



BELIZE

**FRIENDLY SOCIETIES ACT
CHAPTER 317**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 317

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CHAPTER 317

FRIENDLY SOCIETIES

Ch. 152.
R.L., 1958.
CAP. 249,
R.E. 1980-1990.

[19th September, 1879]

PART I

*Preliminary, Establishment, Powers,
Functions, etc., of Friendly Societies*

1.-(1) This Act may be cited as the Friendly Societies Act.

Short title and
interpretation.

(2) In this Act a “friendly society” includes every branch thereof.

2.-(1) It shall be lawful for any society already established to be enrolled under the provisions of this Act, or for any number of persons to establish a society under the provisions of this Act, hereinafter called a friendly society, for the purpose of raising by voluntary subscriptions of the members thereof, with or without the aid of donations, a fund for any of the following objects,

Establishment of
the Society.

- (a) insuring a sum of money to be paid on the death of a member to his widow, children or executors, administrators, nominee or assigns, or for defraying the expenses of his burial or his wife’s burial, child or kindred subject as hereinafter enacted;
- (b) the relief, maintenance or endowment of members, their wives, children or kindred, in infirmity, old age, sickness, widowhood or any other natural state of which the probability may be calculated by way of average; or

- (c) for any other purpose which shall be certified to be legal by the Attorney General, as a purpose to which the powers and facilities of this Act ought to be extended.

(2) No friendly society may assure the payment to, or on the death of, any member, or on any contingency, or for any of the purposes for which the payment of sums may be assured under this Act, of any sum exceeding one thousand dollars, or any annuity exceeding five hundred dollars *per annum*, or any sum in sickness exceeding twenty dollars per week.

Death payment with certificate.

3.—(1) The trustees or other officers of a friendly society shall not pay any sum of money which has been insured and become payable on the death of any member, or his wife or child, unless the party applying for it produces and delivers to such trustees or officer a certificate of that death issued under the Registration of Births and Deaths Act, Cap.157, unless from the nature of the circumstances, it is impossible to procure such certificate.

(2) Subsection (1) of this section, shall not apply to deaths at sea, or to a death by any accident where the body cannot be found, or to any death certified by a coroner to be the subject of a pending inquest or inquiry.

Power to make rules, etc.

4.—(1) Persons intending to establish or enrol a friendly society under this Act may,

- (a) make or adopt rules for the government and guidance of it;
- (b) make such provisions in the rules as they think fit for annulling, altering or amending the rules;
- (c) impose reasonable fines and forfeitures on any member offending against the rules; and
- (d) form a general committee or board of management, and delegate to it all or any of the powers given by this Act, to be executed with respect to the management of the friendly society or the making, amendment, annulment or alteration of the rules thereof.

- (2) There shall be set forth in such rules,
- (a) the name and designation of the friendly society, and the place where the business thereof is carried on;
 - (b) the objects and intentions for which it is founded;
 - (c) the purposes to which the funds thereof are applicable;
 - (d) the conditions under which any member or party claiming under or by a member may become entitled to any benefit assured thereby;
 - (e) the manner of making, annulling or altering rules, of appointing trustees, a treasurer and an officer who shall keep the books and accounts and prepare the returns required by this Act, a general board or committee of management, and the duties and powers of each;
 - (f) the mode in which the funds shall be invested; and
 - (g) the manner in which disputes between the society and any member thereof; or persons claiming on account of or through any member, shall be settled.

5. The rules of a friendly society shall provide that all moneys received or paid on account of each fund or benefit, assured to the members thereof, their wives, children or kindred, for which a separate title of contributions payable have been adopted, shall be entered in a separate account distinct from any other benefit or fund.

Accounts.

6. A friendly society shall be deemed not to be legally established or be entitled to any of the provisions of this Act unless the rules and every amendment of the rules or tables made from time to time thereof have been duly confirmed as hereinafter provided.

Confirmation of rules.

7.-(1) Two copies of all rules and tables adopted by a friendly society together with the name and address of every trustee, signed by three members, and

Approval by Registrar General.

countersigned by the secretary, clerk or other officer, shall be submitted to the Registrar General for his approval forthwith after they are adopted.

(2) The Registrar General may request the opinion of the Attorney General thereon and if they are found by him to be framed in conformity with the law and with each other, and to be reasonable and proper, the Registrar General may confirm them.

(3) If the Registrar General confirms the rules, one copy signed by him in confirmation shall be returned to the friendly society, and the other copy, also signed by him, shall be deposited in the office of the Registrar General without fee.

(4) All rules, alterations or amendments when confirmed shall be binding on the members, and all persons claiming by, or under them, and shall be received as evidence in all courts of law,

Provided that,

- (a) before the Registrar General confirms the rules of a friendly society, assuring to any member any annuity, the contributions in respect of such annuity shall be certified on oath to the Registrar General by the treasurer of the friendly society;
- (b) nothing contained in this Act shall in any way be deemed or construed to impose any liability on the Government of Belize.

Fees on confirmation.

8.—(1) On every confirmation of rules, a fee of twenty-five dollars shall be paid to the Attorney General (if such rules are referred to him as before provided), and a fee of twelve dollars on every confirmation of rules of any branch of such society, and a fee of six dollars on every confirmation of any amendments, or alterations of the rules of any such society, and a fee of ten dollars to the Registrar General for any certificate of such confirmation.

(2) The fees paid under this section shall be paid into the Consolidated Revenue Fund.

9. The rules of a friendly society shall provide that,

Compulsory rules.

- (a) its funds, until invested as hereinafter provided, shall only be authorised to be paid away at the usual meetings of the committees of such society by orders, signed by at least three of the trustees, and countersigned by the secretary or steward; and
- (b) the treasurer shall give security in the form in the First Schedule, with one or more bondsmen, in such sum as the friendly society may determine, and it shall be lawful to sue upon such bond in the names of the trustees for the time being.

10.–(1) The trustees for the time being of a friendly society shall (and they are hereby required from time to time by and with the consent of such society to) lay out and invest such part of moneys as shall be collected, given or paid to and for the purpose of such society, and may not be wanted for the immediate use thereof, or to meet its usual accruing liabilities, in the names of the trustees, in and upon,

Investments.

- (a) any loans raised or guaranteed by the authority of the National Assembly;
- (b) on mortgage of freehold or leasehold property, such leasehold being for a term of years absolute, of which not less than five are unexpired;
- (c) in the purchase of any freehold or leasehold property in Belize, such leasehold property having at least twenty years to run; or
- (d) on loan to any member on the security of any policy of insurance effected on his own life,

Provided that the amount of such loan shall not exceed the actual estimated value of the policy at the time such loan is made.

(2) The trustees may from time to time, with the like consent, alter or transfer such securities and funds, and make sales thereof, and all dividends, interest and proceeds, which shall from time to time arise from the moneys so invested, shall be brought to account by trustees, and shall be applied to and for the use of the friendly society according to the rules.

(3) The trustees may, with the consent of the friendly society, purchase, hire or lease any room or premises for the purpose of holding there its meetings and for the transaction of business, and hold the same in trust for the friendly society, and sell, exchange, let and demise the same in whole or in part.

PART II

Duties of Trustees, Officers, Settlement of Dispute etc., of Friendly Societies

11.—(1) Within thirty days after the confirmation of the rules of a friendly society, a statement of the names of the trustees signed by at least two trustees and the secretary or clerk duly verified by the solemn declaration of such secretary or clerk, shall be registered in the Registrar General's office.

(2) When any change is made in the trustees of a friendly society by the death, resignation, removal or inability to act of any trustee, and the appointment of any new trustee, the names of such new trustee shall be registered in the Registrar General's office, in the manner specified in subsection (1) of this section.

(3) After registration all hereditaments, moneys, goods, chattels and effects and all titles, securities for money or other obligatory instruments,

Registration of trustees and officers.

and evidence or monuments, and all rights or claims, belonging to a friendly society shall be vested in the trustees for the use and benefit of the friendly society, its members, their executors and administrators.

(4) After the death or removal of any trustee, the said hereditaments, moneys, goods and other property whatever shall vest in the succeeding trustees for the same estate and interest as the former trustee had, and subject to the same trusts without any assignment or conveyance and also shall, for the purposes of all civil and criminal proceedings concerning the friendly society, be deemed to be the property of the trustees of the friendly society for the time being in his or their proper names without further description.

(5) Such trustees shall bring or defend, or cause to be brought or defended any civil or criminal proceedings in any court concerning the property, right or claims of the friendly society.

(6) The trustees may in all cases concerning the property, right or claims of the friendly society, sue or be sued, plead and be impleaded, in any court of law in their proper names as trustees without other description.

(7) No suit, action or prosecution shall be discontinued or abate by the death of or removal from office of a trustee, but it shall and may be proceeded in by the remaining or succeeding trustees in the proper name of the person commencing it, and such remaining or succeeding trustees shall pay or receive the like costs as if the action or suit had been commenced in his or their names for the benefit of or to be reimbursed from the funds of the friendly society.

(8) A certified copy of the statement registered under subsection (1) of this section, shall be evidence in any proceedings until the contrary is shown, that the persons named therein as trustees are such trustees for all the purposes of this Act,

Provided that every treasurer, trustee or other officer shall only be personally responsible and liable for all moneys actually received by him on account of or for the use of the friendly society.

Duties of trustees.

12.—(1) The trustees of a friendly society shall audit the accounts as often as the rules require, and every officer in whose charge the accounts are kept shall once in every year prepare, or cause to be prepared, a general statement of the funds and effects during the preceding twelve months, in the form in the Second Schedule, as accurately as possible.

(2) Each officer shall transmit such statement to the Registrar General before 1st March in each year, and such statement shall be attested by the auditors, and countersigned by such officer.

(3) Every member shall be entitled to inspect such statement without fee, at all reasonable times.

(4) Any officer who fails to transmit such statement as is required by subsection (2) of this section, on or before 1st March in any year commits an offence and is liable on summary conviction to a fine of twenty-five dollars for every day after 1st March during which he fails to transmit such statement.

(5) Every officer transmitting any fraudulent or wilfully false statement commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars.

(6) A copy of all such annual returns shall in every year be laid before the National Assembly.

Settlement of disputes.

13.—(1) If any dispute arises between the members or persons claiming under or on account of any member of a friendly society, and the trustees, treasurer or other officer or committee thereof, it shall be settled in such manner as the rules direct and the decision so made shall be binding and conclusive.

(2) If the dispute is of such a nature that for the settlement of it recourse would lie to the equitable jurisdiction of the Supreme Court, it may be referred instead, at the option of either party, to the magistrate of the district in which the friendly society holds its meetings, and the magistrate shall proceed *ex parte*, if notice in writing to the other of the parties is left at his usual place of residence or abode ten days previously and he fails to appear.

(3) The magistrate is authorised to require of all parties, who are or may have been members, trustees or officers, to produce before him all books or other documents relating to the concerns of the friendly society, and thereupon if such magistrate so thinks fit, he may determine such dispute, and displace any such trustee or officer, or make such order he thinks fit and such order shall be binding and conclusive.

14.—(1) The rules of a friendly society shall provide that disputes which may arise between any member and the trustees, committee or officers, shall be settled by arbitration.

Arbitration rules.

(2) The number of arbitrators and mode of selection shall be stated in the rules.

(3) If an arbitrator neglects or refuses to act, the members at a general meeting or general committee thereof shall forthwith elect and appoint some other person to be an arbitrator in his place.

(4) The rules shall direct how the arbitrators shall determine such disputes, and the award made by them shall be final and binding on all parties without appeal to any court of law.

(5) If either party refuses or neglects to comply with the decision of the arbitrators, the magistrate nearest to the place within which the friendly society is established, upon good and sufficient proof being adduced before him of such award having been made, and of the refusal of the party to comply therewith, upon complaint made by or on behalf of the party aggrieved, may summon the party against whom such complaint is made, to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon proof upon oath of the service of such summons, may make such order thereupon as may to him seem just.

(6) If the sum of money awarded, together with the costs of and attending such order are not duly paid, such order shall be enforced in the same manner as any conviction in a court of summary jurisdiction.

(7) If there are not at the time of enforcing the order any moneys, goods or chattels of the friendly society whereby any money directed to be paid

with costs, can be satisfied, the order may be enforced by seizure and sale of the moneys, goods and chattels of the party or of the officer of the friendly society who so neglects or refuses,

Provided that whatever sum is paid by any such officer, or levied on his property or goods, in pursuance of the award of arbitrators, or orders of any magistrate, shall be repaid with all damages accruing to him by and out of the moneys belonging to the friendly society or out of the first moneys which are thereafter received by the friendly society.

15. If the rules of any friendly society,

- (a) do not provide for settlement of matters by arbitration;
- (b) if they so provide, but no arbitrator has been appointed or no award has been made within forty days after a complaint has been made to the officers of such society; or
- (c) if the rules have directed that any dispute between the members and trustees, or other officer on the committee of management, shall be settled by legal proceedings,

all such matters and disputes shall be referred to and decided by the magistrate mentioned in section 14 of this Act.

16. Where any member has been expelled from a friendly society, and the award of the arbitrators or the order of the magistrate directs that he shall be reinstated, the arbitrator may award or the magistrate may order, in default of reinstatement, for an appropriate sum of money to be paid to such member by the trustees, which sum of money, if not paid, shall be recoverable in the same way as any money awarded by the arbitrators is recoverable under this Act.

17. Where the order of a magistrate is for the payment of money, the order may be enforced in the same manner as a judgment of the magistrate's court is enforced, but where the order of a magistrate is for the doing of some act, not being for the payment of money, the magistrate in his

Directives of court in the absence of rules.

Procedure for expulsion of a member.

Enforcing orders of court.

order may direct the party to do such act, and in default of his doing it he shall pay a sum of money, and if he refuses or neglects to do the act, the money may then be recovered in the same manner as a judgment for debt or damages in magistrate's court, and it shall not be lawful to remove the same by *certiorari* or other writ or process into the Supreme Court.

PART III

Miscellaneous

18.—(1) If any officer, member or other persons being or representing himself to be a member of a friendly society or the nominee, executor, administrator or assignee of any member, or any other person whatever shall in or by any false representation, obtain possession of any moneys, securities, books, papers or other effects of the friendly society, or having them in his possession, shall withhold or misapply them, a magistrate may, upon the complaint of any trustee, secretary or clerk, hear and determine the matter of such complaint in a summary way.

Obtaining money fraudulently.

(2) Upon due proof of such fraud, the magistrate may convict the said party, and award double the amount of the money so obtained or withheld to be paid to the treasurer to be applied by him to the purposes of the friendly society and order the said securities, books, papers or other effects to be delivered to the friendly society together with such costs as shall be awarded by the court, and any such order shall and may be enforced in the like manner as any fine or penalty awarded against any defendant,

Provided that nothing herein contained shall prevent the friendly society from proceeding by information or complaint if a previous conviction for the same offence has been obtained under this Act.

19.—(1) Every person who,

Accountability for moneys received.

(a) has or receives any moneys, effects or funds, of or belonging to a friendly society; or

- (b) has been or is entrusted with the management, disposal or custody thereof, or of any securities, books, papers or property relating to the same,

his executors, administrators and assigns shall, upon demand made or notice in writing given or left at the last or usual place of residence of such persons, in pursuance of any order of not less than two trustees or three members of the committee or board of management, give in his account at the usual meeting of the friendly society or to such trustees, committee or board of management, to be examined and allowed or disallowed.

(2) Every such person shall on demand or notice, pay over all moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers and property in his custody, and assign and transfer or deliver all such securities and effects, books, papers and property to the treasurer or trustees or to such other person as such trustees, committee or board of management shall appoint.

(3) If he neglects or refuses to deliver such account, or to pay over such money or to assign, transfer or deliver such securities and effects, books, papers and property in manner aforesaid, a magistrate may, upon the complaint of any trustee or other officer of the friendly society, hear and determine the complaint and make such order as seems just.

Production and inspection of books.

20. In any proceedings before him, a magistrate may inspect and require the production before him of all books, or other documents relating to the matter in dispute.

Legibility of infants.

21. An infant may become a member of a friendly society and is empowered to execute all instruments and to give all necessary acquaintances,

Provided that he shall not be competent during his infancy to hold any office as director, trustee, treasurer or manager in the friendly society.

Dissolution of a society.

22.—(1) Subject to subsection (5) of this section, the members of a friendly society may not, by any rules, resolution or order, dissolve or determine such society so long as any of the intents and purposes declared by its rules remain to be carried into effect, unless there has been obtained the votes

so to do of five-sixths in value of the current members to be ascertained in manner hereinafter mentioned, and the consent in writing of all persons receiving or entitled to receive relief, either on account of sickness, age or infirmity, and for the purpose of ascertaining the votes of such five-sixths in value, every member shall be entitled to one vote, and an additional vote for every five years that he may have been a member.

(2) No member shall have more than five votes, and in all cases of dissolution, the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the proposed plan of dissolution, prior to such consent being given.

(3) A friendly society may not by any rule direct the division or distribution of stock or funds, to or amongst the members other than for carrying into effect the general intents and purposes declared by the original rules, and all rules for the dissolution or termination thereof, without such consent as mentioned in subsection (1) of this section, or for the distribution or division of the stock or funds, contrary to the rules, shall be void and of no effect.

(4) In the event of such division or misappropriation of the funds without such consent, any trustee or other officer or person aiding or abetting therein commits an offence and is liable to the penalties provided in cases of fraud by section 18 of this Act.

(5) Subsection (1) of this section, shall not apply where any two or more societies become united or incorporated in one society upon such terms as shall be approved by the majority of the trustees and board of management of both societies.

23.—(1) The Minister may, if satisfied that the establishment or enrolment of a friendly society has been obtained by fraud or mistake, or that it exists for an illegal purpose or has wilfully and after notice from the Attorney General violated any of the provisions of, or any of the rules made under, this Act or has ceased to exist, cancel its establishment or enrolment.

Powers of the
Minister.

(2) The Minister in any case in which he might cancel the establishment or enrolment of a friendly society may suspend such establishment or

enrolment for up to three months and may renew the suspension for a like period.

(3) Unless the Registrar General has given to a friendly society not less than two months previous notice in writing specifying briefly the grounds of any proposed cancellation or suspension, its rights shall not be cancelled except at its request or suspended.

(4) Where the establishment or enrolment of a friendly society has been cancelled or suspended, notice of such cancellation or suspension shall be advertised in the *Gazette* and in a newspaper circulating in Belize.

(5) Where the establishment or enrolment of a friendly society has been suspended or cancelled, it shall during or from the time of the suspension or cancellation cease to enjoy the privileges of a friendly society established or enrolled under this Act but without prejudice to any liability actually incurred and any such liability may be enforced as if the suspension or cancellation had not taken place.

Rules, etc., as evidence.

24. All rules, alterations of rules, transcript or copy of, or extract from, all rules and alterations of rules and all awards, writings and documents relating to a friendly society directed by any law to be certified or approved shall, in the absence of any evidence to the contrary, be received in all courts and elsewhere without proof of the signature thereto.

Lien on assets of officer dying, etc.

25.—(1) If any person appointed to any office in a friendly society and being entrusted with the keeping of accounts or having in his possession by virtue of his office any moneys, effects, deeds or securities belonging or relating to the society,

- (a) dies;
- (b) becomes insolvent;
- (c) is adjudged bankrupt;
- (d) has any execution, attachment or other process issued against his land, goods, chattels or effects; or

- (e) makes any assignment, disposition or other conveyance for the benefit of his creditors,

his executors, administrators, or assigns or other person having legal right or the Marshal, Public Trustee, or other officer executing such process shall within forty days after a written demand has been made by the trustees or by three or more of the management committee, deliver and pay over all moneys and other things belonging to the friendly society to such person as the trustees or committee appoints.

(2) The person appointed under subsection (1) of this section, shall pay out of the estate, assets or effects of such officer all sums of money remaining due which such officer has received by virtue of his said office or employment before any other of his debts are paid or satisfied, or before the other money directed to be levied by such process as aforesaid is paid over to the party issuing such process, and all such assets, lands, goods, chattels, property, estates and effects shall be bound to the payment and discharge thereof accordingly.

26. If the rules of any benevolent and charitable institutions, societies and associations formed by voluntary subscriptions and benefactions, for the purpose of relieving the physical wants and necessities of persons in distressed circumstances, and all alterations and amendments thereof are registered under this Act, the provisions contained in this Act, so far as they relate to the giving of security by any treasurer, other officer or person, and to the vesting of the effects in the trustees for the time being and to their suing or being sued, and as to the liability of the treasurer, or trustee, or other officer, and to the protecting, securing or recovering the funds vested or being in such treasurer or trustee, and for enforcing the rendering of accounts by him or them, shall be extended to all and every such institution, society or association, which have and enjoy and is entitled to the benefit of this Act with respect to the several matters as mentioned in this section, as fully and effectually as any friendly society registered or enrolled under this Act can or may have or enjoy the same.

Act binds voluntary benevolent societies.

FIRST SCHEDULE

FRIENDLY SOCIETIES ACT

Security Bond

[Section 9(b)]

WE, A.B., of _____ treasurer (or steward, etc.) of the friendly society, established at _____ in Belize and C.D., of _____ and _____ E.F., of _____ as sureties on behalf of the said A.B., are jointly and severally bound to G.H., of _____ and I.K., of _____, the trustees of the friendly society in the sum of _____, to be paid to the said G.H. and I.K., as such trustees, or their successors, trustees for the time being, or their attorney, for which payment to be well and truly made, we jointly and severally bind ourselves, and each of us binds himself, our and each of our heirs, executors and administrators firmly by these presents, sealed with our seals, dated the _____ day of _____, 20 _____.

WHEREAS the above bounden A.B., hath been duly appointed treasurer (or steward) of the above _____ friendly society and he, together with the above bounden C.D. and E.F. as his sureties, have entered in the above written bond subject to the condition hereinafter contained.

NOW, THEREFORE, the condition of the above written bond is such that if the said A.B. shall and do justly and faithfully execute his office of treasurer (or steward, etc.) of the friendly society, and shall and do render a just and true account of all moneys received by him, and shall pay over all the moneys remaining in his hands and assign or transfer or deliver all securities and effects, books, papers and property of or belonging to the friendly society in his hands or custody to such person or persons as the friendly society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of treasurer (or steward, etc.) to the friendly society, according to the rules thereof, then the above written bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

SECOND SCHEDULE

FRIENDLY SOCIETIES ACT
Return of Annual Report Audited
Account
[Section 12 (1)]

RETURN of
friendly society, established at
for the year ending
, 20 .

Date of balancing books in each year.

Members:

- Number admitted since last balance.
- Number died since last balance.
- Number withdrawn or expelled.
- Number of members at this date, including honorary members.

Sickness:

Number of members sick in the year.

Income:

- Donations and honorary subscriptions.
- Entrance money.
- Contributions for sickness and death.
- Contributions for endowments, widow and orphans' fund. Interest received.

Total income.

Total capital.

(Here state where the same is placed.)

Expenditure:

- Sick pay or allowances.
- Death of members.

Death of wives.
Endowments.
Extra expenditure.
Total expenditure.

Observations:

DATED the day of , 20 .
(To be signed by two trustees, and secretary, treasurer or other officer.)