

Native Co-operative Societies Ordinance 1935

THE ISLAND OF NAURU

NATIVE CO-OPERATIVE SOCIETIES ORDINANCE 1935*

An Ordinance to control the Native Co-operative Societies on Nauru.

Short title

1. This Ordinance may be cited as the *Native Co-operative Societies Ordinance 1935*.*

Definitions

2. In this Ordinance unless there is anything repugnant in the subject or context-

"Society" means a society which has for its objects the promotion of the economic interests or of other interests of its members in accordance with co-operative principles or a society established for the purpose of facilitating the operations of such societies.

"Registered society" means a co-operative society registered under this Ordinance.

"Native" means a native as defined in the *Native Administration Ordinance 1922*.

"Committee" means the body recognized by the Administrator as being representative of the members of the registered society.

"Officer" includes a chairman, secretary, treasurer, member of a committee or other person empowered under the rules to give directions in regard to the business of a registered society.

Administrator may require society to be registered.

3. In order to ensure the good management and conduct of societies operating on the Island of Nauru the Administrator may require a society to be registered under this Ordinance.

Administrator to decide certain matters.

4. In questions arising as to the membership of a society, the purposes of a society or as to the co-operative nature of a society, the decision of the Administrator shall be final.

Administrator may create trusts, etc.

5. The Administrator may create trusts, appoint, suspend and remove trustees, and define the duties of trustees.

Rules.

6. The Administrator may for any registered society or class of such societies make rules to carry out the purposes of this Ordinance.

Exercise of certain powers by Administrator.

7. In particular and without prejudice to the generality of the foregoing power, the Administrator may-

- (a) give directions with respect to management generally of a registered society;
- (b) appoint, suspend and remove officers and servants and prescribe when considered necessary their conditions of service;
- (c) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised at such meetings;
- (d) provide for, the appointment, suspension and removal of the members of the committee and other officers, and for the procedure at meetings of the committee, and for the powers to be exercised and the duties to be performed by the committee and other officers;
- (e) provide for audit of the accounts and books to be kept by a society and the charges, if any, to be made for such audit;
- (f) provide for the periodical publication of a balance-sheet showing the assets and liabilities of a society;
- (g) provide for the persons by whom and the form in which copies of entries in books of the societies may be certified;
- (h) provide that any dispute touching the business of a society between any member of the society, member of committee or officer of the society shall be referred to the Administrator or officer appointed by the Administrator for decision;
- (i) provide for the formation and maintenance of reserve funds and the objects to which such funds may be applied and for the investment of any funds under the control of the society.

Offences.

8. It shall be an offence under this Ordinance if-

- (a) a society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Ordinance by the Administrator or other person duly authorized by him in writing in this behalf; or
- (b) a society or an officer or member thereof wilfully makes a false return or furnishes false information; or
- (c) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Ordinance or does not furnish any information lawfully required from him by a person authorized to do so under the provisions of this Ordinance.

Every society, officer or member of a society or other person guilty of an offence under this section shall be liable to a fine not exceeding Ten pounds.

Restriction on use of word "co-operative".

9. No person other than a registered society shall trade or carry on business under any name or title of which the word co-operative or its equivalent in any other language is part without the sanction of the Administrator. Whoever contravenes the provisions of this section shall on conviction be punishable with a fine not exceeding Two pounds and in the case of a continuing offence with a further fine of Ten shillings for each day on which the offence is continued after conviction therefor.

Exemptions by Administrator.

10. The Administrator may, by general or special order exempt any registered society from any of the provisions of this Ordinance or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

Rules.

11. Every registered society may, subject to the approval of the Administrator or officer appointed by him, make rules for any such things as are necessary or desirable for the purposes for which such society is established. All rules or amendment to rules, to be registered. All rules under this section to be subject to the approval of the Administrator or officer appointed by him.

Cancellation of registration.

12. The Administrator may cancel registration of a society if cancellation of registration is considered in the interests of the members of the society.

Appointment of liquidators.

13. The Administrator may appoint a liquidator or liquidators to liquidate a society in response to a request of a two-thirds majority of its members or if liquidation is considered by the Administrator in the interests of the members of the society.

*No. 2, 1935, made by Administrator and commenced on 2nd February, 1935.
