



BELIZE

**BUILDING SOCIETIES ACT
CHAPTER 310**

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SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
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CHAPTER 310

BUILDING SOCIETIES

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Registration and Incorporation of Building Societies

3. Objects of Society.
4. Incorporation.
5. Appeal in case of refusal by Attorney General to certify rules, etc.
6. Document admissible in evidence.
7. Commencement of business.
8. Name of society to include “Building Society”.

PART III

Administration etc., of Building Societies

9. Distinction in names of society.
10. Society to use registered name only.
11. Change in name of society.
12. Change of chief office.

13. Matters to be set forth in the rules.
14. Copies of rules.
15. Amendment or addition to rules.
16. Rules may be made to provide forms of conveyance, etc.
17. Rules to be binding on members and others.
18. Evidence of rules of society.
19. Officers to give security.
20. Officers to render account when called upon.

PART IV

Borrowing Powers etc. of Building Societies

21. Funds raised by issue of shares.
22. Deposits or loans at interest.
23. Payment of sums not exceeding \$2,000 when members or depositors die intestate.
24. Limits of borrowing power.
25. Provisions as to deposit.
26. Liability for receipt of excess loans or deposits.
27. Investment of surplus funds.

PART V

Settlement of Disputes by Building Societies

28. Dispute as to construction of mortgage deed, etc.
29. Determination of disputes by arbitration.

30. Determination of disputes by Registrar General.
31. Determination of disputes by Supreme Court.
32. Determination to be final.

PART VI

Amalgamation and Dissolution of and Advances to Members of Building Societies

33. Societies may unite with others, or one society may transfer its engagements to another.
34. Proceedings necessary for the termination or dissolution of a society.
35. Cancelling and suspension of registration.
36. Cancellation of registration at request of society.
37. Effect of cancellation or suspension of registration.
38. Application of the Companies Act.
39. Application of Act to persons conducting dissolution of society.
40. Liability of borrowing members in event of dissolution.
41. Account and balance sheet to be sent to Registrar General on dissolution.
42. Power to dissolve society after investigation.
43. Power to make advances and maximum rates of interest.
44. Prohibition of balloting for advances.
45. Society may make advances to members on security only of their uncharged shares.
46. Mortgages not exceeding \$15,000 exempt from stamp duty.

PART VII

Miscellaneous

47. Admission of infants as members.
48. Disability of infants.
49. Provision for the case of a member dying intestate leaving an infant beneficiary.
50. Shares.
51. Power to acquire business premises.
52. Societies to make annual audits and statements of the funds to the members.
53. Inspection of books.
54. Power of Registrar General on application to appoint inspector or call special meeting.
55. Report admissible in evidence.
56. Limitation of liability of members.
57. Fees.
58. Offences in relation to property of building societies.
59. Penalty for falsifying documents.
60. Gifts, etc., not to be accepted by officials.
61. Offences.

Schedules :-

First Schedule – Guidance for Building Societies Rules

Second Schedule – Building Societies Bond

Third Schedule □ Certificates to be issued under the Act.

CHAPTER 310

BUILDING SOCIETIES

Ch. 153,
R. L. 1958.
CAP. 242,
R. E. 1980-1990.
40 of 1963.
1 of 1969.
18 of 1982.
22 of 1987.

[25th March, 1912]

PART I

Preliminary

1. This Act may be cited as the Building Societies Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“dispute” means a dispute between a society and a member thereof or any representative of such member in his capacity of a member of the society, unless by the rules of the society for the time being it is otherwise expressly provided;

“permanent society” means a society which has not by its rules any such fixed date or specified result at or on the attainment of which it is to terminate;

“society” means a building society duly incorporated under this Act;

“terminating society” means a society which by its rules is to terminate at a fixed date or when a result specified in its rules is attained.

PART II

*Registration and Incorporation of
Building Societies*

Objects of Society.
18 of 1982.

3.-(1) Any number of persons may establish either a terminating society or a permanent society, for the purpose of raising by subscriptions of the members a stock or fund for making advances to members out of the funds of the society.

(2) Advances out of the funds of the society may be made upon security of freehold or leasehold land or on uncharged shares in the society or on guarantee or on such personal property as the Minister may from time to time by Order prescribe.

Incorporation.

4.-(1) The persons intending to establish a society shall transmit to the Attorney General two copies of the rules agreed upon by them for the government of such society signed by three of such persons and by the intended secretary or other officer.

(2) If the Attorney General is of opinion that the rules contain all the provisions set forth in the First Schedule, and that they are otherwise in conformity with this Act, he shall certify the two copies of the rules mentioned in subsection (1) of this section, and return one copy to the secretary or other officer of the society and forward the other copy to the Registrar General.

(3) The Registrar General shall, on receipt of such copy, register and file it in the General Registry and shall, on application, issue to the secretary or other officer of such society a certificate of incorporation.

(4) Upon the issue of the certificate of incorporation, the society shall become a society under this Act, and shall be a body corporate by its registered name having perpetual succession until terminated or dissolved as provided by this Act and having a common seal.

Appeal in case of refusal by Attorney General to certify rules, etc.

5.-(1) If the Attorney General refuses to certify any rules or alterations or amendments thereof, the person or society desirous of having the same certified may submit them to a judge, together with the reasons

in writing of the Attorney General for his refusal, which reasons the Attorney General is hereby required on demand to give, and thereupon the judge may, if he thinks fit, confirm and allow the rules, alterations or amendments, notwithstanding the refusal of the Attorney General to certify them.

(2) If the judge confirms and allows the rules, alterations and amendments, he shall cause one copy of the rules, alterations or amendments to be sent to the Registrar General and the other copy to the secretary or other officer of the society, and on such rules or alterations or amendments being confirmed and allowed by the judge, the same consequences shall ensue as if they had been certified by the Attorney General.

6. Any certificate of incorporation or registration or other document relating to a society purporting to be signed by the Registrar General shall, in the absence of any evidence to the contrary, be received in all courts in Belize without proof of the signature.

Document admissible in evidence.

7. No society shall commence business without first obtaining a certificate of incorporation as provided for under this Act.

Commencement of business.

8. The words "Building Society" shall form part of the registered name of every society.

Name of society to include "Building Society".

PART III

Administration etc., of Building Societies

9. No society shall be registered under this Act in a name identical with that in which a subsisting society is already registered, or so nearly resembling it as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved and consents to such registration.

Distinction in names of society.

10. A society shall not use any name or title other than its registered name.

Society to use registered name only.

Change in name
of society.

11.—(1) A society may change its name by resolution of three-fourths of the members present at a meeting called for the purpose, if the new name is such as could be registered under section 9 of this Act.

(2) Notice of the change of name shall be sent to the Registrar General and registered by him, and he shall give a certificate of registration.

(3) Such change of name shall not affect any right or obligation of the society or of any member thereof or other person concerned.

Change of chief
office.

12.—(1) A society may change its chief office,

(a) in such manner as its rules direct; or

(b) if there is no such direction in the rules, then at a general meeting specially called for the purpose in accordance with its rules.

(2) No alteration of rule shall be necessary upon such change nor shall the provisions of section 11 apply to such change.

(3) Notice of any such change shall, within seven days after the change, be sent by the secretary to the Registrar General who shall register it and shall give a certificate of registration.

Matters to be set
forth in rules.

13. The rules of every society shall set forth the facts, matters and things referred to in the rules contained in the First Schedule.

Copies of rules.

14. Every society shall supply to any person requiring it a complete printed copy of the rules with a copy of the certificate of incorporation appended thereto, and shall be entitled to charge for every such printed copy of the rules a sum not exceeding one dollar.

Amendment or
addition to rules.

15.—(1) Any society may alter or rescind any rule or make additional rules in the manner its rules direct.

(2) Every society altering or rescinding any rule or making additional rules shall forward to the Attorney General two copies of every resolution

for rescission of a rule and of every alteration of or addition to its rules signed by three members and the secretary, together with a statutory declaration by an officer of the society that this section has been complied with.

(3) If the Attorney General considers that such alteration, addition or rescission is in conformity with this Act, he shall certify such copies and send one copy to the secretary or other officer of the society and the other copy to the Registrar General, who shall register and file it and on application issue to the secretary or other officer of the society a certificate of such registration.

16. Any society may in a schedule to its rules describe the forms of agreement, bond, security for deposit or loan or other instrument necessary for carrying its purposes into execution.

Rules may be made to provide forms of conveyance, etc.

17. The rules and any alterations and amendments thereof of any society duly certified and registered in the General Registry shall from the time of issue of the certificate of incorporation or certificate of registration be the rules of the society to which they relate until they are duly rescinded, annulled or altered and shall be binding on the several members and officers of such society, the contributors and subscribers thereto and all other persons having interest therein, all of whom shall be deemed and taken to have full notice thereof.

Rules to be binding on members and others.

18. A printed copy of the rules of any society, certified by the secretary or other officer of the society to be a true copy of its registered rules shall, in the absence of any evidence to the contrary, be received as evidence of the rules of such society.

Evidence of rules of society.

19. Every officer of a society having the receipt or charge of any money belonging to the society shall, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond according to the form set forth in the Second Schedule, or give the security of a guarantee society, or such other security as the society directs in such sum as the society requires, conditioned for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from him to the society at such times as its rules appoint, or as the society may require.

Officers to give security.

Officers to render account when called upon.

20.—(1) Every such officer, his executors or administrators shall upon demand made or notice in writing given or left at his last or usual place of residence give in his account, as may be required by the board of directors or committee of management of the society to be examined and allowed or disallowed by them and shall on the like demand or notice pay over all the moneys remaining in his hands and deliver all securities and effects, books, papers and property of the society in his hands or custody, to such person as the society appoints.

(2) In case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such securities and effects, books, papers and property in manner prescribed in subsection (1) of this section, the society may sue upon the bond or may apply to a judge in chambers, who may proceed thereupon in a summary way and make such order thereon as to him in his discretion may think just, which order shall be final and conclusive.

PART IV

Borrowing Powers etc. of Building Societies

Funds raised by issue of shares.

21. A society may from time to time raise funds by the issue of shares of one or more denominations, either paid-up in full or to be paid by periodical or other subscriptions and with or without accumulating interest, and may repay such funds when they are no longer required for the purposes of the society.

Deposits or loans at interest.

22.—(1) Any society may receive deposits or loans at interest, within the limits provided in this section, from the members or other persons or from corporate bodies, joint stock companies, or from any terminating society under this Act to be applied to the purpose of the society.

(2) In the case of a permanent society, the total amount so received on deposit or loan and not repaid by the society shall not at any time exceed two-thirds of the amount for the time being secured to the society by mortgage from its members.

(3) In the case of a terminating society, the total so received and not repaid by the society may either be a sum not exceeding such two-thirds as

mentioned in subsection (2) of this section, or a sum not exceeding twelve months' subscriptions on the shares for the time being in force.

(4) Every deposit book or acknowledgment or security of any kind given for a deposit or loan by a society shall have printed or written thereon or therein the whole of sections 22 and 56 of this Act.

23.—(1) Where any member of or depositor with a society having in the funds thereof a sum of money not exceeding two thousand dollars dies intestate, the amount due to him may be paid to the person who appears to the directors or committee of management of the society to be entitled under the Administration of Estates Act, Cap. 197 to receive it, without the taking out of letters of administration, upon the society receiving satisfactory evidence of death and a statutory declaration that the member or depositor died intestate, and that the person so claiming is so entitled.

Payment of sums not exceeding \$2,000 when members or depositors die intestate.
18 of 1982.

(2) Whenever the society after the decease of any member or depositor has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased under the belief that he had died intestate, the payment shall be valid and effectual with respect of any demand from any other person as next of kin or as the lawful representative of such deceased member or depositor against the funds of the society.

(3) The next of kin or representative lawfully entitled to any such sum of money shall have his remedy for the amount of such payment against the person who has received it.

24. In calculating the amount for the time being secured to a society by mortgages from its members for the purpose of ascertaining the limits of its power to receive deposits or loans at interest, the amount secured in properties, the payments in respect of which were upwards of twelve months in arrears at the date of the society's last preceding annual account and statement, and the amount secured on properties of which the society has been twelve months in possession at the date of such account and statement, shall be disregarded.

Limits of borrowing power.

25. No society shall accept any deposit except on the terms that not less than one month's notice may be required by the managers of the society before payment or withdrawal.

Provisions as to deposit.

Liability for receipt of excess loans or deposits.

26. If any society receives loans or deposits in excess of the limits prescribed by this Act, the directors or committee of management of such society receiving such loans or deposits on its behalf shall be personally liable for the amount so received in excess.

Investment of surplus funds.

27.—(1) Any society may from time to time, as the rules permit, invest any portion of the funds of the society not immediately required for its purposes,

- (a) on real property in Belize;
- (b) in loans raised by the authority of the National Assembly;
- (c) on any security in which trustees are for the time being authorised by law to invest; or
- (d) in the shares of any company registered under the Companies Act , Cap. 250, or incorporated by Act of the United Kingdom Parliament,

Provided that no such investment be made in the shares of any company other than one with limited liability.

(2) A society so investing may make such investment in its registered name.

PART V

Settlement of Disputes by Building Societies

Dispute as to construction of mortgage deed, etc.

28. Unless rules of the society otherwise provide, a dispute between any society and any member thereof or other person whatever as to the construction or effect of any mortgage deed or any contract contained in any document, other than the rules of the society, shall not be the subject of an arbitration under this Act, and a society or any member thereof or other person claiming through or under him shall be entitled to claim in the ordinary course of law any remedy in respect of any such mortgage or other contract to which the society or he would otherwise be by law entitled.

29.—(1) Where the rules of a society direct disputes to be referred to arbitration, arbitrators shall be named and elected in the manner such rules provide.

Determination of disputes by arbitration.

(2) If the rules make no such provision, then not less than three arbitrators, none of them being directly or indirectly beneficially interested in the funds of the society, shall be chosen by ballot at the first general meeting of the society, or, failing such election, at the subsequent general meeting.

(3) In every such case of dispute, the number of the arbitrators and mode of ballot shall be determined by the rules of the society.

(4) The names of such arbitrators shall be duly entered in the minute book of the society, and in case of the death or refusal or neglect of any of the arbitrators to act, the society at a general meeting shall name and elect an arbitrator to act in the place of the arbitrator dying, refusing or neglecting to act.

(5) Whatever award shall be made by the arbitrators or the major part of them, according to the true purport and meaning of the rules of the society, shall determine the dispute.

(6) Where either of the parties to the dispute refuses or neglects to comply with or conform to such award within such time as may be limited by the award, the Supreme Court, upon good and sufficient proof being adduced of such an award having been made, and of the refusal of the party to comply therewith, shall enforce compliance with the same upon the petition of any person concerned.

30. Where the parties to any such dispute agree to refer the dispute to the Registrar General, or where the rules of the society direct disputes to be referred to the Registrar General, the award of the Registrar General shall have the same effect as that of arbitrators.

Determination of disputes by Registrar General.

31. The Supreme Court may hear and determine a dispute in the following Cases,

Determination of disputes by Supreme Court.

(a) where it appears to the court, upon the petition of any persons concerned, that application has been made by

either party to the dispute to the other party for the purpose of having the dispute settled by arbitration under the rules of the society, and that such application has not within forty days been complied with, or that the arbitrators have refused or for a period of twenty-one days have neglected to make any award;

- (b) where the rules of the society direct disputes to be referred to the Supreme Court.

Determination to be final.

32. Every determination by arbitrators or by the Supreme Court of a dispute shall be binding and conclusive on all parties, and shall be final to all intents and purposes and shall not be subject to appeal.

PART VI

Amalgamation and Dissolution of and Advances to Members of Building Societies

Societies may unite with others, or one society may transfer its engagements to another.

33.—(1) Two or more societies may unite and become one society with or without any dissolution or division of the funds of such societies or either of them.

(2) A society under this Act may transfer its engagements to any other such society upon such terms as are agreed upon by three-fourths of the members of each of such societies present at general meetings respectively convened for the purpose,

Provided that such agreement shall receive the concurrence in writing of the holders of not less than two-thirds of the whole number of shares of each society, whether they were present at the meeting or not, but no such transfer shall prejudice any right of any creditor of either society.

(3) Notice of every such union or transfer shall be sent to the Registrar General and registered by him.

(4) The registration of the notice of the union of any societies or of the transfer of the engagements of any society to another society in terms of

and subject to this section shall operate as an effectual conveyance, transfer and assignment as at the date of the registration of the funds, property and assets of the societies so uniting to the united society or of the society transferring its engagements to the society to which such engagements may be transferred as may be set forth in the instrument of union or transfer of engagements without any conveyance, transfer or assignment whatever,

Provided that such union or transfer of engagements shall not affect the rights of any creditors of either or any society uniting or transferring its engagements.

34.—(1) A society may terminate or be dissolved,

- (a) upon the happening of any event declared by its rules to be the termination of the society;
- (b) by dissolution in manner prescribed by its rules;
- (c) by dissolution with the consent of three-fourths of the members, holding not less than two-thirds of the number of shares in the society, testified by their signatures to the instrument of dissolution;
- (d) by winding-up, either voluntarily under the supervision of the Supreme Court or by the Supreme Court, if the Court shall so order, on the petition of any member authorised by three-fourths of the members present at a general meeting of the society specially called for the purpose to present the same on behalf of the society or on the petition of any judgment creditor for not less than two hundred and fifty dollars, but not otherwise.

(2) An instrument of dissolution shall set forth,

- (a) the liabilities and assets of the society in detail;
- (b) the number of members and the amount standing to their credit in the books of the society;

Proceedings necessary for the termination or dissolution of a society.

- (c) the claims of depositors and other creditors and the provision to be made for their payment;
- (d) the intended appropriation or division of the funds and property of the society;
- (e) the names of one or more persons to be appointed trustees for the special purpose, and their remuneration;
- (f) provision for the appointment of new trustees.

(3) An instrument of dissolution,

- (a) may, with the like consent and evidenced in the same manner, be altered;
- (b) shall, as well as any alterations thereof, be registered in the manner provided for the registration of rules and be binding upon all the members of the society.

(4) Rules of court for regulating the proceedings in the case of dissolution under the supervision of or by the Supreme Court may from time to time be made, and until so made the practice shall be such as the Chief Justice may sanction or allow.

(5) Notice of the commencement and termination of every dissolution or winding-up shall be sent to the Registrar General and registered by him.

35.—(1) Where the Registrar General is satisfied with respect to a society,

- (a) that a certificate of incorporation has been obtained by fraud or mistake;
- (b) that the society exists for an illegal purpose;
- (c) that the society has wilfully, and after notice from him, violated any of the provisions of this Act; or
- (d) that the society has ceased to exist,

Canceling and suspension of registration.

the Registrar General, with the approval of the Minister, may cancel or suspend the registration of the society.

(2) Any cancellation or suspension of registration under this section shall be effected in writing signed by the Registrar General.

(3) Where the registration of a society is suspended under this section, the period of suspension shall in the first instance be a period not exceeding three months, but may, with the approval of the Minister, be extended from time to time by not more than three months at a time.

(4) Before cancelling or suspending the registration of a society under this section, the Registrar General shall give to the society not less than two months' previous notice in writing, specifying briefly the grounds of the proposed cancellation or suspension.

(5) As soon as practicable after the cancellation or suspension of the registration of a society under this section takes effect, the Registrar General shall cause notice thereof to be published in the *Gazette*.

(6) Where the registration of a society,

(a) is cancelled under this section; or

(b) is suspended under this section for a period not exceeding six months,

the society may appeal to the court; and on any such appeal the court, if it thinks it just to do so, may set aside the cancellation or suspension.

36. Without prejudice to section 35 of this Act, the Registrar General may, if he thinks fit, cancel the registration of a society at the society's request, evidenced in such manner as he may direct.

Cancellation of registration at request of society.

37.-(1) Subject to the following provisions of this section, where the registration of a society is cancelled or suspended under section 35 of this Act, or is cancelled under section 36 of the Act, then as from the time of the cancellation or suspension (but, in the case of suspension, only so long as the suspension continues) the society shall absolutely cease to enjoy such privileges of a society under this Act.

Effect of cancellation or suspension of registration.

(2) Subsection (1) of this section shall have effect subject to the right of appeal under section 35(6) of this Act.

(3) Subsection (1) of this section, shall have effect in relation to a society without prejudice to any liability actually incurred by the society; and any such liability may be enforced against the society as if the cancellation or suspension had not taken place.

Application of the Companies Act.

38. The provisions of the Companies Act, Cap. 250 dealing with the winding-up of companies, shall so far as applicable apply to every society, and every such society shall, for the purpose of being wound-up, be deemed to be a company within the meaning of the Companies Act, Cap. 250.

Application of Act to persons conducting dissolution of society.

39. Where a society is being dissolved in the manner prescribed by its rules or in pursuance of the consent of three-fourths of the members, this Act shall continue to apply in the case of the society as if the liquidators or other persons conducting the dissolution of the society or the trustees appointed under the instrument of dissolution were the board of directors or committee of management of the Society.

Liability borrowing members in even of dissolution.

40. When a society is being dissolved or wound-up, a member to whom an advance has been made under any mortgage or other security or under the rules of the society shall not be liable to pay the amount payable under the mortgage or other security or rules except at the time or times and subject to the conditions therein expressed.

Account and balance sheet to be sent to Registrar General on dissolution.

41. If a society is dissolved in the manner prescribed in its rules or in pursuance of the consent of three-fourths of the members, the liquidators, trustees or other persons having the conduct of the dissolution shall, within twenty-eight days from the termination of the dissolution, send to the Registrar General an account and balance sheet signed and certified by them as correct, and showing the assets and liabilities of the society at the commencement of the dissolution and the mode in which those assets and liabilities have been applied and discharged, and in default of so doing shall each be liable to a fine not exceeding two hundred dollars for every day during which the default continues.

42.—(1) On the application in writing of one-tenth of the whole number of members of any society, or of one hundred members in the case of a society of more than one thousand members, setting forth that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, and requesting an investigation into the affairs of the society with a view to the dissolution thereof, the Registrar General may investigate the affairs of the society, but shall before doing so give not less than two months' previous notice in writing to the society at its registered chief office or place of meeting.

Power to dissolve society after investigation.

(2) Subject to subsection (3) of this section, if on such investigation it appears that the society is unable to meet the claims of its members, and that it would be for their benefit that it should be dissolved, the Registrar General may, if he considers it expedient to do so, award that the society be dissolved, and shall direct in what manner the affairs of the society are to be wound-up.

(3) The Registrar General may suspend his award for such period as he may deem necessary to enable the society to make such alterations of its rules as will in his judgment prevent the necessity of the award being made.

(4) The Registrar General shall, within twenty-one days after the making of any award for dissolution under this section, cause notice thereof to be advertised in the *Gazette*.

43.—(1) A society may make advances to its members out of its funds upon security of freehold or leasehold property by way of legal mortgage and on guarantees and shall have power to sell the property mortgaged without any order of court.

Power to make advances and maximum rates of interest.
18 of 1982.

(2) The provisions of section 69 and section 82 of the Law of Property Act, Cap. 190, shall apply to such sale as if such mortgage were a mortgage under the Law of Property Act, Cap. 190.

(3) Where a society makes an advance on the security of a mortgage of freehold or leasehold property, it shall not in respect of that advance charge interest at a rate in excess of twelve *per centum* per annum or such other rate *in lieu* thereof as the Minister may fix by Order published in the *Gazette*.

(4) An Order made by the Minister under subsection (3) of this section, shall provide that the rate of interest thereby fixed may be applied with effect from the date of the coming into force of the Order to mortgages subsisting at that date which contain provisions enabling the mortgagee to vary the rate of interest payable thereunder, as well as to mortgages given after that date.

(5) No society shall by its rules provide for or permit the charging of interest in excess of the rates referred to in the preceding subsections and so much of the rules of any society as provide for or permit the charging of interest in excess of the said rate shall be *ultra vires*.

44. A society shall not cause or permit the applicants for advances to ballot for precedence or in any way make the granting of an advance depend on any chance or lot.

45. It shall be lawful for any society to make advances to members out of its funds on the security only of their uncharged shares, and the money paid thereon in accordance with the rules of the society which shall provide that such loans shall not exceed four-fifths of the amount actually paid in by such members on account of such shares and that when the amount so lent as aforesaid and interest and other moneys due thereon shall equal the amount standing to the credit of the share or shares of such member or members in the books of the society his, her or their share or shares shall be cancelled to meet the indebtedness aforesaid to the society and such borrower or borrowers shall cease to be a member or members of the society in respect of such share or shares.

46. All mortgages granted to a society for any sum not exceeding fifteen thousand dollars shall be exempt from any stamp duty.

PART VII

Miscellaneous

47. Any person under the age of eighteen years may be admitted as a member of any society, the rules of which do not prohibit such admission, and shall have the same powers of transferring or withdrawing his shares as an adult member has and may give all necessary acquittances.

Prohibition of balloting for advances.

Society may make advances to members on security only of their uncharged shares.
18 of 1982.

Mortgages not exceeding \$15,000 exempt from stamp duty.
18 of 1982.

Admission of infants as members.
3 of 1978.
18 of 1982.

- 48.** No person under the age of eighteen years shall be competent to vote or hold any office in any society.
- 49.** Whenever a member of a society having executed a mortgage to the society shall die intestate, leaving an infant entitled to the proceeds of the mortgaged property, the society after selling may pay to the administrator or administratrix of the deceased member any money to the amount of five thousand dollars which remains in the hands of the society after paying the amount due to it together with the costs and expenses of the sale, without being required to pay or invest the same in any other manner that may at any time by law be provided generally in respect of trustees.
- 50.** Two or more persons may jointly hold a share or shares in any society.
- 51.** A society may purchase, build, hire or take upon lease any building for conducting its business, and may adapt and furnish it, and may purchase or hold upon lease any land for the purpose only of erecting thereon a building for conducting the business of the society, and may sell, exchange or let such building or any part thereof.
- 52.**—(1) The secretary or other officer of every society shall, once in every year ending with 31st December at least, prepare an account of all the receipts and expenditure of the society and a general statement of its funds and effects, liabilities and assets, showing the amounts due to the holders of the various classes of shares respectively, to depositors and creditors for loans, and also the balance due or outstanding on their mortgage securities, not including prospective interest, and the amount invested in the funds or other securities.
- (2) Every such account and statement shall be attested by the auditors, to whom the mortgage deeds and other securities belonging to the society shall be produced, and such account and statement shall be countersigned by the secretary or other officer.
- (3) Every member, depositor and creditor of loans shall be entitled to receive from the society a copy of such account and statement, and a copy thereof shall be sent to the Registrar General within fourteen days after

Disability of infants. 3 of 1978. 18 of 1982.

Provisions for the case of a member dying intestate leaving an infant beneficiary. 18 of 1982.

Shares.

Power to acquire business premises.

Societies to make annual audits and statements of the funds to the members.

the annual or other general meeting at which it is presented, or within three months after the expiration of the year ending 31st December, whichever period expires first.

(4) Another copy of the account mentioned in this section and statement thereof shall be exhibited in a conspicuous place in every office of the society registered under this Act.

(5) The Registrar General shall cause every such account and statement to be published in the *Gazette* as soon as possible after the receipt thereof.

Inspection
books.

of

53.—(1) The Registrar General may, if he thinks fit, on the application of ten members of a society, each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant or actuary to inspect the books of the society and to report thereon.

(2) The following provisions shall have effect where an application is made under subsection (1) of this section,

- (a) the applicant shall deposit with the Registrar General such sum as security for the costs of the proposed inspection as the Registrar General may require; and
- (b) all expenses of and incidental to any such inspection shall be defrayed by the applicants or out of the funds of the society or by the members or officers or former members or officers of the society in such amounts or portions as the Registrar General may require.

(3) A person appointed under this section shall have power to make copies of any books of the society and to take extracts therefrom at all reasonable hours, at the registered office of the society, or at any place where the books are kept.

(4) The Registrar shall communicate the results of any such inspection to the applicants and to the society.

54.—(1) The Registrar General may, on the application of one-tenth of the whole of the members of any society, or of one hundred members in the case of a society consisting of more than one thousand members, and with the consent of the Minister, either,

Power of Registrar General on application to appoint inspector or call special meeting.
40 of 1963.

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

(2) The following provisions shall have effect where an application is made under subsection (1) of this section,

- (a) the application under this section shall be supported by such evidence as the Registrar General may direct for the purpose of showing that the applicants have good reason for requiring the meeting to be called, and that they are not actuated by malicious motives in their application;
- (b) such notice of the application shall be given to the society as the Registrar General may direct;
- (c) the Registrar General shall require the applicants to give security for the costs of the proposed inspection or meeting before the inspector is appointed or the meeting is called; and
- (d) all expenses of and incidental to the inspection or meeting shall be defrayed by the applicants, or out of the funds of the society, or by members or officers or former members or officers of the society, in such proportions as the Registrar General may direct.

(3) An inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the society and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer an oath accordingly.

(4) The Registrar General 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 the 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 chairperson, any rule of the society to the contrary notwithstanding.

40 of 1963.

(5) The Registrar General may, without any application by members, but with the consent of the Minister given on each occasion, exercise the powers given by this section in the following cases,

- (a) where a society has for two months after notice failed to make any return required by this Act;
- (b) where a society has for two months after notice failed to correct or complete any such return;
- (c) where evidence is furnished by a statutory declaration of not less than three members of a society of facts which, in the opinion of the Registrar General, call for investigation or for recourse to the judgment of a meeting of the members,

Provided that the Registrar General shall, within seven days of receipt of such declaration, send a copy thereof to the society, and the society shall, within fourteen days from the sending of such copy, be entitled to give the Registrar General an explanatory statement in writing by way of reply thereto.

Report admissible in evidence.

55. The report of any inspectors appointed under this Act, or any copy thereof, certified and signed by the inspectors, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in such report.

Limitation of liability of members.

56. The liability of any member of any society in respect of any share upon which no advance has been made shall be limited to the amount actually paid or in arrears on such share and in respect of any share upon which an advance has been made shall be limited to the amount payable thereon under any mortgage or other security or under the rules of the society.

57.—(1) The Minister may from time to time make regulations respecting the fees, if any, to be paid in respect of the services of the Attorney General in certifying the rules or any alterations or amendments of the rules of any society and for the transmission, registration and inspection of documents and for any other duties required by the Registrar General under this Act and generally for carrying this Act into effect.

Fees. 40 of 1963.

(2) The Registrar General shall give his certificates in the forms contained in the Third Schedule respectively.

58.—(1) Any person who,

- (a) by false representation or imposition, obtains possession of any money, securities, books, papers or others effects of a society;
- (b) having in his possession any money, securities, books, papers or other effects of a society, withholds or misapplies them; or
- (c) wilfully applies any part of such money, securities, books, papers or other effects to purposes other than those expressed or directed in the rules of the society and authorised by this Act,

Offences in relation to property of building societies. Third Schedule.

commits an offence under this section and is on summary conviction liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

(2) The court by which a person is convicted of an offence under this section shall order him to deliver up to the society any moneys, securities, books, papers or other effects and to repay the money improperly applied.

(3) If any such person fails to make delivery of such money, securities, books, papers and effects or to make repayment of such money, he shall be liable to imprisonment for any term not exceeding three months.

(4) Nothing contained in this section shall prevent any such person from being proceeded against by way of indictment if a conviction has not been previously obtained against him for the same offence under this Act.

(5) Proceedings under this section may be taken by or at the instance of,

- (a) the society;
- (b) any member authorised by the society or by the board of directors or by the Director of Public Prosecutions; or
- (c) the Director of Public Prosecutions.

1 of 1969.

Penalty for falsifying documents.

59. If any person wilfully makes, orders or allows to be made any false statement in any document required by this Act to be sent to the Registrar General, or by erasure, omission or otherwise wilfully falsifies any such document, he shall be liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment for any term not exceeding six months, or to both such fine and term of imprisonment.

Gifts, etc., not to be accepted by officials.

60.—(1) Every director, secretary, surveyor, attorney-at-law or other officer of a society who shall, in addition to the remuneration prescribed or authorised by the rules of the society, receive from any other person any gift, bonus, commission or benefit, for or in connection with any loan made by the society, and every person who pays any such gift, bonus, commission or benefit, shall be liable to a fine not exceeding two hundred dollars, or in default of payment to imprisonment for any term not exceeding six months.

(2) The person accepting any such gift, bonus, commission or benefit shall, as and when directed by the court by whom he is convicted, pay over to the society the amount or value of such gift, bonus, commission or benefit, and if he fails to make such payment he shall be liable to imprisonment for any term not exceeding six months.

Offences.

61.—(1) If any society, or any body of persons representing themselves to be a society,

- (a) commences business without first obtaining a certificate of incorporation under this Act;
- (b) uses any name or title other than its registered name;

- (c) accepts deposits other than in accordance with section 25 of this Act;
- (d) makes default in inserting in any deposit book or acknowledgement or security for loan the matters required by section 22 of this Act to be inserted therein; or
- (e) neglects or refuses to give any notice, send any return or document or do or allow to be done anything which the society is by this Act to give, send, do or allow to be done, or to do any act or furnish any information required for the purposes of this Act by the Registrar General or by an inspector,

such society or body of persons shall on summary conviction be liable to a fine not exceeding five hundred dollars, and in the case of a continuing offence, to an additional fine not exceeding one hundred dollars for every week during which the offence continues.

(2) Every officer of a society, or of such body of persons, bound by the rules thereof to perform the duty, the breach of which has been committed under subsection (1) of this section, shall, unless he satisfies the court that he was ignorant of or attempted to prevent the breach of that duty, be liable to the like penalty for each offence.

(3) If there are no officers of such society, or body of persons, then every member of the committee of management or board of directors of such society or body of persons shall, unless he satisfies the court that he was ignorant of or attempted to prevent the breach of that duty, be liable to the like penalty for each offence.

FIRST SCHEDULE

BUILDING SOCIETIES ACT
Guidance for Building Societies Rules
[Sections 4 (2) and 13]

1. The name of the society and chief office or place of meeting for the business of the society.
2. The manner in which the stock or funds of the society is or are to be paid.
3. The terms upon which un-advanced subscription shares are to be issued, the manner in which the contributions are to be paid to the society and withdrawn by the members, with tables where applicable in the opinion of the Attorney General, showing the amount due by the society for principal and interest respectively.
4. The terms upon which paid-up shares, if any, are to be issued and withdrawn, with tables, where applicable in the opinion of the Attorney General, showing the amount due by the society for principal and interest respectively.
5. Whether preferential shares are to be issued, and if so, within what limits.
6. The manner in which advances are to be made and repaid, the deductions, if any, for fire or life insurance premiums, and the conditions upon which a borrower can redeem the amount due from him before the expiration of the period for which the advance was made, with tables, where applicable in the opinion of the Attorney General, showing the amount due from the borrower after each stipulated payment.
7. The manner in which losses are to be ascertained and provided for.
8. The manner in which membership is to cease.

9. Whether the society intends to borrow money and, if so, within what limits, not exceeding those prescribed by this Act.
10. The purposes to which the funds of the society are to be applied and the manner in which they are to be invested.
11. The manner of altering and rescinding the rules of the society, and of making additional rules.
12. The manner of appointing, remunerating and removing the board of directors or committee of management, auditors and other officers.
13. The manner of calling general and special meetings of members.
14. Provision for an annual or more frequent audit of accounts and inspection by the auditors of the mortgages and other securities belonging to the society.
15. Whether disputes between the society and any of its members or any person claiming by or through any members or under the rules shall be settled by reference to the Supreme Court or to arbitration, or to the Registrar General.
16. Provision for the device, custody and use of the seal of the society, which shall in all cases bear the registered name thereof.
17. The powers and duties of the board of directors or committee of management and other officers.
18. The fines and forfeitures to be imposed on members of the society.
19. The manner in which the society shall be terminated or dissolved.

SECOND SCHEDULE

BUILDING SOCIETIES ACT

Building Societies Bond

[Section 19]

KNOW ALL MEN by these presents, that we, **A. B.**, of
 one of the officers of the _____ Building Society,
 established at _____ in Belize, and C. D.,
 of _____ (as surety on behalf of the said A. B.), are
 jointly and severally held and firmly bound to the said society in the
 sum of _____ to be paid to the said society, for which
 payment well and truly to be made we jointly and severally bind ourselves
 and each of us by himself our and each of our heirs, executors and
 administrators firmly by these presents sealed with our seals.

DATED the _____ day of _____ in the year of Our
 Lord _____

WHEREAS the above bounden **A. B.** hath been duly appointed to
 the office of _____ of the Building Society as aforesaid, and
 he, together with the above bounden **C. D.** as his surety, have entered into
 the above written bond, subject to the condition hereinafter contained:

NOW, THEREFORE, the condition of the above written bond is
 such that if the said **A. B.** shall and do render a just and true account of
 all moneys remaining in his hands, and assign and transfer or deliver all
 securities and effects, books, papers and property of or belonging to the
 said society in his hands or custody to such person or persons as the said
 society shall appoint according to the rules of the said society, together
 with the proper or legal receipts or vouchers for such payments, then the
 above written bonds shall be void and of no effect, otherwise shall be and
 remain in full force and virtue.

THIRD SCHEDULE

BUILDING SOCIETIES ACT
Certificate of Incorporation
[Section 57]

The Registrar General hereby certifies that the
Building Society established at _____ in _____ is
incorporated under the Building Societies Act, Cap. 310, this
day of _____

Registrar General, Belize.

N.B.-The incorporation does not imply any approval by the Registrar
General of its rules or tables, or any guarantee of the management or
stability of the society.

BUILDING SOCIETIES ACT

Certificate of Registration of
Change of Name
[Section 57]

The Registrar General hereby certifies that the registered name of
the Building Society established at
is changed from the date hereof to the
name following: *(insert new name here)*
This day of 20 .

Registrar General, Belize

BUILDING SOCIETIES ACT
Certificate of Alteration of Chief Office
[Section 57]

The Registrar General hereby certifies that the registered Chief
Office of the _____ Building Society
established at _____ is changed from the date hereof to
the office or place following: *(insert here the address of new Chief Office)*

This _____ day of _____ 20 ____ .

BUILDING SOCIETIES ACT
Certificate of Registration of
Alteration of Rules
[Section 57]

The Registrar General hereby certifies that the foregoing alteration of (or addition to) the rules of the Building Society established at _____ is recorded under the Building Societies Act, Cap. 310, this _____ day of _____ 20____.

Registrar General, Belize

N. B.- This Certificate does not imply any approval by the Registrar General of the records of the rules or alterations, or any guarantee of the management or stability of the society.

BUILDING SOCIETIES ACT
Certificate of Recording of
Instrument of
Dissolution
[Section 57]

The Registrar General hereby certifies that an Instrument of Dissolution of the _____ Building Society established at _____ is recorded the _____ day of _____ 20____, under the Building Society Act, Cap 310.

Dated this _____ day of _____, 20____.

Registrar General, Belize.