

# Industrial and Provident Societies (Amendment) Act 1913

[3&4 Geo.5 CH 31]

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## ARRANGEMENTS OF SECTIONS

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*Industrial and Provident Societies  
(Amendment) Act, 1913*

**CHAPTER 31.**

An Act to amend the Industrial and Provident Societies Act, 1893. [15th August 1913.]

BE it enacted by the King'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:

*Registration of society consisting of two or more other societies*

1. A society consisting solely of two or more registered societies may, notwithstanding anything contained in section five of the Industrial and Provident Societies Act, 1893 (in this Act referred to as the principal Act), be registered if the application to register the society is signed by two members of the committee and the secretary of each of the constituent societies, and is accompanied by two printed copies of the rules of each such society.

*Audit of accounts*

2. (1) Every registered society shall once in every year submit its accounts for audit to one or more of the public auditors appointed under the provisions of the principal Act.  
(2) An auditor shall not hold any other office in connexion with the society.

*Annual return.*

3. (1) For paragraph (c) of subsection (2) of section fourteen of the principal Act (which relates to the date to which annual returns are to be made up) the following paragraph shall be substituted:  
“(c) shall be made up from the date of its registration or last annual return to that of its last published balance sheet, unless the last mentioned date is more than four months before or more than one month after the thirty-first day of December, in which case it shall be made up to the said thirty-first day of December inclusive; and”

- (2) A registered society shall, together with the annual return, send to the Registrar a copy of the report of the auditors and a copy of each balance sheet made during the period included in the return.

*Triennial returns of shareholders*

4. A registered society shall, once at least in every three years, make out and send to the registrar together with the annual return for, the year, a special return signed by the auditor or auditors showing the holding of each person in the society (whether in shares or loans) at the date to which the said annual return is made out: Provided that, where such persons are in the list of members kept by the society distinguished by numbers, it shall be sufficient if they are distinguished in the special return by such numbers, and in that case it shall not be necessary to specify their names.

*Amendment of principal Act as to nominations*

5. (1) The principal Act shall as respects nominations made after the commencement of this Act have effect as if the following provisions were substituted for section twenty five of the principal Act:

“(1) A member of a registered society not being under the age of sixteen years may, by writing under his hand delivered at or sent to the registered office of the society during the lifetime of such member or made in any book kept thereat, nominate any person or persons to or among whom there shall be transferred at his decease such property in the society as may be his at the time of his decease (whether in shares, loans, or deposits, or otherwise), or so much thereof as is specified in such nomination, if the nomination does not comprise the whole. If on the death of the nominator the amount of his property in the society comprised in the nomination exceeds one hundred pounds the nomination shall be valid to the extent by the sum of one hundred pounds but not further or otherwise:

Provided that a person so nominated shall not be an officer or servant of the society unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator.

“(2) A nomination so made may be revoked or varied by subsequent nomination signed and delivered or sent or made as aforesaid or by any similar document in the nature of a revocation or variation under the hand of the nominator so delivered sent or made as aforesaid, but shall not be revocable or variable by the will of the nominator or by any codicil thereto.

- "(3) The society shall keep a book wherein the names of all persons so nominated and all revocations or variations (if any) of such nominations shall be recorded, and the property comprised in any such nomination to an amount not exceeding one hundred pounds shall be payable or transferable to the nominee although the rules of the society declare the shares not to be transferable.
- "(4) The marriage of a member of a society shall operate as a revocation of any nomination made by him before such marriage, provided that, in the event of an officer of a society having transferred any property of a member to a nominee, in ignorance of a marriage contracted subsequent to the date of the nomination, the receipt of the nominee shall be a valid discharge to the society, and the society shall be under no liability to any other any other person claiming such property."
- (2) The principal Act shall, as respects nominators dying after the commencement of this Act, have effect as if the following provisions were substituted for subsection (1) of section twenty-six of the principal Act :
- "(1) On receiving satisfactory proof of the death of a nominator, the committee of the society shall, subject to the limitation on amount hereinbefore provided, either transfer the property comprised in the nomination in manner directed by the nomination, or pay to every person entitled thereunder the full value of the property given to him, unless the shares comprised in the nomination, if transferred as directed by the nominator, would raise the share capital of any nominee to a sum exceeding two hundred pounds, in which case they shall pay him the value of such excess.
- (2) Where a nominee who is nominated under the provisions of this Act is under sixteen years of age, the society may pay the sum nominated to either parent, or to a guardian of the nominee, or to any other person of full age who will undertake to hold the same on trust for the nominee or to apply the same for his benefit and whom the society may think a fit and proper person for the purpose, and the receipt of such parent, guardian, or other person shall be a sufficient discharge to the society for all moneys so paid."

*Provisions as to death duties.*

6. The principal Act shall have effect with respect to the payment of duty on the death of members dying after the commencement of this Act as if the following provisions were substituted for section twenty-eight of the principal Act :

- "(1) If, the principal value of the estate, in respect of which estate duty is payable, of any deceased member of a registered society exceeds one hundred pounds, any property or money to be transferred or paid under section twenty-five, twenty-six, or twenty-seven of this Act without probate or administration shall be liable to estate duty as part of the amount on which that duty is charged; and the committee of the society, before making any such transfer or payment, may require a statutory declaration by the claimant or one of the claimants that such principal value, including the property or money in question, does not after deduction of debts and funeral expenses, exceed one hundred pounds.
- "(2) If the principal value of the property or money to be so transferred or paid exceeds eighty pounds the committee of the society shall, before making any transfer or payment to any person other than the legal personal representative of the deceased member, require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty, and a duly stamped receipt for the succession or legacy duty payable in respect of the property or money so transferred or paid, or a certificate that no estate, succession or legacy duty is payable thereon."

*Amendment of section 29 of the principal Act*

7. In section twenty-nine of the principal Act (which relates to the property of insane members) the words "not exceeding one hundred pounds" shall be repealed.

*Dissolution and transfer of engagements*

8. On dissolution or transfer of engagements, as provided for in sections fifty-eight and fifty-three of the principal Act, the society shall not be dissolved and registration of the society shall not be cancelled until a certificate signed by the liquidator or by the secretary or some other officer of the society approved by the Registrar has been lodged with the Registrar that all property vested in the society has been duly conveyed or transferred by the society to the persons entitled.

*Inspections and special meetings*

9. In subsection (4) of section fifty of the principal Act (which relates to the expenses of inspections and special meetings) after the word incidental" there shall be inserted the words "or preliminary".

*Offences by societies, &c*

10. The following provisions shall be substituted for section sixty-two of the principal Act:

“It shall be an offence under this Act if—

- (a) a registered society, or an officer or member thereof, or any other person, fails to give any notice, send any return or document, do or allow to be done anything which the society, officer, or member, or person is by this Act required to give, send, do, or allow to be done; or
- (b) a registered society, or an officer or member thereof, or any other person, 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 an officer or member thereof, or any other person, makes a return, or wilfully furnishes information in any respect false or insufficient, or
- (d) a registered society carries on the business of banking when it has any withdrawable share capital, or in carrying on such business does not make out and keep conspicuously hung up such statement as is herein-before required, or makes any payment of withdrawable capital contrary to the provisions of this Act.”.

*Recovery of Penalties*

11. The following subsections shall be added to the provisions contained in section sixty-nine of the Principal Act:

- “(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.
- “(4) Where proceedings are taken against a society 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, if that office is closed, by posting the copy on the outer door of that office.”.

*Short title, construction commencement and repeal*

12. (1) This Act, may be cited as the Industrial and Provident Societies (Amendment) Act, 1913 and the Industrial and Provident Societies Acts, 1893 to 1895, and this Act may be cited together as the Industrial and Provident Societies Acts, 1893 to 1913
- (2) This Act shall be construed as one with the Industrial and Provident Societies Act, 1893, and shall come into operation on the first day of January nineteen hundred and fourteen.
- (3) The principal Act is hereby repealed to the extent specified the third column of the Schedule to this Act.

**SCHEDULE**

**ENACTMENTS REPEALED**

Session and Chapter	Short Title	Extent of Repeal
<p><i>56 &amp; 57 vict</i> <i>c.89</i></p>	<p>The Industrial and Provident Societies Act, 1893</p>	<p>Subsection (1) of section thirteen.</p> <p>In section fourteen, paragraph (c) of subsection (2), and all the words from “and if by any persons” to the end of the section.</p> <p>Section twenty-five, except as respects nominations made before the commencement of this Act.</p> <p>Section twenty-six.</p> <p>Subsection (1) of section twenty-seven, from “subject” to the end of the subsection.</p> <p>Section twenty-eight.</p> <p>In section twenty-nine, the words “not exceeding one hundred pounds.”</p> <p>Section sixty-two.</p> <p>In section seventy-two the words “but the employment of such auditors shall not be compulsory.”</p>



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