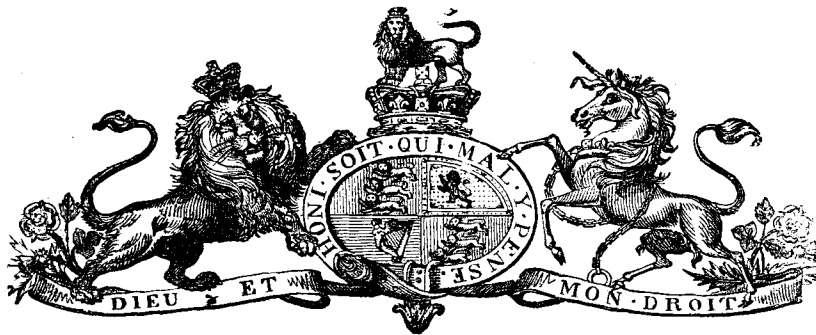


T A S M A N I A.



1887.

ANNO QUINQUAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 10.

AN ACT to further amend “The Building Societies Act, 1876.” [7 November, 1887.] A.D. 1887. —

WHEREAS it is expedient to amend the Laws relating to Building Societies : **PREAMBLE.**

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act shall be construed as one with “The Building Societies Act, 1876,” (herein termed “The Principal Act”) and “The Building Societies Amendment Act,” and may be cited as “The Building Societies Act, 1887,” or together with the said Acts as “The Building Societies Acts.” Short title, &c. 40 Vict. No. 5. 40 Vict. No. 23.

2 Any Society under the Principal Act may change its chief office or place of meeting for business in the manner its rules direct, or if there be no such direction, then at a General Meeting specially called for the purpose in the manner set forth in the Rules of the Society ; and no alteration of rule shall be necessary upon such change, nor shall the provisions of Section Nineteen of the Principal Act apply to such change. Notice of every such change shall be given by the Secretary of the Society to the Registrar within Seven days after such change, and shall be registered by him ; and he shall give a Certificate of such registration. Societies may change their chief offices. (40 & 41 Vict. c. 63.) Notice of such change to be sent to Registrar.

Building Societies.

A.D. 1887.

Amendment of
40 Vict. No. 23,
s. 5.Rights held in
trust to vest in
Societies.Registration of
union of
Societies or of
transfer of engage-
ments to operate
as effectual con-
veyance of funds
and property
of uniting
Societies, &c.Registrar to give
Certificate, which
may be registered.Certificate of
Registration may
be registered
under *The Real
Property Act*.Members may
vote by proxy.Appointment of
proxy must be in
writing and
attested, &c.But need not be
under seal,
nor subject to
24 Vict. No. 3.

3 Section Five of "The Building Societies Amendment Act" shall be read as if the word "now" were omitted therefrom.

4 All rights of action and other rights and interests in real and personal estate whatsoever held in trust for any Society heretofore incorporated under the Principal Act, whether acquired before or after the passing of the Principal Act, shall, on the passing of this Act, vest in the Society without any conveyance or assignment whatsoever.

5 The registration by the Registrar 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 the provisions of Section Thirty of the Principal Act, shall operate as an effectual conveyance, transfer, and assignment as at the date of the said 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 whatsoever: Provided always, that such union or transfer of engagements shall not affect the rights of any creditor of either or any Society uniting or transferring its engagements.

6 The Registrar shall, upon registration of such notice as is mentioned in the immediately preceding Section, give a Certificate of such registration, and such Certificate may be registered in the Office of the Registrar of Deeds.

7 In the case of any estate or interest in land being subject to the provisions of *The Real Property Act*, the Certificate of Registration mentioned in the last preceding Section may be registered in the Office of the Recorder of Titles in like manner as is provided by *The Real Property Act* for the registration of Instruments; and upon the registration of such Certificate such estate and interest shall vest in the United Society or in the Society to which such engagements may be transferred as set forth in the Instrument of Union or Transfer of Engagements, and such Society shall be deemed and taken to be the Registered Proprietor of such estate and interest.

8 The members of any Society incorporated under the Principal Act may vote at any meeting of such Society either personally or by proxy, notwithstanding anything to the contrary contained in the said Act: Provided, that nothing contained in this Act shall empower any such member as aforesaid to vote by proxy in any case where the Rules of the Society shall expressly forbid the use of proxies.

9 Every instrument appointing or authorising any one person to vote as a proxy at any one meeting of any such Society as aforesaid shall be written or printed, or partly written and partly printed, under the hand of the appointor, and attested by one witness, and shall specify the day upon which the meeting at which such instrument is intended to be used is to be held, and shall be available only at the meeting as specified, or any adjournment thereof.

Such instrument need not be under seal, and shall not be subject to the provisions of the Act of Parliament of the 24th *Victoria*, No. 3.

Building Societies.

10 The word "disputes" in the Building Societies Acts or in the rules of any Society thereunder shall be deemed to refer only to disputes between the Society and a member, or any representative of a member in his capacity of a member of the Society, unless by the rules for the time being it shall be otherwise expressly provided; and in the absence of such express provision shall not apply to any dispute between any such 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, and shall not prevent any Society, or any member thereof, or any person claiming through or under him, from obtaining in the ordinary course of law any remedy in respect of any such mortgage or other contract to which he or the Society would otherwise be by law entitled: Provided always, that nothing in this Act shall apply to any dispute pending at any time before the passing of this Act between any such Society and any member thereof or other person, which, before the passing of this Act, shall have been actually referred or agreed to be referred to arbitration, or as to which the jurisdiction of any Court of Law shall have been adjudged to be excluded by a decision of any Court of competent jurisdiction in any action or suit between the Society and any member thereof or other person.

A.D. 1887.

Definition of
word "disputes."
(47 & 48 Vict.
c. 41.)

11 The Forms in the Schedule to this Act shall henceforth be used under the Building Societies Acts.

Forms in Schedule
to be used.

12 So much of Clause One of Section Seventeen of the Principal Act as empowers any Society to alter its place of meeting is hereby repealed.

Repeal.

40 Vict. No. 5.

SCHEDULE.**(1.)****CERTIFICATE OF INCORPORATION.**

THE Registrar of Building Societies hereby certifies that the Building Society established at _____, in *Tasmania*, is incorporated under "The Building Societies Act, 1876."
This _____ day of _____ 18 ____.

(2.)**CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES.**

THE Registrar of Building Societies hereby certifies that the foregoing alterations of [or addition to] the Rules of the Building Society established at _____, in *Tasmania*, are registered under "The Building Societies Act, 1876."
This _____ day of _____ 18 ____.

(3.)**CERTIFICATE OF REGISTRATION OF CHANGE OF NAME.**

THE Registrar of Building Societies hereby certifies that the registered name of the _____ Building Society, established at _____, in *Tasmania*, is changed from the date hereof to the name following:—
This _____ day of _____ 18 ____.

Building Societies.

A.D. 1887.

(4.)

CERTIFICATE OF ALTERATION OF CHIEF OFFICE.

THE Registrar of Building Societies hereby certifies that the registered chief office [*or* place of meeting for business] of the Building Society, established at _____, in *Tasmania*, is changed from the date hereof to the office or place following :—

This _____ day of _____ 18 _____

(5.)

CERTIFICATE OF UNION OR TRANSFER.

THE Registrar of Building Societies hereby certifies that the Building Society, established at _____, in *Tasmania*, has united with [*or* transferred its engagements to] the Building Society, established at _____, in *Tasmania*, and that the United Societies [*or* the Transferee Society] shall henceforth be called the Building Society.

This _____ day of _____ 18 _____