

Rules made under s.99.

FRIENDLY SOCIETIES RULES**(1889.01.18)****19.1.1889**

Amending enactments	Relevant current provisions	Commencement date
regs.of 28.5.1970 LN. 2016/045	Sch. r. 16(4)	10.3.2016

ARRANGEMENT OF RULES.**Rule**

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1888-11

Friendly Societies

FRIENDLY SOCIETIES RULES

Subsidiary

1889.01.18

FRIENDLY SOCIETIES RULES

Title.

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1.(1) These Rules may be cited as the Friendly Societies Rules.

(2) Any reference in these rules to any form distinguished by a letter or letters shall be deemed to be the form so lettered and set out in the Schedule.

Application for registration.

2. Every application to register a society under the Friendly Societies Act, shall be in Form A, and shall be sent to the Registrar.

Amendment of rules of a society.

3. An amendment of the rules of a society may be either—

- (a) a partial amendment, consisting of the addition of a new rule or rules, or part of a rule or rules, to the existing rules, or the substitution of a new rule or rules, or part of a rule or rules, for any of the existing rules, or any part thereof, or a rescission of any of the existing rules, or any part thereof, without any substitution, or more than one or all of these modes; or
- (b) a complete amendment, consisting of the substitution of an entire set of rules for the existing set of rules, and bearing at the beginning the words “all previous rules rescinded.”

Partial amendment of rules of a society.

4. An application to register a partial amendment of rules shall be made by the secretary of the society, in Form B, and shall be sent to the Registrar accompanied by a statutory declaration in Form C, and by a printed copy of the existing rules marked to show where the alterations occur, and what they are, and by the following documents—

- (a) if the partial amendment consists of the addition or substitution of a new rule or rules, two copies of such new rule or rules, each copy being marked O, and signed by three members and the secretary;
- (b) if the partial amendment consists of the rescission of any of the rules without any substitution, two copies of the resolution for such rescission, each copy being marked O, and signed by three members and the secretary.

Complete amendment of rules of a society.

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5. An application to register a complete amendment of rules shall be made by the secretary of the society in Form D, and shall be sent to the Registrar accompanied by a statutory declaration in Form C, and by a copy of the existing rules, and by two copies of the new rules, each copy being marked P, and signed by three members and the secretary.

Cancelling and suspension of registry.

6.(1) Every request to cancel registry shall be sent to the Registrar in Form E, and shall be accompanied by the sum requisite to defray the expense of the publication of such cancelling in the Gazette.

(2) Where application is made to cancel registry under the compulsory powers of the Registrar, the Registrar may require such application to be made in duplicate in such form, and to be supported by such statutory declaration as the Registrar may direct.

(3) Notice before cancellation or suspension of registry shall be in Form F, the cancellation of registry shall be in Form G, the suspension or renewal of suspension of registry shall be in Form H, and the advertisement of cancellation or suspension shall be in Form I.

Registered office.

7. Every notice of a change in the situation of the registered office of a society shall be sent to the Registrar within fourteen days after every such change, in Form J. Notice of the situation of the registered office of a society on first registry shall be deemed to be given by the rule providing for the place of office.

Trustees.

8. All resolutions appointing trustees, or officers to sue and be sued, of a society shall be sent to the Registrar within fourteen days after the date of the meeting whereat any such resolution was passed, in Form K.

Nominations.

9. Every registered society (except as in the Act is provided) shall keep a record or register of all nominations made by the members, and of all revocations and variations of the same, and for the recording or registering of every such nomination, revocation or variation, the rules of the society may require the member nominating to pay a sum not exceeding one penny.

Transfer of moneys.

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10.(1) Every application to the Registrar to direct a transfer of moneys shall follow as near as may be Form L, and shall be accompanied by a statutory declaration in Form M, or as near thereto as the facts admit, and by the certificate of the moneys in respect of which the application is made.

(2) Before making the application the society shall submit to the Registrar for examination a draft copy on foolscap paper, written on one side only, of the proposed application and declaration.

(3) The Registrar, before directing the transfer, may require such further proof of any statement in the application as may seem to him to be necessary.

(4) The Registrar shall give his direction in Form N, so framed in each case as to suit the particular circumstances.

Juvenile societies.

11.(1) Societies, consisting wholly of members between the ages of three and eighteen years, may be registered, provided they are in connection with—

- (a) some institute or school, and managed by the managers or teachers thereof, or by a committee or persons appointed wholly or partly by such managers or teachers; or
- (b) some society registered under the Act, and managed by the committee of management or officers of such society, or by a committee or persons appointed wholly or partly by the society or by its committee of management.

(2) The application to register a juvenile friendly society shall be made in Form Aj and the application to register a complete amendment of rules of a juvenile friendly society shall be made in Form Dj hereto annexed.

Disputes.

12.(1) The reference of a dispute to the Registrar shall be written on foolscap paper, in duplicate, in Form O, and every notice of hearing by the Registrar, and every requisition for the attendance of parties and witnesses, and the production of books and documents, shall be in Form P.

(2) Where it is necessary to enforce the attendance of a particular witness, or the production of a particular document, notice shall be in Form Q.

(3) The determination and order of the Registrar shall be in Form R, or as near thereto as the circumstances of the case may in his judgment allow.

Subsidiary**1889.01.18****Inspections of societies.**

13.(1) An application for appointment of inspectors shall be sent to the Registrar written on foolscap, in duplicate, in Form S, and shall be accompanied by a statutory declaration in Form T, signed by three, at least, of the applicants.

(2) The appointment of inspectors shall be in Form U, or as near thereto as circumstances may allow.

Special resolutions.

14.(1) Every application for approval of change of name must be made in duplicate in Form X, and must be sent to the Registrar, accompanied by a statutory declaration in Form Y. If approved of, the word "approved" shall be written at the foot or end of each such copy, and the same shall be signed by the Registrar.

(2) Every application to register a special resolution for the amalgamation of societies must be made by each of the societies in duplicate in Form Z, and must be sent to the Registrar, accompanied by statutory declarations from officers of each society in Form Y. No acknowledgment of registry shall be given to either society until special resolutions in the like terms have been submitted for registry by the other or others.

(3) Every application to register a special resolution for the transfer of the engagements of a society to another must be in duplicate in Form AA, and must be sent to the Registrar accompanied by statutory declarations in Forms Y and AB.

Applications for dispensing with consents to amalgamation, etc.

15.(1) Notice of an application that any of the consents and conditions prescribed for an amalgamation or transfer of engagements may be dispensed with, shall be advertised in the Gazette at least one month before application is made to the Registrar in that behalf. Such notice shall be in Form AN.

(2) The application that any of the consents and conditions prescribed for an amalgamation or transfer of engagements may be dispensed with, shall be in Form AO, and shall be sent to the Registrar in duplicate with a copy of the Gazette in which the advertisement of the same is published.

(3) If after hearing the trustees or committee of management and other persons whom he considers entitled to be heard, and to whom such notice

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shall be given as the Registrar directs, the Registrar may, if he thinks fit, entertain the application.

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(4) Where any consents or conditions prescribed for an amalgamation or transfer of engagements are dispensed with, Forms Y, Z, AA, and AB, as the case may be, may be modified by authority of the Registrar to suit the circumstances of the case.

(5) In registering a special resolution for amalgamation or transfer of engagements in pursuance of subrules (2) and (3) of rule 14, where any prescribed consents or conditions have been dispensed with, the words "Confirmed by the Registrar" shall be written at the foot or end of such resolution.

Dissolutions.

16.(1) The instrument of dissolution of a society shall be in Form AC, and shall be signed in duplicate and accompanied by a statutory declaration in Form AD, and by a statement naming some newspaper in Gibraltar wherein it is desired that notice of the dissolution shall be published, and by the sum requisite to defray the expenses of such publication, as well as the like publication in the Gazette. The advertisement of dissolution by instrument shall be in Form AF. All alterations in the instrument of dissolution shall be signed, declared to, and registered in like manner.

(2) The Registrar shall return one of the duplicates to the society with an acknowledgment of registry in Form AE.

(3) Every application for dissolution of a society by award of the Registrar shall be in Form AG, and shall name some newspaper in Gibraltar wherein it is desired that notice of the award shall be published, and with it shall be sent the sum requisite to defray the expenses of such publication, as well as the like publication in the Gazette. The notice of investigation shall be in Form AH, and the award in Form AI, the award of the Registrar for distribution of funds shall be in Form AJ and the notice of dissolution by award shall be in Form AK.

(4) This rule shall not apply in the case of a dissolution of a registered society under section 67A(4)(b) or section 67C(8)(b) of the Friendly Societies Act.

Setting aside dissolutions.

17. The notice of a proceeding to set aside a dissolution shall be in Form AL, and the notice of an order setting aside a dissolution in Form AM.

Dispensing with duplicates.

18. The Registrar may dispense with the obligation to supply a duplicate of any document, where such obligation is imposed only by these Rules.

SCHEDEULE.

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Rule 2

PRESCRIBED FORMS.

FORM A.—*Application to Register a Society.*

Name of Society.

To the Registrar of Friendly Societies.

Application to register a society under the above name is made by the eight persons whose names are subscribed at the foot hereof.

1. The society is a [friendly society, benevolent society, working men's club or specially authorized society, *as the case may be*].
2. The registered office of the society, the name and place of office of the society and the sending to the Registrar notice of any change thereof within fourteen days are provided for in rule [*state number*] of the rules of the society.
3. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, are provided for in rule [*state number*] of the rules of the society.
4. The mode of holding meetings and right of voting, and the manner of making, altering or rescinding rules, and the supplying every person on demand with a copy of the rules at a price not exceeding twenty-five pence are provided for in rule [*state number*] of the rules of the society.
5. The appointment and removal of a committee of management (by name of), of a treasurer, and other officers, and of trustees, and the sending to the Registrar notice of every appointment of a new trustee within fourteen days, are provided for in rule [*state number*] of the rules of the society.
6. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least are provided for in rule [*state number*] of the rules of the society.

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7. Annual returns in the prescribed form to the Registrar of the receipts, funds, effects and expenditure, and number of members of the society before the 1st day of June in every year are provided for in rule [state number] of the rules of the society.
8. The inspection of the books of the society by every person having an interest in the funds of the society (except as in the Act is mentioned) is provided for in rule [state number] of the rules of the society.
9. The manner in which disputes with a member, or any person claiming through a member or under the rules of the society shall be settled as provided for in rule [state number] of the rules of the society.
- ¹10. Provision is made for meeting all claims upon the society existing at the time of division before any such division takes place, in rule [state number] of the rules of the society.
- ²11. The keeping of separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate accounts of the expenses of management, and of all contributions on account thereof, are provided for in rule [state number] of the rules of the society.
12. The supplying gratuitously any member or person interested on demand with a copy of the last annual return or other authorized document is provided for in rule [state number] of the rules of the society.
13. Provision for the voluntary dissolution of the society by consent of not less five-sixths³ in value of the members, testified by their signatures to the instrument of dissolution, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for, is made in rule [state number] of the rules of the society.
14. The right of one-fifth of the total number of members to apply to the Registrar for an investigation of the affairs or the calling of a special meeting of the society, or for winding up the same, is provided for in rule [state number] of the rules of the society.

¹ If the society does not divide its funds, a line should be drawn through this statement.

² If the society is not a friendly society, a line should be drawn through this and the statements numbered 13 and 14 or if it be a specially authorized society through any statements which are not rendered applicable by the authority for registering the same.

³ If the society is not a friendly society "three-fourths of the members testified by their signatures to the instrument of dissolution."

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15. The keeping of a copy of the last annual balance sheet, with the auditors' report (if any) always hung up at the registered office, is provided for in rule [state number] of the rules of the society.

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⁴ The provisions of sections 86 to 95 (both inclusive) of the Friendly Societies Act are contained in rule [state number] of the rules of the society.

With this application are sent—

- (a) two printed [or written] copies of the rules of the society each marked A, and signed by each of the applicants; and
- (b) a list marked B of the names of the secretary and of every trustee or officer authorized to sue and be sued on behalf of the society.

(Signed)	1.....	Member.
	2.....	"
	3.....	"
	4.....	"
	5.....	"
	6.....	"
	7.....	"
	8.....	Secretary

Registered Office,

Dated this day of 20 .

NOTE.—If the society intends to avail itself of section 51 of the Act, as to the holding of land; section 54 as to discharge of mortgages by receipt endorsed; sections 58 and 59 as to loans to members; or section 60 as to security by officers; or to charge money for recording nominations, etc., under rule 9, rules for these purposes must be made and it should be stated in what rules this has been done.

FORM Aj. —*Application to Register a Juvenile Friendly Society.*

Rule 11(2)

Name of Society.

To the Registrar of Friendly Societies.

⁴ If the society is not one to which sections 86 to 95 apply, a line should be drawn through this statement.

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Application to register a society under the above name is made by the eight persons whose names are subscribed at the foot hereof.

1. The society is a juvenile friendly society, in connection with⁵ as stated in rule [state number], and is to consist wholly of persons above⁶ and under⁷ years of age, as stated in rule [state number] of the rules of the society.
2. The registered office of the society, the name and place of office of the society and the sending to the Registrar notice of any change thereof within fourteen days are provided for in rule [state number] of the rules of the society.
3. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, are provided for in rule [state number] of the rules of the society.
4. The mode of holding meetings and right of voting, and the manner of making, altering or rescinding rules and the supplying any person on demand with a copy of the rules at a price not exceeding twenty-five pence, are provided for in rule [state number] of the rules of the society.
5. The management of the society by the managers or teachers of the above-mentioned institution or school [or by a committee appointed wholly or partly by or by persons appointed wholly or partly by the⁸ above-named society, or by the committee or officers of the above-named society] is provided for in rule [state number] of the rules of the society.
6. The appointment and removal of trustees, of a treasurer, and other officers, and the sending to the Registrar notice of the appointment of a new trustee within fourteen days, are provided for in rule [state number] of the rules of the society.
7. The giving of security by the treasurer is provided for in rule [state number] of the rules of the society.

⁵ State some institution or school, or registered society, with which the society is intended to be connected.

⁶ i.e., not to be less than 3.

⁷ i.e., not more than 18.

⁸ Strike out so much of this statement as does not apply to the particular case.

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8. The investment of the funds⁹ in [the Savings Bank, or in Government securities], the keeping of the accounts, and the audit of the same once a year at least, are provided for in rule [*state number*] of the rules of the society.
9. Annual returns in the prescribed form to the Registrar of the receipts, funds, effects and expenditure, and number of members of the society, are provided for in rule [*state number*] of the rules of the society.
10. The inspection of the books of the society by every person having an interest in the funds of the society (except as in the Act is mentioned) is provided for in rule [*state number*] of the rules of the society.
11. The manner in which disputes with a member, or any person claiming through a member or under the rules of the society shall be settled, is provided for in rule [*state number*] of the rules of the society.
12. Whether or not parents and guardians of members shall be entitled to be present, and vote at meetings of the society, and to act as members on their behalf, is provided for in rule [*state number*] of the rules of the society.
13. The keeping of separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate accounts of the expenses of management, and of all contributions on account thereof are provided for in rule [*state number*] of the rules of the society.
14. The supplying gratuitously every member or person on demand with a copy of the last annual return or other authorized document is provided for in rule [*state number*] of the rules of the society.
15. Provision for the voluntary dissolution of the society by consent of not less than five-sixths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for is made in rule [*state number*] of the rules of the society.
16. The right of one-fifth of the total number of members, to apply to the Registrar for an investigation of the affairs of the society, or the calling of a special meeting, or for winding up the same, is provided for in rule [*state number*] of the rules of the society.

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⁹ Strike out any investment which is not intended.

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17. The keeping of a copy of the last annual balance-sheet, with the auditors report (if any) always hung up at the registered office, is provided for in rule [state number] of the rules of the society.

18. The acceptance of a member into a registered society, on his attaining the age of * years, is provided for in rule [state number] of the rules of the society.

¹¹19. The provisions of sections 86 to 95 of the Friendly Societies Act are contained in rule [state number] of the rules of the society.

With this application are sent—

- (a) two printed [or written] copies of the rules and each marked A, and signed by each of the applicants; and
- (b) a list marked B of the names of the secretary and of every trustee or officer authorized to sue and be sued on behalf of the society.

(Signed)	1.....	Member.
	2.....	"
	3.....	"
	4.....	"
	5.....	"
	6.....	"
	7.....	"
	8.....	Secretary

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Dated this day of 20 .

[If the society intends to avail itself of section 54 of the Friendly Societies Act as to discharge of mortgages by receipt endorsed; or to charge money for nominations, etc., under rule 9 of the Friendly Societies Rules, rules for those purposes must be made, and it should be stated in what rules this has

^{*} Insert any age between 16 and 18 (both included).

¹¹ If the society is not one to which sections 86 to 95 apply, a line should be drawn through this statement.

¹² Address to which registered copy of rules is to be returned.

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been done.]

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of Rules.**

Rule 4

Name of Society

Register No.

To the Registrar of Friendly Societies.

Application to register a partial amendment of the rules of the is made by the person whose name is subscribed at the foot hereof.

With this application are sent—

- (a) a printed [or written] copy of the registered rules, marked to show where the alterations occur, and what they are;
- (b) two printed [or written] copies of the amendment,* each marked O, and signed by the applicant and three members of the society; and
- (c) a statutory declaration in Form C of an officer of the society, that the amendment now submitted for registry has been duly made by the society, and that to the best of his knowledge and belief the same is not contrary to the provisions of the Friendly Societies Act in that behalf.

(Signed)

Secretary.

Registered Office,

Dated this day of 20 .

* This word includes a resolution rescinding a rule, and a new rule.

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FORM C.—*Declaration in support of an Amendment of Rules.*

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Rules 4 and 5

Name of Society

Register No.

I, _____ of, _____ an officer of the above-named society, do solemnly and sincerely declare that the amendment of the rules of the said society, a copy of which is hereto annexed, has been duly made by the society, and that to the best of my knowledge and belief the same is not contrary to the provisions of the Friendly Societies Act.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, a justice
of the peace at Gibraltar, this } Signature of declarant.
day of 20 .

Rule 5

Name of Society

Register No.

To the Registrar of Friendly Societies.

Application to register a complete amendment of the rules of the above-named society is made by the person whose name is subscribed at the foot hereof.

[Then follow paragraphs 1 to 16 (both inclusive) of Form A.]

With this application are sent—

- (a) a printed [or written] copy of the registered rules;
- (b) two printed [or written] copies of the new rules proposed by way of complete amendment, each marked P, and signed by the applicant and three members of the society; and
- (c) a statutory declaration in Form C of an officer of the society, that the amendment now submitted for registry has been duly made by the society, and that to the best of his knowledge and belief the same is not contrary to the provisions of the Friendly Societies Act in that behalf.

(Signed)

Secretary.

Registered Office,

Dated this day of 20 .

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FORM Dj.—Application to Register a Complete Amendment of *Rules of a Juvenile Friendly Society.*

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Rule 11(2)

Name of Society

To the Registrar of Friendly Societies.

Application to register a complete amendment of the rules of the is made by the person whose name is subscribed at the foot hereof.

[Then follow paragraphs 1 to 19 (both inclusive) of Form Aj.]

With this application are sent—

- (a) a printed [or written] copy of the registered rules;
- (b) two printed [or written] copies of the new rules proposed by way of complete amendment, each marked P, and signed by the applicant and three members of the society; and
- (c) a statutory declaration in Form C of an officer of the society that the amendment now submitted for registry has been duly made by the society and that to the best of his knowledge and belief the same is not contrary to the Friendly Societies Act in that behalf.

(Signed)

Secretary.

Registered Office,

Dated this day of 20 .

FORM E.—Request to cancel Registry.

Rule 6(1)

Name of Society

Register No.

To the Registrar of Friendly Societies.

1. The above-mentioned society desires that its registry under the Friendly Societies Act, may be cancelled on the following ground, viz. [state reason for desiring cancelling of registry, as for instance, that it is a branch of the which has been registered as a single society, or as the case may be] and at a general meeting^{*} duly held on the day of
20 : It was resolved as follows—

“That the trustees be authorized to request the Registrar to cancel the registry of this society”.

2. This request is made by the trustees accordingly.

3. It is desired that notice of such cancelling be published in the [naming some newspaper.]

4. The sum of , being the cost of publishing such notice in the said newspaper, and the further sum of for the cost of publishing the same in the Gazette are herewith transmitted.

(Signed)

Trustees.

Registered Office,

Dated this day of 20 .

* If not at a general meeting, state in what manner the request has been determined upon.

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FORM F.—*Notice before Cancelling or Suspension of Registry.*

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Rule 6(3)

Name of Society

Register No.

Notice is hereby given to the above-mentioned society, that it is the intention of the Registrar to proceed on the * day of

20 , to cancel [or to suspend for any term not exceeding three months] the registry of the society, unless cause be shown to the contrary in the meantime.

The ground of such proposed cancelling [or suspension] is that the acknowledgment of registry has been obtained by fraud [or issued in mistake or that the society exists for an illegal purpose, or has wilfully and after notice from me violated the provisions of the Friendly Societies Act, or has ceased to exist. *The facts should be briefly specified where practicable.*]

(Signed)

Registrar of Friendly Societies.

Dated this day of 20 .

* This will be not less than two months after the date of the notice.

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FORM G.—*Cancellation of Registry.*

Rule 6(3)

Name of Society

Register No.

The registry of the above-mentioned society is hereby cancelled at its request [*or as the case may be.*] *The Registrar may, if he thinks fit, add a statement as in Form F of the ground of the cancelling.*

(Signed)

Registrar of Friendly Societies.

Dated this day of 20 .

FORM H.—Suspension or Renewal of Suspension of Registry.

Rule 6(3)

Name of Society

Register No.

The registry of the above-named society is hereby [further^{*}] suspended for
[any term not exceeding three months] from this date on the ground that
[here state the ground of suspension as in Form F.]

(Signed)

Registrar of Friendly Societies.

Dated this day of 20 .

^{*} This word will be inserted only in case of renewal of suspension.

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Form I.—Advertisement of Cancellation or Suspension.

Rule 6(3)

Notice is hereby given that the Registrar of Friendly Societies has, pursuant to section 6 of the Friendly Societies Act, by writing under his hand, dated the day of 20 , cancelled [or suspended for (*state the term*)] the registry of the Society (Register No.).

[*Here state the ground for cancelling or suspension.*]

The society (subject to the right of appeal given by the said Act) ceases to enjoy [during such suspension] the privileges of a registered society, but without prejudice to any liability incurred by the society, which may be enforced against it as if such cancellation [or suspension] had not taken place.

(Signed)
Registrar of Friendly Societies.

Dated this day of 20 .

FORM J.—*Notice of Change of Registered Office of Society.*

Rule 7

Name of Society

Register No.

Notice is hereby given that the registered office of the above-mentioned society is removed from and is now situated at

Dated this _____ day of _____ 20 ____.

(Signed) } Trustees.
 } Secretary.

To the Registrar of Friendly Societies.

(Signed)

Registrar of Friendly Societies.

** This part to be detached by the Registrar when the notice is registered, and returned to the Society.*

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FORM K.—*Notice of Resolution appointing Trustees [or officers to sue and be sued] of society.*

Rule 8

Name of Society

Register No.

Registered Office.

At a meeting of the society , held the day of
20 .

It was resolved by a majority of the members present and entitled to vote –

That of
of
and of

(give full names, addresses and description) be a trustee (or trustees)[or officer or officers to sue and be sued] of the society.

[If it is not a first appointment, add in place of deceased, or resigned, or removed, as the case may be].

(Signed)

Trustee¹

Trustee.

Secretary.

²Received this day of 20
notice of the appointment of as trustees [or officers to sue
and be sued] of the Society, Register No.

[Seal of or signature of the Registrar.]

¹ The new trustees [or officers to sue and be sued] to sign here.

² This part to be detached by the Registrar when the notice is registered and returned to the society.

FRIENDLY SOCIETIES RULESSubsidiary
1889.01.18FORM L.—*Application for Direction to transfer Moneys.*
(To be accompanied by Form M.)

Rule 10(1)

Name of Society
Register No.

Application for a direction to transfer moneys is made by the four persons whose names are subscribed at the foot thereof, being the secretary and three members of the above-named society.

1. The society at a meeting held on the day of by a resolution of a majority of the members present, and entitled to vote thereat, appointed of [here name and describe all the trustees then appointed] to be trustees.

2. A copy of such resolution, duly signed, was sent to the Registrar.

3. On the day of the sum of was invested in the purchase of , in the names of the said trustees and the same is still standing in their names, as follows:- [state exactly in what names the moneys stand.]

4. The said is absent from Gibraltar, [or became bankrupt, on the day of , or filed a petition (or executed a deed) for liquidation of his affairs by assignment or arrangement or for composition with his creditors, on the day of or has become mentally disordered, or died on the day of , or had not been heard of for years, and it is not known whether he is living or dead].

[This clause will not be necessary where the application is in consequence of the mere removal of a trustee.]

5. On the day of the society by a resolution of the majority of the members present and entitled to vote at a meeting thereof, removed the said from his office of trustee, and appointed [give full name and description] in his place; and a copy of such resolution, duly signed, was sent to the Registrar.

6. Since such removal application has been made in writing to the said [removed trustee] to join in the transfer of the said moneys into the names of the said [here give the names of the other trustees, and of the new trustee appointed in the place of the one removed] as trustees for the said society, but he has refused to comply [or has not complied] with such application. [This paragraph may be omitted, or varied, as the facts require.]

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7. This application to the Registrar is made pursuant to section 45 of the Friendly Societies Act, that he may direct the said moneys to be transferred into the names of the said as trustees for the society by

(This blank should be filled by the names of the surviving or continuing trustees (if any), and if they be willing and able to make the transfer, but if there be no such trustee, or if any such trustee refuse or be unable to make the transfer, then by the words the Director of Postal Services, and a full statement of the facts and of the grounds of such refusal or inability should be made.)

(Signed)

Secretary.

Member.

Member.

Member.

Registered Office

Dated this day of 20 .

To the Registrar of Friendly Societies.

FRIENDLY SOCIETIES RULES

FORM M.—*Declaration verifying Statements in an Application for Direction to transfer Moneys.*

**Subsidiary
1889.01.18**

Rule 10(1)

Name of Society

Register No.

I , of , do solemnly and sincerely declare that I am the secretary of the above-mentioned society.

That and , whose names are subscribed at the foot of the application hereto annexed, are members of the said society.

That on the day of 20 , and therein mentioned, were appointed trustees of the said society.

That on the day of 20 , the sum of was invested in the purchase of in the names of the said trustees, and the declarant believes that it is still standing in their names, as follows (*state as in Form N*).

That the said is absent from Gibraltar [*or as the case may be*].

That on the day of 20 , the said was removed from his office of trustee, and was appointed in his place.

That since such removal, application has been made in writing to the said to join in the transfer of the said moneys into the names of the said as trustees for the said society, but he has refused to comply [*or has not complied*] with such application. [*This paragraph may be omitted or varied as the facts require*].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, a justice of the peace, at Gibraltar this of 20 } Signature of declarant

FORM N.—*Direction by the Registrar to transfer Moneys.*

Rule 10(4)

And that the said [REDACTED] is absent from Gibraltar [*or as the case may be*].

And that has been appointed trustee of the said society in place
of the said

(a)* I, as Registrar of Friendly Societies, hereby direct, pursuant to section 45 of the Friendly Societies Act, that the said sum of so standing in the books of the in the names of the said be transferred in the said books by the said into the names of the said or

(b) And that there is no surviving or continuing trustee of the said society *or* that the surviving and continuing trustees refuse or are unable to transfer the said stock in pursuance of my direction.

I, as Registrar of Friendly Societies, hereby direct, pursuant to section 45 of the Friendly Societies Act that the said sum of so standing in the books of the be transferred in the said books by the into the names of the said

(Signed)
Registrar of Friendly Societies.

Dated this _____ day of _____ 20____.

* The paragraph marked (a) or (b) will be used as the case requires.

Rule 12(1)

(To be signed in duplicate.)

Dispute between [] and [] an officer of] the Society

Register No.

The above-named parties, by consent, refer the dispute between them to the Registrar

The said states as follows—

1. That he is a member (or claims through a member, or under the rules) of the said society.
 2. That he claims to be entitled as follows (*give particulars of the claim*).
 3. That the claim is proposed to be supported by the evidence of the following witnesses, and by the production of the following books and documents (*give list*).

(Signed)

Claimant,

Address

The said _____ as an officer (*or* as trustees) of the said Society states
(or state) as follows:-

That he [or the society] disputes the claim of the said on the following grounds (*state grounds of dispute*).

4. That his case [*or* the case of the society] is proposed to be supported by the evidence of the following witnesses, and by the production of the following books and documents (*give list*).

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Registered office

Dated this day of 20

FORM P.—*Notice and Requisition.*

Rule 12(1)

Dispute between [] and [] an officer of] the Society.

Register No.

To

Take notice that I shall proceed by myself to hear and determine the matter in dispute, which has been referred to me pursuant to the Friendly Societies Act, on the

day of next at o'clock at

And that I shall require the attendance there of all parties concerned, and of the witnesses named, and the production of the books and documents specified in the statement made by you in the reference of the dispute.

(Signed)

Registrar of Friendly Societies.

Dated this day of 20 .

Rule 12(2)

Dispute between [] and [] an officer of [] the Society.

Register No.

To

Pursuant to section 64 of the Friendly Societies Act, you are required to attend at [] on the [] day next at [] o'clock, to give evidence relating to the matter in question, and to produce the following books and documents (*state them*).

(Signed)

Registrar of Friendly Societies.

Dated this [] day of [] 20 [].

N.B. —By proviso (b) to section 64 of the said Act it is enacted that “the Registrar may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question; and any person who refuses to attend, or to produce any documents, or to give evidence before the Registrar, is guilty of an offence against this Act.”

The penalty for such offence is not less than £1, nor more than £5, and a new offence is committed in every week during which the default continues.

FRIENDLY SOCIETIES RULES

FORM R. —*Determination and Order.*

Subsidiary
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Rule 12(3)

In the matter of a dispute between _____ and (_____ an officer of) the Society (Register No. _____) referred to me pursuant to the Friendly Societies Act,

I, _____, Registrar, order and determine as follows—

The said _____ (*or the trustees of the society*) shall, on or before the day of _____ next, pay to, _____ the sum of _____ [or the society (*or name of party*) shall on or before the day of _____, next, reinstate the said _____ as a member *or whatever the act may be that the Registrar thinks ought to be done by the party. Other provisions may here be added if necessary, and the payment of a sum of money by way of damages may be provided for as an alternative to the doing of any act*];

Or the society is not indebted to [*name of party, or as the case may require*].

The expenses hereof are ordered to be paid out of the funds of the society (*or as the case may be*).

Given under my hand this _____ day of

(Signed)

Registrar of Friendly Societies.

N.B.—Under section 64 of the Friendly Societies Act, application for the enforcement of this order may be made to the Supreme Court.

FORM S:—*Application under special Powers of Registrar.*

Rule 13(1)

(To be sent in duplicate accompanied by Form T.)

Name of Society

Register No.

Application made pursuant to section 72 of the Friendly Societies Act.

1. The above-mentioned society has members.
2. This application is signed by one-fifth of the members.
3. The application is that the Registrar may appoint inspectors pursuant to the said section.
4. The grounds of the application are as follows [*state the grounds fully*].
5. The applicants are prepared to support the application by the following evidence, for the purpose of showing that they have good reason for making the application, and are not actuated by malicious motives in doing so, viz., a statutory declaration hereto annexed by [*names*] three of the present applicants, and [*here state the nature of the evidence proposed to be given*].
6. The applicants are prepared, if required, to give security for costs to the extent of [*state amount*].

Address to which communications are to be sent

(Signed)

Members.

Dated this day of 20 .

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FORM T.—*Declaration in support of Application under special Powers of Registrar.*

Rule 13(1)

Name of Society

Register No.

We, three of the members of the above-named society, do solemnly and sincerely declare that the persons whose signatures are appended to the application, a copy of which is hereto annexed, are to the best of our knowledge and belief bona fide members of the society, and that we are not, nor to the best of our knowledge and belief is any person whose signature is appended to such application, actuated by malicious motives, and that to the best of our knowledge and belief there is good reason for making such application.

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, a } Signature of declarants.
justice of the peace at Gibraltar this }
day of

Rule 14(1)

Name of Society

Register No.

Pursuant to section 72 of the Friendly Societies Act, I hereby appoint [and] inspector [*or* inspectors] to examine into the affairs of the above-mentioned society and to report thereon.

One copy of the application for inspection is sent herewith for the guidance of the inspector [*or* inspectors].

He [*or* they] may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents and servants in relation to its business, and may administer such oath.

The inspection is to commence on the day of next at o'clock, and to be held at

(Signed)

Registrar of Friendly Societies.

Dated this day of 20 .

FORM V.—*Omitted.*FORM W.—*Omitted.*

FRIENDLY SOCIETIES RULES**Subsidiary
1889.01.18****FORM X. —Application for Approval of Change of Name and Registry of Special Resolutions.**

Rules 14(1)

(To be sent in duplicate accompanied by Form Y.)

Name already registered

Register No.

To the Registrar of Friendly Societies.

Application for approval of a change of name of the above-mentioned society, and for registry of a special resolution to that effect is made by the three persons whose names are subscribed at the foot hereof.

The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to vote at a general meeting of the society, of which notice was duly given, held on the

day of 20 , and confirmed by a majority of the members present and entitled to vote at a subsequent meeting, of which notice was duly given, held on the

day of 20 , pursuant to section 65 of the Friendly Societies Act.

[*The resolution to be copied at length.*]

Secretary	{	Chairman of the first general meeting..
	{	Chairman of the subsequent general meeting

Registered Office

Dated this day of 20 .

FRIENDLY SOCIETIES RULES

**FORM Y. –Declaration to accompany Application for
Registry of a ,Special Resolution.**

Rules 14 and 15(4)

Name of Society

Register No.

I, _____ of _____, an officer of the above-named society, do solemnly and sincerely declare that in making the special resolution, application for registry of which is appended to this declaration, the provisions of sections 65 to 67 (both inclusive) of the Friendly Societies Act in so far as they are applicable, have been duly complied with.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, a justice
of the peace, at Gibraltar, this day of
, 20 .



Signature of declarant.

NOTE.—In the case of an amalgamation with a society the declaration must be made by the secretary of the society.

**FORM Z. –Application for Registry of Special
Resolution for Amalgamation of Societies.**

Rules 14(2) and 15(4)

(To be sent in duplicate by each society, accompanied by Form Y.)

*Name of Society (A)

Register No.

Name of Society (B)

Register No.

(And so on if more than two.)

To the Registrar of Friendly Societies.

Application for registry of a special resolution for the amalgamation of the above-mentioned societies is made by the three persons whose names are subscribed at the foot hereof.

1. The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to vote at a general meeting of the (A) Society of which notice was duly given, held on the day of 20 , and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting, of which notice was duly given, held on the day of 20 , pursuant to section 65 of the Friendly Societies Act.

[*The resolution to be copied at length.*]

2.[†] The number of votes to which all the members of the (A) Society are entitled pursuant to section 71 of the said Act is ; the number of votes of the members who assented at the said meeting is ; and the written consents of members entitled to votes and of every person for the time being receiving or entitled to any relief, or other benefit from the funds of the society are appended hereto (except the consents of , whose claims have been duly

* As this application must be made by each society, the order in which the societies are named must be inverted or changed in each application.

[†] This will only be necessary when the society is a friendly society, and the consents or any of them have not been dispensed with by the Registrar.

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satisfied or have been provided for, *state in what manner such provision has been made).*

(Signed) { Chairman of the first general meeting.

{ Secretary of the first-named society.

{ Chairman of the subsequent general meeting.

Registered Office }
[of the A Society]

Dated this day of 20 .

FRIENDLY SOCIETIES RULES**Subsidiary
1889.01.18****FORM AA. —Application for Registry of a Special Resolution
for transfer of Engagements.**

Rules 14(3) and 15(4)

(To be sent in duplicate by each society, accompanied by Forms Y. and A. B.)

Name of society transferring its engagements

Register No.

Name of society undertaking to fulfil transferred engagements

Register No.

To the Registrar of Friendly Societies.

Application for registry of a special resolution for transfer of engagements of the first-named society is made by the* persons whose names are subscribed.

1. The following is a copy of a special resolution passed by the votes of the three-fourths of the members present and entitled to vote, at a general meeting of the first-named society, of which notice was duly given, held the day of 20 , and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting, of which notice was duly given, held on the day of 20 , pursuant to section 65 of the Friendly Societies Act.

[*The resolution to be copied at length.*]

[†]2. The number of votes to which all the members of the first-named society are entitled pursuant to section 71 of the said Act is ; the number of votes of the members who assented at the said meeting is ; and the written consents of members entitled to votes, and of every person for the time being receiving or entitled to any relief, or other benefit from the funds of the society, are appended hereto (except the consents of whose claims have been duly satisfied or have been provided for (*state in what manner such provisions has been made*).

* *The number will vary according to that of the society undertaking to fulfil transferred engagements.*

[†] *This will only be necessary when the society is a friendly society, and the consents or any of them have not been dispensed with by the Registrar.*

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3. The last-named society has (*state in what manner*) undertaken to fulfil the engagements of the first-named society, as testified by the signatures of the trustees and secretary of the said last-named society to this application, and by the declaration of the secretary of the same sent with this application.

(Signed)

Chairman of the first and subsequent general meetings.

Secretaries of the first and last-named societies.

Trustees of the last-named society.

Registered Office of transferring society

Dated this day of 20 .

FRIENDLY SOCIETIES RULES

FORM AB. —*Declaration by officer of society accepting
Transfer of Engagements.*

**Subsidiary
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Rules 14(3) and 15(4)

Name of society

Register No.

I, _____ of _____, an officer of the above-named society, do solemnly and sincerely declare that by a resolution of a meeting of the society held on the day of _____ at _____
[or as the case may be stating by what authority the transfer is accepted]
the society has undertaken to fulfil all the engagements of the
Society, Register No. _____

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, a justice of the peace at Gibraltar, this _____ day of _____, } Signature of declarant.
20

FORM AC. —*Instrument of Dissolution.*

Rules 16(1)

(To be signed in duplicate and accompanied by Form AD.)

Name of society

Register No

Instrument of dissolution of the made the day of
 20 , pursuant to section 68 of the Friendly Societies Act.

It is declared and agreed as follows—

1. This instrument is signed by [*in the case of a society not a friendly society*, three-fourths of the members; *but in the case of a friendly society*] five-sixths in value¹ of the members (including honorary members, if any) and by every person for the time being receiving or entitled to receive any relief, or other benefit from the funds of the society except whose claims have been duly satisfied or have been provided for.²
2. The liabilities and assets of the society are the following.³
3. The number of members is and, the nature of their interests in the Society respectively is as follows:-
4. The society has no creditors.⁴
5. The funds and property of the society shall be appropriated and divided in the following manner [*or in such manner as the Registrar may award*].
6. It is desired that this instrument be advertised in the [*state some newspapers in Gibraltar*] as well as in the Gazette, and the cost of such advertisements is herewith transmitted.

[Here insert any other provisions the society desires to make as to the dissolution].

¹ *The value of members is ascertained by giving one vote to any member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in all.*

² *State in what manner such provision has been made.*

³ *Here set them forth in detail and state whether any part of the funds is in the Saving Bank.*

⁴ *Or if there be any, state the amount due to them, and the provision to be made for its payment.*

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Signatures of members, Number of votes of each member.

Signatures of persons receiving or entitled to receive any relief, or other benefit from the funds of the society

Schedules.

List of members who have not signed the fore-going instrument—

Number of votes of each.

NOTE. —All signatures by mark only must be attested by a witness who does not sign as a member.

FRIENDLY SOCIETIES RULES

**FORM AD.—*Declaration to Accompany Instrument of
Dissolution of Society.***

Rule 16(1)

Name of society
Register No.

I, of , one of the trustees [or we,
and three members and , the secretary] of the above-named
society do solemnly and sincerely declare that in making the instrument of
dissolution [or the alteration of the instrument of dissolution] appended to
this declaration, the provisions of the Friendly Societies Act have been
complied with.

And I [or we] make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

FORM AE. —*Acknowledgment of Registry of Instrument
or Alteration of Instrument) of Dissolution.*

Rule 16(2)

Name of society

Register No.

The foregoing instrument of dissolution [or alteration of the instrument of dissolution] of the Society is registered under the Friendly Societies Act, this day of 20 .

(Signed)
Registrar of Friendly Societies.

FORM AF. —*Advertisement of Dissolution by Instrument.*

Rule 16(1)

Notice is hereby given that the Society, Register No. is dissolved by instrument, registered at this office, the day of , unless within three months from the date of the Gazette in which this advertisement appears proceedings be commenced by a member or other person interested in or having any claim on the funds of the society to set aside such dissolution, and the same is set aside accordingly.

(Signed)
Registrar of Friendly Societies.

Dated this day of 20 .

**FORM AG.—*Application to Registrar for Award of
Dissolution of Society.***

Rule 16(3)

Name of society

Register No.

Application for an award of dissolution of the above-mentioned society is made by the members whose names are subscribed at the foot hereof.

1. The society consists of members, one-fifth of the whole number of whom have signed this application.
2. The funds of the society are insufficient to meet the existing claims thereon [*or* the rates of contribution fixed in the rules of the society are insufficient to cover the benefit assured.]
3. The grounds upon which such insufficiency is alleged are as follows – [*state grounds*].
4. The Registrar is hereby requested to make or cause to be made, pursuant to section 72 of the Friendly Societies Act, an investigation into the affairs of the society, with a view to the dissolution thereof.
5. It is desired that notice of the award of dissolution be published in the [*naming some newspaper*] in Gibraltar.
6. The sum of , being the cost of publishing such notice in the said newspaper, and the further sum of for the cost of publishing the same in the Gazette are herewith transmitted.

Signatures of members*

Registered Office

Dated this day of 20 .

* Any signature by mark only must be attested by a witness who does not sign as a member.

FRIENDLY SOCIETIES RULESFORM AH.—*Notice of Investigation.***Subsidiary
1889.01.18**

Rule 16(3)

Name of society

Register No.

Notice is hereby given that the Registrar will proceed by himself [*or by (name of)* actuary, whom the Registrar hereby appoints for the purpose] to investigate the affairs of the above-mentioned society, in compliance with an application in that behalf made pursuant to section 72 of the Friendly Societies Act, on day of , 20 , (*two months at least after the date of the notice*), at o'clock at and he hereby directs that in the event of an award of dissolution being made, the date of the said investigation shall be the date at which all contributions and benefits shall cease.

(Signed)
Registrar of Friendly Societies.

(To be addressed to the Society at its Registered Office.)

FORM AI.—*Award of Dissolution of Society.*

Rule 16(3)

Name of society.

Register No.

Pursuant to section 73 of the Friendly Societies Act, I hereby award that the shall be dissolved and its affairs wound up as from the day of and I direct that the assets of the said society shall be divided and appropriated in the following manner:—

Dated this day of 20 .

(Signed)
Registrar of Friendly Societies.

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Rule 16(3)

FORM AJ. –Award for Distribution of Funds of Society.

Name of society

Register No

Pursuant to section 73 of the Friendly Societies Act, and to the instrument of dissolution of the said society, registered on the
day of 20 , I hereby award and direct that the assets of the society shall be divided and appropriated in the following manner:–

(Signed)
Registrar of Friendly Societies.

Dated this day of 20 .

FORM AK. –Advertisement of Dissolution of Society.

Notice is hereby given that on the day of the Registrar signed an award for the dissolution of the Society, Register No and that such society is thereby dissolved, unless within three months from the date of the Gazette in which this advertisement appears proceedings be commenced by a member or other person interested in, or having any claim on the funds of the society to set aside such dissolution, and the same be set aside accordingly.

(Signed)
Registrar of Friendly Societies.

Dated this day of 20 .

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FORM AL.—*Notice of proceeding to set aside Dissolution of Society.*

**Subsidiary
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Rule 17

Name of society

Register No.

To the Registrar of Friendly Societies.

Whereas on the day of the above-named society was dissolved [or purported to be dissolved] by the award of the Registrar [or an instrument of dissolution purporting to be duly registered].

I hereby give you notice that I intend, after not less than seven days from the date hereof, to take proceedings for setting aside such dissolution in the Court of First Instance*.

Dated this day of 20 .

(Signed)
(Address)

* *Court of first Instance Act repealed by the Administration of Justice Act 2004 (2004-11) s.3 as from 1.9.2004. All references to the Court of First Instance shall be read as if it were a reference to the Supreme Court (see Act 2004-11 s.7).*

Rule17

Name of society

Register No.

To the Registrar of Friendly Societies.

Whereas on the day of the above-named society was dissolved [or purported to be dissolved] by the award of the Registrar [or an instrument of dissolution purporting to be duly registered].

The above-named society hereby gives you notice that by an order of the Court of First Instance*, dated the day of , copy whereof is hereto annexed, the dissolution of the said society was set aside.

(Signed).

{ Trustees.
 Secretary.

Registered Office

Dated this day of 20 .

(This notice must be sent within seven days after the order to set aside dissolution is made. A copy of the order is to be annexed).

* *Court of first Instance Act repealed by the Administration of Justice Act 2004 (2004-11) s.3 as from 1.9.2004. All references to the Court of First Instance shall be read as if it were a reference to the Supreme Court (see Act 2004-11 s.7).*

**FORM AN.—Advertisement of Application for Dispensing with
Consents or Conditions for Amalgamation or Transfer
of Engagements.**

Rule 15(1)

Notice is hereby given that the Society, Register No.
whose registered office is at desires to amalgamate with [or transfer,
all its engagements to] the Society, Register No. . And
that on the day of the trustees [or committee of management] of the
first-named society intend to apply to the Registrar that the following
consents and conditions prescribed by the Friendly Societies Act, for an
amalgamation or transfer of engagements may be dispensed with, viz. [state
what consents and conditions].

(Signed) } Trustees [*or* Members of the Committee of
Management].

(To be published in the Gazette at least one calendar month before application).

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FORM AO.—*Application for Dispensing With Consents or Conditions for Amalgamation or Transfer of Engagements.*

Rule 15(2)

Name of society.

Register No.

Application is made by the trustees [or committee of management] of the above-named society for the purpose hereinafter mentioned.

1. The above-named society desires to amalgamate with [or transfer all its engagements to] the Society, Register No.
2. The trustees [or committee of management] of the first-named society hereby apply to the Registrar that the following consents and conditions prescribed by the Friendly Societies Act, for an amalgamation or transfer of engagements may be dispensed with, viz. [state what consents and conditions].
3. Notice of the intention to make the present application was advertised in the [*name newspaper*], on the day of , being one calendar month previous to the date of this application, and a copy of the Gazette in which such notice appears is sent herewith.

(Signed)

} Trustees [or members of the Committee of Management].