



Friendly Societies Act 1896

1896 CHAPTER 25

OFFENCES, PENALTIES, AND LEGAL PROCEEDINGS

84 Offences

It shall be an offence under this Act if—

- (a) a registered society or branch or an officer or member thereof fails to give any notice, send any return or document, do or allow to be done any thing which the society, branch officer, or person is by this Act required to give, send, do, or allow to be done : or
- (b) a registered society or branch or an officer or member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or other registrar or by any other person authorised under this Act, or does anything forbidden by this Act: or
- (c) a registered society or branch or an officer or member thereof makes a return or wilfully furnishes information in any respect false or insufficient: or
- (d) an officer or member of a body which, having been a branch of a society, has wholly seceded or been expelled from that society, thereafter uses the name of that society or any name implying that the body is a branch of that society, or the number by which that body was designated as such branch: or
- (e) where a dispute is referred under this Act to the chief or other registrar, a person refuses to attend or to produce any documents, or to give evidence before the chief or other registrar: or
- (f) a society or branch whether registered or unregistered pays money on the death of a child under ten years of age otherwise than is provided by this Act: or
- (g) a parent or personal representative of a parent claiming money on the death of a child produces a certificate of the death other than is in this Act provided to the society or branch from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

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85 Offences by societies to be also offences by officers, &c

Where a registered society or branch is guilty of an offence under this Act every officer of the society or branch bound by the rules thereof to fulfil any duty whereof the offence is a breach, or if there is no such officer, then every member of the committee, unless that member is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall be liable to the same penalty as if he had committed the offence.

86 Continuing offences

Every default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the default continues.

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
 - (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

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- (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.

88 Fine for falsification

If any person wilfully makes, orders, or allows to be made, any entry, erasure in, or omission from a balance sheet of a registered society or branch, or a return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act; he shall be liable to a fine not exceeding fifty pounds.

89 Fine for ordinary offences

A society or branch, and an officer or member of a society or branch, or other person guilty of an offence under this Act for which a fine is not expressly provided shall be liable to a fine of not more than five pounds.

90 Special offences in the case of friendly societies

If an officer or person aids or abets in the amalgamation or transfer of engagements- or in the dissolution of a friendly society otherwise than as in this Act provided he shall be liable on summary conviction to the fine imposed by this Act for offences thereunder, or to be imprisoned with hard labour for a term not exceeding three months.

91 Recovery of fines

- (1) A fine imposed by this Act, or by any regulations thereunder, or by the rules of a registered society or branch, shall be recoverable in a court of summary jurisdiction.
- (2) Any such fine shall be recoverable at the suit of the chief registrar or of any assistant registrar, or of any person aggrieved.
- (3) Any costs or expenses ordered or directed by the chief or other registrar to be paid by any person under this Act shall be recoverable summarily before a court of summary jurisdiction as a civil debt.

92 Jurisdiction of court of summary jurisdiction

In England and Ireland all offences and fines under this Act may be prosecuted and recovered in the manner directed by the Summary Jurisdiction Acts either—

- (a) at the place where the offence was committed; or
- (b) as respects a prosecution against a registered society or branch or an officer thereof at the place where the registered office of the society or branch is situated; or
- (c) as respects a prosecution against a person other than a registered society or branch or an officer thereof, at the place where the person is resident at the time of the institution of the prosecution

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93 Appeals

- (1) In England or Ireland any person may appeal to quarter sessions from any order or conviction made by a court of summary jurisdiction under this Act
- (2) In Scotland any person may appeal from any order or conviction under this Act in accordance with the provisions of the Summary Jurisdiction (Scotland) Acts.

94 Legal proceedings

- (1) The trustees of a registered society or branch, or any other officers authorised by the rules thereof, may bring or defend; or cause to be brought or defended, any action or other legal proceeding in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, and may sue and be sued in their proper names, without other description than the title of their office.
- (2) In legal proceedings brought under this Act by a member, or person claiming through a member, a registered society or branch may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society or branch within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words " on behalf of the society or branch" (naming the same).
- (3) A legal proceeding shall not abate or be discontinued by the death, resignation, or removal from office of any officer or by any act of any such officer after the commencement of the proceedings.
- (4) The summons, writ, process, or other proceeding, to be issued to or against the officer or other person sued on behalf of a registered society or branch, shall be sufficiently served by personally serving that officer or other person, or by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch within the jurisdiction of the court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business.
- (5) In all cases where the said summons, writ, process, or other proceeding is not served by means of such personal service or by leaving a true copy thereof at the registered office of the society or branch as aforesaid, a copy thereof shall be sent in a registered letter addressed to the committee at the registered office of the society or branch, and posted at least six days before any further step is taken on the proceeding.
- (6) Where proceedings are taken against a society or branch for the recovery of any fine under this Act the summons or other process shall be sufficiently served by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch, within the jurisdiction of the court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business.
- (7) Where the person against whom the proceedings are to be taken is himself a trustee of a society or branch the proceedings may be brought by the other trustees or trustee of the society or branch.