

**Register No. 1704 Dublin**

ACKNOWLEDGEMENT OF REGISTRY OF SOCIETY

**CUMANN ARACHAIS FEAR NA BUAN OGLAIGH**

IS REGISTERED AS A FRIENDLY SOCIETY UNDER THE  
FRIENDLY SOCIETIES ACT, 1896, THIS 5<sup>TH</sup> DAY OF MARCH, 1965.



**KEVIN MANGAN**

Registrar of Friendly Societies in Eire

**RULES OF CUMANN ARACHAIS FEAR**

**NA BUAN OGLAIGH**

(made pursuant to the provisions of the Friendly Societies Act  
1896 , as amended)

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Appendix 1   Sections of Friendly Societies

Act, 18

**RECORD OF AMENDMENTS**

<u>No.</u>	<u>Rule (S)</u>	<u>DATE OF EFFECT</u>	<u>REMARKS</u>
1	47	10.6.66	AGM from Mar to Apr.
2	14 ,15,18	01.1.68	Increase in Rates : £7.80 Sub , £500 benefit.
3	33	26.7.88	Payment of Assistant Secretary.
4	19	13.12.68	Benefit payable in first year of membership.
5	14, 15, 18	01.1.72	Increase in rates : £20.80 sub, £1000 benefit.
6	7, 12, 14, 15, 16, 18 20, 25, 26, 29, 31, 39A, 40, 41, 42.	09.5.74	Meetings , Asst. Sec, Checking of A/Cs, Custody of deeds, Auditors, etc. £7.80 sub.
7	17, 18, 21	09.5.74	Refunds to beneficiary Wife to £200.Committee To 14.
8	17A, 18A,	07.10.75	5% Bonus, 18 (b) discretionary. Wife up to £250.

9	9, 14, 15, 16, 18, 18a	18.6.76	NFA ,£7.80 sub deleted.
10	18, 18A, 18B,	23.9.76	Wife to £300. Discretionary £1000, £10 and £20.

### **RECORD OF AMENDMENTS (CONTD)**

<u>No.</u>	<u>Rule (S)</u>	<u>DATE OF EFFECT</u>	<u>REMARKS</u>
11	10, 13, 14 15, 26.	5.12.77	Free membership for first part year. Payments prior to Committee meetings.
12	3, 18, 17A	2.10.78	Child over 10, funeral expenses determined by Committee, 1% bonus.
13	18A	27/4/79	Discretionary to £2,750.
14	20A, 21 62 to 74	31.5.79	Int on benefit, Committee to 24, Retention Wife Membership.
15	14, 15, 18A, 9  7, 11, 63 64, 65, 66 67, 68, 69, 70, 71, 72, 73, 74.	3.6.80	Annual Subscription, Reserve First Line,  Spouse, Spouse - member Spouse - membership
16	62C (4)	20.10.80	Entitlement to Benefit.
17	5	19.5.81	Heading 2 marginal notes.
18	34	13.12.83	Number of trustees.

19	71A	02.2.87	Spouse Bonus.
20	17A, 71A	03.2.87	Increase in bonus 1% to 3%
21	66 (B)	03.2.87	Limiting of free membership.

**RECORD OF AMENDMENTS (CONTD)**

<u>No.</u>	<u>Rule (S)</u>	<u>DATE OF EFFECT</u>	<u>REMARKS</u>
22	9	03.2.87	Extension of membership to members of 2 <sup>nd</sup> line Reserve on full time service
	14	03.2.87	Rate due, date and method of payment.
	15	03.2.87	Installments – method of payment of.
	62	03.2.87	Retention of membership conditions for.
	68	03.2.87	Rate due date and method of payment –spouse members.
	69	03.2.87	Installments –method of payment - spouse members
23	17A	01.1.90	Increase of bonus from 3% to 5%
	71A	01.1.90	Increase of bonus from 3% to 5%
	63	01.1.90	Retention of Spouse membership.
	Prelim and Definition	19.10.89	Change of definition of child.
24	10(3)	01.1.91	Revision of procedures for admission of members

25	17A, 71A	01.1.91	Introduction of Terminal bonus.
26	34	24.4.92	Trustees to be serving members of PDF.
	35	24.4.92	Trustees to be serving members of PDF

**RECORD OF AMENDMENTS (CONTD)**

<u>No.</u>	<u>Rule (S)</u>	<u>DATE OF EFFECT</u>	<u>REMARKS</u>
27.	7.d	21.1.94	Objects of society.
	75 to 79	21.1.94	Distress Fund.
28.	18.a and 72	01.01.95	Statuary amount From £1,000 To £3,500.
	17A and 71A	01.01.95	Bonus to be determined after 5 year valuation.
29.	7	04.03.98	objects of society
	19.d		Deleted – Death on Active Service
	21.a.		Election of Committee.
	50.		Notification of meetings from 7 to 14 days notice.
	63		Member NOT allowed to be a spouse member.
30	63b	30.09.99	Spouse of Deceased member allowed to

retain spouse  
Membership.

66	30.09.99	Retained Spouse not eligible for years free membership.
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**RECORD OF AMENDMENTS (CONTD)**

<u>No.</u>	<u>Rule (S)</u>	<u>DATE OF EFFECT</u>	<u>REMARKS</u>
30.	63b	30.09.99	Spouse of Deceased member Allowed to retain Spouse membership.
66		30.09.99	Retained Spouse not eligible for years free membership.
31	20A	24.06.04	Interest
	21	24.06.04	Barrack/Post representatives
	33A	24.06.04	Admin Manager.
	18	24.06.04	Change to Euro Values
	39	24.06.04	Change to Euro Values
	72	24.06.04	Change to Euro Values
	77	24.6.04	Change to

**PRELIMINARY AND DEFINITIONS**

**Name of SOCIETY AND COMMENCEMENT DATE**

1. a. The name of the society (hereinafter referred to as “the Society) shall be “ Cumann Arachais Fear Na Buan Oglagh”.
- b. The Society commenced and came into operation on the 1<sup>ST</sup> day of January, 1965.

**FRIENDLY SOCIETY**

2. The Society is a Friendly Society.

**DEFINITIONS**

3. In these Rules:

**ACTIVE SERVICE**

the expression “active service” has the meaning assigned to it in section 5 of the Defence Act, 1954, but does not include the extensions in Section 4 (1) of the Defence (Amendment) (No. 2) Act, 1960:

**ANNIVERSARY DATE**

The expression “anniversary date” means any Anniversary of the commencement date.

**CHILD**

The word “child” in relation to a member means a Legitimate or legitimated child , or step child of A member, or a child adopted by a member and his Wife under the Adoption Act, 1952 (as amended)  
Who:

- a. was not over the age of 21 years , or
- b. if over the age of 21 years but not over the age of 25 years , was dependent on the member and in full time attendance at a school , college or each other teaching establishment , or
- c. if over the age of 21 years , was dependent on the member and an invalid and incapable of self support.

#### COMMENCEMENT DATE

The expression “commissioned officer” means an officer of the Permanent Defence Force.

#### FUNDS

The word “funds” means the funds of the Society.

#### GENERAL MEETING

The expression “General Meeting” means an Annual General Meeting or a Special General Meeting.

#### INSTALLATION

The word “installation” means a barrack or barracks, station , fort, camp, hospital, post or any other building or place occupied by the Defence Forces.

#### IRELAND

The expression “Ireland” means the whole island of Ireland and its islands.

#### MEMBER

The word “member” when used without qualification means a member of the Society.

#### PAY DAY

The expression “pay day” means the day in each week in which a man of the Permanent Defence Force receives his pay.

#### RULES

The word “rules” means the Rules of the Society.

#### STAFF, UNIT OR OTHER ELEMENT

The expression “staff”, unit or other element” means a staff , unit or other element prescribed in Defence Force Regulations.

#### SCHEME YEAR

The expression “scheme year” means the period from the commencement date to the next anniversary date or from one anniversary date to another, the last named date to be excluded in all cases.

#### SECRETARY

The word “Secretary” means Secretary of the Society.

#### SPOUSE—MEMBER

The expression “spouse-member” means the spouse of a member who, has been elected to spouse-membership.

#### ABSENT WITHOUT LEAVE, THE CHIEF OF STAFF, THE PERMANENT DEFENCE FORCE, AND MAN

The expression “absent without leave”, the Chief of staff”, “the permanent Defence Force”, and the word “man” have the meanings assigned to them in the Defence Act, 1954, as amended.

#### AMENDMENT OF RULE, PERSON CLAIMING THROUGH A MEMBER, THE REGISTRAR, COMMITTEE, MEETING, OFFICER, PROPERTY, SIGNED

The expressions “amendments of rule” , “person claiming through a member” , “the Registrar”, and the words “committee” , “meeting” , “officer” , “property” and “signed” have the meanings assigned to them in section 106 of the Friendly Societies Act, 1896, as amended.

#### FRIENDLY SOCIETIES ACT – REFERENCES TO SECTIONS

4. A reference to a section by number is a reference to that section of the Friendly Societies Act, 1896, as amended.

#### HEADINGS AND MARGINAL NOTES

5. The headings and marginal notes to these Rules are for convenience of reference only and are not to be construed as part of the Rules. Every word importing the masculine gender

shall, unless the contrary intention appears, be construed as if it also imports the female gender.

6. The registered Office of the Society shall be at 33 Infirmar Road Dublin 7.

### **OBJECTS OF THE SOCIETY**

#### **Rule 7**

7. The objects of the Society are to provide by the voluntary subscriptions of the members for the relief of poverty of members in **necessitous** circumstances by:
- a. the insuring of money to be paid on the death of a member or spouse member.
  - b. the insuring of money for the payment of Funeral expenses on the death of a spouse or child of a member in **necessitous** circumstances.
  - c. providing relief of poverty to members when in distressed/**necessitous** circumstances by way of the Distress Fund.
  - d. the granting of other assistance to members in **necessitous** circumstances as decided by the members of the society.

### **APPLICATIONS OF MONEYS RECEIVED**

8. All moneys received on account of subscriptions on investments, sales of rule books or otherwise, however, shall be applied in carrying out the objects of the Society, and in paying the expenses of management according to these Rules and to such extent as such moneys are not immediately required may be invested.

## **MEMBERSHIP**

### **ELIGIBILITY FOR**

9. The following persons shall be eligible to be members:
  - a. A man of the Permanent Defence Force, and
  - b. A person who was a man in the Permanent Defence Force, but only during the period subsequent to his discharge, and expiring one calendar year from the date of his discharge provided that:
    - (1) he was discharged on medical grounds;  
and
    - (2) he was a member (not excluded from benefit under Rule 19) on the date of his discharge.
  - c. A man of the Reserve Defence Force (First Line), but only:
    - (1) during the period immediately following his transfer to the Reserve Defence Force (First Line) during which he is called out on permanent Service in accordance with Section 87 of the Defence Act, 1954 and expiring on the day on which he is released from such permanent service;

And

- (2) if he was a member of the Society immediately prior to his Transfer to the Reserve Defence force (First Line).

- d. A man of the Reserve Defence Force (Second Line) An Forsa Cosanta Aitiuil, for the period during which He is called out on permanent service pursuant to Section 90 of the Defence Act 1954 and expiring on the day on which he is released from such permanent service

#### **APPLICATION FOR ELECTION TO**

10. a. Any eligible person may make application for membership.
- b. Every application for membership shall be lodged with the Secretary, who shall with all convenient speed, place it before a meeting of the Management Committee for election.
- c. The Management Committee shall consider every application for membership and shall in its absolute discretion whether to accept such application or not. Where the Management Committee accepts an Application for membership it shall at the same time determine the date on which membership shall commence subject to the provisions the membership shall not commence prior to the date on which application was made.

#### **DOCUMENTS TO ACCOMPANY APPLICATION FORM**

11. No application for membership shall be valid unless accompanied by:-
  - a. A form nominating the person or persons to benefit made pursuant to Section 56.
  - b. An authorization to the Secretary, Department of Defence, made pursuant to paragraph (2) of Rule

15, and

- c. If the applicant is married, the names of his spouse.

#### **CESSATION OF**

12. A member shall cease to be a member on the happening of whichever of the following events first occurs:-
  - a. When his eligibility for membership as defined on Rule 9 terminates , or
  - b. On Failure to pay outstanding subscriptions or instalments as required by Rule 16, or
  - c. on his death.

#### **RE-ADMISSION TO**

13.
  - a. A person whose membership has ceased pursuant to b. of Rule 12 may apply in writing to the Secretary for re-admission to membership.
  - b. The Secretary shall, with all convenient speed, place each application for re-admission to membership before a meeting of the Committee.
  - c. The Committee may in their absolute discretion re-admit a person to membership with effect from such date as they may decide and subject to the payment of arrears in such manner as they decide.

## SUBSCRIPTIONS

### RATE, DUE DATE AND METHOD OF PAYMENT

14. a. A member shall pay an annual subscription to the Society which shall be due on the second anniversary date next after his election to membership and thereafter on each such succeeding anniversary date and every such subscription shall be paid by instalments as provided for in Rule 15.
- b. A member who applies for membership after the 1<sup>st</sup> day of January and before the 30<sup>th</sup> day of June in any year and is elected shall pay one half of the annual subscription which shall be due on the 1<sup>st</sup> anniversary date after his election to membership. Thereafter the member shall pay an annual Subscription to the Society which shall be due on the second anniversary date next after his election to membership and on each succeeding anniversary date. Every such subscription shall be paid by instalments as provided for in Rule 15 (1) (b).
- c. The size of the annual subscriptions shall be determined annually by the Committee having regard to the following conditions:
  - (1) A change in subscription shall NOT be made more than once in any twelve month period.
  - (2) A change in subscription shall only become effective on an anniversary date.

- (3) The annual subscription shall NOT be greater than two thirds of the weekly pay of a Corporal with less than three years service as Provided for in Defence Force Regulations S3.
- (4) The annual subscription shall NOT be greater than the amount which an actuary employed by the Society advises is necessary to provide the maximum benefit which may be paid under the provisions of the Friendly Societies Act, 1896.

**INSTALMENTS – METHOD OF PAYMENT OF**

15. A. (1) A member shall pay an instalments of one fifty
- second part annual subscription towards his subscription on the first pay day next after the anniversary date next after his election to membership and a further instalment of a like amount towards the subscription upon each succeeding pay day thereafter until his first annual subscription has been discharged and in every succeeding scheme year the subscription shall be paid in like manner and instalments.
- (2) A member who applies for membership after the 1<sup>st</sup> day January and before the 30<sup>th</sup> day of June in any year and is elected shall pay an Instalment of one fifty second part of the annual subscription on the first pay day next after the 1<sup>st</sup> day of July following his election to membership and a further instalment of a like amount towards the subscription and on each succeeding day thereafter until one half years subscription has been discharged, and in every succeeding scheme year the subscription shall be paid in like manner and instalments until the annual subscription is

discharged.

- b. Each member shall execute an instrument in writing authorizing the Secretary, Department of Defence, to have made the weekly deduction from his pay of the instalments referred to in paragraph a. hereof and to pay the same to the committee.

#### **INSTALMENTS – FAILURE TO PAY**

- 16. If on an anniversary date on which a member's subscription is due all or any instalments towards that subscription have not been paid such member shall pay the amount then outstanding in such manner as the committee may decide but not later than one month after anniversary date on which the subscription is due and on failure so to pay shall thereupon cease to be a member.

#### **REFUND OF SUBSCRIPTIONS**

- 17. a. All moneys paid by a member to the Society by way of, or on foot of his subscriptions to the Society shall upon his ceasing to be a member in accordance with Rule 12, be refundable.
- b. Refunds under paragraph a. hereof shall be paid by the Secretary:
  - (1) In case membership ceased under Rule 12.a to the ex-member as soon as practicable after such cessation, or
  - (2) In case membership ceased under Rule 12.b to the ex-member as soon as practicable after termination of his service in the Permanent Defence Force, or
  - (3) In case of membership ceased under Rule 12.c. to the ex-member's personal representative as soon as practicable after the ex-members death.

#### **BONUS**

- 17A a. Where a member has made subscriptions for a continuous period of five years or more, and a refund of members subscriptions has been made in accordance with rule 17, such member shall be paid a bonus where the committee decides at its absolute discretion that a bonus should be made to the members of the Society.
- b. The committee, on receipt of the Quinquennial valuation, shall decide the percentage bonus (if any) to be paid to the members for the period up to the following Quinquennial valuation. The extent of such bonus shall be based on the recommendation of the Societies actuaries and should reflect the financial position of the Society at the time of the valuation.

### BENEFITS

#### AMOUNT & TO WHOM PAYABLE (SECTIONS 56,58 and 62)

- 18 Subject to the provisions of Rule 19 the following benefits shall be paid:
- a. On the death of a member a sum of €4,444.08
- (1) To his nominee where nomination has pursuant to Section 56 of the Act, or
- (2) Where a nomination has not been made to such a person or persons as may be decided by the Trustees as provided for in section 58 of the Act.or
- b. To a member on the death of his spouse of a child a sum not exceeding the cost of funeral expenses. The sum will be determined annually by the Committee prior to the Annual General Meeting.
- 18A. Where the Committee is satisfied that the funds available permit, a sum of money, in addition to amount payable under Rule 18 on the death of a member, may be paid at the absolute discretion of

the Committee. Such sum shall not exceed the limit agreed from time to time between the Committee, its actuary and the Registrar for Friendly Societies. The Society may obtain the written permission of the Registrar before increasing the limit, and whenever this limit is increased, the society shall take steps to ensure that every member of the society is informed of the new limit.

**BENEFITS NOT PAYABLE IN CERTAIN CIRCUMSTANCES**

19. A member, or any person claiming through a member, shall not be entitled to a benefit from the Society:
  - a. During the members year of membership subsequent to a scheme year upon which any instalment of subscription is outstanding, or
  - b. While the member is absent without leave, during any period of such absence which is in excess of seven days , or
  - c. When the member has ceased to be a member pursuant to the provisions of subparagraphs a. or b. of Rule 12 from date of such cessation of membership

**DEATH CERTIFICATES (SECTIONS 61 AND 63)**

20. The Secretary shall be responsible for obtaining and retaining the Death Certificate required pursuant to Sections 61 and 63.

**INTEREST ON DEATH BENEFIT**

- 20A. Where a delay occurs in making payments of the amounts payable under Rule 18.a or Rule 18A or both, interest, at the rate of one quarter of one percent,

each four week period between the date of death and the date on which the payments are made, shall be paid. Interest shall only be paid if the delay has been caused by the Society.

## COMMITTEE

### ELECTION AND CONSTITUTION OF:

- 21.a. The Committee shall be elected on a Barrack/Post representative basis to a maximum of 19 members to include a Chairman and a Vice Chairman, all of whom shall be elected at an Annual General Meeting. One representative to be elected to represent each of the following locations, from a list of nominated candidates:

McKee Barracks, Dublin.  
Cathal Brugha Barracks, Dublin.  
Gormanston Camp, Co. Meath.  
Aiken Barracks, Dundalk, Co. Louth.  
Military Barracks, Monaghan.  
Dun Ui Neill Barracks, Cavan.  
Collins Barracks, Cork.  
Sarsfield Barracks, Limerick.  
Kickham Barracks Clonmel, Co Tipperary.  
Custume Barracks Athlone Co Westmeath.  
Finner Camp Ballyshannon, Co Donegal.  
Columb Barrack Mullingar Co Westmeath.  
Connolly Barracks, Longford  
Dun Ui Mhaoiliosa, Renmore, Galway  
Stephens Barracks, Kilkenny  
Curragh Camp – East Side  
Curragh Camp – West Side  
Casement Aerodrome, Baldonnel, Dublin  
Naval Base, Haulbowline, Cobh Co Cork

- b. A nominated candidate shall be any member who, with his permission, had been proposed by a member and seconded by another member.
- c. Each member of the Committee shall, subject to Rule 22, hold office until the Annual General Meeting next following that at which he was elected.
- d. a member of the Committee (including a member who has been co-opted under Rule 23) shall be eligible for reelection.
- e. The Committee elected at the inaugural meeting of the Society shall hold office until the first Annual General Meeting thereafter, and while holding office shall be deemed to be a committee duly elected in pursuance to these Rules.

#### **VACATION OF OFFICE**

22. A member of the committee shall vacate his office if:-
- a. He ceases to be a member, or
  - b. The resignation of his office is accepted by the Committee, or

- C. He is not duly re-elected, or
- d. He is removed from his office by a resolution of a Special General Meeting.

#### **VACANCIES - FILLING OF**

- 23. a. A vacancy for Chairman shall be filled by the vice-Chairman or where there is no Vice- Chairman the Committee may elect one of their members to fill Fill the vacancy.
- b. The Committee may elect one of their members to fill the vacancy for Vice-Chairman.
- c. The Committee may fill any vacancy in their number by co-opting a member to fill the vacancy.
- d. Any member of the Committee who is appointed under this Rule shall, subject to Rule 22, hold the office to which he is so appointed until the next Annual General Meeting.

#### **MANAGEMENT OF SOCIETY VESTED IN**

- 24. The management, control and direction of the policy and affairs of the Society , shall , subject to the provisions of any Statute and of these Rules , be vested in the Committee.

#### **REGULATION OF MEETINGS**

- 25. a. (1) The Committee may, subject to the provisions of any Statute and of these Rules, from time to time, meet for the dispatch of business , adjourn and otherwise regulate their meetings as they think fit. Meetings of the Committee will take place NOT less

Frequently than once every month.

- (2) A meeting of the Committee shall not be valid unless the Secretary or Assistant Secretary is present throughout its proceedings.
- b. (1) Four members of the Committee shall form a quorum.
- (2) In the absence of a quorum the meeting shall adjourn to a date fixed by the Secretary.
- c. The Secretary shall, from time to time, Convene a meeting of the Committee if :
  - (1) It seems necessary to him, or
  - (2) He is requested so to do by not less than three members of the Committee.
- d. A member of the Committee who is out of Ireland shall not be entitled to notice of any meeting of the committee.
- e. Every meeting of the Committee shall be presided over by the Chairman or , in his absence, by the Vice-Chairman and if neither is present at the time appointed for the holding of the meeting the members of the Committee present shall choose some one of their number to be Chairman of such meeting and the person so chosen shall, in relation to that meeting, have all the powers and duties of the Chairman.
- f. Minutes of each meeting of the Committee shall be made and kept by the Secretary.
- g. The Secretary shall provide each member of the Committee and the Trustees with a certified copy of the minutes of each general and committee meeting within 14 days of the holding of each such meeting.

**APPOINTMENT OF BANKERS – SIGNATURE OF CHEQUES**

26.
  - a. The Committee shall appoint Bankers in the state with whom shall be lodged all moneys paid to, or belong to, the Society.
  - b. Every cheque drawn on the account of the Society shall be signed by the Chairman or Vice Chairman and such other member as the Committee shall from time to time appoint.
  - c. In normal circumstances NO payment shall be made from the funds of the Society unless with the prior approval of the Committee. Such approval will be signified at a meeting of the Committee after all documents relevant to the particular transaction have been produced to and verified by them. Where, however, the Chairman , or in his absence the Vice-Chairman , is satisfied that waiting for a Committee meeting would cause undue delay or hardship, payments may be made prior to a Committee meeting. All such payments will be checked and verified at the subsequent meeting.

#### **OTHER DUTIES**

27. In addition to the duties imposed on them by these Rules the Committee shall perform all such other duties as may be necessary for the good management, control and direction of the Society.

#### **VOTING**

28. Any matter (including any matter arising under these Rules) to be dealt with at a meeting of the Committee shall be decided by a majority of the votes of the members present and in the case of an equality of votes the Chairman shall have a second or casting vote.

## **SUPERVISORY COMMITTEE**

### **SUPERVISION OF SOCIETY**

- 28A. The supervision of the management, control and direction of the affairs of the Society shall, subject to the provisions of any Statute and of these Rules, be vested in the Supervisory Committee.

### **ELECTION, CONSTITUTION, PERIOD OF OFFICE**

- 28A.1. a. The Supervisory Committee shall consist of such members as may be decided by the Society at its Annual General Meeting, being not less than three and not more than seven in number, all of whom shall be elected at an Annual General Meeting.
- b. Each member of the Supervisory Committee shall, subject to Rule 31, hold office until the conclusion of the Annual General Meeting next following that at which he was elected and shall be eligible for re-election.
- c. The Supervisory Committee shall not include among its members the Secretary, Assistant to Secretary or Administration Manager or more than one member of the Management Committee or more than one member who is not a member of the Society.

### **VACATION OF OFFICE**

- 28A.2. A member of the Supervisory Committee shall

vacate his office if:-

- a. In the case of a member of the society, he ceases to be a member, or
- b. The resignation of his office is accepted by the Management Committee, or
- c. He is not duly re-elected, or
- d. He is removed from his office by a resolution of a Special General Meeting.

#### **VACANCIES – FILLING OF**

- 28A.3. a. The Supervisory Committee may fill any vacancy in their number by co-opting a member, subject to the provisions of Rule 28A.1, to fill vacancy.
- b. Any member of the Supervisory Committee who is appointed under this rule shall, subject to Rule 31, hold the office to which he is appointed until the next Annual General Meeting.

#### **POWERS, DUTIES**

- 28A.4. a. The Supervisory Committee shall have the general duty of overseeing the performance of their duties by the officers of the Society.
- b. Without prejudice to the generality of (a.) above, the Supervisory Committee shall:-
- (1) Make or cause to be made , not less than twice in the period before the next Annual General Meeting, an examination of the books, papers, records and accounts of the Society and such examination may include an inspection of securities, cash accounts and all documents and records,
  - (2) Make or cause to be made, once in the period before the next Annual General Meeting, a comparison of any document or statement of

account of every member with the appropriate records,

(3) Ascertain whether or not all actions and decisions of the officers, relating to the affairs of the Society, are in accordance with law and with these Rules,

(4) Report in writing to the next Annual General Meeting of the Society, or, if the Supervisory Committee so thinks fit, sooner to a special General Meeting of the Society the result of its examination and enquires.

c. The Supervisory Committee may:-

(1) By unanimous vote of its entire membership, at a meeting called for that purpose , suspend from office any officers who have taken any action or decision which, in the opinion of the Supervisory Committee, is not in accordance with law or the Rules of the Society, or

(2) Whether or not they suspend any officer, convene a Special General Meeting of the Society to consider Such action or decision.

d. Whenever an officer of the Society has been suspended from office by the Supervisory Committee under this Rule, the supervisory Committee shall convene a Special General Meeting of the Society to be held not later than fourteen days after such suspension.

e. At a Special General Meeting held under this Rule, the Society may, upon the majority of the members present signifying their approval:

(1) Ratify a suspension by the Supervisory Committee and remove from office the person so suspended, the vacancy thereby caused being filled in the manner provided for by these Rules, or, in any other case no so provided for, as determined by the

meeting.

(2) Rescind a suspension by the Supervisory Committee or,

(3) Remove from office any officer (whether or not he has been suspended by the Supervisory Committee), the vacancy thereby caused being filled in the manner provided for by these Rules, or, in any other case no so provided for, as determined by the

meeting

provided however that no person shall be removed from office under

(4) this Rule without being given the opportunity of being heard by the members at the Special General Meeting.

### **REGULATION OF MEETINGS**

28A.5. The Supervisory Committee may, subject to the provisions of any Statute and of these Rules, from time to time, meet for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit.

**SECRETARY**

**APPOINTMENT OF : ELIGIBILITY FOR**

29. a. The Committee shall appoint an eligible person to be Secretary.
- b. For the purpose of this Rule an eligible person means a commissioned officer who:
- (1) has consented to act ; and
  - (2) has been authorized in that behalf by the Chief of Staff; and
  - (3) is not an auditor ; and
  - (4) is not ineligible by reason of the provision of Section 25.
- c. The Committee may require the Secretary to give security to the Trustees, in the amount as may be determined by the Committee from time to time , through a Guarantee Society or by a bond in pursuance of the Act. The cost involved shall be defrayed from the funds of the Society.

**VACATION OF OFFICE**

30. The Secretary shall vacate his office if :
- a. he ceases to be a commissioned officer ; or

- b. he withdraws his consent to act ; or
- c. his authority to act is withdrawn by the Chief of Staff:  
or
- d. he is removed from office by resolution of a General Meeting ; or
- e. he dies.

and the provisions of Rule 29 shall apply to the filling of every such vacancy.

### **DUTIES OF**

31. The Secretary shall :-

a. **RECEIPT OF MONIES**

Receive all moneys of the Society and lodge the same to the same to the credit of the Bank Account of the Society

b. **ACCOUNTING FOR MONEYS**

Account for all moneys received by him.

c. **KEEPING OF BOOKS**

Keep the accounts of the Society in suitable books but keeping separate accounts of the expenses of management of the Society.

d. **CHANGE OF ADDRESS (SECTION 24)**

Notify the Registrar of the situation of the registered office and every change there in as required by Section 24.

e. **DISPLAY OF BALANCE SHEET , ETC., (SECTION 29)**

Display a copy of the last annual balance sheet and the Last quinquennial valuation, together with any special

report of the auditors, in a conspicuous place at the registered office of the Society as required by Section 29

f. **SUPPLY OF RULES (SECTION 38)**

Make available a copy of these Rules as required by Section 38.

g. **SUPPLY OF COPIES OF ANNUAL RETURN, ETC (Section 39)**

Make available a copy of the last annual return or a balance sheet or other document as required by Section 39.

h. **INSPECTION OF BOOKS , (SECTION 40)**

Make available the books of the Society for inspection as required by Section 40, and

i. **OTHER DUTIES**

In addition to the duties imposed upon him by these Rules and in particular by this Rule and Rules 10, 13, 17, 20, 25, 34, 44, 45, 46, 50, 55, and 56 perform all such other duties necessary for the good management of the Society.

- j. Obtain the prior approval of the Committee for all payments to be made pursuant to Rules 8, 17, 18, and 32
- k. On all occasions, in the execution of his office, act under the control and direction of the Committee.

**HONORARIUM**

- 32. The Secretary shall be paid out of the funds such honorarium as may be decided from time to time by the Committee subject to the approval of the Trustees.

**ASSISTANT TO SECRETARY**

- 33.a. At the request of the Secretary the Committee may time to time appoint a suitable person persons to assist the Secretary and every such appointment may be terminated by the Secretary.
- b. The appointment of any assistant to the Secretary shall in no way relieve the Secretary of the responsibilities and duties imposed upon him by these Rules.
- c. An Assistant to the Secretary shall be paid out of the funds such honorarium as may be decided from time to time by the Committee subject to the approval of the Trustees.

33A

- a. With the approval of the Chief of Staff, the Committee of CAFNBO may appoint an “Administration Manager” to manage CAFNBO House and oversee the administration of the business of CAFNBO.
- b. The Administration Manager shall be responsible to the Secretary and to the Committee for the performance of his/her duties and shall be paid such emoluments as shall be decided by the Committee subject
- c. Any vacancy in the position of “Administration Manager” shall be notified to the members by the Secretary.

**TRUSTEES**

**NUMBER OF ELIGIBILITY FOR APPT, ETC**  
**(SECTIONS 25 & 49)**

- 34. a. The Society shall have not less than three Trustees.
- b. A person shall be eligible to be a Trustee who:
  - (1) is a serving member of the Permanent Defence Forces ; and

- (2) has consented to act ; and
  - (3) has been authorized in that behalf by the Chief of Staff ; and
  - (4) is not an auditor ; and
  - (5) is not ineligible by reason of the provision of Section 25.
- c. An authorization of a Trustee received from the Chief of Staff shall be placed by the Secretary before a meeting of the Society for appointment in accordance with Section 25.
  - d. The Secretary shall forward to the Registrar a copy of every resolution appointing a Trustee in the form prescribed in Section 25 (3) within fourteen days of such resolution being passed and , when appropriate, it shall be accompanied by such application as may be necessary for the purpose of Section 34

**VACATION OF OFFICE (SECTION 34)**

35. A Trustee shall vacate his office if ;
- a. He ceases to be a serving member of the Permanent Defence Forces ; or
  - b. He withdraws his consent to act ; or
  - c. His authority to act is withdrawn by the Chief of Staff ; or
  - d. He is removed from his office by a resolution of a General Meeting ; or
  - e. He dies.

and the provisions of Rule 34 shall apply to the filling of every such vacancy.

**LEGAL PROCEEDINGS (SECTIONS 51 AND 94)**

36. The Trustees are hereby authorized to bring or defend , or cause to be brought or defended, any action or legal proceedings in any court whatsoever , touching or concerning any property, right or claim of the Society.

**INVESTMENTS (SECTION 44)**

37. a. The Trustees shall subject to the provisions of Section 44 and Rule 8 invest the funds in any of the Following ways:
- (1) in the Post Office Savings Bank , or in any savings bank certified under the Trustee Savings Bank Act, 1863; or
  - (2) in the public funds of the State ; or
  - (3) in any investment on which trustees are for the time being by law authorized to invest funds.
- b. Any sale of investment for re-investment and the re-investment of moneys derived there from shall be subject to paragraph a. hereof

**SALES OF INVESTMENTS-NOT FOR RE-INVESTMENTS**

38. The Trustees shall, if requested by the Committee, sell so much of the investments as may be necessary to meet any payments required to be made by these rules.

**BORROWING POWER**

39. The Trustees may, at the request of the Committee, from time to time, and at any time, raise or borrow money for the purpose of the Society's business from its Bankers with or without security and upon such terms and conditions as they think fit, and if they so desire secure

the repayment of the same, or any part thereof, by mortgage or charge upon the whole Society present or future. The total amount so obtained shall not at any time exceed the limit of €3,809.21.

**DEEDS, DOCUMENTS ETC.,-CUSTODY OF**

39A. All deeds, documents of title and securities for money shall be held by the Trustees and they may take such measures for the safe custody and preservation thereof at the expense of the society as they shall think fit and they shall be responsible for the safe custody of all such deeds, documents and securities as are placed in their hands or under their control and shall produce them for inspection by the auditor when required by them and whatever else required by a resolution of a general meeting or of the Committee.

**AUDIT , ANNUAL RETURN AND**

**QUINQUENNAL VALUATION**

**AUDITORS – APPOINTMENT OF (SECTION 26)**

40. The Committee shall once at least in every year, not later than the 31<sup>st</sup> day of January submit the accounts, and all deeds, documents of title and securities for money of the Society for Audit to one of the Public Auditors appointed under the Act. The Auditors shall have access to all books and accounts of the Society, shall examine the annual return, and shall verify it with the accounts, vouchers, deeds, documents and securities and shall either sign it as found by them correct, duly vouched and in accordance with law, or specially report to the Society in what respects they find it incorrect , unvouched or NOT in accordance with law.

41.

42.

**AUDIT YEAR**

43. The audit year shall be the year ending the 31<sup>st</sup> December.

**BALANCE SHEET ; BOOKS AND ACCOUNTS  
(SECTION 26)**

44. The Secretary shall:

- a. Prepare the Annual Balance Sheet and submit same to the auditors ; and
- b. Give the auditors access to all the books and accounts as required by Section 26.b.

**ANNUAL RETURN – COMPLETION AND TRANSMISSION OF**

**(SECTION 27)**

45. The Secretary shall be responsible for the completion and transmission of the Annual Return to the Registrar as required by Section 27.

**APPOINTMENT OF VALUER, PREPARATION OF DATA, ETC., (SECTION 28)**

46. a. The Committee shall , once at least in every five years, appoint a valuer to value the assets and liabilities of the Society and to prepare the Report required by Section 28.
- b. The Secretary shall prepare and submit to the valuer such data as may be required by him to prepare the report.
- c. The Secretary shall forward the valuer`s report to the Registrar immediately he receives it from the valuer.

GENERAL MEETINGS

**ANNUAL GENERAL MEETINGS - WHEN HELD:  
BUSINESS TO BE TRANSACTED AT**

47. a. An Annual General Meeting of the Society shall be held in April of each year, on a date to be fixed by the Management Committee and Supervisory Committee to receive Statement of Accounts and Balance Sheet and the report of the Auditors for the previous year ending on the 31<sup>st</sup> December and to elect the Management Committee and Supervisory Committee.
- b. Notice in writing of any resolution to be moved at the Annual General Meeting, signed by the proposer and seconder, shall be delivered to the Secretary (or failing him to any officer of the Society on or before 1<sup>st</sup> February next precedings the Annual General Meeting, and no resolutions, save those of which due notice has been given, may be moved at an Annual General Meeting, provided that nothing in this Rule shall prevent an amendment to a resolution properly before the meeting being moved, preclude the moving of any formal resolution receiving or adopting reports and Accounts, motions of congratulations, sympathy of the like, neither shall anything herein preclude any member discussing any matter relating to the affairs of the Society though no resolution may be passed.

**SPECIAL GENERAL MEETINGS: WHEN HELD AND BUSINESS TO BE TRANSACATED AT**

48. a. A Special General Meeting shall be called by the Secretary:
- (1) Upon the discretion of the Management Committee, and accordance with such discretion:  
Or
  - (2) On receipt by the Secretary of a motion signed by not less than one-seventh of the members, stating the special object thereof.
- b. A Special General Meeting may also be convened by direction of the Supervisory Committee and in accordance with such direction.
- c. No business other than that specified in the notice shall be brought before a Special General Meeting.

**GENERAL MEETING LOCATION**

49. The Location of the General Meeting shall be as the Committee may determine.

**NOTICE OF GENERAL MEETINGS , AGENDA ETC**

50. a. (1) Notice of General Meeting shall be sent by the Secretary to each member at least fourteen (14) days before the date fixed for the meeting together with an agenda of the business to be transacted at such meeting.
- (2) Publication of such Notice and Agenda in Routine Orders, issues pursuant of Defence Force Regulations, of a staff, unit or other element to which the member belongs, shall be deemed to be in compliance with the provisions of (1) hereto.
  - (3) The notice shall be exclusive of the day which it is served and of the day for which it is given ,

and shall specify the place, the day and the hour of the meeting.

- (4) Where the business to be dealt with at a General Meeting is of such nature as to necessitate the passing of a special resolution under sect 74, the notice of such General Meeting shall specify the intention to propose the resolution.

- b. If the business to be transacted at a General Meeting includes the reception or adoption of a statement of accounts and Balance Sheet or a quinquennial Valuation, copies thereof shall be displayed on the Notice Board of each installation at least fourteen (14) days before the date fixed for such meeting.
- c. Notice of a Special General Meeting convened by, or on the direction of, the Supervisory Committee will in so far as it is practicable in accordance with the provisions of this Rule.

#### **PROCEEDING AT GENERAL MEETINGS**

51.
  - a. No business shall be transacted at any General meeting unless a quorum of members is present at the time when the meeting proceeds to business: three members in present shall be a quorum.
  - b. If within half an hour from time appointed for the meeting a quorum is not present, the meeting shall be adjourned to the same day in the next week, at the same time and place or to such other day and at such time and place as the committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.
  - c. The Chairman , or failing him, the vice-Chairman, shall preside at a General Meeting, but if at any meeting, the Chairman and the Vice-Chairman are not present within 15 minutes after the time appointed

for the holding of the meeting or are not willing to act, the members present shall choose one of their number to be Chairman of the meeting.

- d. The Chairman may with the consent of any General Meeting at which a quorum is present and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of the original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

### **VOTING**

52. a. (1) At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is demanded pursuant to paragraph b. hereof.
- (2) On a show of hands every member present in person shall have one vote.
- (3) Unless a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the meeting shall be conclusive evidence of the fact without proof of the number or the number or the proportion of the votes recorded in favour of or against such resolution.
- b. (1) A poll may be demanded (before or on the declaration of the result of a show of hands) :
- (a) by the Chairman ; or

- (b) by at least three members present in person.
- (2) On a poll every member present in person or by proxy, as provided for in Rule 53, shall have one vote.
- (3) Except as provided for in subparagraph (4) of this paragraph when a poll is duly demanded it shall be taken in such manner as the Chairman directs , and the results of the poll shall be deemed to be the resolution of the General Meeting at which poll was demanded.
- (4) (a) A poll demanded on the election of the Chairman or on a question of adjournment shall be taken forthwith.  
  
(b) A poll demanded on any other question shall be taken at such time as the Chairman of the General Meeting directs, and any business other than that on which a poll is demanded may be proceeded with pending the taking of the poll.
- (5) The demand for a poll may be withdrawn.
- c. Where there is an equality of votes, whether on a show of hands or a poll, the Chairman of the General Meeting at which the show of hands takes place or at which the poll is demanded shall be entitled to a second or casting vote except in the case of his own election.

### **PROXIES**

- 53. a. Every member shall be entitled to appoint another member as his proxy to attend and vote instead of him at any General Meeting.
- b. The instrument appointing a proxy shall be in writing under the hand of the appointee.
- c. An instrument appointing a proxy shall be in the following form or a form as near there to as circumstances permit :

**“CUMANN ARACHAIS FEAR NA BUAN OGLAIGH”**

I ..... of .....  
(No . Rank Name) (Unit)

..... being a  
(Station)

member of the above named society

hereby appoint .....  
(No , Rank , Name )

of .....  
(Unit and Station)

or failing him .....  
(No. Rank , Name)

of .....  
(Unit and Station)

as my proxy to vote on my behalf at the (Annual or Special as  
the case may be ) General meeting of the Society to be held on  
the ..... day of ..... 19.....  
and at any adjournment thereof.

Signed this ..... Day of ..... 19.....

This form is to be used \* in favour of the  
Against

resolution. Unless otherwise instructed the proxy will vote as he thinks fit.

- Strike out and initial whichever is not desired.

#### **OBJECTIONS TO VOTE**

54. No objection shall be raised to the qualification of any votes except at the General Meeting or adjourned General Meeting at which the vote objected to is given or tendered, and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection made in due time shall be referred to the chairman of the General Meeting whose decision shall be final and conclusive.

#### **ATTENDANCE OF SECRETARY – RECORD OF PROCEEDINGS**

55. The Secretary shall attend General Meetings and shall make and keep minutes of each such meeting.

#### **AMENDEMENT TO RULES**

#### **PROCEDURE FOR (SECTION 13)**

56. a. A rule may be added to, altered or amended only by a resolution which is:
- (1) Passed by a majority of not less than three-fourths of the members present in person or by proxy at a General Meeting : and
  - (2) Confirmed by a majority of the members present in person or by proxy at a subsequent General Meeting held not less than fourteen days nor more than one month from the day of the meeting

at which the resolution was first passed.

- b. The Secretary shall forward copies of every amendment of a Rule to the Registrar for registration as required by Section 13.a.

## **GENERAL**

### **DISPUTES (SECTION 68)**

- 57. Any dispute mentioned in Section 68.a. shall be decided by referring it to the Registrar.

### **NOTIFICATION OF MARRIAGE**

- 58. A member shall forward to the Secretary notification of his marriage (which operates as a revocation of any nomination therefore made by him pursuant to Section 56) and a form nominating the person or persons to benefit made pursuant to Section 56.

### **APPLICATION FOR APPOINTMENT OF AN INSPECTOR (SECTION 76)**

- 59. a. If a member considers that it is expedient that an Inspector should be appointed to examine into and report on the affairs of the Society or that a Special meeting of the Society should be called, he may cause an application supported in manner hereinafter appearing to be presented to the Registrar.
- b. An application presented in pursuance of paragraph a. hereof shall be in writing and shall be supported by:
  - (1) The Signatures of whatever number of members as may then be required by Section 76.a.; and
  - (2) Such evidence as is required by Section 76.b.

**DISSOLUTION OF SOCIETIES (SECTION 78)**

60. a. If five-sixths in value of the members (including honorary members) present at a Special General Meeting of the Society, duly convened in accordance with Rule 48, consider for reasons which to them seem sufficient that the Society should be dissolved they may cause to be presented to the Registrar an instrument of dissolution containing, inter alia, a concise statement of those reasons duly testified by their signatures.
- b. An instrument of dissolution presented to the Registrar in pursuance of paragraph a. hereof shall be accompanied by the consent in writing of every person receiving, or entitled to receive any relief, annuity, or other benefit from the funds of the Society, and in default of any such consent either:
- (1) A written statement signed by the person concerned that his claim has been duly satisfied; or
  - (2) Evidence that adequate provision has been made for satisfying that claim.
- c. An instrument of dissolution made pursuant to this Rule, together with the documents supporting such application or instrument as the case may be, shall be sent to, or left with, the Registrar by the

Secretary as soon as may be next after the same has been duly completed.

**DISSOLUTION BY AWARD (SECTION 80)**

61. a. If a member considers that it is expedient that an investigation of the Society should be made with a view to its dissolution, he may cause an application supported in manner hereinafter appearing to be presented to the Registrar.
- b. An application presented in pursuance of paragraph a. hereof shall be in writing and shall:
- (1) Be supported by the signatures of whatever number of members as may then be require by Section 80.a.; and
  - (2) Comply with Section 80.b.

**RETENTION OF MEMBERSHIP**

**RETENTION OF MEMBERSHIP – CONDITIONS FOR**

62. Notwithstanding the provisions of any Rules a member whose service in the Permanent Defence Forces has been terminated may retain membership of the society subject to the following conditions:-
- a. He must have completed 10 years membership
  - b. Membership may be retained for whichever of the following periods is the lesser, subject to a maximum period of 22 years.

- (1) The period between the date on which membership is due to cease and the members seventieth birthday.
  - (2) The period of years equal to the nearest whole number resulting from the division of the total amount due to the member pursuant to Rule 17 and 17A by the amount of the Annual subscription to the nearest Euro pursuant to Rule 14.
- c. During the appropriate period referred to at para. b of this rule he will:
- (1) Not be liable to pay further subscriptions pursuant to Rule 14 and 15.
  - (2) Not be eligible for further bonus pursuant to the provisions of Rule 17A.
  - (3) NOT be entitled to the refund of his subscription pursuant to Rules 17 and 17A until the period of retention of membership terminates.
  - (4) Be entitled to such benefits as were payable under Rules 18 and 18A on the date from which he was permitted retain membership under this Rule.
- d. A member who has been allowed to retain membership may apply at any time for such membership to be terminated. Membership thus terminated shall not subsequently be renewed.
- e. An application for retention of membership shall not be valid unless it is forwarded so as to reach the Secretary within 28 days of the termination of the members service in the Permanent Defence Forces.
- f. Each application for retention of membership shall be placed before a meeting of the committee for authorization
- g. The committee shall in its absolute discretion decide

whether or NOT to authorize any application for retention of membership or to terminate such retained membership.

- h. The Secretary shall issue a certificate to that effect to each member whose retention of membership has been authorized.
- i. Any material change in the circumstances of a retained member involving additional risk in his employment or otherwise shall be notified to the Secretary immediately.
- j. The Committee may, for what appears to it to be good and sufficient reasons, terminate the membership of a retained member. Three (3) months notice of intention to terminate membership shall be given to such a retained member by writing to his last recorded postal address.

## **SPOUSE MEMBERSHIP**

### **ELIGIBILITY FOR**

63. A spouse, who is not already a member of CAFNBO, shall be eligible for spouse membership under the conditions specified in Rule 62.

### **APPLICATION AND ELECTION TO**

64. a. Any member may make application in respect of his spouse for spouse-membership.
- b. Every application for spouse-membership shall be lodged with Secretary, who shall with all convenient speed, place it before a meeting of the committee for election.
- c. The Committee shall have absolute discretion to refuse an application for spouse-membership.
- d. The committee shall, in its absolute, determine the date on which spouse-membership will commence, subject only to the provision that spouse-membership may NOT commence prior to the date on which application is made.

### **DOCUMENTS TO ACCOMPANY APPLICATION FOR**

65. An application for spouse-membership shall NOT be valid unless accompanied by authorization to the secretary, Department of Defence, made pursuant to

Rule 69.b.

**CESSATION OF**

66. A Spouse shall cease to be a spouse-member on the happening of whichever of the following events first occurs:
- a. On the withdrawal by the member of his authority to the Secretary, Department of Defence, made pursuant to Rule 69.b.
  - b. On the member ceasing to be a member pursuant to Rule 12, except the should spouse membership cease because of the death of a member, the widow(er) of such a member shall retain spouse-membership without further subscriptions until the first anniversary date of the spouse death.
    - (ii) The provisions of 66b, shall not apply to spouse members who have retained under Rule 63.b.
  - c. On failure to pay outstanding instalments as required.
  - d. On death.
  - e. On the annulment or dissolution of the marriage of the member and spouse member.

**READMISSION TO**

67. a. A person whose spouse-membership has ceased pursuant to Rule 66.a. may be re admitted to spouse-membership.

- b. A person whose spouse-membership has ceased other than by Rule 66.a may be re-admitted to spouse-membership by the Management Committee with effect from such date and subject to payment of arrears in such manner as the decide.

#### **RATE, DUE DATE AND METHOD OF PAYMENT**

- 68. a. A member shall pay in respect of a spouses spouse-membership, an annual subscription to the Society which shall be due on the second anniversary date next after his election to spouse-membership and thereafter on each succeeding anniversary date and every such subscription shall be paid by instalments as provided for in Rule 69.
- b. A member who make application in respect of a spouse for spouse-membership after the 1<sup>st</sup> day of January and before the 30<sup>th</sup> day of June in any year and whose spouse is elected shall pay one half of the annual subscriptions which shall be due on the 1<sup>st</sup> anniversary date next after the spouses election to membership. Thereafter the member shall pay an annual subscription to the Society which shall be due on the second anniversary date next after the spouses election to membership and on each succeeding anniversary date. Every such subscription shall be paid by instalments as provided for in Rule 69.a(1).
- c. The size of the annual subscription shall be determined annually by the Committee having regard to the following conditions:
  - (1) A change in subscription shall NOT be made more than once in any twelve month period.
  - (2) A change in subscription shall only become effective on an anniversary date.

- (3) The annual subscription shall NOT be greater than two thirds of the weekly pay of a Corporal with less than three years service as provided for in Defence Force Regulation (S3)
- (4) The annual subscription shall NOT be greater than the amount which an actuary employed by the Society advises is necessary to provide the maximum benefit which may be paid under the provisions of the Friendly Societies Act, 1896.

**INSTALMENTS – METHOD OF PAYMENT OF**

69. a. (1) A member shall pay an instalment of one fifty-second part of the annual subscription in respect of a spouses spouse-membership on the first pay day after the anniversary date next after election to spouse-membership and a further instalment of a like amount towards the subscription upon each succeeding pay day thereafter until his annual subscription has been discharged and in every succeeding scheme year the subscription shall be paid in like manner and instalments.
- (2) A member who makes application in respect of a spouse for spouse-membership after the 1<sup>st</sup> day of January and before the 30<sup>th</sup> day of June in any year and whose spouse is elected shall pay an instalment of one Fifty-second part of the annual subscription on the first day next after the 1<sup>st</sup> day of July following the spouses election to membership and a further instalment of a like amount towards the subscription upon each succeeding pay day thereafter until one half years subscription has been discharged, and in every succeeding year the subscription shall be paid in like manner and instalments until the annual subscription is discharged.
- b. Each member shall execute an instrument in writing authorizing the Secretary, Department of Defence, to have made the weekly deduction from his pay of the instalments referred to in paragraph a. hereof and to

pay the same to the Committee.

### **INSTALMENTS – FAILURE TO PAY**

70. If on an anniversary date on which a members subscription in respect of his spouses spouse-membership is due all or any instalment towards that subscription have not been paid such member shall pay the amount then outstanding in such manner as the Committee may decide but not later than one month after the anniversary date on which the subscription is due and on failure so to pay his spouse will cease to be a spouse-member.

### **REFUNDS OF**

71. a. All monies paid by a member to the Society by way of, or on foot of his subscriptions in respect of his spouses spouse-membership shall, upon his ceasing to be a spouse –member in accordance with Rule 66, be refundable.

b. Refunds under paragraph a. hereof shall be paid:

- (1) In case where spouse membership ceased under Rule 66.d ., to the spouse-members nominated beneficiary as soon as practicable after his death ; or
- (2) In the case where the member has died, to the spouse-member as soon a practicable after the members death; or
- (3) In all other cases to the member as son as practicable after termination of his service in the Permanent Defence Force.

### **BONUS**

71A a. Where a spouse member has made subscriptions for a continuous period of five years or more, and a refund of members subscriptions has been made in accordance with rule 71, such Spouse member shall be paid a bonus where the committee decides at its

absolute discretion that a bonus should be made to the members of the Society.

- b. The committee, on receipt of the quinquennial valuation, shall decide the percentage bonus (if any) to be paid to the Spouse members for the period up to the following quinquennial valuation. The extent of such bonus shall be based on the recommendation of the Societies actuaries and should reflect the financial position of the Society at the time of valuation.

#### **BENEFITS – AMOUNT AND TO WHOM PAYABLE**

72. Subject to the provisions of Rule 81 a benefit of €4,44.08 shall be paid on the death of a Spouse member:
  - a. To his nominee where a nomination has been made pursuant to section 56 of the Act; or
  - b. Where a nomination has not been made, To such person or persons as may be decided by the Trustees as provided for in section 58 of the Act.

#### **ADDITIONAL BENEFITS**

73. Where the Committee is satisfied that the funds available permit, a sum of money, in addition to amount payable under Rule 72 on the death of a member, may be paid at the absolute discretion of the Committee. Such sum shall not exceed the limit agreed from time to time between the Committee, its actuary and the Registrar for Friendly Societies. The Society may obtain the written permission of the Registrar before increasing the limit, and whenever this limit is increased, the society shall take steps to ensure that every member of the society is informed of the new limit.

#### **BENEFITS NOT PAYABLE IN CERTAIN CIRCUMSTANCES**

74. A member, a spouse-member, or any person claiming through a member or spouse-member shall NOT be entitled to a benefit from the society during the members year of membership or his spouses year of spouse

membership subsequent to a scheme year upon which any installments of subscriptions is outstanding.

### **DISTRESS FUND**

75. A Distress Fund (hereinafter called the fund) shall be maintained for the purpose of providing relief or maintenance to members when in distressed circumstances.
76. Any member of the society may subscribe to the Distress Fund and the amount of such subscriptions shall be determined by the Committee annually.
77. Payments from the Fund may be made to members who subscribe to the Fund and who are in distressed circumstances but shall not exceed €6,348.69 in any one year. All payments must be approved by the Committee in accordance with Rule 26 © and may only be made when there are sufficient funds in the Fund to support such payments.
78. A Sub-Committee to be known as the CAFNBO Distress Fund Sub-Committee shall administer the Fund and may, at their absolute discretion, make payments from the Fund subject to Rules 75 and 77 above. The Sub-Committee shall consist of the following:

Chairman or Vice Chairman CAFNBO Committee.  
Three CAFNBO Committee Members.  
One other person approved by the Committee.  
The Secretary CAFNBO shall act as Secretary to the Sub-Committee.

79. Applications for assistance from subscribing members should be made on the CAFNBO Distress Fund Application Form and forwarded together with any supporting documentation to the Secretary CAFNBO. The Secretary shall place the application before the CAFNBO Distress Fund Sub-Committee who shall deal with it in accordance with Rules 77 and 78 above.

## APPENDIX I

### SECTIONS OF FRIENDLY SOCIETIES ACT , 1896

**Registry of amendments of rules.** 13. – (1) An amendment of a rule made by a registered society shall not be valid until the amendment has been registered under this Act for which purpose copies of the amendment, signed by three members and the Secretary, shall be sent to the Registrar.

(2) The Registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgement of registry of the amendment, and that acknowledgement shall be conclusive evidence that the amendment is duly registered.

(3) The provisions of this Act as to appeals from a refusal to register a Society shall apply to a refusal to registrar an amendment of a rule.

**REGISTERED OFFICE.** 24 – (1) Every registered Society and Branch shall have a registered office to which all communications and notices may be addressed, and shall send to the registrar notice of the situation of that office, and of every change therein.

(2) In the case of a branch the notice shall be sent to the registrar through an officer appointed in that behalf by the society of which the branch forms part.

**Appointment of Trustees** 25 – (1) Every registered society and branch shall have one or more trustees.

(2) The trustees shall be appointed at a meeting of the society or branch, and by a resolution of a majority of the members present and entitled to vote thereat.

(3) The society or branch shall send to the registrar a copy of every resolution a trustee, signed by the trustee so appointed and by the Secretary of the society or branch.

(4) The same person shall not be Secretary or Treasurer of a registered society or branch, and a trustee of that society or branch.

(5) In the case of a branch the copy of the resolution shall be sent to the registrar through an officer appointed in that behalf by the society of which the branch forms part.

**Audit** 26 - (1) Every registered society and branch shall once at least in every year submit its accounts for audit either to one of the public auditors appointed as in this Act mentioned , or to two or more persons appointed as the rules of the society or branch provide.

(2) The auditors shall have access to all books and accounts of the society or branch , and shall examine the annual return mentioned in this Act, and verify the annual return with the accounts and vouchers relating thereto, and shall either sign the annual return as found by them to

be correct, duly vouched, and in accordance with law, or specially report to the society or branch in what respects they find it incorrect, unvouched, or not in accordance with law.

**Annual Returns** 27 – (1) Every registered society and branch shall once in every year, not later than the thirty-first day of May, send to the registrar a return (in this Act called the annual return) of the receipts and expenditure, funds, and effects of the society or branch as audited.

- (2) The annual return must:-
  - (a) show separately the expenditure in respect of the several objects of the society or branch ; and
  - (b) be made out to the thirty-first day of December then last inclusively; and
  - (c) state whether the audit has been conducted by a public auditor appointed as by this Act provided, and by whom, and, if by persons other than a public auditor, state the name address, and calling or profession of every such person, and the manner in which, and the authority under which, he is appointed.
- (3) The society or branch shall , together with the annual return ,

send a copy of any special report of the auditors.

- (4) In the case of a branch the annual return shall be sent to the registrar through an officer appointed in that behalf by the society of which the branch forms part.

**Quinquennial Valuation** 28 – (1) Every registered society and branch shall, except as in this section provided, once at least in every five years wither :-

(a) Cause its assets and liabilities to be valued to a valuer to be appointed by the society or branch and send to registrar a report on the condition of the society or branch ; or

(b) send to the registrar a return of the benefits assured and contributions receivable form all the members of the society or branch , and of all its funds and effects, debts and credits , accompanied by such evidence in support thereof as the chief registrar prescribes.

(2) If the society or branch sends to the registrar such report as aforesaid , the report must : -

(a) be signed by the valuer ; and

(b) state the address and calling or profession of the valuer ; and

(c) contain an abstract to be made by the valuer of the results of his valuation, together with a statement containing such

information with respect to the benefits assured and the contributions receivable by the society or branch, and of its funds and effects, debts and credits, as the registrar may require.

(3) If the society or branch sends to the registrar such return as aforesaid he shall cause the assets and liabilities of the society or branch to be valued and reported on by some actuary, and shall send to the society or branch a copy of the report and an abstract of the result of the valuation.

(4) Provided that this section shall not apply to :-

(a) a benevolent society , working-men`s club, cattle insurance society or branch thereof; or

(b) a specially authorized society or branch unless it is so directed in the authority for registering that society or branch.

(5) Provided also that the chief registrar may with the approval of the Treasury , dispense with the provisions of this section in respect of societies or branches to whose purposes or to the nature of whose operations he may deem those provisions inapplicable.

**Copy of Last  
Balance Sheet**

29. – Every registered society and branch shall keep a copy of the last annual balance sheet, and of the last quinquennial

valuation, together with any special report of the auditors, always hung up in a conspicuous place at the registered office of the society or branch.

**Transfer of  
Stock standing  
In name of  
trustee**

34. - (1) In any of the following cases ,  
namely :-

( i ) where a person being or having been a trustee of a registered society or branch , and whether appointed before or after the registry thereof, in whose name any stock belonging to that society or branch transferable at the Bank of England or Bank of Ireland is standing , either jointly with another or others , or solely :-

(a) is absent from the British Islands;  
or

(b) becomes bankrupt or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement , or for composition with his creditors ; or

( c ) becomes lunatic or is dead : or

(d) has been removed from his office of trustee; or

(ii) if it is unknown whether such person is living or dead.

the chief registrar may , on application in writing from the secretary and three members of the

society or branch , and on proof satisfactory to him , direct the transfer of the stock into the names of any other persons as trustees for the society or branch.

(2) The transfer shall be made by the surviving or continuing trustees, or if there is no such trustee, or if the trustees refuse or are unable to make the transfer, and the chief registrar so directs, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be.

(3) The Bank of England and the Bank of Ireland are hereby indemnified for anything done by them or any of their officers in pursuance of this section against any claim or demand of any person injuriously affected thereby.

**Right to supply of copies of annual return** 38. – Every registered society and branch shall deliver to every person on demand , on payment of a sum not exceeding one shilling , a copy of the rules of the society or branch.

**Right to supply of copies of annual return** 39. – Every registered society and branch shall supply gratuitously to every member or person interested in its funds, on his application , either:

a. a copy of the last annual return of the society or branch ; or

b. a balance sheet or other document duly audited containing the same particulars as to the receipts and expenditure, funds, and effects, of the society or branch as are contained in the annual return.

**Inspection of Books by** 40. – A member or person having an interest in the funds of a registered society or branch

**Members** may inspect the books at all reasonable hours at the registered office of the society or branch , or at any place where the books are kept , except that the member or person shall not, unless he is an officer of the society or branch, or is specially authorized by a resolution of the society or branch to do so, have the right to inspect the loan account of any other member without the written consent of that member.

**Investment of funds** 44. – The trustees of a registered society or branch may, with the consent of the committee or of a majority of the members present and entitled to vote in general meeting, invest the funds of the society or branch, or any part thereof, to any amount in any of the following ways:

- (a) in the Post Office Savings Bank , or in any savings bank certified under the Trustee Savings Bank Act ,1863 ; or
- (b) in the public funds; or
- (c) with the National Debt Commissioners as in this Act provided ; or
- (d) in the purchase of land , or in the erection or alternation of offices or other buildings thereon ; or
- (e) upon any other security expressly directed by the rules of the society or branch , not being personal security, except as in this Act authorized with respect to loans : or
- (f) in any investment in which trustees are for the time being by law authorized to invest trust funds.

(2) The rules of a society with branches and

of any branch thereof may provide for the investment of funds of the society or of that branch by the trustees of any branch , or by the trustees of any society , and the consent required for any such investment shall be the consent of the committee , or of such majority as aforesaid of the society or branch by whom the funds are invested.

**Vesting of Property** 49. – (1) All property belonging to a society, whether acquired before or after the society is registered, shall vest in the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society.

(2) The property of a registered branch of a society shall vest wholly or partly in the trustees for the time being of that branch or of any other branch of which that branch forms part (or, if the rules of the society so provide , in the trustees for the time being of the society), for the use and benefit either of the members of any such branch and persons claiming through those members , or of the members of the society generally, and persons claiming through them, according to the rules of the society.

(3) The trustees shall not be liable to make good any deficiency in the funds of the society or branch, but still be liable only for sums of money actually received by them respectively on account of the society or branch.

**Description in legal proceedings** 51. – In all legal proceedings whatsoever concerning any property vested in the trustees of a registered society or branch , the property may be stated to be the property of the trustees in their proper names as trustees for the society or branch without further description.

**Power of  
Member to  
dispose of  
sums payable  
on his death  
by nomination**

56. – (1) A member of a registered society (other than a benevolent society or working-men`s club) or branch thereof , not being under the age sixteen years , may , by writing under his hand delivered at or sent to the registered office of the society or branch , or made in a book kept at that office , nominate a person to whom any sum of money payable by the society or branch on the death of that member , not exceeding three hundred pounds shall be paid at his decease.

(2) The sum of money payable by the society or branch on the death of a member shall include sums of money contributed to or deposited in the separate loan account and the sums of money accumulated for the use of the member under the provisions of this Act with interest thereon.

(3) The person so nominated must not be an officer or servant of the society or branch , unless that officer or servant is the husband , wife , father, mother, child , brother , sister , nephew or niece of the nominator.

(4) A nomination so made may be revoked and varied by any similar document under the hand of the nominator, delivered , sent or made as aforesaid.

(5) The marriage of a member of a society or branch shall operate as a revocation of any nomination theretofore made by that member under this section.

(6) A nomination or a variation or revocation of a nomination by writing under the hand of a member of a registered branch , or made in a book kept at that office, shall be effectual notwithstanding that the money to which the nomination relates or some part thereof is not payable by that branch , but is payable by the society or some branch.

### **Intestacy**

58. – (1) If a member of a registered society or branch , entitled from the funds thereof to a sum not exceeding three hundred pounds, dies intestate and without having made any nomination thereof then subsisting , the society or branch may , without letters of administration , distribute the sum among such persons as appear to a majority of the trustees , upon such evidence as they may deem satisfactory to be entitled by law to receive that sum

(2) If any such member is illegitimate , the trustees may pay the sum of money which that member might have nominated to or among the persons who, in the opinion of a majority of them, would have been entitled thereto if that member had been legitimate, or if there are no such persons, the society or branch shall deal

with the money as the Treasury may direct.

**Certificates of death**

61. – (1) A registered society or branch shall not pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths , except upon the production of a certificate of that death under the hand of the registrar of deaths or other person having care of the register of deaths in which that death is or ought to be entered.

(2) This section shall not apply to deaths at sea, not to a death by a colliery explosion or other accident where the body cannot be found, nor to any death certified by a coroner or producer fiscal to be the subject of a pending inquest or inquiry.

**Limitation of amount payable**

62. – A society or branch, whether registered or unregistered, shall not insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of that child by any society or branch , exceeds six pounds , or on the death of a child under ten years of age any sum of money which , added to any amount payable on the death of that child by any other society or branch, exceeds ten pounds.

**Person to whom payment may be made**

63. – A society or branch, whether registered or unregistered, shall not insure or pay on the death of a child under ten years of age except to the parent of the child , or to the personal representative of the parent , and upon the production by the parent or his

personal representative of a certificate of death issued by the registrar of deaths or other person having the care of the registrar of deaths , containing the particulars mentioned in this Act.

**Decision of  
Disputes**

68. – (1) Every dispute between :-

- (a) a member or person claiming through a member or under the rules of a registered society or branch, and the society or branch or an officer thereof ; or
  - (b) any person aggrieved who has ceased to be a member of a registered society or branch , or any person claiming through such person aggrieved and the society or branch , or an officer thereof; or
  - (c) any registered branch of any society or branch and the society or branch of which it is a branch ; or
  - (d) an officer of any such registered branch and the society or branch of which that registered branch is a branch ; or
- (3) any two or more registered branches of any society or branch, or any officers thereof respectively.

shall be decided in manner directed by the rules of the society or branch , and the decision so given shall be binding and conclusive on all parties without appeal , and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be to the county court.

(2) The parties to to a dispute in a registered society or branch may ,by consent (unless the rules of the society or branch expressly forbid it), refer the dispute to the chief registrar , or in Scotland or Ireland to the assistant registrar.

(3) The chief or other registrar to whom a dispute is referred shall , with the consent of the Treasury , either by himself or by any other registrar , hear and determine the dispute , and shall have power to order the expenses of determining the dispute to be paid either out of the funds of the society or branch, or by such parties to the dispute as he may think fit , and his determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society or branch.

(4) The chief or other registrar to whom a dispute is referred may adminisiter 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.

(5) Where the rules of a registered society

or branch direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction , or, if the parties thereto consent , by the county court.

(6) Where the rules contain no direction as to disputes , or where no decision is made on a dispute within forty days after application to the society or branch for a reference under its rules , the member or person aggrieved may apply either to the county court , or to a court of summary jurisdiction , and the court to which application is so made may hear and determine the matter in dispute ; but in the case of a society with branches the said forty days shall not begin to run application has been made in succession to all the bodies entitled to determine the dispute under the rules of the society or branch , so however that no rules shall require a greater delay than three months between successive determination.

(7) Notwithstanding anything contained in the Arbitration Act, 1889, or in any other Act, the court and the chief or other registrar or any arbitrator or umpire to whom a dispute is referred under the rules of a registered society or branch shall not be compelled to state a special case on any question of law arising in the case , but the court , or chief or other registrar , may , at the request of either party , state a case for the opinion in England or Ireland of the Supreme Court, and in Scotland of either division of the

Inner House of the Court of Session , on any question of law , and may also grant to either party such discovery as to documents and otherwise , or such inspection of documents , and in Scotland may grant warrant for the recovery of documents and examination of wavers , as might be granted by any court of law or equity , and the discovery shall be made on behalf of the society or branch by such officer thereof as the court or registrar may determine.

(8) In this section the expression "dispute" includes any dispute arising on the question whether a member or person aggrieved is entitled to be or to continue to be a member or to be reinstated as a member but, same , as foresaid , in the case of a person who has ceased to be a member , does not include any dispute other than a dispute on a question between him and the society or branch or an officer thereof which arose whilst he was a member , or arises out of his previous relation as a member to that society or branch.

**Meaning of  
Special  
resolution**

74. – For the purpose of this Act a special resolution shall mean a resolution which is :-

- (a) passed by a majority of not less than three-fourths of such members of a registered society, entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose that resolution has been duly given according to the rules ; and

- (b) confirmed by a majority of such members entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies), at a subsequent general meeting of which notice has been duly given held not less than fourteen days, nor more than one month from the day of the meeting at which such resolution was first passed.

At any meeting mentioned in this Section a declaration by the Chairman that the resolution has been carried shall be conclusive evidence of the fact.

**Inspectors  
and special  
meetings**

76. – (1) Upon the application:-

- (a) of one-fifth of the whole number of members of a registered society; or
- (b) in the case of a registered society of one thousand members and not exceeding ten thousand, of one hundred members; or
- (c) in the case of a registered society of more than ten thousand members, of five hundred members.

the chief registrar, or in cases of societies registered and doing business exclusively in Scotland or in Ireland the assistant registrars for Scotland and Ireland respectively, but with the consent of the Treasury in every case, may :-

- (a) appoint an inspector or inspectors to examine into and report on the affairs of the society; or
- (b) call a special meeting of the society.

(2) The application under this section shall be supported by such evidence , for the purpose of showing that the applicants have good reason for requiring an inspection to be made or meeting to be called , and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar directs.

(3) The chief or assistant registrar may , if he thinks fit, require the applications to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling the meeting.

(4) All expenses of and incidental or preliminary to any such inspection or meeting shall be defrayed by the members applying therefore or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the chief or assistant registrar directs

(5) An inspector appointed under this section 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 accordingly.

(6) The chief or assistant registrar may direct at what time and place a special meeting under this section is to be held and what matters are to be discussed and determined at that meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

(7) This section shall not apply to society with branches, except with the consent of the central body of that society.

#### **Dissolution of societies**

78. – (1) Subject to the provision of this Act as to the dissolution of societies with branches, a registered society or branch may terminate or be dissolved in any of the following ways:-

- (a) upon the happening of any event declared by the rules to be the termination of the society or branch; or

(b) as respects societies or branches other than friendly societies or branches, by the consent of three-fourths of the members, testified by their signatures to the instrument of dissolution; or

(c) as respects friendly societies or branches, by the consent of five-sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the written consent of every person receiving or entitled to receive any relief, annuity or other benefit from the funds of the society or branch, unless the claim of that person is first duly satisfying that claim, and, in the case of a branch, with the consent of the central body of the society, or in accordance with the general rules of the society; or

(d) by award of the chief registrar or assistant registrars in the cases specified in this Act.

(2) The provisions of this Act as to the method of

calculating the value of members and the remedy of members and persons dissatisfied with the provisions made for satisfying their claims in the case of the amalgamation or transfer of engagements of a registered friendly society shall apply to the dissolution of a registered friendly society or branch.

**Dissolution  
by award**

80. – (1) Upon the application made in writing under their hands :-

- (a) of one-fifth of the whole number of members of a registered society or branch; or
- (b) in the case of a registered society or branch of one thousand members and not exceeding ten thousand of one hundred members; or
- (c) in the case of a registered society or branch of more than ten thousand members and not exceeding ten thousand of one hundred members ; or

the chief registrar may by himself ,or by an assistant registrar, or by any actuary or public auditor in writing under his hand, investigate the affairs of the society or branch , but shall give not less one months previous notice in writing to the society or branch whose affairs are to be investigated.

(2) The application shall :-

- (a) state the funds of the society or

branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured and

(b) set forth the grounds on which the insufficiency is alleged ; and

(c) request an investigation into the affairs of the society or branch with a view to the dissolution thereof.

(3) If upon the investigation it appears that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured to be given by the society or branch the chief registrar may, if he considers it expedient so to do, award that the society or branch be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society or branch shall be divided or appropriated: Provided always, that the chief registrar may suspend his award for such period as he may deem necessary to enable the society or branch to make such alterations and adjustments of contributions and benefits as will in his judgement prevent the necessity of the award of dissolution being made.

(4) A registrar proceeding under this section shall have all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Act.

(5) Every award under this section, section, whether for dissolution or distribution of funds, shall be final and conclusive on the society or branch in respect of which the award is made , and on all members of the society or branch and on all other persons having any claim on the funds of the society or branch, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act.

(6) The expenses of every investigation and award, and of publishing every notice of dissolution , shall be paid out of the funds of the society or branch before any other appropriation thereof is made.

(7) Notice of every award for dissolution shall, within twenty-one days after the award has been made , be advertised by the central officer and unless, within three months from the date on which the advertisement appears, a member or person interested in or having any claim on the funds of the society or branch commences proceedings to set aside the dissolution of the society or branch consequent upon such award, and the dissolution is set aside accordingly the society or branch shall be legally dissolved from the date of the advertisement , and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

**Legal  
proceedings**

94. – (1) The trustees of a registered society or branch , or any other officers authorized by the rules thereof, may bring or defend , or cause to be brought or defended , any action or other legal proceedings in any court whatsoever , touching or concerning any property , right , or claim of the society or branch , and may sue and be sued in their proper names, without other description than the title of their office.

(2) In legal proceedings brought under this Act by a member , or person claiming through a member , a registered society or branch may also be sued in the name , as defendant , of any officer or person who receives contributions or issues policies on behalf of the society or branch within the jurisdiction of the court in which the legal proceeding is brought , with the addition of the following words “on behalf of the society or branch” (naming the same).

(3) A legal proceeding shall not abate or be discontinued by the death, resignation, or removal from office of any officer or by any act of any such officer after the commencement of the proceedings.

(4) The summons, writ, process, or other proceeding, to be issued to or against the officer or other person sued on behalf of a registered society or branch, shall be sufficiently served by personally serving that officer or other person, or by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch within the jurisdiction of the court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business.

(5) In all cases where the said summons, writ, process, or other proceeding is not served by means of such personal service or by leaving a true copy thereof at the registered office of the society or branch as aforesaid, a copy thereof shall be sent in a registered addressed to the committee at the registered office of the society or branch, and posted at least six days before any further step is taken on the proceeding.

(6) Where proceedings are taken against a society or branch for the recovery of any fine under this Act the summons or other process shall be sufficiently served by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch, within the jurisdiction of the court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business.

(7) Where the person against whom

the proceedings are to be taken is himself a trustee of a society or branch the proceedings may be brought by the other trustees or trustee of the society or branch.

**Definitions**

106. – In this Act, unless a contrary intention appears:

The expression “the registrar” shall mean for England or Ireland the central office, and for Scotland the assistant registrar for Scotland:

The expression “Land” shall include any Interest in land:

The expression “property” shall extend to all property whether real or personal (including books and papers):

The expression “registered society” shall mean a society registered under this Act, and shall include societies subsisting at the commencement of this Act to which the provisions of this Act apply:

The expression “amendment of rule” shall include a new rule, and a resolution rescinding a rule:

The expression “branch” shall mean any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee or officers appointed by themselves , and bound to contribute to a fund under the control of a central body:

The expression “committee” shall mean

the committee of management or other directing body of a society or branch:

The expression “persons claiming through a member” shall include the nominees of the member where nomination is allowed:

The expression “meeting” shall include (where the rules of a society or branch so allow) a meeting of delegates appointed by members:

The expression “gazette” shall mean the London Gazette for England, the Edinburgh Gazette for Scotland, and Iris Oifigiuil for Ireland:

The expression “Treasury regulations” shall mean any regulations made and approved by the Treasury and in force under this Act:

The expression “signed” in relation to a body corporate shall mean sealed.



