

UNEDITED

The Benevolent Societies Act

being

Chapter 132 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 132

An Act respecting Benevolent and Other Societies

SHORT TITLE

Short title

- 1 This Act may be cited as *The Benevolent Societies Act*.

R.S.S. 1953, c.132, s.1.

INCORPORATION OF SOCIETY

Power to become incorporated

2(1) Any five or more persons of the full age of twenty-one years may become incorporated under this Act for any benevolent, religious or charitable purpose.

(2) Where any Act other than *The Companies Act* provides for the incorporation of persons for a special purpose, no society shall be incorporated for that purpose under the provisions of this Act.

R.S.S. 1940, c.120, s.2; 1942, c.25, s.2; R.S.S. 1953, c.132, s.2.

Proceedings to obtain incorporation

- 3(1) The proceedings to obtain incorporation shall be corporation as follows:

1 Such persons shall make and sign a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the place where the operations of the society are to be chiefly carried on in the province, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, an address in the province to which communications and notices may be sent and at which process may be served, and such other particulars and provisions not contrary to law as the incorporators think fit;

2 The declaration may be made and signed in duplicate or in as many parts as are required; it shall be dated and signed in the presence of a witness with the full names of the declarants, giving their addresses and occupations; and the witness shall sign his full name, adding his occupation and address;

3 The said declaration may be produced to the Registrar of Joint Stock Companies for Saskatchewan at Regina, and if the same appears to him to be in conformity with this Act he shall endorse thereon a certificate to that effect;

4 One of the original parts of the said declaration shall be filed in the office of the registrar and a fee of \$10 shall accompany the filing;

5 When these requirements have been complied with the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be, a body corporate and politic and shall have the powers, rights and immunities vested by law in such bodies;

6 Subject to the provisions of subsection (2) of this section, the Registrar of Joint Stock Companies shall thereupon certify under his hand and seal the fact and the date of the incorporation under this Act of the said persons under the corporate name of the society as stated in the declaration, and such certificate shall be evidence in any court in Saskatchewan of the facts therein stated.

(2) The registrar may after investigation refuse incorporation to the applicants but an appeal may be taken from his refusal to the Lieutenant Governor in Council.

(3) The registrar may refuse incorporation of any society whose name, or part of whose name, includes any of the following words: "Imperial", "Crown", "King's", "Queen's", "Empire", "Royal", "Dominion", "Canadian", "Saskatchewan", or words of similar import.

R.S.S. 1940, c.120, s.3; 1942, c.25, s.3; R.S.S. 1953, c.132, s.3.

POWERS OF SOCIETY

Officers

4 The society may appoint trustees, a treasurer, a secretary and other officers for conducting its affairs and for the discipline and management of the society.

R.S.S. 1940, c.120, s.4; R.S.S. 1953, c.132, s.4.

Bylaws

5(1) The society may make bylaws, rules and regulations for the government and for conducting the affairs of the society or of any branches thereof; and may alter or rescind such bylaws, rules or regulations.

(2) The society shall forthwith upon passing or adopting a bylaw, rule or regulation under subsection (1) or a bylaw or resolution altering or rescinding the same, forward a copy thereof, certified a true copy by the secretary, to the Registrar of Joint Stock Companies.

R.S.S. 1940, c.120, s.5; R.S.S. 1953, c.132, s.5.

Union

6 Any two or more societies or branches of a society may unite and form one society or branch for the purpose of erecting buildings for the use of the societies or branches and if they so desire for other purposes, on such terms as may be agreed upon by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united:

Provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union to be specially called for that purpose.

R.S.S. 1940, c.120, s.6; R.S.S. 1953, c.132, s.6.

Land holdings

7 No society or branch shall be entitled to acquire or hold as purchaser or otherwise any lands or tenements, or any interest therein, exceeding in the whole at any one time the annual value of \$5,000, nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society.

R.S.S. 1940, c.120, s.7; R.S.S. 1953, c.132, s.7.

Lands by gift, devise or bequest

8 Any society or branch may take by gift, devise or bequest any lands or tenements or any interests therein, provided such gift, devise or bequest is made at least six months before the death of the person making the same; but the society or branch shall at no time take by gift, devise or bequest lands or tenements or any interests therein the annual value of which, together with that of all other lands and tenements theretofore acquired by like means and then held by the society or branch, exceeds in the whole \$1,000; nor shall the society or branch at any time take by gift, devise or bequest lands, tenements or hereditaments the annual value of which together with all the other real estate of the society or branch exceeds \$5,000.

R.S.S. 1940, c.120, s.8; R.S.S. 1953, c.132, s.8.

Disposal of surplus lands

9 No lands or tenements, acquired by gift, devise, or bequest within the limits aforesaid but not required for the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the society or branch; and the society or branch shall have power within such period to grant and convey the said lands and tenements to any purchaser so that the society or branch no longer retains any interest therein.

R.S.S. 1940, c.120, s.9; R.S.S. 1953, c.132, s.9.

Investment of proceeds

10 The proceeds on such disposition shall be invested in public securities, municipal debentures or other approved securities, not including mortgages on land, for the use of the society or branch.

R.S.S. 1940, c.120, s.10; R.S.S. 1953, c.132, s.10.

Reversion to donor

11 Lands, tenements or interests therein required to be disposed of, which have not been disposed of within the period limited by section 9, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

R.S.S. 1940, c.120, s.11; R.S.S. 1953, c.132, s.11.

Power to sell, etc., lands

12 Any society may pursuant to a resolution, assented to by a majority of the members present at a general meeting specially called for the purpose, of which public notice shall be given in the manner provided by the bylaws, mortgage, sell, exchange or lease any lands of the society.

R.S.S. 1940, c.120, s.12; R.S.S. 1953, c.132, s.12.

Branches

13 The society so incorporated may have or establish and maintain any number of branches thereof to promote the objects of the society:

Provided that a society incorporated for the purpose, solely or among other purposes, of amusement or social intercourse or both, shall not, for the purpose of amusement or social intercourse, operate, or have or establish or maintain a branch of the society, at any place other than the place where the operations of the society are to be chiefly carried on as set forth in the declaration mentioned in paragraph 1 of subsection (1) of section 3.

R.S.S. 1940, c.120, s.13; 1941, c.20, s.1; R.S.S. 1953, c.132, s.13.

Not to undertake insurance

14 Notwithstanding anything contained herein and except as otherwise provided by *The Saskatchewan Insurance Act*, no society incorporated under the provisions of this Act after the sixteenth day of January, 1925, shall undertake to indemnify its members, or any of them, against loss or liability arising from any risk or peril to which such members may be exposed or from the happening of any certain event, or enter into any contract which falls within the definition of insurance given in the said *The Saskatchewan Insurance Act*.

R.S.S. 1940, c.120, s.14; R.S.S. 1953, c.132, s.14.

MEMBERS, PAYMENTS**Minors' liability**

15 A person under the age of twenty-one years elected or admitted as a member of a society or appointed to any office therein shall be liable to the payment of fees and otherwise under the rules of the society as if he were of full age.

R.S.S. 1940, c.120, s.15; R.S.S. 1953, c.132, s.15.

Benefits

16 When, under the rules of the society, money of the society becomes payable to or for the use or benefit of a member thereof, such money shall be free from all claims of creditors by the creditors of such member; and when, on the death of a member of a society, any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof or shall be applied by the society as may be provided by such rules; and such money shall be to the extent of \$2,000 free from all claims by the personal representative or creditors of the deceased.

R.S.S. 1940, c.120, s.16; R.S.S. 1953, c.132, s.16.

Payment to wrong person

17 When any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same or is applied in good faith for the purposes by the rules provided, no action shall be brought against the society or such treasurer or officer in respect thereof; but if it subsequently appears that such money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the person who has wrongfully received it.

R.S.S. 1940, c.120, s.17; R.S.S. 1953, c.132, s.17.

Change of name, etc.

18(1) When a society incorporated under the provisions of this Act is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, the Registrar of Joint Stock Companies for Saskatchewan upon being satisfied that the change desired is not for an improper purpose and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired.

Order filed

(2) The order shall be filed in the office in which the certificate and declaration were filed, and a copy of the order certified by the Registrar of Joint Stock Companies for Saskatchewan or his deputy to be a true copy of the order filed in the said office shall be *prima facie* evidence of the change having been made as therein set forth.

Rights and obligations not affected

(3) No change under this section shall affect the rights not affected or obligations of the society, and all actions or proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name.

R.S.S. 1940, c.120, s.18; R.S.S. 1953, c.132, s.18.

SERVICE OF DOCUMENTS

Service of documents

19 Any document may be served on a society by leaving it at or sending it by registered post to the address of the society as registered under this Act, or by serving an officer of the society.

R.S.S. 1940, c.120, s.19; R.S.S. 1953, c.132, s.19.

Change of address

20 The society shall promptly notify the registrar of any change of its address, and until the registrar is so notified the address mentioned in the declaration required by paragraph 1 of subsection (1) of section 3 shall continue to be the address for service of the society.

R.S.S. 1940, c.120, s.20; R.S.S. 1953, c.132, s.20.

DISSOLUTION OF SOCIETY

Removal of name from register

21 The provisions of *The Companies Act* with regard to removal from the register of the names of companies which have ceased to carry on business apply, with the necessary modifications, where the registrar has reasonable cause to believe that a society is not in operation, and the registrar may on the expiration of the period mentioned in a notice to be published in the *Gazette*, remove the name of the society from his records, and the society shall thereupon be dissolved:

Provided that the liability, if any, of the trustees or managing and other officers of the society shall continue and may be enforced as if the society had not been dissolved.

R.S.S. 1940, c.120, s.21; R.S.S. 1953, c.132, s.21.

Restoration of name

22 Where the name of a society has been removed from the records of the registrar under section 21, the registrar may subsequently, on receiving such proof as he may deem sufficient that the society was in operation at the time of its dissolution, restore the name of the society to his records in which event the registrar shall forthwith publish in the *Gazette* a notice that the name of the society has been restored to his records, and thereupon the society shall be deemed to have continued in existence as if its name had never been so removed.

R.S.S. 1940, c.120, s.22; R.S.S. 1953, c.132, s.22.

Revoking incorporation

23 The incorporation of a society may at any time be revoked by the Lieutenant Governor in Council and the society declared to be dissolved and the certificate of incorporation cancelled, upon such terms and conditions and subject to such provisions as may be deemed proper.

R.S.S. 1940, c.120, s.23; R.S.S. 1953, c.132, s.23.

MISCELLANEOUS

Annual returns

24 Every society heretofore or hereafter incorporated under the provisions of this Act shall, before the end of January in each year, send to the Registrar of Joint Stock Companies for Saskatchewan at Regina a return in form A in the schedule hereto showing the names, addresses and occupations of the trustees and officers of the society and the location of any branches of the society established under section 13. The return shall be signed by a trustee or managing officer and the secretary of the society and shall be accompanied by a fee of \$2.

1942, c.25, s.4; R.S.S. 1953, c.132, s.24.

Statement of

25 It shall be the duty of the corporation, when thereunto required by the Lieutenant Governor in Council or by the Legislative Assembly, to furnish a statement of the real property and of the estates therein held by the society, and to give such details thereof as the Lieutenant Governor in Council or the Legislative Assembly may require.

R.S.S. 1940, c.120, s.24; R.S.S. 1953, c.132, s.25.

Forms

26 Where the Lieutenant Governor in Council adopts or approves any forms for any of the proceedings under this Act and the order adopting or approving the same is, with the forms, printed in the *Gazette*, such forms shall be as effectual for the purposes mentioned in this Act or in the order in council as if the said forms had been inserted in this Act.

R.S.S. 1940, c.120, s.25; R.S.S. 1953, c.132, s.26.

BENEVOLENT SOCIETIES

c. 132

SCHEDULE

FORM A

*(Section 24)**The Benevolent Societies Act*

ANNUAL RETURN

Name of Society.....

Trustees and Officers of the Society:

*Name**Occupation**Address*

.....

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Branches of the Society established under section 13 of the Act.

Location:

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Fee of \$2 is enclosed.

Dated at _____ this _____ day of _____,

19____.

.....

Trustee (or Managing Officer)

.....

Secretary.

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