

**2023 CO-OPERATIVE SOCIETIES ACT 19**

**COMMONWEALTH OF DOMINICA**

ACT NO. 19 OF 2023.

*I assent*



**SYLVANIE BURTON**  
*President*

20th December, 2023

**AN ACT TO AMEND THE CO-OPERATIVE  
SOCIETIES ACT, (CHAP. 78:03)**

*(Gazetted 22nd December, 2023.)*

BE IT ENACTED by the Parliament of the Commonwealth of  
Dominica as follows:

**1.** This Act may be cited as the –

Short title.

**CO-OPERATIVE SOCIETIES  
(AMENDMENT) ACT, 2023.**

Interpretation.  
Chap. 78:03.

**2.** In this Act “the Act” means the Co-operative Societies Act.

Amendment of  
section 196.

**3.** Section 196 of the Act is amended in subsections (4) and (5) by deleting the word “Schedule” where it appears and substituting the words “First Schedule”

Insertion of new  
section 25A.

**4.** The Act is amended by inserting the following section 25A immediately after section 25:

“Annual  
licences.

**25A.** (1) A person registered under this Act to carry on the business of a credit union shall pay to the Accountant General the relevant licence fee specified in the Second Schedule for the transaction of the credit union business.

(2) A credit union registered under this Act must pay the licence fee at registration and subsequently on or before December 31 of every year for the following year.

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars.

(4) The Minister may by Order published in the Gazette amend the Second Schedule.

(5) In this section “relevant licence fee” means the licence fee set out in Column 2 of the Second Schedule that corresponds to the total value of assets of the credit union set out in Column 1.”.

Repeal and replacement  
of Schedule.

**5.** The Act is amended by repealing the Schedule and substituting the following schedules:

**“FIRST SCHEDULE**

**CONSTITUTION AND PROCEDURE OF THE CO-  
OPERATIVE SOCIETIES APPEALS TRIBUNAL**

**PART 1  
CONSTITUTION**

**1.** The Co-operative Societies Appeals Tribunal shall consist of three persons, one of whom shall be an attorney-at-law of at least five years standing who shall be the Chairperson of the Tribunal. Membership.

**2.** The members of the Tribunal shall be appointed by the Minister, after consultation with the apex body, for a period of not more than three years and shall be eligible for re-appointment. Appointment.

**3.** A member may at any time resign his membership by notice in writing to the Minister. Resignation.

**4.** (1) If the Minister is satisfied that a member — Inability.

*(a)* has been incapacitated by physical or mental illness; or

*(b)* is otherwise unable or unfit to discharge the functions of a member;

the Minister may by notice published in the Gazette, declare the office of the member to be vacant and thereupon, the office shall become vacant. Rules.

(2) In case of the temporary absence or inability of a member to act, the Minister may appoint a suitable person to act in that member's place.

Publication.

**5.** The Minister shall publish in the Gazette notice of the appointment and cessation of appointment of a member.

Remuneration.

**6.** The members of the Tribunal shall receive such remuneration as the Minister may prescribe.

Validity of proceedings.

**7.** The validity of any proceedings of the Tribunal shall not be affected by any vacancy among the members or any defect in the appointment of a member.

Statements to be provided.

**8.** Subject to this Schedule, the Tribunal shall regulate its own procedure and may make rules for that purpose.

## **PART 2 PROCEDURE**

Initial Procedures.

**1.** (1) An appeal to the Tribunal shall be by notice in writing, and sent or delivered to the chairperson of the Tribunal.

(2) On receipt of a notice of appeal, the chairperson shall send a copy thereof to the other members of the Tribunal.

(3) The chairperson of the Tribunal may appoint a secretary and such other officers as he thinks fit for the purposes of the appeal.

**2.** (1) The appellant shall, within 14 days of the lodging of the notice of appeal, provide to the chairperson of the Tribunal a written statement setting out the facts and grounds on which the appeal is based and a copy of such statement shall be forwarded by the chairperson of the Tribunal to the Registrar and, if the

appeal is against a decision of an arbitrator, to the arbitrator, and, if the appellant is not a co-operative society, to the co-operative society of which the appellant is a member, and if the appeal is against the decision of the Registrar or an arbitrator in a dispute, to any other party to the dispute.

(2) A person or co-operative society to whom a copy of the appellant's statement has been provided shall, within 14 days of the receipt by him of the statement, submit to the chairperson of the Tribunal a written response to the statement, and a copy of such response shall be sent by the chairperson of the Tribunal to the appellant and to any other person interested in the appeal of whom he or she has notice.

(3) The chairperson shall send copies of all statements and responses to the other members of the Tribunal as soon as he or receives them.

**3.** On application by any person interested in the appeal to whom a copy of the written statement of the appellant or of the response has been sent, or in any case where the chairperson of the Tribunal considers it necessary to do so for the proper resolution of the appeal, the chairperson may require the appellant or any other person to provide him or her with further particulars in writing within such time as the chairperson may direct and the chairperson, on receipt of such particulars shall provide copies of such particulars to the other interested parties and to the other members of the Tribunal.

Further particulars.

**4.** The chairperson of the Tribunal shall, in consultation with the other members of the Tribunal, fix a date and place for the hearing of the appeal and shall give not less than 7 days' notice thereof to the appellant, the Registrar and any other interested party.

Notice of hearing.

**5.** (1) At a hearing before the Tribunal, the appellant, the Registrar and any other interested party shall be entitled to appear

Procedure of hearing.

and to be heard and represented by an attorney-at-law or, in the case of the Registrar, by a member of the Registrar's staff.

(2) The Tribunal may admit any duly authenticated written statement or other material as prima facie evidence of any fact or facts in any case in which it thinks it just and proper so to do.

(3) The Tribunal may, if it thinks fit, call for such documents and examine such witnesses as appear to it likely to afford evidence relevant and material to the enquiry.

(4) The Tribunal may require any party to the enquiry or any witness in the proceedings to give evidence on oath and, for that purpose, the chairperson of the Tribunal shall have power to administer an oath.

(5) If, after notice of a hearing has been duly given, the appellant, the Registrar or any other interested party fails to appear at the hearing, the Tribunal may proceed with its enquiry into the appeal notwithstanding the absence of all or any of them, or may give such directions with a view to the determination of the appeal as the Tribunal thinks just and proper.

(6) Proceedings of the Tribunal shall be held in public.

Decision of Tribunal.

**6.** (1) The decision on any matter of the majority of the Tribunal shall be the decision of the Tribunal, and the decision of the Tribunal shall be recorded in writing and signed by the chairperson of the Tribunal, who may correct in any decision any clerical mistake or error arising from an accidental slip or omission.

(2) A copy of the decision, signed as aforesaid, shall be sent by the chairperson of the Tribunal, as soon as may be practicable, to the appellant, the Registrar and any other interested party.

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(3) The Tribunal may, on the application of any person, award costs to any party to an appeal in such amount as the Tribunal shall assess at the hearing.

7. Save as otherwise expressly provided by this Act, the procedure at any hearing before the Tribunal shall be such as the Tribunal may determine.

General provision as to procedure.

8. The production in any proceedings in any court of a document purporting to be certified by the secretary as a copy of a decision of the Tribunal shall, unless the contrary is proved, be sufficient evidence of the document and the facts stated therein.

Proof of decisions of the Tribunal.

**SECOND SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Total value of Assets of Credit Union	Annual Licence Fee
Below \$25.0 million	\$10,000.00
\$25.0 million and above but below \$50.0million	\$20,000.00
\$50.0 million and above but below \$100.0million	\$40,000.00
\$100.0 million and above but below \$500.0million	\$60,000.00
\$500.0 million and above	\$100,000.00

Passed in the House of Assembly this 14th day of December, 2023 .

**DANIEL JAMES**

*Clerk of the House of Assembly*

**DOMINICA**

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