

UNEDITED

The Mutual Medical and Hospital Benefit Associations Act

being

Chapter 135 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FOR HISTORICAL REFERENCE ONLY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.

Table of Contents

	SHORT TITLE		
1	Short title	23	Register of members
	INTERPRETATION	24	Effect of expulsion or withdrawal
2	Interpretation	25	Annual and special meetings
	REGISTRAR	26	Voting
3	Appointment of registrar		FISCAL YEAR
	INCORPORATION	27	Fiscal year
4	Petition		ASSESSMENTS
5	Certificate of incorporation	28	Notice of assessment
6	Effect of certificate	29	Failure to pay assessment
	NAME	30	Continued liability on withdrawal or expulsion of members
7	Name of association	31	Certificate
8	Change of name		RETURNS
	POWERS OF ASSOCIATION	32	Annual returns
9	Agreements for medical and hospital services	33	Other returns
10	Bylaws		INSPECTION
11	Other powers	34	Inspection by registrar
	ELECTION OF DIRECTORS.		DISSOLUTION
12	Number of directors	35	Dissolution by consent of members
13	Powers of directors elected at first meeting	36	Dissolution by registrar
14	Retirement of directors in rotation	37	Settlements in event of dissolution
15	Annual election to fill vacancies	38	Disposal of reserve fund
16	Appointment of officers		GENERAL
17	Salaries	39	Regulations
18	Return to registrar	40	Fees
19	Certain persons not eligible as directors	41	Registration under <i>The Companies Act</i> unnecessary
	DUTIES AND POWERS OF DIRECTORS	42	Non-application of <i>The Saskatchewan Insurance Act</i>
20	General duties	43	Registration under <i>Co-operative Associations Act</i>
21	Bylaws		SCHEDULE
	MEMBERSHIP AND MEETINGS		
22	Minimum membership		

CHAPTER 135

An Act respecting Mutual Medical and Hospital Benefit Associations

SHORT TITLE

Short title

- 1 This Act may be cited as *The Mutual Medical and Hospital Benefit Associations Act*.

R.S.S. 1953, c.135, s.1.

INTERPRETATION

Interpretation

- 2 In this Act:

“association”

- 1 “**association**” means an association incorporated under this Act or any former *Mutual Medical and Hospital Benefit Associations Act*;

“hospital services”

- 2 “**hospital services**” includes services provided by hospitals approved under any *Hospital Standards Act* or by private hospitals or maternity or nursing homes;

“medical services”

- 3 “**medical services**” includes surgical, dental, optical, optometrical and nursing services, and the furnishing of health appliances, optical and pharmaceutical supplies;

“registrar”

- 4 “**registrar**” means the Registrar of Mutual Medical and Hospital Benefit Associations appointed under section 3.

R.S.S. 1940, c.124, s.2; 1946, c.28, s.2; 1950, c.33, s.2; R.S.S. 1953, c.135, s.2.

REGISTRAR

Appointment of registrar

- 3 The Public Service Commission shall appoint a Registrar of Mutual Medical and Hospital Benefit Associations.

1950, c.33, s.3; R.S.S. 1953, c.135, s.3.

INCORPORATION

Petition

- 4(1) Any ten or more persons of the full age of twenty-one years may present a petition (form A) to the registrar for the incorporation of a mutual medical benefit association, or a mutual hospital benefit association, or a mutual medical and hospital benefit association, for the purpose of promoting a scheme or schemes whereby medical or hospital services or medical and hospital services may be provided for its members and their dependants on a mutual benefit plan.

(2) The petition shall set forth:

- (a) the intended name of the association;
- (b) the object of the association;
- (c) the situation of its place of business;
- (d) the district in which it will operate;
- (e) the names and addresses of those who are to be the first officers of the association;

and may contain such other information as the petitioners deem advisable.

(3) The petition shall be dated and shall be signed by each petitioner in the presence of a witness, who shall add his occupation and address. An affidavit verifying the signatures shall be attached to the petition.

R.S.S. 1940, c.124, s.4; R.S.S. 1953, c.135, s.4.

Certificate of incorporation

5 If upon receipt of a petition the registrar finds it in order and is satisfied that there is no reason against incorporation, he shall, upon payment of the prescribed fee, issue a certificate of incorporation (form B).

R.S.S. 1940, c.124, s.5; R.S.S. 1953, c.135, s.5.

Effect of certificate

6 Upon the issue of a certificate of incorporation the petitioners and such other persons as may thereafter become members of the association shall become and be a body corporate and politic under its registered name, and the certificate shall be conclusive evidence of incorporation.

R.S.S. 1940, c.124, s.6; R.S.S. 1953, c.135, s.6.

NAME

Name of association

7(1) Subject to subsections (2) and (3) each association shall become incorporated under a name approved by the registrar and each name shall include the words "Association" and "Limited".

(2) No association shall be incorporated under a name identical with that by which any other association is incorporated or so nearly resembling the same as to be likely to deceive.

(3) No association shall be registered whose name includes any of the following words: "Imperial", "Crown", "King's", "Queen's", "Royal", "Dominion", "Saskatchewan", or words of similar import.

1948, c.32, s.1; R.S.S. 1953, c.135, s.7.

Change of name

8(1) An association may, by resolution and with the approval of the registrar, change its name.

(2) Such resolution shall be approved by at least two-thirds of the members in attendance at a general meeting after at least fourteen days notice has been given to each member of the association notifying him of the time and place of the meeting and specifying the intention to propose a resolution to change the name of the association.

(3) An association desirous of changing its name shall give notice in *The Saskatchewan Gazette* and in a newspaper published or circulated in the locality in which the association is operating, at least one month prior to the holding of the meeting, stating the intention of the association to change its name and the name which the association intends to adopt.

(4) The registrar, upon being satisfied that the association is in a solvent condition, that the change of name is not objectionable, that it has been sanctioned by the required resolution of the association and that the required notices have, been given, shall issue a certificate to the association stating the change in name and shall publish a notice of the change of name in the *Gazette*.

(5) The change of name shall not affect any rights or obligations of the association, or render defective any legal proceedings by or against the association, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

(6) A certificate by the registrar showing the former name of the association and the new name may be filed in the land titles office of any land registration district in which there are lands owned by the association or lands in which it has a registered interest, and thereafter the registrar of land titles shall accept for registration any transfer, mortgage, lease, assignment of mortgage or other instrument executed by the association in its new name, and shall deal with the land affected thereby in all respects as if the title or interest of the association had always been registered in its new name.

1948, c.32, s.1; R.S.S. 1953, c.135, s.8.

POWERS OF ASSOCIATION

Agreements for medical and hospital services

9(1) An association may make agreements, not inconsistent with its objects, with one or more duly qualified medical practitioners, dentists and nurses and with one or more of the institutions mentioned in paragraph 2 of section 2, whereby it is undertaken that, for a specified consideration to be paid by the association, specified services will be rendered to the members of the association and to such of their dependents as may be provided for by the agreement.

(2) Every agreement shall be signed and sealed by the parties thereto.

(3) No agreement shall have effect until it has been approved by the Minister of Public Health.

R.S.S. 1940, c.124, s.8; 1945, c.36, s.3; 1950, c.33, s.4; R.S.S. 1953, c.135, s.9.

Bylaws

10(1) An association may pass such bylaws, not inconsistent with the provisions of this Act or the regulations, as it deems advisable for the proper conduct of its affairs.

- (2) No bylaws or amendments thereto shall be effective until approved by the registrar.

R.S.S. 1940, c.124, s.9; R.S.S. 1953, c.135, s.10.

Other powers

11 Subject to the provisions of this Act and the regulations, an association may:

- (a) charge an entrance fee to members, not exceeding that authorized by its bylaws, which may be used for payment of the organization expenses of the association and for any other purpose mentioned in its bylaws;
- (b) assess, levy and collect from its members such sums as may be required for the performance of any agreement made under section 9, and to meet other expenses incidental to its operations;
- (c) make provision for a reserve fund for any purpose set forth in its bylaws;
- (d) purchase, take on lease or in exchange, hire or otherwise acquire and hold any real or personal property in Saskatchewan which the association may deem necessary or convenient for the purpose of its business, and sell, mortgage, lease or otherwise dispose of such property;
- (e) subject to the approval of the registrar, take or otherwise acquire and hold shares, stock, debentures or other securities of any company, association or society incorporated by or under the provisions of any Act of Saskatchewan, having objects wholly or in part similar to those of the association and sell or otherwise deal with the same;
- (f) enter into any agreement for co-operation, joint adventure, reciprocal concession or otherwise with any other association, or with any person, company or cooperative association having objects wholly or in part similar to those of the association or engaged in any business or enterprise capable of being conducted so as directly or indirectly to benefit the association;
- (g) enter into any arrangements with any government or any authority, municipal, local or other, which may seem beneficial to the association, and obtain from such government or authority any rights, privileges and concessions which the association may think it desirable to obtain, and carry out, exercise and comply with such arrangements, rights, privileges and concessions;
- (h) invest in any stocks, bonds or securities of the Government of Canada or of Saskatchewan or in securities authorized by *The Trustee Act* except securities which are a first charge upon land;
- (i) subscribe or guarantee money for charitable or benevolent objects or for any exhibition or for any public, general or useful object;
- (j) carry on, encourage and assist educational and advisory work relating to co-operation;
- (k) subject to the approval of the registrar, enlarge the area of its operations by establishment of branches or other means;
- (l) employ or make agreements with persons qualified to provide services necessary for the purpose of carrying out its objects;
- (m) perform and do all other acts necessary for the purpose of carrying out its objects.

R.S.S. 1940, c.124, s.10; 1946, c.28, s.3; R.S.S. 1953, c.135, s.11.

ELECTION OF DIRECTORS.

Number of directors

12(1) The affairs of the association shall be managed by a board of directors which shall consist of six, nine, twelve or fifteen members, as determined by resolution passed at the first general meeting of the association, all of whom shall be members of the association in good standing.

(2) The number of directors may from time to time be increased or decreased if so determined at a special general meeting of the association called for the purpose, or at an annual general meeting if notice in writing of the intention to propose an amendment to the bylaws for that purpose is given to the secretary of the association at least one month before the holding of the meeting; but the increased or decreased number of directors shall in every case be six, nine, twelve or fifteen.

R.S.S. 1940, c.124, s.11; R.S.S. 1953, c.135, s.12.

Powers of directors elected at first meeting

13 The directors elected at the first general meeting of the association shall hold office and enjoy all the powers exercised by the directors elected as hereinafter provided until replaced or re-elected at the first annual meeting of the association.

R.S.S. 1940, c.124, s.12; R.S.S. 1953, c.135, s.13.

Retirement of directors in rotation

14 One-third of the directors shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered in the minutes of the meeting.

R.S.S. 1940, c.124, s.13; R.S.S. 1953, c.135, s.14.

Annual election to fill vacancies

15 At every annual general meeting thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring directors, who shall be eligible for re-election.

R.S.S. 1940, c.124, s.14; R.S.S. 1953, c.135, s.15.

Appointment of officers

16 At their first meeting, which shall be held within ten days after their election, the directors shall choose from their own number a president and a vice-president, and shall appoint a secretary and a treasurer or a secretary treasurer, who may or may not be a director.

R.S.S. 1940, c.124, s.15; R.S.S. 1953, c.135, s.16.

Salaries

17 No director shall, as such, receive remuneration, but the secretary and treasurer or secretary treasurer may be paid such salaries or salary as the directors may determine.

R.S.S. 1940, c.124, s.16; R.S.S. 1953, c.135, s.17.

Return to registrar

18 A record of the names and addresses of the directors and of the officers shall be filed with the registrar within ten days after their election or appointment.

R.S.S. 1940, c.124, s.17; R.S.S. 1953, c.135, s.18.

Certain persons not eligible as directors

19 No medical practitioner or member of a hospital board or other person with whom or with which an agreement is made by an association under section 9 shall be a director or eligible to be elected as a director of the association.

R.S.S. 1940, c.124, s.18; R.S.S. 1953, c.135, s.19.

DUTIES AND POWERS OF DIRECTORS

General duties

20 The directors shall have the general management of the affairs of the association and in particular shall, subject to the bylaws:

- (a) act on applications for membership and on the expulsion of members;
- (b) determine the entrance fee and the amount of contributions from members and the method of payment;
- (c) appoint such officers or agents as the operation of the association may necessitate, define their powers and duties and fix their remuneration and the form and amount of security to be furnished by any of them;
- (d) make recommendations to a general meeting of the association respecting the disposal of moneys in the reserve fund and other surplus moneys;
- (e) fill vacancies in the board of directors until the next annual meeting and successors are chosen;
- (f) perform such other duties as are required by this Act and by the bylaws of the association.

R.S.S. 1940, c.124, s.19; R.S.S. 1953, c.135, s.20.

Bylaws

21(1) The directors may pass bylaws, not inconsistent with this Act, any regulations made thereunder or the bylaws of the association, respecting the funds and property of the association, the duties of the officers and agents thereof, the effectual carrying out of its objects, the holding of annual and other meetings and all other matters appertaining to the operation of the association, and may repeal or amend such bylaws.

(2) Every bylaw and every repeal or amendment thereof shall, unless in the meantime confirmed at a general meeting of the association duly called for the purpose, be effective only until the next annual meeting of the association, and shall, in default of confirmation thereat, cease to have any effect.

(3) A copy of every bylaw, certified by the secretary to be a true copy, shall be filed with the registrar within ten days after the passing thereof.

(4) A bylaw or amendment thereof confirmed under subsection (2) shall be deemed to have been passed by the association under the authority of subsection (1) of section 10 and subsection (2) of that section shall apply.

R.S.S. 1940, c.124, s.20; R.S.S. 1953, c.135, s.21.

MEMBERSHIP AND MEETINGS

Minimum membership

22 Every association shall have a membership of at least ten.

R.S.S. 1940, c.124, s.21; R.S.S. 1953, c.135, s.22.

Register of members

23 A register, or list of members, shall be kept by every association, and shall show and be *prima facie* evidence of:

- (a) the names, addresses and occupations of the members and such other information as the registrar may deem advisable;
- (b) the date on which each member was registered;
- (c) the date on which any member ceased to be such.

R.S.S. 1940, c.124, s.22; R.S.S. 1953, c.135, s.23.

Effect of expulsion or withdrawal

24 A member who is expelled or withdraws shall have no withdrawal further rights in the association.

R.S.S. 1940, c.124, s.23; R.S.S. 1953, c.135, s.24.

Annual and special meetings

25(1) The annual meeting shall be held before the end meetings of April or, subject to the approval of the registrar, before such later time as may be designated by resolution of the association stating the reason for the resolution.

(2) Special meetings may be called in the manner provided by the bylaws of the association.

R.S.S. 1940, c.124, s.24; 1946, c.28, s.4; R.S.S. 1953, c.135, s.25.

Voting

26 No member shall have more than one vote at any meeting, and no member may vote by proxy.

R.S.S. 1940, c.124, s.25; R.S.S. 1953, c.135, s.26.

FISCAL YEAR

Fiscal year

27(1) The fiscal year of an association shall end on the thirty-first day of December.

(2) Notwithstanding subsection (1) an association may, by resolution approved by the registrar, provide that its fiscal year shall end on a date to be designated in the resolution, which shall be the last day of January or the last day of February or the last day of March.

R.S.S. 1940, c.124, s.26; 1946, c.28, s.5; R.S.S. 1953, c.135, s.27.

ASSESSMENTS

Notice of assessment

28 Notice of every assessment, stating therein the date on which the same is payable, shall be mailed to each member, at the address shown in the register or list of members.

R.S.S. 1940, c.124, s.27; R.S.S. 1953, c.135, s.28.

Failure to pay assessment

29 If, after thirty days after an assessment becomes payable, a member refuses or neglects to pay the assessment, the association may sue for and recover the assessment with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

R.S.S. 1940, c.124, s.28; R.S.S. 1953, c.135, s.29.

Continued liability on withdrawal or expulsion of members

30 If a member withdraws from the association or is expelled he shall nevertheless continue to be liable for any paid assessment and shall also be liable for any further assessment which the directors may make upon him relating to the period since the date of the last assessment on all members.

R.S.S. 1940, c.124, s.29; R.S.S. 1953, c.135, s.30.

Certificate

31 Where action is brought to recover an assessment the certificate of the secretary of the association, specifying the assessment and the amount due in respect of such assessment, shall be *prima facie* evidence thereof in any court.

R.S.S. 1940, c.124, s.30; R.S.S. 1953, c.135, s.31.

RETURNS

Annual returns

32 Every association shall:

(a) within ninety days after the close of its fiscal year send to the registrar a statement, certified by a member of the Institute of Chartered Accountants of Saskatchewan or any other accountant satisfactory to the registrar, showing the condition of affairs of the association as at the end of the fiscal year, which statement shall be in the form prescribed by the registrar and shall exhibit the assets, liabilities, receipts and expenditures of the association for the fiscal year and such other information as the registrar may require, and such statement shall be verified in the manner prescribed by the registrar;

(b) supply gratuitously to every member, on his application, a copy of the last annual return.

R.S.S. 1940, c.124, s.31; 1946, c.28, s.6; R.S.S. 1953, c.135, s.32.

Other returns

33 Every association shall furnish the registrar with such information as he may require.

R.S.S. 1940, c.124, s.32; R.S.S. 1953, c.135, s.33.

INSPECTION

Inspection by registrar

34 The affairs of every association may be examined annually or at other times by or under the direction of the registrar, and the association shall produce all books, documents and other papers required by the person conducting the examination.

R.S.S. 1940, c.124, s.33; R.S.S. 1953, c.135, s.34.

DISSOLUTION

Dissolution by consent of members

35(1) An association may be dissolved by resolution of members passed by a three-fourths vote of the members present at a duly constituted meeting called to consider dissolution, and testified by their signatures to an instrument of dissolution.

(2) No resolution shall have any effect unless:

(a) a notice of the meeting, stating its purpose, has been published once a week for four weeks in a newspaper circulating in the district in which the head office of the association is situated;

(b) the registrar is satisfied, by statutory declaration or otherwise, that a notice of the meeting, stating its purpose, has been mailed to each member of the association at least four weeks before the date of the meeting.

(3) The instrument of dissolution shall set forth in detail the assets and liabilities of the association, the number of members, and the nature of their respective interests in the association, the claims of creditors, if any, and the provision to be made for their payment, and the intended appropriation or division of the funds or property of the association unless the same is stated in the instrument of dissolution to be left to the award of the registrar.

(4) Where the appropriation or division of the funds or property of the association is not left to the award of the registrar, no appropriation or division shall have any effect unless previously approved by the registrar, and approval or disapproval shall be in the discretion of the registrar.

(5) A statutory declaration shall be made by the president and secretary of the association that the provisions of this Act have been complied with and shall be sent to the registrar with the instrument of dissolution.

(6) The registrar shall cause a notice of the dissolution to be advertised, at the expense of the association, in the *Gazette* and in a newspaper circulating in the district in which the head office of the association is situated.

1946, c.28, s.7; R.S.S. 1953, c.135, s.35.

Dissolution by registrar

36(1) Subject to the approval of the Lieutenant Governor in Council, the registrar may by order dissolve an association if satisfied that:

(a) the incorporation of the association was obtained by fraud or mistake; or

(b) the number of members has been reduced to less than ten; or

(c) the association is not in operation; or

(d) the association has wilfully, after notice by the registrar, violated any of the provisions of this Act or the regulations.

(2) The registrar shall give the association not less than two months' notice of proposed dissolution, specifying the reason therefor and stating that, unless cause is shown to the contrary within the said period, the name of the association will be struck off the register and the association dissolved.

(3) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by the association, strike the name of the association off the registrar, and in such case he shall publish notice thereof in the *Gazette*, whereupon the association shall be dissolved.

R.S.S. 1940, c.124, s.35; R.S.S. 1953, c.135, s.36.

Settlements in event of dissolution

37 In case of a dissolution the association shall nevertheless be considered as subsisting and be in all respects subject to the provisions of this Act, so long and so far as any matter relating to the same remains unsettled, to the intent that the association may do all things necessary to the winding up of its affairs.

R.S.S. 1940, c.124, s.36; R.S.S. 1953, c.135, s.37.

Disposal of reserve fund

38 The reserve fund and other surplus money shall be fund the property of the association as a whole and no member shall have a right to claim any share or interest therein in respect of any payment by him, but in the event of the association being dissolved and its affairs wound up, leaving an existing reserve fund or other surplus money, the then members shall be entitled to divide the same among themselves in equal amounts.

R.S.S. 1940, c.124, s.37; R.S.S. 1953, c.135, s.38.

GENERAL

Regulations

39 The Lieutenant Governor in Council may make regulations governing all associations.

R.S.S. 1940, c.124, s.38; R.S.S. 1953, c.135, s.39.

Fees

40(1) The Lieutenant Governor in Council may pre- scribe the fees payable to the registrar for services under this Act.

(2) All fees received by the registrar shall be paid into and form part of the consolidated fund.

R.S.S. 1940, c.124, s.39; R.S.S. 1953, c.135, s.40.

Registration under *The Companies Act* unnecessary

41 An association shall not be required to comply with the provisions of *The Companies Act* respecting registration and licensing, but shall nevertheless be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in any court.

R.S.S. 1940, c.124, s.40; R.S.S. 1953, c.135, s.41.

Non-application of *The Saskatchewan Insurance Act*

42 Nothing contained in *The Saskatchewan Insurance Act* applies to an association.

R.S.S. 1940, c.124, s.41; R.S.S. 1953, c.135, s.42.

Registration under *Co-operative Associations Act*

43 Notwithstanding anything contained herein, section 123 of *The Co-operative Associations Act* applies to an association.

1946, c.28, s.8; R.S.S. 1953, c.135, s.43.

SCHEDULE

FORM A

(Section 4)

The Mutual Medical and Hospital Benefit Associations Act

PETITION FOR INCORPORATION

1 We, (*state full names, addresses and occupations of petitioners*), seek incorporation under the provisions of *The Mutual Medical and Hospital Benefit Associations Act*.

2 The corporate name of the proposed association is to be _____ Association, Limited.

3 The object of the proposed association is _____.

4 The place of business of the proposed association, to be the registered office thereof, is at _____.

5 The district in which the proposed association will operate is (*state municipalities or portions of municipalities, or as the case may be*).

6 The first officers of the proposed association are to be (*state names and addresses*).

7 Each of the undersigned is of the full age of twenty-one years.

Dated at _____ this _____ day of _____, 19____.

Signatures of Witnesses:

Signatures of Petitioners:

.....
.....

FORM B

*(Section 5)**The Mutual Medical and Hospital Benefit Associations Act*

CERTIFICATE OF INCORPORATION

The _____ Association, Limited, is hereby incorporated under *The Mutual Medical and Hospital Benefit Associations Act*, this _____ day of _____, 19____.

.....
*Registrar of Mutual Medical and
Hospital Benefit Associations*

FOR HISTORICAL REFERENCE ONLY