

FIJI ISLANDS GOVERNMENT GAZETTE SUPPLEMENT

No. 11

THURSDAY, 11th MARCH

1999

[LEGAL NOTICE No. 25]

**CO-OPERATIVES ACT 1996
(No. 16 OF 1996)****CO-OPERATIVES REGULATIONS 1999****Part 1—PRELIMINARY**

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CO-OPERATIVES ACT 1996
(No. 16 OF 1996)

CO-OPERATIVES REGULATIONS 1999

In exercise of the powers conferred upon me by section 117 of the Co-operatives Act 1996,
I make these Regulations—

Part 1—PRELIMINARY

Citation

1. These Regulations may be cited as the Co-operatives Regulations 1999.

Interpretation

2. In these Regulations, unless the context otherwise requires—
“Board” means the Co-operative Advisory Board established by section 48 of the Act;
“dispute” means a dispute of the kind described in section 115 of the Act;
“Tribunal” means the Co-operative Tribunal established by section 116 of the Act.

Part 2—CO-OPERATIVE ADVISORY BOARD

Chairperson

3. The Minister must designate a member of the Board to be the Chairperson,

Secretary

4. The Minister must appoint a suitable person as Secretary to the Board.

Resignation

5. A member of the Board may resign by giving notice in writing to the Minister.

Removal

6. If the Minister is satisfied that a member is unable or unfit to discharge the functions of a member, the Minister may remove that member from office.

Bankruptcy

7. A member who is adjudged bankrupt ceases to be a member from the date of the order of adjudication.

Meetings

- 8.—(1) The Chairperson must convene the first meeting of the Board and thereafter the meetings must be held at places and times the Board determines.

- (2) The Board must meet at least twice a year.

- (3) The Chairperson must preside at all meetings of the Board except that in his or her absence, the members present must designate one of their number to preside at that meeting.

- (4) A quorum for a meeting of the Board is 4.
 - (5) In any meeting of the Board, the Chairperson or the person presiding has a deliberative vote and in the case of an equality of votes also has a casting vote.
 - (6) The Board must cause accurate minutes of its meetings to be properly kept and maintained.
- Allowances*
- 9. A member of the Board is entitled to reasonable expenses incurred in and allowances for attending meetings, to be fixed by the Minister.

Part 3—CO-OPERATIVE TRIBUNAL

Reference of dispute

- 10. A dispute may be referred to the Registrar or to the Tribunal in accordance with section 115(1) of the Act by any of the following—
 - (a) the Board of Directors of a co-operative;
 - (b) a registered co-operative by a resolution in a general meeting;
 - (c) a party to the dispute; or
 - (d) if the dispute concerns a member of the Board of Directors and a registered co-operative, any member of the registered co-operative.

Reference to be in writing, etc.

- 11. A reference under regulation 10 must—
 - (a) be in writing, dated and signed by the applicant;
 - (b) specify the dispute; and
 - (c) set out the full particulars of the dispute.

Reference to be signed by Registrar

- 12. If the Registrar decides to refer a dispute to the Tribunal under section 115 (3) of the Act, the Registrar must do so in writing.

Appeal

- 13.—(1) An appeal to the Tribunal from a decision of the Registrar on a reference under section 115 of the Act, other than a decision to refer the matter to the Tribunal, must be made within 30 days from the date of the decision of the Registrar.
- (2) An application to extend the appeal period may be made in writing to the Tribunal.
- (3) A notice of appeal must specify the grounds for appeal, signed and dated by the appellant.
- (4) The appellant must serve the notice of appeal on all the parties to the proceedings including the Registrar.

- (5) Upon receiving the notice of appeal, the Registrar must prepare a bound record of the proceedings and forward a copy of the record to all the parties to the proceedings including the Tribunal.
- (6) The costs of preparation of the record are to be paid by the appellant.
- (7) Upon receiving the record of the proceedings, the Tribunal must appoint a day for the hearing of the appeal.
- (8) The Registrar must notify the parties to the proceedings of the day appointed for the hearing of the appeal.

Proceedings before Tribunal

14.—(1) Subject to subregulation (2), the Tribunal must conduct its proceedings, as nearly possible, in the same manner as proceedings before a magistrate.

- (2) The following provisions apply to the proceedings of the Tribunal—
 - (a) the Tribunal must notify the parties to the dispute of the date, time and place of the proceedings;
 - (b) the notice under paragraph (a) must be served on all the parties at least 10 days before the matter is heard;
 - (c) any evidence recorded by the Tribunal in its proceedings must be dated and signed by the Tribunal;
 - (d) the Tribunal must properly mark, date and attach to the file of the proceedings any document produced as an exhibit;
 - (e) the Tribunal may proceed to hear and decide a dispute in the absence of a party duly notified to attend.

Decision

15. A decision of the Tribunal must—
 - (a) be in writing, dated and signed by the Tribunal; and
 - (b) state the costs or expenses of the proceedings, if any, the party entitled to the costs or expenses and the party liable to pay the costs or expenses.

Tribunal to forward file to Registrar

16. The Tribunal must, at the completion of its proceedings, forward to the Registrar—
 - (a) the file of the proceedings; and
 - (b) the decision.

Part 4—MISCELLANEOUS

Application for registration

17. An application for the registration of a co-operative must be submitted to the Registrar with the prescribed fee.

Granting of application

18.—(1) If the Registrar grants an application for registration, the Registrar must register the co-operative in the Register of Co-operatives, including its name and address, by-laws and any other particulars the Registrar thinks necessary.

- (2) The Registrar, upon registering a co-operative must forward to the co-operative—
- (a) a certificate of registration;
 - (b) a certified copy of the by-laws of the co-operative approved by the Registrar; and
 - (c) a copy of the Act and Regulations at cost price.

Register to be open to public

19. The Register of Co-operatives must be open for inspection by the public free of charge during official working hours and at any time the Registrar approves.

Fees

20. The fees to be paid under the Act are prescribed in the Schedule to these Regulations.

Penalties

21.—(1) A person convicted of an offence under section 118 of the Act is liable to a fine of \$1,000.

(2) A person convicted of an offence under section 119 of the Act is liable to a fine of \$1,000 and in case of a continuing offence to an additional fine of \$100 for each day during which the offence continues.

SCHEDULE

(Regulation 20)

FEES

1. For registration of a co-operative..... \$110.00

Made at Suva this 25th day of February 1999.

I. BOSE
Minister for Commerce, Industry,
Co-operatives and Public Enterprise