 1899.

SCHEDULE referred to in the foregoing Act.

Memorial of the names and addresses of the trustees of the funds property and securities [or of *name the particular securities*] of the Friends' Provident Institution on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ made for enrolment pursuant to the Friends' Provident Institution Act 1899.

A. B. of &c. } Trustees.  
C. D. of &c. }  
E. F. of &c. }

I \_\_\_\_\_ do hereby solemnly and sincerely declare that the above memorial contains the names and addresses of the trustees for the time being of the Friends' Provident Institution as the same appear on the books of the Institution and I make this solemn declaration conscientiously believing it to be true and in pursuance of the Statutory Declarations Act 1835.

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Solemnly declared at \_\_\_\_\_ } (Signed)  
this \_\_\_\_\_ }  
day of \_\_\_\_\_ }  
one thousand eight hundred and \_\_\_\_\_ }

Before me—

A Commissioner for Oaths [or a  
Justice of the Peace].

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